

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/COUNTER-DEFENDANTS

v.

CASE NO. 1:06cv433-LTS-RHW

STATE FARM MUTUAL INSURANCE COMPANY

DEFENDANT/COUNTER-PLAINTIFF

and

FORENSIC ANALYSIS ENGINEERING CORPORATION;
EXPONENT, INC.; HAAG ENGINEERING CO.;
JADE ENGINEERING; RIMKUS CONSULTING GROUP INC.;
STRUCTURES GROUP; E.A. RENFROE, INC.;
JANA RENFROE; GENE RENFROE; and
ALEXIS KING

DEFENDANTS

**MOTION OF STATE FARM FIRE AND CASUALTY COMPANY TO AMEND
ANSWER TO FIRST AMENDED COMPLAINT TO ASSERT ADDITIONAL
AFFIRMATIVE DEFENSE**

Defendant/Counter-plaintiff State Farm Fire and Casualty Company, improperly denominated in the First Amended Complaint as “State Farm Mutual Insurance Company” (“State Farm”) moves the Court for leave to amend its Answer (Document 95) to the First Amended Complaint in this action, by adding the following additional affirmative defense:

SEVENTY-SECOND DEFENSE

The Rigsbys have released all claims against State Farm by virtue of their execution and delivery of that certain Settlement Agreement and Mutual Release dated as of April 21, 2009, a copy of which is attached as Exhibit “A.”

In support of its Motion, State Farm shows that this additional defense is based upon a document that only recently was executed and obtained by State Farm, and therefore this additional defense could not have been asserted in State Farm’s original Answer (Document 95) to the First Amended Complaint. This action is not set for trial, and granting State Farm’s Motion will not cause delay. Furthermore, justice will be served by allowing State Farm to assert the additional defense set forth above.

Due to the nature of this Motion, State Farm respectfully requests to be relieved of the obligation of filing a separate Memorandum pursuant to local Rule 7.2(D).

WHEREFORE, State Farm prays that the Court will grant it leave to amend its Answer (Document 95) to the First Amended Complaint to assert the Seventy-Second Defense set forth above, and for such other or further relief as may be appropriate in the circumstances.

Respectfully submitted,

STATE FARM FIRE AND CASUALTY COMPANY

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