

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION**

**ADVANCE TRUST & LIFE** )  
**ESCROW SERVICES, LTA, as** )  
**securities intermediary for LIFE** )  
**PARTNERS POSITION HOLDER** )  
**TRUST, on behalf of itself and others** )  
**similarly situated,** )

**Plaintiff,** )

**v.** )

**PROTECTIVE LIFE INSURANCE** )  
**COMPANY,** )

**Defendant.** )

**CIVIL ACTION NO.:**  
**2:18-CV-01290-KOB**

**DEFENDANT’S MOTION FOR JUDGMENT ON THE PLEADINGS**

Defendant, Protective Life Insurance Company (“Protective”), respectfully moves this Honorable Court, pursuant to Federal Rule of Civil Procedure 12(c), for Judgment on the Pleadings based on the Class Action Complaint (D.E. 1) (“Complaint”), filed by Plaintiff Advance Trust & Life Escrow Services LTA, as securities intermediary for Life Partners Position Holder Trust (“Advance Trust” or “Plaintiff”), and Protective’s Answer (D.E. 16).

As grounds for this motion, Protective states as follows:

1. Plaintiff’s breach of contract claim is barred by Alabama’s statute of limitations.

2. Plaintiff's breach of contract claim as to the 1986 Policy and 1998 Policy has been extinguished by Alabama's rule of repose.

3. Protective respectfully submits a Memorandum of Law in support of this motion.

Wherefore, Protective moves this Honorable Court to grant its motion for judgment on the pleadings and to dismiss Plaintiff's Complaint with prejudice.

Respectfully Submitted,

Dated: October 30, 2018

/s/ Lee E. Bains, Jr.  
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Protective Life Insurance Company

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## CERTIFICATE OF SERVICE

This is to certify that on this the 30th day of October, 2018, a true and correct copy of the foregoing **DEFENDANT'S MOTION FOR JUDGMENT ON THE PLEADINGS** has been filed electronically using the Court's CM/ECF electronic filing system to the following parties:

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