

**PACIFIC LIFE INSURANCE COMPANY,
Plaintiff-Appellant,**

v.

**William R. EVANS, Chartered; Maryland First Financial
Services Corporation, Defendants-Appellees.
Maryland Securities Commission, Amicus Curiae.**

No. 01-2218.

United States Court of Appeals, Fourth Circuit.

Argued May 7, 2002.

Decided September 18, 2002.

ARGUED: Derek Barnett Yarnis, Funk & Bolton, P.A., Baltimore, Maryland, for Plaintiff-Appellant. Paul Stephen Caiola, Gallagher, Evelius & Jones, L.L.P., Baltimore, Maryland, for Defendant-Appellee Maryland First Financial Services Corporation. Lucy Adams Cardwell, Assistant Attorney General, Baltimore, Maryland, for Amicus Curiae. ON BRIEF: Lee Ann Lezzer, Funk & Bolton, P.A., Baltimore, Maryland, for Plaintiff-Appellant. Thomas C. Durne, Gallagher, Evelius & Jones, L.L.P., Baltimore, Maryland, for Defendant-Appellee Maryland First Financial Services Corporation. J. Joseph Curran, Jr., Attorney General of Maryland, Katharine M. Weiskittel, Staff Attorney, Baltimore, Maryland, for Amicus Curiae.

Before WILKINSON, Chief Judge, and NIEMEYER and LUTTIG, Circuit Judges.

Affirmed by published opinion. Chief Judge WILKINSON wrote the majority opinion, in which Judge NIEMEYER joined. Judge LUTTIG wrote a dissenting opinion.

OPINION

WILKINSON, Chief Judge.

First Penn Pacific Customer Service

AN Whitehead



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