

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

AMERICAN NATIONAL PROPERTY)
AND CASUALTY COMPANY,)
)
 Plaintiff, Counter-Defendant,)
)
 v.)
)
 CAROL ANN STUTTE; LAURA JEAN)
 STUTTE,)
)
 Defendants, Counter-Plaintiffs,)
)
 and)
)
 CHASE HOME FINANCE, LLC,)
)
 Defendant.)

CIVIL ACTION
NO. 3:11-CV-219

THE STUTTES' FIRST SET OF INTERROGATORIES AND FIRST
REQUEST FOR PRODUCTION OF DOCUMENTS TO AMERICAN
NATIONAL PROPERTY AND CASUALTY COMPANY

Defendants and Counter-Plaintiffs Carol Ann Stutte and Laura Jean Stutte (collectively, the "Stuttes"), by and through counsel, serve this First Set of Interrogatories and First Request for Production of Documents ("Discovery Requests") upon Plaintiff and Counter-Defendant American National Property and Casualty Company ("ANPAC") pursuant to Rules 26, 33, and 34 of the Federal Rules of Civil Procedure. The Stuttes request that ANPAC send copies of its responses to the Discovery Requests and the requested Documents to Jonathan G. Hardin, Esq., Covington & Burling LLP, 1201 Pennsylvania Avenue NW, Washington, DC 20004, within 30 calendar days of the date hereof.



INSTRUCTIONS

A. Unless otherwise defined herein, all words and phrases used in these Discovery Requests are to be given their plain, customary, and usual meaning.

B. You should respond separately and in writing to each request for production of documents and each interrogatory set forth below.

C. All uses of the conjunctive include the disjunctive (and *vice versa*). All words in the singular include the plural (and *vice versa*). All uses of the word "all" include "any" (and *vice versa*). All uses of the word "each" include "every" (and *vice versa*). The use of a verb in any tense encompasses the use of the verb in all tenses.

D. Each Discovery Request shall operate and be construed independently. Unless otherwise indicated, no Discovery Request limits the scope of any other Discovery Request.

E. You are required to supplement and amend Your responses as this action proceeds in accordance with Rule 26(e) of the Federal Rules of Civil Procedure.

F. The Document Requests set forth below cover all Documents that are within Your custody or control, regardless of whether they are currently in Your possession. Thus, the scope of these requests includes, *inter alia*, responsive Documents that are in the possession of Your officers, employees, attorneys, accountants, and other agents.

G. Documents should be produced either (a) as they are kept in the ordinary course of business, complete with the original file folders, binders, or other containers in which they are stored (or legible copies of the labels from those folders, binders, or containers), and should be stapled, clipped, or otherwise unitized as they are kept in the ordinary course of business, or (b) organized according to the document request(s) to which they are responsive. If You elect the latter mode of production, each Document or set of Documents from a particular file, binder,

or other container should be accompanied by a legible copy of the label from that container or some other reliable indicator of the file from which it was taken, and Documents should be stapled, clipped, or otherwise unitized as they are kept in the ordinary course of business.

H. For any Document that You withhold, in whole or in part, on the basis of any claim of privilege or other protection from disclosure, including, without limitation, any claim of attorney-client privilege or the work-product doctrine, specify and, where appropriate, state, in a log prepared in accordance with the Federal Rules of Civil Procedure, the nature, subject matter, date, and title (if any) of such Document, along with the Person(s) who authored the Document, the Person(s) to whom the document is addressed or was otherwise sent, any Person(s) who received the Document, and the nature and basis of each privilege or protection asserted.

I. Produce all portions of any respective Document to which a claim of privilege, attorney work-product, or other basis for withholding the Document does not apply.

J. If You object to providing any information requested in any interrogatory on the ground that such information is privileged or otherwise protected from disclosure, state the privilege or protection and the bases for Your claim, identifying the circumstances with sufficient specificity to enable the Stuttes to assess the applicability of the privilege or protection.

K. If You have a good-faith objection to any specific Discovery Request, or any part thereof, state the specific nature of Your objection and whether it applies to the entire Discovery Request or only to a portion thereof. If there is an objection to any part or parts of a Discovery Request, identify the part or parts to which You object, and produce information or Documents responsive to the remaining unobjectionable parts.

DEFINITIONS

As used in these Discovery Requests, the following words and phrases are to be interpreted in accordance with the following definitions:

A. "Claim Files" means any and all Documents that reflect, constitute, refer to, or relate in any way to Your possession, receipt, collection, and gathering of Documents and information concerning the Loss. "Claim Files" also means any and all Documents that reflect, constitute, refer to, or relate in any way to Your handling, analysis, evaluation, and decision-making process with respect to any claim under the Policy concerning the Loss.

