

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,)

V.)

CAROL ANN STUTTE; LAURA JEAN)
STUTTE,)

Defendants, Counterclaim-Plaintiffs,)

and)

CHASE HOME FINANCE, LLC,)

Defendant.)

CIVIL ACTION

NO. 3:11-CV-219

JURY TRIAL DEMANDED

AFFIDAVIT OF STACEY JENNINGS

1. My name is Stacey Jennings. I am above the age of eighteen (18) and competent to make this Affidavit. I will testify to these facts in a court of law if called to do so.
2. During the time period of the fire that is the subject of this lawsuit, I was employed by American National Property And Casualty Company (ANPAC) in its Special Investigations Unit as a Senior Investigator.
3. I was assigned to work on the Stuttes' fire insurance claim, and as such, I am familiar with the handling of the claim and with ANPAC's investigation of the loss.
4. The subject fire loss occurred on September 4, 2010 at 2715 Highway 350, Vonore, Tennessee, a property owned by Carol Stutte and Laura Stutte.
5. Upon being notified of the fire by the Stuttes, ANPAC launched an extensive and thorough investigation and began to handle the insurance claim.

6. Within days of being notified of the fire, ANPAC had explained to the Stuttes the loss process, had mailed the Stuttes claim reporting forms, had engaged an independent adjuster to scope the loss, had engaged a company called Bright Claims to help the Stuttes prepare their personal property inventory forms, and had begun the process of obtaining temporary housing for the Stuttes.
7. Before the insurance claim was denied, ANPAC paid \$2,847.00 on or about September 20, 2010 for temporary housing from September 15, 2010 through October 15, 2010.
8. Before the insurance claim was denied, ANPAC paid \$610.17 directly to the Stuttes on February 11, 2011 for gas, water and sewer for the time period of October 19, 2010 through January 26, 2011.
9. Before the insurance claim was denied, ANPAC paid \$3,500.00 directly to the Stuttes on April 15, 2011 for a pet deposit, security deposit and rent from November 1, 2010 through January 19, 2011.
10. The Stuttes submitted a Sworn Statement in Proof of Loss, claiming a total of \$276,275.46, dated and notarized on October 27, 2010.
11. During its investigation, ANPAC hired a private investigator, Gary Noland, to assist ANPAC in investigating the claim, obtaining information and conducting witness interviews.
12. ANPAC received regular updates from Mr. Noland concerning the information he gathered and learned and concerning the witnesses he had interviewed as part of his investigation work.
13. As part of its investigation, ANPAC obtained photographs of the fire scene.
14. During its investigation, ANPAC learned that the word "QUEERS" had been spray painted on the Stuttes garage, which was not burned in the fire.
15. As part of its investigation, ANPAC hired an origin and cause expert, Gary Young with EFI Global, to conduct an origin and cause investigation.
16. Mr. Young opined that the fire was incendiary, or intentionally set.
17. Dennis Akin of AK Analytical Services, Inc. opined that debris samples collected from the subject fire scene and sent to him for analysis indicated the presence of ignitable liquids. Mr. Akin's report indicated the presence of evaporated gasoline.
18. As part of its investigation, ANPAC requested that the Stuttes and Kimberly Holloway submit to Examinations Under Oath.

19. ANPAC, through its counsel, scheduled the examinations under oath by letter dated November 17, 2010 and the Stuttes and Kimberly Holloway appeared for the examinations under oath, as requested, on December 21, 2010.
20. During its investigation, ANPAC learned that the Stuttes' house was listed for sale at the time of the fire.
21. During its investigation, ANPAC learned that the Stuttes wanted to move away from where they lived and had wanted to sell the house for some time.
22. During its investigation, ANPAC learned that the Stuttes had removed belongings out of the house before the fire, including important papers from the property, including their insurance policy, titles to vehicles, tax returns, real estate contract, living wills, divorce papers, family photos, clothing, guns, furniture, books, tools, landscaping supplies, office supplies, family photos, and furniture.
23. During its investigation, ANPAC learned that, at the time of the fire, the Stuttes owned another house located at 216 Depot Street in Vonore, Tennessee.
24. During its investigation, ANPAC inspected and photographed the property located at 216 Depot Street.
25. At the 216 Depot Street house, ANPAC discovered labeled boxes and large pieces of plywood with large spray painted words.
26. ANPAC discovered that there appeared to be similarities between the handwriting used to spray paint the word "QUEERS" on the Stuttes' garage on the day of the fire and the handwriting used to label boxes and spray paint on the plywood located at the Stuttes' 216 Depot Street house.
27. During its investigation, ANPAC learned that the Stuttes had a storage unit at the time of the fire.
28. During its investigation, ANPAC learned from neighbors Gerald and Catherine Daughtery that a large amount of furniture was removed from the Stuttes' house during the two weeks before the fire.
29. During its investigation, ANPAC learned that on August 14, 2010, the Stuttes changed their mailing address at the post office and on August 24, 2010, the Stuttes changed their address with the electric company.
30. During its investigation, ANPAC learned that on August 16, 2010, the Stuttes increased their insurance coverage on the house and the contents.

