

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI

The Society of Lloyd's,)
)
 Plaintiff,)
) Case No: 4:03CV1113 HEA
 vs.)
)
 Robert W. Fuerst, Hord Hardin II, Harold F.)
 Ilg, Walter A. Klein, Meade M. McCain,)
 John J. Shillington, Cynthia J. Todorovich)
 and Michael B. Todorovich,)
)
 Defendants.)

**DEFENDANT CYNTHIA TODOROVICH'S
MOTION TO AMEND HER ANSWER TO PLAINTIFF'S COMPLAINT**

Defendant Cynthia Todorovich, by and through her attorney, Ted F. Frapolli, moves to amend her Answer pursuant to Rule 15(a) of the Federal Rules of Civil Procedure. In support of this Motion, Defendant states as follows:

1. Defendant Cynthia Todorovich filed her original Answer in this case on September 26, 2003.
2. Defendant Cynthia Todorovich was granted leave to file an Amended Answer to Plaintiff's Complaint on November 6, 2003.
3. On November 18, 2003 Defendant Hord Hardin II filed a Motion to Amend his Answer to Plaintiff's Complaint. In that Motion, Defendant Hardin notified the Court and the parties in this case that, contrary to the allegations contained in Plaintiff's Complaint, he is not a resident of the State of Missouri, but, indeed, is a resident of the State of Michigan. The Court granted Defendant Hardin's Motion to Amend his Answer to Plaintiff's Complaint on December 1, 2003.

4. Since Defendant Hardin's place of residence is relevant to determining proper venue in this case, Defendant Cynthia Todorovich moves, pursuant to Rule 15(a) to amend paragraphs 4 and 12 of his Answer as a result of Hord Hardin II's amended pleadings, an affirmative defense has been raised as well due to the lack of venue and personal jurisdiction over Defendant Hord Hardin II.

5. A further affirmative defense has been discovered regarding an agreement made between Plaintiff and the State of Missouri regarding amounts allegedly owed by the Names.

6. Plaintiff will not be prejudiced if the Court permits Defendant Cynthia Todorovich to amend her Answer as stated above.

7. The deadline to amend pleadings in this case is January 5, 2004.

WHEREFORE, Defendant Cynthia Todorovich respectfully requests the Court to allow her to amend her Answer to paragraphs 4 and 12 of Plaintiff's Complaint; to provide additional affirmative defenses; and for such other and further Orders as this Court deems just and proper.

LAW OFFICES OF TED F. FRAPOLLI

By: /s/ Ted F. Frapolli
Ted F. Frapolli #10480
Attorney for Cynthia Todorovich
275 North Lindbergh, Suite F
St. Louis, MO 63141
(314) 993-4261 telephone
(314) 993-3367 fax

CERTIFICATE OF SERVICE

I certify that on the 5th day of January, 2004, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following: Martin J. Buckley, Attorney for Plaintiff, 1139 Olive Street, Suite 800, St. Louis, MO 63101-1928; Alan C. Kohn, Esq., Attorney for Defendant Shillington, One US Bank Plaza, Suite 2410, St. Louis, Missouri 63101; and Blake T. Hannafan, Esq., Michael T. Hannafan & Associates, Ltd., One East Wacker Drive, Suite 1208, Chicago, IL 60601.

I certify that on the 5th day of January, 2004, the foregoing was mailed by United States Postal Service to the following non-participants in Electronic Case Filing: Harold F. Ilg, 100 L' Ambiance Circle, Unit 202, Naples, Florida 34108.

/s/ Ted F. Frapolli
Ted F. Frapolli