

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**UNITED STATES OF AMERICA ex rel.
CORI RIGSBY AND KERRI RIGSBY**

RELATORS

VS

CIVIL ACTION NO. 1:06-cv-00433-LTS-RHW

**STATE FARM MUTUAL INSURANCE
COMPANY, NATIONWIDE INSURANCE
COMPANY, ALLSTATE INSURANCE
COMPANY, USAA INSURANCE COMPANY,
FORENSIC ANALYSIS ENGINEERING
CORPORATION; EXPONENT FAILURE
ANALYSIS, HAAG ENGINEERING CO., JADE
ENGINEERING, RIMKUS CONSULTING
GROUP INC., STRUCTURES GROUP, E. A.
RENFROE, INC., JANA RENFROE, GENE
RENFROE and ALEXIS KING**

DEFENDANTS

**INDIVIDUAL DEFENDANTS GENE RENFROE AND JANA RENFROE'S
MOTION TO DISMISS FOR FAILURE TO COMPLY WITH RULES 12(B)(6) AND 9(B)**

COME NOW the individual Defendants Gene Renfroe and Jana Renfroe by and through their undersigned counsel, and file this, their *Motion to Dismiss for Failure to Comply With Rules 12(B)(6) and 9(B)* (the "Motion"), and in support thereof, would show unto the Court the following:

For all of the reasons set forth fully in the *Memorandum of Law in Support of Motion to Dismiss for Failure to Comply with Rules 12(B)(6) and 9(B)* that Gene Renfroe and Jana Renfroe have filed in support of this Motion, Relators' First Amended Complaint, filed on May 22, 2007, does not plead fraud with particularity, and does not state claims against Gene or Jana Renfroe upon which relief can be granted, and should be accordingly dismissed. Furthermore, Relators cannot plead any set of facts that would entitle them to relief on those claims.

WHEREFORE, the individual Defendants Gene Renfroe and Jana Renfroe respectfully request that this honorable Court, after necessary proceedings are conducted, dismiss each of Relators' claims for relief against them, with prejudice, under Federal Rules of Civil Procedure 12(b)(6) and 9(b).

THIS, the 27th day of May, 2008.

Respectfully submitted,

Gene Renfroe and Jana Renfroe.
Defendants

BY: s/ H. Hunter Twiford, III
H. Hunter Twiford, III
One of its Attorneys

OF COUNSEL:

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CERTIFICATE OF SERVICE

I, the undersigned H. Hunter Twiford, III, McGlinchey Stafford PLLC, hereby certify that on this day, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which sent notification of such filing to the following:

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and I hereby certify that I have mailed by United States Postal Service the document to the following non-ECF participants:

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THIS, the 27th day of May, 2008.

s/ H. Hunter Twiford, III
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