31. During its investigation, ANPAC interviewed several witnesses, including Eddie Hammondtree, Larry Bookout, Carl Self, Pam Self, Catherine Daughtery, Gerald Daughtery, Jack Welch, Jade Black, Lora Black, Jade Black, Kimberly Holloway, Janice Millsaps, Dan Watson, Fire Marshall Gary Elliott, and Postmaster Mark Smith.
32. During its investigation, ANPAC learned from Carl Self that, during the fire, he was able to see into the kitchen, sunroom, front bedroom, and back bedroom and that he did not see any furniture or pictures on the wall in those rooms.
33. During its investigation, ANPAC learned that the Stuttes blamed their neighbor, Janice Millsaps for the fire.
34. During its investigation, ANPAC learned that the Stuttes considered the fire to be a "hate crime" directed against them because they are a lesbian couple.
35. During its investigation, ANPAC learned that Janice Millsaps denied involvement in the fire and voluntarily underwent and passed a polygraph test.
36. During its investigation, ANPAC learned that Janice Millsaps' hands were examined after the fire and no paint residue was found on them.
37. During its investigation, ANPAC learned that the Stuttes' other neighbors' opinions about Janice Millsaps were different than those held by the Stuttes.
38. The Stuttes reported to ANPAC that, at the time of the fire, they were in Nashville, Tennessee with Kimberly Holloway and Lora Black celebrating the fact that they had lived in their house for five (5) years.
39. During its investigation, ANPAC noticed that the receipt from the Wildhorse Saloon, in Nashville, which was provided by the Stuttes, shows that there were five (5) guests and that the ticket for (2) two sandwiches was paid for with Lora Black's credit card.
40. During its investigation, ANPAC learned that after being notified that their house was on fire, while Carol Stutte allegedly later decided to drive back to Vonore, the Stuttes continued drinking at the Wildhorse Saloon and then later continued drinking at their hotel room in Nashville rather than return to Vonore immediately.
41. The Stuttes told ANPAC that, some time after being notified of the fire, Carol Stutte decided to drive back alone to Vonore, while Laura Stutte, Kimberly Holloway, and Lora Black stayed in Nashville.

42. The Stuttes told ANPAC that Laura Stutte, Kimberly Holloway, and Lora Black rented a car to drive back to Vonore on the day after the fire.
43. During ANPAC's investigation, the Stuttes described their dogs as their "alarm system."
44. None of the Stuttes' neighbors reported hearing the Stuttes' dogs barking on the night of the fire.
45. During its investigation, ANPAC learned that only Laura Stutte, Carol Stutte, and Kimberly Holloway had keys to the property.
46. During its investigation, ANPAC learned from Lora Black that the vehicles remaining at the Stutte property on the night of the fire were allegedly moved for aesthetic purposes because the house was going to be shown by a realtor two or three times that weekend.
47. Dan Watson, the Stuttes' real estate agent, told ANPAC that the Stuttes' house was not scheduled to be shown on the weekend of the fire.
48. During its investigation, ANPAC obtained the Stuttes' cell phone records.
49. After some delay by the cell phone company, ANPAC also received cell tower information from the Stuttes' cell phone provider at the time of the fire.
50. As part of its investigation, ANPAC hired a forensic expert, Kevin Levy, to examine the Stuttes' cell phone records.
51. Mr. Levy's analysis of the cell tower records indicated that Carol Stutte was in an area northeast of Vonore, towards Knoxville, Tennessee during the time period of midnight to 2:00 a.m. on September 5, 2010. *Id.*
52. Mr. Levy's analysis of the cell tower records indicated that Laura Stutte was in the Vonore area at approximately 3:00 a.m. on September 5, 2010.
53. Laura Stutte told ANPAC that she stayed in Nashville and did not return to Vonore until the afternoon of September 5, 2010.
54. Mr. Levy's analysis indicated that there was no conclusive evidence of travel to Nashville by either Laura or Carol Stutte and that the records indicated northerly or northeast travel away from the direction of reported travel to Nashville.
55. During its investigation, ANPAC learned that the Stuttes' owned two pieces of real property, with three mortgages and had a monthly car payment.

