

EXHIBIT 4

**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 STUTTE,)	JURY TRIAL DEMANDED
)	
Defendants, Counterclaim- Plaintiffs,)	
)	
and)	
)	
CHASE HOME FINANCE, LLC,)	
)	
Defendant.)	

ANSWERS TO THE STUTES' FIRST SET OF INTERROGTORIES

Comes now the American National Property And Casualty Company, by and through counsel, and responds to Defendants' First Set of Interrogatories as follows:

OBJECTIONS

1. Plaintiff objects to these Interrogatories to the extent they require Plaintiff to relate or describe any attorney-client communications because such are privileged and not subject to discovery.
2. Plaintiff objects to these Interrogatories to the extent they require Plaintiff to produce documents or other tangible material generated by or on behalf of ANPAC after October 8, 2010 when Gary Young, cause and origin expert, reported to ANPAC that the fire and explosion were intentionally caused and neighbor was suspected because such information is protected from disclosure by the work-product doctrine and constitutes trial preparation material.
3. Plaintiff objects to these Interrogatories to the extent they require Plaintiff to furnish any information that is not relevant or is not in some way reasonably calculated to lead to the discovery of relevant, admissible evidence.
4. Rule 26(d) provides that a party may not seek discovery from any source before the parties have conferred as required by Rule 26(f) of the *Federal Rules of Civil Procedure*. Plaintiff objects to these Interrogatories because the parties have not completed the required Rule 26(f) Discovery Planning Conference. However, without waiving that objection, Plaintiff will voluntarily provide responses as

outlined below.

5. Plaintiff objects to these Interrogatories to the extent they seek discovery of information pertaining to the extra-contractual claims alleged in the Counter-Claim for the reasons stated in its Motion for Protective Order, the substance of which is adopted herein by reference because pursuant to Rule 10(c) of the *Federal Rules of Civil Procedure*.
6. *Plaintiff objects to the Instructions and Definitions to the extent they impose obligations beyond those required by the Federal Rules of Civil Procedure. Plaintiff does not agree to be bound by any such Instructions or Definitions.*

INTERROGATORIES

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

ANSWER: Stacey Jennings, American National Property And Casualty Company, 1949 E. Sunshine, Springfield, MO 35899, Mark Kinsman and Russell Reviere.

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

ANSWER: See the information contained in the documents identified and produced in response to Stuttes' First Request for Production of Documents #1; ANPAC's Statement of Undisputed Facts (Document 29); Affidavit of Stacey Jennings (Document 27-1) and Affidavit of Gary Noland (Document 27-2) which is adopted herein by reference pursuant to Rule 10(c) of the *Federal Rules of Civil Procedure*.

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.

ANSWER: See response to #1.

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.

ANSWER: See response to #1.

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.

ANSWER: As reflected in the documents referred to in response to #1 above, Eric Kurtz, 631 William Blount Dr., Maryville, TN is the agent who assisted the Stuttes' with their initial application and subsequent policy changes. In all other respects, Plaintiff objects to this Interrogatory because it improperly seeks to discover information that is not relevant and which is not reasonably calculated to lead to the discovery of admissible evidence and this Interrogatory is so broad, vague and ambiguous that a response cannot be framed, is overly unduly burdensome and is submitted for the purpose of harassment. Plaintiff also restates and adopts by reference pursuant to Rule 10(c) the contents of its motion for protective order.

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.

ANSWER: Plaintiff objects to this Interrogatory because it improperly seeks to discover information that is not relevant and which is not reasonably calculated to lead to the discovery of admissible evidence and this request is so broad, vague and ambiguous that a response cannot be framed, is overly unduly burdensome and is submitted for the purpose of harassment. Plaintiff also restates and adopts by reference pursuant to Rule 10(c) the contents of its motion for protective order.

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.

