FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
AUG 14 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.	§	

ORIGINAL ANSWER OF
METROPOLITAN LIFE INSURANCE COMPANY AND
UNITED HEALTHCARE INSURANCE COMPANY

TO THE HONORABLE JUDGE OF SAID COURT:

Metropolitan Life Insurance Company and United Healthcare Insurance Company ("Defendants") file this their Answer to Defendants' Original Third-Party Petition and would respectfully show the Court as follows:

THE PARTIES

1. With respect to the allegations in Paragraph I. of the Defendants' Original Third-Party Petition ("Third-Party Petition"), Defendants admit that their agents' address is correctly listed, but are without sufficient knowledge or information to admit or deny the remaining allegations of Paragraph I, and therefore deny same.

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2. With regard to Paragraph II., Defendants are without sufficient knowledge or information to state whether or not Third-Party Plaintiffs have accurately quoted from Plaintiff's Original Petition, and would state that such document speaks for itself. Defendants are further without sufficient knowledge or information or knowledge to admit or deny that Third-Party Plaintiffs "have denied all allegations of Plaintiffs [sic]."

3. With regard to the allegations in Paragraph III, Defendants are without sufficient knowledge or information to admit or deny whether Defendants made medical payments (of an unidentified amount on an unidentified date) to one or more of Third-Party Plaintiffs, or whether Defendants received unidentified refunds for any reason from one or more of Third-Party Plaintiffs, and are further without sufficient knowledge or information to admit or deny the terms of any unidentified agreements, contracts and/or plans applicable to unidentified patients of Third-Party Plaintiffs, but would state that such plans, agreements, or contracts, if any, speak for themselves. Defendants admit that at least one agreement that may be at issue is governed by 29 U.S.C. 1302 et seq., commonly known as ERISA, but Defendants are without sufficient knowledge or information to admit or deny whether all unidentified documents at issue, or claims asserted in connection therewith, would be governed by 29 U.S.C. et seq., commonly known as ERISA.

4. Defendants deny the allegations of Paragraph IV, and deny that Third-Party Plaintiffs are entitled to the relief requested therein.

5. Defendants are without sufficient knowledge or information to admit or deny the terms of any agreements Third-Party Plaintiffs have with any of the other Health Carriers, and would state that any such agreements or contracts with Defendants, which have not been identified by Third-Party Plaintiffs, speak for themselves. Defendants are

further without sufficient knowledge or information to admit or deny whether Third-Party Plaintiffs have complied with such unidentified contracts or agreements, if any. Accordingly, Defendants deny the allegations in Paragraph V, and further deny that Third-Party Plaintiffs are entitled to any relief whatsoever from Defendants as requested therein.

6. Defendants deny that Third-Party Plaintiffs are entitled to any relief whatsoever from Defendants, including that requested in Paragraph VI.

7. Defendants deny all allegations not specifically admitted herein.

8. Defendants would further state that some or all of Third-Party Plaintiffs' claims may be barred by the applicable statutes of limitation.

WHEREFORE, PREMISES CONSIDERED, Third-Party Defendants Metropolitan Life Insurance Company and United Healthcare Insurance Company pray that upon final trial the Court enter judgment that Third-Party Plaintiffs take nothing, dismissing Third-Party Plaintiffs' suit with prejudice, assessing costs against Third-Party Plaintiffs and for such other and further relief to which Third-Party Defendants may be justly entitled.

DATED: August 10, 2000.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing document has been forwarded to counsel of record on August 10, 2000.

RICHARD L. SMITH, JR.