

02802-71561 (RER)

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

AMERICAN NATIONAL PROPERTY	)	
AND CASUALTY COMPANY,	)	
	)	
Plaintiff, Counterclaim-Defendant,	)	CIVIL ACTION
	)	
V.	)	NO. 3:11-CV-219
	)	
CAROL ANN STUTTE; LAURA JEAN	)	JURY TRIAL DEMANDED
STUTTE,	)	
	)	
Defendants, Counterclaim-Plaintiffs,	)	
	)	
and	)	
	)	
CHASE HOME FINANCE, LLC,	)	
	)	
Defendant.	)	

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**ANPAC’S MOTION FOR PARTIAL SUMMARY JUDGMENT  
REGARDING PLAINTIFFS’ CLAIMS OF BAD FAITH AND VIOLATION OF THE  
TENNESSEE CONSUMER PROTECTION ACT**

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Comes now American National Property and Casualty Company (“ANPAC”), by and through counsel, pursuant to Federal Rule of Civil Procedure 56 and moves this Honorable Court for a partial summary judgment regarding Carol Ann Stutte and Lauran Jean Stutte’s claims for the statutory bad-faith penalty and violation of the Tennessee Consumer Protection Act. In support of this motion, ANPAC states as follows:

1. Because ANPAC’s conduct, as a matter of law, can not support a claim for recovery of the statutory bad faith penalty, ANPAC is entitled to summary judgment on the Stuttes’ claim for statutory bad faith.

2. Because ANPAC's conduct, as a matter of law, can not support a claim for violation of the Tennessee Consumer Protection Act, ANPAC is entitled to summary judgment on the Stuttes' claim for violation of the Tennessee Consumer Protection Act.

3. In accordance with Rule 56, ANPAC has shown this Court that there is no genuine dispute as to any material fact concerning Plaintiffs' bad faith and Tennessee Consumer Protection Act claims and that ANPAC is entitled to judgment as a matter of law.

4. In further support of its Motion for Partial Summary Judgment on these claims, ANPAC respectfully refers the Court to the Affidavit of Stacey Jennings, the Affidavit of Gary Noland, its Memorandum of Law and Exhibits, and its Statement of Undisputed Facts, filed contemporaneously with this Motion, which it incorporates by reference as if fully set forth here.

WHEREFORE, PREMISES CONSIDERED, ANPAC respectfully requests that the Court enter an Order granting its Motion for Partial Summary Judgment as to the Stuttes' claims for statutory bad faith and violation of the Tennessee Consumer Protection Act.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

The undersigned certifies that a true copy of this pleading or document was served via the Court's ECF filing system upon:

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This the 25th day of October, 2011.

\_\_\_\_s/ N. Mark Kinsman\_\_\_\_\_