B. "Communication" means any transmission of information (in the form of facts, ideas, inquiries, or otherwise) orally, by Documents, or by any other medium, including conversations, discussions, interviews, meetings, and conferences, and whether in person or by some other medium, including, without limitation, telephone, letter, memorandum, telegram, teletype, telex, mailgram, facsimile, electronic mail, computer, or word processing system.

C. "Document" is used in the broadest sense permissible under the Federal Rules of Civil Procedure, and means any writing or other record whatsoever of any nature, whether transcribed by hand or by some mechanical, electronic, photographic, or other means, and regardless of the medium in, or upon which, it is retained or stored, including, without limitation, the following: Communications, correspondence, memoranda, electronic mail, notes, records, summaries of meetings or conferences, opinions, studies, reports or consultants, projections, statistical statements, drafts, agreements, telegrams, telexes, transcripts, facsimiles, pamphlets, manuals, reports, spreadsheets, databases, presentations, diaries, calendar entries, tape recordings, computer disks or files, charts, logs, notebooks, drawings, and plans.

D. "Identify" means:

- i) with respect to any Person, to state the Person's full name, present or last known address, telephone number, and, where applicable, the Person's employer and job title; and
- ii) with respect to any Document other than an insurance policy, to state the Document's date, author(s), recipient(s), any copyees or other cc: or bcc: recipient(s) or others who have seen the document, and to provide a brief description of the relevant contents of the Document.

E. "Insured" has the meaning set forth in the Policy.

F. "Insured Location" has the meaning set forth in the Policy.

G. "Loss" means the fire that occurred on September 4, 2010 at the Insured Location, as described in the Stuttes' Second Amended Counterclaim.

H. "Person" means any natural person, including an employee or former employee; any business entity including, but not limited to, corporations, partnerships, proprietorships, groups, associations, or organizations; any other entity, including, but not limited to, any non-profit organization or any government or governmental unit or agency; and any agent or former agent of any of the foregoing.

I. "Policy" means the Tennessee Special Homeowners Policy issued by ANPAC to the Stuttes, Policy No. 41-H-V66-965-7, with effective dates of June 10, 2010 to June 10, 2011.

J. "Policyholder" means Carol Ann Stutte and Laura Jean Stutte.

K. "You" and "Your" shall refer individually to ANPAC and each of its divisions, departments, area or regional offices, managing general agents, parents (whether whole or part owner), subsidiaries (whether wholly or partially owned), affiliates, predecessors, successors,

each and every other Person within its control, and each officer, employee, agent, director, representative, attorney, investigator, contractor, subcontractor, expert, and consultant of any of the foregoing.

DOCUMENTS TO BE PRODUCED

Produce the following:

1. All Claim Files.
2. All Documents reflecting, constituting, referring to, or relating in any way to the Policy, including, without limitation, any and all Documents concerning the purchase, sale, underwriting, placement, risk evaluation, issuance, renewal, or meaning of, increase or decrease in coverage under, or failure to renew, the Policy and any parts, portions, provisions, or terms thereof.
3. All Documents that refer or relate to any quotations or solicitations for any Homeowners policy to be issued to the Policyholder, whether or not such policy was in fact issued to the Policyholder.
4. All Documents generated or reviewed in connection with any aspect of Your evaluation or analysis of whether to accept or decline coverage, or to reserve rights, for any claim under the Policy concerning the Loss, and all Documents constituting, recording, referring to, or relating in any way to any such evaluation, analysis, or decision.
5. All Documents reflecting or constituting Communications between You and the Policyholder, counsel for the Policyholder, or any other Person (including, without limitation, Your internal Communications) concerning or relating in any way to the Loss, the Policy, the Policyholder's claims under the Policy, or any issue in this lawsuit.

6. All Documents provided to, obtained by, or generated by any Person (including, without limitation, Stacey Jennings, Gary Noland, Gary Young, Kevin Levy, Theresa Dean, Eric Kurtz, and Mark Kinsman) in connection with Your investigation of the Loss.

7. All Documents referring or relating in any way to Carol Ann Stutte, Laura Jean Stutte, Lora Lee Black, or Kimberly Holloway or any of their family members.

8. All claims manuals (including superseded pages of versions or volumes that have been revised) and other claims handling guidelines and instructional materials that were prepared or used by You at any time since 2002 (including, without limitation, training manuals, seminar materials, policy annotations, workbooks, and guideline memoranda) concerning Homeowners policies.

