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THE CIRCUIT COURT
SEVENTH JUDICIAL CIRCUIT
SPRINGFIELD, SANGAMON COUNTY, ILLINOIS

WILLIAM EBERT, d/b/a AMERICAN)
AUTO BODY,)
)
Plaintiff,)
)
vs.)
)
STATE FARM MUTUAL AUTOMOBILE)
INSURANCE COMPANY,)
)
Defendant.)

No. 93-L-58

APR 27 1995

C. Reed
Clerk of the Circuit Court

**ANSWER TO PLAINTIFF'S
THIRD AMENDED COMPLAINT**

Now comes the Defendant, STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY through its Attorneys Reed, Armstrong, Gorman, Coffey, Gilbert & Mudge, P.C., and for it's Answer to Plaintiff's Third Amended Complaint, states as follows:

COUNT II
(Tortious Interference with
Prospective Business Advantage)

1. The Defendant has insufficient information to either admit or deny whether or not Plaintiff has been the owner and operator of American Auto Body for nineteen (19) years, but admits the remainder of the allegations in paragraph 1.

2. Admitted.

3. Defendant admits that for a number of years Plaintiff signed State Farm's Repair Facility Survey Form and that American Auto Body has been listed in the State Farm Insurance Repair Facility Reference, but denies the remainder of the allegations of paragraph 3.

4. Admitted.

5. Admitted.

6. Admitted.

7. Defendant admits the Plaintiff made approximately two (2) telephone calls to employees of State Farm, but denies the remainder of the allegations of paragraph 7.

8. Defendant denies that said letter was the only response received by the Plaintiff as to the reasons for the removal of American Auto Body from State Farm's Repair Facility Reference, and denies that the quotation therefrom is full and complete.

9. Defendant has insufficient information to either admit or deny whether Plaintiff is a collector of guns and has reasons for keeping a gun on his property and demands strict proof thereof. Defendant denies the remaining allegations of paragraph 9.

10. Denied.

11. Defendant admits that claimants against the insureds of State Farm who had auto body property damages which needed repairs and which claimants and insureds had made an indication to have American Auto Body do such repairs were sent letters from State Farm in the form of "Exhibit D" or in a form substantially similar to "Exhibit D." Defendant admits that such letter was sent to Mr. Sarunas Valuikenas dated June 24, 1992, to Mr. John Moloney dated March 27, 1992 and to Mr. Steven Mills dated September 2, 1992. Defendant denies that any such letter was sent to Ms. Janet Miller dated August 27, 1992. Defendant admits

that such a letter was sent to Mr. Nelson Capitano. State Farm denies all the remaining allegations of paragraph 11 and further denies that said letters discouraged any of persons named in paragraph 11 or any other persons from doing business with American Auto Body.

12. Denied.

13. Denied.

14. Denied.

15. Denied.

16. Denied.

17. Denied.

18. Denied.

19. Denied.

20. Denied.

21. Denied.

22. Denied.

23. Denied.

24. Denied.

25. Denied.

26. Denied.

27. Denied.

WHEREFORE, Defendant prays for judgment in its favor and against Plaintiff, and for costs.

DEFENDANT DEMANDS A
TRIAL BY JURY

COUNT VI
(Commercial Disparagement)

1-27. Defendant adopts and realleges its Answers to

paragraphs 1 through 27 of Count II, and makes the same a part hereof as though fully set forth herein.

28. Denied.

29. Defendant admits that the letters referenced in paragraph 29 state "American Auto Body is not listed in State Farm's Reference Guide." Defendant also admits that the letters state "As I explained to you, State Farm has asked repair facility owners and operators to agree to certain guidelines we think are essential to insure quality repairs. Many repairers have agreed to these standards, or criteria, and their names are listed in a reference guide which we maintain to assist customers who request our help in selecting a repairer." Defendant denies the remaining allegations of paragraph 29.

30. Denied.

31. Denied.

32. Denied.

WHEREFORE, Defendant prays judgment in its favor and against Plaintiff, and for costs.

DEFENDANT DEMANDS A
TRIAL BY JURY

REED, ARMSTRONG, GORMAN,
COFFEY, GILBERT & MUDGE, P.C.

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