

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

| | | |
|-------------------------|---|----------------------------|
| EDDIE ANDREWS, et. al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | Case No. 06-cv-460-TCK-PJC |
| |) | |
| UNITED STATES, et. al., |) | |
| |) | |
| Defendants. |) | |

ANSWER OF DEFENDANT WESTFIELD INSURANCE COMPANY

In an Answer to this Complaint Defendant, Westfield Insurance Company, denies each and every allegation contained in the “Complaint” unless specifically admitted and to the extent Plaintiffs’ Complaint contains legal opinions and not factual allegations, such legal opinions do not require a response.

1. Westfield admits this Court has subject matter jurisdiction.

DEFENSES

2. Plaintiffs’ Complaint fails to state a claim upon which relief can be granted against Westfield. Fed. R. Civ. P. 12(b)(6)
3. Plaintiffs’ Complaint contains material that is redundant, immaterial, impertinent, or scandalous in violation of Fed. R. Civ. P. 12(f).
4. Plaintiffs’ Complaint is barred by the doctrine of res judicata.
5. The filing of Plaintiffs’ Complaint violates Fed. R. Civ. P. 11, conduct justifying the imposition of sanctions, including an award of court costs and attorney’s fees incurred by Westfield.
6. The Complaint fails to satisfy Fed. R. Civ. Proc. 8(a) and (e) in that it does not contain a “short plain statement of the claim showing that the pleader is entitled to relief.”

7. All Class allegations should be stricken for failure to comply with Fed. R. Civ. P. 23(a)(4).

PRAYER FOR RELIEF

Wherefore Defendant Westfield Insurance prays for judgement in its favor, together with an award of its attorneys' fees and costs, and any other relief the Court deems just and equitable.

s/Jonathan D. Echols
JONATHAN D. ECHOLS, OBA# 20685
- Of the Firm -
CROWE & DUNLEVY
A Professional Corporation
20 North Broadway, Suite 1800
Oklahoma City, Oklahoma 73102
(405) 235-7700
(405) 239-6651 FAX

ATTORNEYS FOR WESTFIELD
INSURANCE COMPANY

CERTIFICATE OF SERVICE

I hereby certify that on October 10, 2006, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing.

Eddie L Andrews
P O BOX 1132
CATOOSA, OK 74015

Delant Cory Palmerton
c/o 13901 N APPLEGATE RD
GRANTS PASS, OR 97527

Rodney Class
P O BOX 435
HIGH SHOALS, NC 28077

W A Drew Edmondson, individually
Linda Kathryn Soper
Office of the Attorney General (OKC-4545)
4545 N LINCOLN BLVD STE 260
OKLAHOMA CITY, OK 73105
Linda_Soper@oag.state.ok.us

Angela S Andrews
P O BOX 1132
CATOOSA, OK 74015

Richard Andrews
P O BOX 1132
CATOOSA, OK 74015

Carl Weston
2851 N HWY 66 #18
CATOOSA, OK 74015

Dwight L Class
1200 HOSPITAL DR APT 13
ANGLETON, TX 77515

Maria Janet Moffit
P O BOX 4036
BREMERTON, WA 98132

Sherwood T Rodrigues
1610 SHENANDOAH CT
PETALUMA, CA 94954

Vincent Ralph Caligiuri
P O BOX 767
GOLD HILL, OR 97525

/s/Jonathan D. Echols
Jonathan D. Echols