

Andrews

IN THE DISTRICT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

JOHN CRAIG FIRST a/k/a CRAIG FIRST,)
And LACEY FIRST, Individually and)
as Husband and Wife, and FIRST FARMS)
and TRUCKING, LLC.)

Plaintiffs,)

vs.)

AGCO CORPORATION, AGCO SERVICE, a)
Subsidiary of AGCO CORPORATION,)
AGCO FINANCE, LLC, a Subsidiary of)
AGCO CORPORATION, AMTRUST FINANCIAL)
SERVICES, WESCO INSURANCE COMPANY,)
a division and/or Subsidiary of AMTRUST)
FINANCIAL SERVICES, AMT WARRANTY)
CORP., a division and/or Subsidiary of)
AMTRUST FINANCIAL SERVICES, and)
ROLLING PLAINS IMPLEMENT)
COMPANY., INC.)

Defendants.)

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

SEP 17 2020

RICK WARREN
COURT CLERK

108 _____

Case No. ~~CJ-2020-4427~~

PETITION

COME NOW the Plaintiffs, John Craig First a/k/a Craig First, and Lacey First, Individually and as Husband and Wife, and First Farms and Trucking, LLC., (hereafter "Plaintiffs"), and for their Petition against the Defendants, AGCO Corporation, AGCO Service, a division and/or Subsidiary of AGCO Corporation, AGCO Finance, LLC, a division and/or Subsidiary of AGCO Corporation, AmTrust Financial Services, Wesco Insurance Company, a division and/or Subsidiary of AmTrust Financial Services, AMT Warranty

Corp., a division and/or Subsidiary of AmTrust Financial Services, and Rolling Plains Implement Company, Inc., state as follows:

THE PARTIES

1. Plaintiffs, John Craig First a/k/a Craig First, and Lacey First, are residents of Davidson, Oklahoma.

2. Plaintiff, First Farms and Trucking, LLC. Is a limited liability corporation organized by Plaintiffs John Craig First a/k/a Craig First, and Lacey First.

3. Defendant, AGCO Corporation, (hereafter "AGCO") is a manufacturer and distributor of agricultural equipment and related replacement parts throughout the world.

4. Defendant, AGCO Service, is a division and/or subsidiary of AGCO Corporation.

5. Defendant, AGCO Finance, LLC, is a division and/or Subsidiary of AGCO Corporation.

6. Defendant, AGCO Finance, LLC participated in the financing of the sale of the AGCO Gleaner A76 HUC724 Rotary Combine and AGCO Gleaner 7200 30 HUW 7179 Rigid Flex Head sold by Defendant Rolling Plains Implement Company, Inc., (hereafter "Rolling Plains") to Plaintiff John Craig First.

7. Defendant, AmTrust Financial Services is a provider of warranty and specialty risk products.

8. In 2006, Defendant, AmTrust Financial Services acquired Defendant, Wesco Insurance Company.

9. Defendant, Wesco Insurance Company is a division and/or Subsidiary of AmTrust Financial Services.

10. Defendant, Wesco Insurance Company is licensed to conduct business in Oklahoma.

11. Defendant, Wesco Insurance Company's NAIC number is 25011.

12. Defendant, Wesco Insurance Company may be served process via the Oklahoma Department of Insurance.

13. Defendant, Wesco Insurance Company insures the obligations under the AGCO Protection Plan contract number AGP145251900 sold to Plaintiff John Craig First.

14. Defendant, Wesco Insurance Company is also identified as the "Provider" on the AGCO Protection Plan contract number AGP145251900 sold to Plaintiff John Craig First.

15. Defendant, AMT Warranty Corp., is a division and/or Subsidiary of AmTrust Financial Services.

16. Defendant, AMT Warranty Corp., is the service contract provider under the AGCO Protection Plan contract number AGP145251900 sold to Plaintiff John Craig First.

17. Defendant Rolling Plains is an AGCO authorized dealership.

18. The matters sued upon herein involve Oklahoma residents and Oklahoma citizens.

19. Defendants have sufficient contacts with the State of Oklahoma to warrant the exercise of in-personam jurisdiction by this Court. Pursuant to 12 O.S. §2004(F), this Court has proper subject matter jurisdiction, and pursuant to 12 O.S. §137, venue is proper in Oklahoma, County.

ALLEGATIONS COMMON TO ALL DEFENDANTS

20. At all times material hereto Plaintiff John Craig First and Lacey First individually and as husband and wife operate custom harvesting and hauling business under the name First Farms and Trucking, LLC.

21. Defendant, Rolling Plains sold an AGCO Gleaner A76 HUC724 Rotary Combine and AGCO Gleaner 7200 30 HUW 7179 Rigid Flex Head to Plaintiff John Craig First.

22. The date on the Dealer's Retail Purchase Order for the sale of the AGCO Gleaner A76 HUC724 Rotary Combine and AGCO Gleaner 7200 30 HUW 7179 Rigid Flex Head to Plaintiff John Craig First is March 29, 2016.

23. The contract date on the Retail Installment Contract and Security Agreement (Agricultural and Commercial Use) for the sale of the AGCO Gleaner A76 HUC724 Rotary Combine and AGCO Gleaner 7200 30 HUW 7179 Rigid Flex Head to Plaintiff John Craig First is April 5, 2016.

24. The AGCO Gleaner A76 HUC724 Rotary Combine sold to Plaintiff John Craig First was represented by Defendants to be "Certified Pre-Owned".

25. The AGCO Gleaner 7200 30 HUW 7179 Rigid Flex Head sold to Plaintiff John Craig First was represented by Defendants to be "Certified Pre-Owned".

26. AGCO represents to prospective purchasers such as and including Plaintiffs generally and Plaintiff John Craig First, specifically, that as an owner of AGCO Certified Pre-Owned equipment the owner can rest assured the equipment has been through a rigorous inspection and reconditioning process.

27. AGCO represents to prospective purchasers such as and including Plaintiffs generally and Plaintiff John Craig First, specifically, that AGCO backs up its representations regarding its Certified Pre-Owned equipment with "industry-leading extended coverage that helps protect both your investment and your peace of mind."

28. AGCO represents to prospective purchasers such as and including Plaintiffs generally and Plaintiff John Craig First, specifically, that

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