

EXHIBIT 5

**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.)	

RESPONSE TO THE STUTTES' REQUEST FOR PRODUCTION OF DOCUMENTS

Comes now the Plaintiff/Counterclaim-Defendant, by and through counsel, and responds to Defendants' First Request for Production of Documents as follows:

OBJECTIONS

1. Plaintiff objects to these requests to the extent they require Plaintiff to produce any attorney-client communications because such are privileged and not subject to discovery.
2. Plaintiff objects to these requests 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. A privilege log will be provided pursuant to Rule 26(b)(5).
4. Plaintiff objects to furnishing any information that is not relevant or is not in some way reasonably calculated to lead to the discovery of relevant, admissible evidence.
5. 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 this Request for Production of Documents

because the parties have not completed the required Rule 26(f) Discovery Planning Conference. However, Plaintiff will voluntarily provide responses as outlined below.

6. Plaintiff objects to this Request for Production of Documents to the extent it seeks 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*.
7. *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.*

REQUEST FOR PRODUCTION

1. All Claim Files.

RESPONSE:

Plaintiff adopts herein by reference each of the Objections 1-6 stated above. Subject to those Objections, Plaintiff identifies and will produce the following:

1. Exhibits 1-13 to ANPAC's Motion of Partial Summary Judgment which include the following:
(Copies of these documents have already been provided to plaintiffs' counsel)
 - a. Monroe County Sheriff's Office Incident Report;
 - b. Young Report, EFI Global Fire Investigation;
 - c. Examination Under Oath of Carol Ann Stutte;
 - d. Examination Under Oath of Laura Jean Stutte;
 - e. Sworn Statement in Proof of Loss;
 - f. Complaint and Answer in *Stutte v. Millsaps* Litigation;
 - g. AK Analytical Laboratory Report;
 - h. Examination Under Oath of Kimberly Ann Holloway;
 - i. Wild Horse Saloon Receipt;
 - j. Levy Forensic Report re Cell Phone Records Analysis;
 - k. Denial Letter, dated May 12, 2011;
 - l. Photographs of Handwriting;
 - m. Dean, Handwriting Analysis Report.
2. Exhibits to the Examinations Under Oath copies of which were previously provided to plaintiffs' counsel, Margaret Held.
3. Activity Log to October 8, 2010; Bates Nos. 1-9
4. Loss Report Print; Bates Nos. 10-11
5. First Report from Jeff Sasser, Claim Services Group, dated September 9, 2010, including attached photographs. Bates Nos. 12-34

