FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
OCT 16 2000
DAVID J. MALAND, CLERK
BY
DEPUTY

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

NATHAN L. JACKSON, Individually and on behalf of a putative class of similarly situated individuals,	§	
Plaintiff,	§	
v.	§	
EAST TEXAS MEDICAL CENTER ATHENS, ET AL,	§	CIVIL ACTION NO. 6:00-CV442-WMS
Defendants and Third-Party Plaintiffs,	§	
v.	§	
AETNA HEALTH AND LIFE INSURANCE COMPANY, ET AL,	§	
Third-Party Defendants.	§	

THIRD–PARTY DEFENDANT PRINCIPAL LIFE INSURANCE COMPANY'S FIRST AMENDED ANSWER AND COUNTERCLAIM

Third-Party Defendant Principal Life Insurance Company ("Principal Life") submits this first amended answer and counterclaim to the Defendants' First Amended Third-Party Complaint and states:

ANSWER

1. With respect to the allegations in Section I (paragraphs 1 through 57), admits, on information and belief, that Defendants/Third-Party Plaintiffs are Texas corporations;

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purposes of this action only, that Principal Life has been properly served with process; and states that it lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations and therefore denies them.

2. With respect to the allegations in Section II (paragraph 58 including subparts A-D), states that Plaintiff's Original Petition speaks for itself; states that it is without sufficient knowledge or information to form a belief as to whether any of Plaintiff's allegations are true; states that Third-Party Plaintiffs' Original Answer speaks for itself; but states that the allegations are so vague and ambiguous that Principal Life lacks sufficient knowledge or information to form a belief as to their truth.

3. States that the allegations in Section III (paragraph 59) are so vague and ambiguous that Principal Life lacks sufficient knowledge or information to form a belief as to the truth of the allegations and therefore denies them; but states, on information and belief, that many of these claims likely relate to employee welfare benefit plans.

4. States that the allegations in Section IV (paragraph 60) are so vague and ambiguous that Principal Life lacks sufficient knowledge or information to form a belief as to the truth of the allegations and therefore denies them.

5. States that the allegations in Section V (paragraph 61) are so vague and ambiguous that Principal Life lacks sufficient knowledge or information to form a belief as to the truth of the allegations and therefore denies them.

6. With respect to the allegations in paragraph 62, denies that Third-Party Plaintiffs are entitled to any relief requested in their prayer.

7. Denies all allegations not specifically admitted.

8. To the extent Third-Party Plaintiffs' claims relate to employee welfare benefit plans, their state law claims are preempted by ERISA.

COUNTERCLAIM

9. To the extent any of the Third-Party Plaintiffs' claims relate to an employee welfare benefit plan, Principal Life seeks to recover from Third-Party Plaintiffs all of its reasonable and necessary attorney's fees and court costs pursuant to 29 U.S.C. § 1132(g).

PRAYER

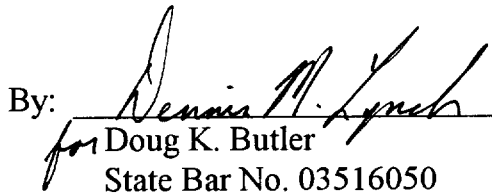
10. Principal Life respectfully requests the following relief:

(a) that Third-Party Plaintiffs take nothing on their claim against Principal Life;

(b) that Principal Life be dismissed with its attorney's fees and costs of court;

(c) that Principal Life have all such other and further relief, both general and special, at law and in equity, to which it may show itself justly entitled.

Respectfully submitted,

By: 
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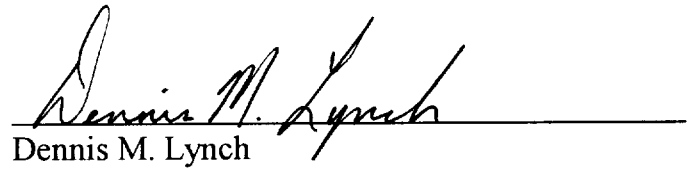
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was served via certified mail, return receipt requested, to counsel for Plaintiff and counsel for Defendants, and via regular U.S. Mail to Third-Party Defendants, all of whom are listed on the attached Service List, on this 13th day of October, 2000.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