56. During its investigation, ANPAC learned that the Stuttes had credit cards, one of which had a balance of approximately \$7,000.00, another which had a balance of approximately \$2,000.00, and that they owed Lumber Liquidators approximately \$4,000.00.
57. During its investigation, ANPAC learned that the Stuttes owed approximately \$3,000.00 to the IRS.
58. ANPAC denied the Stuttes fire insurance claim by letter dated May 12, 2011.
59. Because of concerns pre-dating the May 12, 2011 denial, ANPAC hired a handwriting analysis expert, Theresa F. Dean.
60. ANPAC's concerns centered around the similarities of the handwriting used to spray paint the word "QUEERS" on the Stuttes' garage on the day of the fire and the handwriting used to label boxes and spray paint plywood at the Stuttes' 216 Depot Street house.
61. Ms. Dean opined, based on a reasonable degree of certainty, that the person who spray painted the word "QUEERS" on the Stuttes' garage on the day of the fire was probably the same person who authored the words spray painted on plywood at the Stuttes' 216 Depot Street House.
62. ANPAC also conducted follow-up witness interviews after the May 12, 2011 denial.
63. After the denial, ANPAC interviewed Fire Marshall Daniel Foster, Detective Travis Jones, Tommy Self, Tommy Harris, Rick Harris.
64. During its investigation, ANPAC learned from Tommy Self and Tommy Harris that it was the Stuttes, and their friend, Joe Neubert, who were aggressive and unfriendly to neighbors.
65. ANPAC learned that Joe Neubert was a close friend of the Stuttes who was frequently at their property and who even confronted the Stuttes' neighbors concerning issues related to property, property lines, and access in the neighborhood.
66. ANPAC learned from Tommy Harris that Tommy Harris and his children, who were attempting to go fishing on public access land, were approached one day by an angry and aggressive Carol Stutte, dressed in camouflage and carrying some type of assault rifle. *Id.*

FURTHER AFFIANT SAYETH NOT


Stacey Jennings

Sworn to and subscribed before me,
this the 14th day of October, 2011.


Notary Public



DEBORA ALDRICH
My Commission Expires
December 6, 2013
Christian County
Commission #09545640

My Commission Expires: Dec. 6, 2013

Respectfully submitted,

s/ N. Mark Kinsman
N. MARK KINSMAN, BPR No. 06039
Baker, Kinsman, Hollis, Clelland & Winer, P.C.
701 Market Street, Suite 1500
First Tennessee Building
Chattanooga, TN 37402-4825
(423) 756-3333
markkinsman@bkhcw.com

s/ Russell E. Reviere
RUSSELL E. REVIERE, BPR No. 07166
Rainey, Kizer, Reviere & Bell, P.L.C.
209 East Main Street
P. O. Box 1147
Jackson, TN 38301-1147
(731) 423-2414
reviere@krblaw.com

Counsel for ANPAC

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:

Peter J. Alliman
135 College Street
Madisonville, TN 37354
Tel: (423) 442-9000
Attorney for Carol Stutte and Laura Stutte

Seth A. Tucker
Scott J. Levitt
Jonathan G. Hardin
Darien S. Capron
1201 Pennsylvania Avenue NW
Washington, DC 20004-2401
Tel: (202) 662-6000
Attorneys for Carol Stutte and Laura Stutte

This the 25th day of October, 2011.

s/ N. Mark Kinsman _____