ANSWER: Plaintiff objects to this Interrogatory because it improperly seeks to discover information that is not relevant and which is not reasonably calculated to lead to the discovery of admissible evidence and this request is so broad, vague and ambiguous that a response cannot be framed, is overly unduly burdensome and is submitted for the purpose of harassment. Plaintiff also restates and adopts by reference pursuant to Rule 10(c) the contents of its motion for protective order.

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.

ANSWER: See the persons identified in the documents referred to in response to #1. Persons know to Plaintiff who communicated with the Stuttes or Kimberly Holloway include: Mark Kinsman and Chad Hogue during the examinations under oath; Stacey Jennings; Gary Noland; Gary Young, employees of ANPAC identified in the activity log; John Huft, ANPAC; Scott L. Fuson, ANPAC; Jeff Sasser, Claim Service Group, P.O. Box 1378, Collierville, TN; Telephone 865-388-0636; Aaron Larkin, BrightClaim, Inc. 3850 Holcomb Bridge Road, Suite 410, Norcross, GA. 678-578-8137; Tina Jackson ALE Solutions, Inc. One West Illinois Street, Suite 300, Saint Charles, IL 630-513-6434.

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.

ANSWER: Plaintiff objects to this Interrogatory because it improperly seeks to discover information that is not relevant and which is not reasonably calculated to lead to the discovery of admissible evidence and this request is so broad, vague and ambiguous

that a response cannot be framed, is overly unduly burdensome and is submitted for the purpose of harassment. Plaintiff also restates and adopts by reference pursuant to Rule 10(c) the contents of its motion for protective order.

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.

ANSWER: Plaintiff objects to this Interrogatory because it improperly seeks to discover information that is not relevant and which is not reasonably calculated to lead to the discovery of admissible evidence and this request is so broad, vague and ambiguous that a response cannot be framed, is overly unduly burdensome and is submitted for the purpose of harassment. Plaintiff also restates and adopts by reference pursuant to Rule 10(c) the contents of its motion for protective order.

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.

ANSWER: Plaintiff objects to this Interrogatory to the extent it requires disclosure of information Plaintiff's counsel intends to present because such constitutes counsel's trial plan, theory of the case, thought processes, mental impressions and work product and as such is not discoverable. Subject to that objection, see response to #1.

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 that individual's address and home and business telephone number.

ANSWER: Plaintiff objects to this Interrogatory because it is unclear and confusing;

however, Plaintiff will attempt to respond. Plaintiff also objects to this Interrogatory to the extent it seeks to information about consulting experts because such constitutes Plaintiff's trial preparation material and attorneys' work product and is not discoverable under Rule 26(b)(4)(D) of the *Federal Rules of Civil Procedure*. To the extent this interrogatory seeks to discovery information about lay witnesses, Plaintiff refers Defendants to the other responses herein, the documents referenced in response to Interrogatory #1 and the following: (See documents referred to in response to #1 for substance their information.)

- (1) Janice Millsaps, 2713 Highway 360, Vonore, TN. 37885.
- (2) Carl Self, 2637 Highway 360, Vonore, TN. 37885; Telephone 423-884-6816.
- (3) Dan Watson, ERA Norman Lee Real Estate, 4263 Highway 411 N., Suite 2, Madisonville, TN; Telephone 423-442-3944.
- (4) Larry Bookout, 2219 Sentell Circle, Madisonville, TN; Telephone 865-208-1517.
- (5) Eddie Hammontree, 851 Gulf Circle, Maryville, TN; Telephone 865-679-7885.
- (6) Gerald Daugherty, 2711 Highway 360, Vonore, TN. 37885; Telephone 423-884-2897.
- (7) Catherine Daugherty, 2711 Highway 360, Vonore, TN. 37885; Telephone 423-884-2897.
- (8) Eric Kurtz, ANPAC Agent, 631 William Blount Drive, Maryville, TN, Telephone 865-977-8370.
- (9) Jeff Sasser, Claim Service Group, P.O. Box 1378, Collierville, TN; Telephone 865-388-0636.