9. All written, transcribed, or recorded statements of any witnesses, including expert witnesses, or any other Person having knowledge of any matter relevant or discoverable in this lawsuit.

10. All Documents relating in any way to Your contention that the Policyholder intentionally caused the Loss.

11. All Documents relating in any way to Your contention that the Policyholder committed concealment or fraud.

12. All Documents relating in any way to Your contention that the Policyholder, Lora Lee Black, and/or Kimberly Holloway were not in the Nashville, TN area at the time of the Loss.

13. All Communications with Your reinsurers, with retrocessionaires, or with brokers that refer or relate to the Policy and/or the Loss.

14. All Documents used or relied upon to prepare Your answers to Interrogatories propounded on You in this lawsuit.

15. All physical evidence or Documents that relate or otherwise refer to facts upon which You base any of Your claims or defenses in this lawsuit.

16. All physical evidence or Documents that relate or otherwise refer to the subject matter of this action that have not heretofore been requested.

INTERROGATORIES

1. Identify all Persons who supplied any information of any kind or nature contained in Your responses to these Interrogatories.

2. State all facts that You contend support Your decision to deny the Policyholder's claim under the Policy concerning the Loss.

3. To the extent You contend that the Policyholder intentionally caused the Loss, state all facts on which You will rely to prove such contention.

4. To the extent You contend that the Policyholder committed concealment or fraud, state all facts on which You will rely to prove such contention.

5. Identify all Persons who were involved in any aspect of the negotiation, purchase, execution, placement, underwriting, issuance, or renewal of, increase or decrease in coverage under, or failure to renew, the Policy.

6. Identify all Persons responsible for, and those most knowledgeable about, the organization and/or maintenance of Your Claim Files with respect to the Policyholder's claim, as well as Your systems, practices, and procedures for identifying and retrieving Your Claim Files.

7. Identify all Persons responsible for, and those most knowledgeable about, the organization and/or maintenance of Your underwriting files, as well as Your systems, practices, and procedures for identifying and retrieving underwriting files.

8. Identify each of Your present and former officers, employees, investigators, contractors, or any other agents who communicated orally or in writing with Carol Ann Stutte, Laura Jean Stutte, Lora Lee Black, or Kimberly Holloway, or any of their representatives, with respect to the Loss or the Policy.

9. Identify all Persons who at any time have been responsible for or have played any role in analyzing any claims for coverage under the Policy with respect to the Loss, and describe the role that each Person has played with respect to those claims.

10. State where any Documents referring or relating to any claim for coverage under the Policy with respect to the Loss are maintained, and Identify the Person(s) responsible for maintaining them.

11. With respect to each defense to coverage that You assert or now intend to assert against the Policyholder's claim for coverage under the Policy with respect to the Loss, state the factual basis for the defense that is presently known to You, and identify the Person(s) who have knowledge of each supporting fact.

12. Identify each Person, other than a Person You expect to call as an expert witness at trial, who has personal knowledge of the facts and allegations set forth in Your Complaint. For each individual identified, state the substance of the information known by that individual and the individual's address and home and business telephone number.

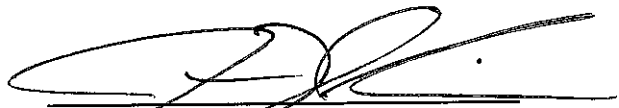
13. Identify all Persons whom You expect to call as an expert witness(es) at trial, and for each such expert, state the subject matter on which the expert is expected to testify, the substance of the findings and opinions to which the expert is expected to testify, and give a summary of the grounds for each such opinion. In addition, please attach to Your answers copies of all written reports of any such expert(s) concerning his or her findings and opinions.

14. If You intend to rely on any Documents or other tangible things to support a position that You have taken or intend to take in this action, provide a brief description, by category and location, of all such documents and other tangible things, and Identify all Persons having possession, custody, or control of them.

15. If You contend that the Policyholder or Kimberly Holloway were dishonest or deceptive during the examinations under oath taken by ANPAC on December 21, 2010, set forth in detail any dishonest or deceptive statement made by any of them during such examinations.

16. Set forth in detail any and all facts not disclosed in Your answers to the foregoing Interrogatories upon which You base any contention that ANPAC is not liable to provide insurance coverage for the Loss or any aspect of it.

Dated: April 11, 2012



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CERTIFICATE OF SERVICE

I hereby certify that on April 11, 2012, a true and correct copy of the foregoing **First Set of Interrogatories and First Request for Production of Documents to American National Property and Casualty Company** was served by electronic mail and sent by U.S. mail to the following:


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