

IN THE CHANCERY COURT OF COUNTY, MISSISSIPPI

VS.

CASE NO.

, , , AND

ANSWER OF

COMES NOW (" "), specially appearing, without waiving its rights under the parties' arbitration agreement, and answers Cross-Plaintiffs', 's (the " ") Cross-Claim against as follows:

1. admits that its principal place of business is in , , but denies the remaining allegations set forth in paragraphs 1 through 9 of the 's Cross-claim, due to lack of sufficient information.

FURTHER ANSWER AND AFFIRMATWE DEFENSES

2. The claims should be compelled to arbitration in accordance with the binding arbitration agreement executed by the , as set forth in the Motion of to Dismiss and Compel Arbitration, filed herewith.

3. The Court lacks subject matter jurisdiction because the claims are required to be arbitrated pursuant to the arbitration agreement executed by the , as set forth in the Motion of to Dismiss and Compel Arbitration, filed herewith.

4. The Court lacks personal jurisdiction over because neither statutory nor due process requisite contacts exist. additionally objects to insufficiency of process and service of process for the same reason.

5. The 's cross-claim fails to state a claim upon which relief can be granted.

6. The 's cross-claim is barred by the applicable federal and state statutes of limitation.

7.

8. The damages of the if any, were caused in whole or in part by the negligence and/or fault of the and, therefore, the 's claims are barred in whole or in part.

9. The failed to mitigate their damages, if any, and therefore they are barred from recovering any such damages as could have been prevented if they had acted properly to mitigate their damages.

10. The damages of the , if any, were caused by the actions of third parties outside the authority or control of .

WHEREFORE, Cross-Defendant, prays for an Order dismissing Cross-Plaintiffs' cross-claim against and the 's claims are barred by the doctrines of waiver, estoppel, ratification compelling Cross-Plaintiffs' claims to arbitration. further requests costs and expenses incurred herein, and for such other and further relief as the Court deems just and proper.

Respectfully submitted,

Attorney for

Of counsel:

Telephone:
MSB #
Attorney for