

IN THE CHANCERY COURT FOR THE JUDICIAL DISTRICT OF
COUNTY, MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO.

DEFENDANTS

SEPARATE ANSWER AND AFFIRMATIVE DEFENSES OF
TO CROSS-CLAIM OF

COMES NOW, (" "), by and through its attorneys of record, and files its Answer and Affirmative Defenses to the Cross-claim filed against it herein by (" ") as follows:

FIRST DEFENSE

The Cross-claim fails to state a claim against upon which relief can be granted and moves to dismiss the Cross-claim pursuant to Rule 12(b)(6) of Mississippi Rules of Civil Procedure.

SECOND DEFENSE

's Cross-claim and the relief requested therein against is barred by the doctrine of waiver.

THIRD DEFENSE

's Cross-claim and the relief requested therein against is barred by the doctrine of laches.

FOURTH DEFENSE

's Cross-claim and the relief requested therein against is barred by the statute by the applicable statute(s) of limitations, including Miss. Code Ann. § 15-1-49.

FIFTH DEFENSE

is estopped to assert the claims set forth in its Cross-claim against by virtue of and as a result of 's own actions and inactions.

SIXTH DEFENSE

The Cross-claim and the relief requested therein by _____ against _____ is barred by the doctrines of accord and satisfaction, payment, release and discharge, election of remedies and/or estoppel.

SEVENTH DEFENSE

_____'s Cross-claim and the relief requested therein against _____ is barred by the doctrines of *res judicata and collateral estoppel*.

EIGHTH DEFENSE

_____'s Cross-claim and the relief requested therein against _____ are barred by failure of consideration.

NINTH DEFENSE

ANSWER

Defendant, _____ answers the allegations of the Cross-claim herein paragraph by paragraph as follows:

1.

_____ realleges and reaffirms all matters set forth in its Separate Answer and Affirmative Defenses to the Complaint filed by _____ herein and to the extent that any matters "set up" in _____'s Answer to _____'s Complaint and re-alleged and re-affirmed in paragraph _____ are inconsistent with the Answer and Affirmative Defenses of _____ said allegations of paragraph _____ are denied.

2.

The allegations of paragraph _____ are admitted.

3.

The _____ paragraph of the Cross-claim beginning "WHEREFORE, PREMISES CONSIDERED", and including sub-paragraphs _____ thereunder, is denied and it is specifically denied that _____ is entitled to any of the relief request in the Cross-claim against _____ or any relief whatsoever.

WHEREFORE, _____ moves that the Cross-claim filed against it herein by _____ be dismissed with prejudice, with all costs assessed against the Cross-Plaintiff.

THIS the _____ day of _____, 20____.

Respectfully submitted,

Attorney for

CERTIFICATE OF SERVICE

I, _____, do hereby certify that I have this day caused to be mailed, via United States mail, postage prepaid, a true and correct copy of the above and foregoing instrument to the following persons at their respective addresses:

THIS the _____ day of _____, 20____.