- (10) Tommy Self, Highway 360, Vonore, TN.
- (11) Records Custodian, Monroe County Sherriff's Department.
- (12) Det. Travis Jones, Monroe County Sheriff's Department.
- (13) Records Custodian, Fort Loudon Electric Cooperative.
- (14) Kimberly Holloway, 6103 Easton Road, Knoxville, TN.
- (15) Lora Black, 2677 Highway 360 Vonore, TN.
- (16) Jade Black, 2677 Highway 360 Vonore, TN.
- (17) Jeffery Black, 2677 Highway 360 Vonore, TN.
- (18) Gary Elliott, Tennessee State Bomb and Arson Division, Knoxville, TN.

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.

ANSWER:

- (1) Gary Young, Engineering and Fire Investigations, 318 Seaboard Lane, Suite 104, Franklin, Tennessee (615-778-0160) – Report previously produced.
- (2) Dennis C. Akin, AK Analytical, 117 Midtown Ct., Hendersonville, Tennessee (615-824-8041) – Report previously produced.
- (3) Kevin R. Levy, Special Agent Ret. (USSS), HCR Expert – Lead Litigation

Consultant & Investigator, TKR Technologies, Inc. – Compliance Services Division,
6845 Highway 90 East, Suite 105 – 120, Daphne, AL 36526; Telephone: 877-406-3028.

Report previously produced.

(4) Theresa F. Dean, Forensic Document Examiner, P.O. Box 414, Horse Shoe, NC
28742; Telephone: 828-891-4263. Report previously produced.

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.

ANSWER: Plaintiff objects to this Interrogatory to the extent it requires disclosure of information Plaintiff's counsel intends to present because such constitutes counsel's trial plan, theory of the case, thought processes, mental impressions and work product and as such is not discoverable. Plaintiff also objects to this Interrogatory because it is so broad, vague and ambiguous that a response cannot be framed and is overly unduly burdensome and is submitted for the purpose of harassment.

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.

ANSWER: See response to #1.

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.

ANSWER: Plaintiff objects to this Interrogatory because it improperly seeks to

discover information that is not relevant and which is not reasonably calculated to lead to the discovery of admissible evidence and this request is so broad, vague and ambiguous that a response cannot be framed, is overly unduly burdensome and is submitted for the purpose of harassment. Plaintiff also restates and adopts by reference pursuant to Rule 10(c) the contents of its motion for protective order.

Stacey Jennings
Stacey Jennings, Senior SIU Investigator

Subscribed and sworn to before me
this 4th day of May, 2012.

Kathy Speer
Notary Public

My Commission Expires: April 9, 2013



BAKER, KINSMAN, HOLLIS & CLELLAND, P.C.
701 Market Street, Suite 1500
Chattanooga, TN 37402
Telephone: (423) 756-3333

By: N. Mark Kinsman
N. Mark Kinsman, BPR #06039
Attorney for Plaintiff

• **RAINEY, KIZER, REVIERE & BELL, PLC**
209 East Main Street
P.O. Box 1147
Jackson, TN 38301-1147
Telephone: (731) 423-2414

By: Russell E. Reviere
Rusell E. Reviere, BPR #07166
Attorney for Plaintiff

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this pleading has been served upon the below named attorneys either by messenger delivery or by depositing same in the U.S. Mail with sufficient postage attached thereto to ensure for proper delivery, addressed as follows:

Seth A. Tucker
Scott J. Levitt
Jonathan G. Hardin
Darien S. Capron
1201 Pennsylvania Ave, NW
Washington, DC 20004-2401

Peter J. Alliman
135 College Street
Madisonville, TN 37354

J. Graham Matherne
Wyatt, Tarrant & Combs, LLP
2525 West End Ave., Suite 1500
Nashville, TN 37203-1423

This the 8 day of May, 2012.