6. Status Report from Jeff Sasser, Claim Services Group, dated September 30, 2010, including enclosed Underwriting Report, Dwelling Estimate, Diagram, Quit Claim Deed, Deeds of Trust and Fire Reports (Citico and Ball Play). Bates Nos. 35-88
7. CSC Credit Services report. Bates Nos. 89-100
8. Claim file from Farmers Insurance Group received March 30, 2011. Bates Nos. 101-137
9. Letter dated February 10, 2011 from Margaret Held with attached National Rental Agreement. Bates Nos. 138-142
10. Two page document from National. Bates Nos. 143-144
11. Documents received from insureds concerning lost insulin pump. Bates Nos. 145-154
12. ISO Report. Bates Nos. 155-160
13. Monroe County Sheriff's Office Incident Report 2/16/2009; Bates Nos. 161-162
14. Monroe County Sheriff's Office Incident Report 12/2/2009; Bates Nos. 163
15. Monroe County Sheriff's Office Incident Report 8/9/2010; Bates Nos. 164-165
16. Monroe County Sheriff's Office Incident Report 8/9/2010; Bates Nos. 166-168
17. Monroe County Sheriff's Office Incident Report 8/6/2010; Bates Nos. 169-170
18. Monroe County Sheriff's Office Incident Report 8/6/2010; Bates Nos. 171-173
19. Monroe County Sheriff's Office Incident Report 9/4/2010; Bates Nos. 174-175
20. Monroe County Sheriff's Office Incident Report 9/4/2010; Bates Nos. 176-177
21. Monroe County Sheriff's Office Incident Report 9/7/2010; Bates Nos. 178-179
22. Monroe County Sheriff's Office Incident Report 6/21/2010; Bates Nos. 180-181
23. UPS Tracking document; Bates No. 182
24. Internet news report printouts; Bates Nos. 183-186
25. Trulia Real Estate Search printout; Bates Nos. 187-189
26. Information from Fort Loudon Electric Cooperative (2 pages); Bates Nos. 190-191
27. Comprehensive Report – Carol Stutte; Bates Nos. 192-230
28. Comprehensive Report – Laura Stutte; Bates Nos. 231-284
29. 2010 Property Tax Statement; Bates No. 285
30. Real Estate Assessment Data for Highway 360 2715; Bates Nos. 286-288
31. Real Estate Assessment Data for Depot Street; Bates Nos. 289-291
32. Person Search printout; Bates Nos. 292-294
33. Motorcycle amended declaration; Bates No. 295
34. Policy Application; Bates Nos. 296-297
35. Policy Change effective 8/16/2010; Bates Nos. 298-299
36. ITV Summary and Description of Your House; Bates Nos. 300-303
37. ERA listing documents for 2715 Highway 360; Bates Nos. 304-307
38. TN Property Viewer photo of area; Bates Nos. 308-309
39. Photographs of side of garage; Bates Nos. 310-311
40. Photograph of sign "Game Cameras In Use"; Bates No. 312
41. Photograph of sign "Cameras In Use"; Bates No. 312
42. Photograph of label, "Tile Tools"; Bates No. 314
43. Internet news article. Bates Nos. 315-317
44. Three page facsimile from ALE Solutions dated 9/17/2010 with attached Temporary Housing Agreement; Bates Nos. 318-320
45. Various documents concerning Defendants' claim for addition living expenses including copies of correspondence, emails, receipts, bills, advance payment on reservation of rights forms and other documents; Bates Nos. 321-400
46. Records from U.S. Cellular Telephone (paper); Bates Nos. 401-466
47. Authorization; Bates No. 467
48. Email chain among John Huft, Scott Fuson, Aaron Larkin and Tina Jackson – September 15, 2010; Bates Nos. 468-470

49. Letter dated November 17, 2010 from Mark Kinsman to Carol Ann Stutte, Laura Stutte and Kimberly Holloway; Bates Nos. 471-474
50. Email dated November 18, 2010 from Mark Kinsman to Margaret Held; Bates No. 475
51. Email dated December 20, 2010 from Mark Kinsman to Margaret Held with attached records from Fort Loudon Electric Coop; Bates Nos. 476-478
52. Email dated December 22, 2010 from Mark Kinsman to Margaret Held; Bates No. 479
53. Letter dated January 4, 2011 from Mark Kinsman to Margaret Held; Bates Nos. 480-481
54. 2 emails between Mark Kinsman and Margaret Held dated January 7, 2011; Bates No. 482
55. 2 emails between Stacey Jennings and Margaret Held dated January 11, 2011; Bates No. 483
56. 3 emails between Mark Kinsman and Margaret Held dated January 11, 2011; Bates Nos. 484-485
57. Email chain between Mark Kinsman and Margaret Held dated January 11, 2011; Bates Nos. 486-487
58. Email chain between Mark Kinsman and Margaret Held dated January 14, 2011; Bates Nos. 488-489
59. Email from Margaret Held to Mark Kinsman dated January 19, 2011; Bates No. 490
60. Email from Margaret Held to the defendants with copy to Mark Kinsman dated January 31, 2011; Bates No. 491
61. Email from Margaret Held to Mark Kinsman dated January 31, 2011; Bates No. 492
62. Email from Margaret Held to Mark Kinsman dated February 1, 2011; Bates No. 493
63. Letter from Mark Kinsman to Margaret Held dated February 4, 2011; Bates Nos. 494-495
64. Letter to Chase Home Finance, LLC dated February 4, 2011 from Mark Kinsman; Bates Nos. 496-503
65. Email from Margaret Held to Mark Kinsman dated February 11, 2011; Bates No. 504
66. Email chain between Mark Kinsman and Margaret Held dated February 15, 2011; Bates No. 505
67. Email from Margaret Held to Mark Kinsman dated February 15, 2011; Bates No. 506
68. Email dated April 7, 2011 from Carol Stutte to ANPAC; Bates Nos. 507-508
69. Letter dated May 12, 2011 from Stacey Jennings to Defendants; Bates Nos. 509-510
70. Acknowledgement of Cancellation dated May 17, 2011; Bates Nos. 511
71. Letter dated May 24, 2011 from Stacey Jennings to Carol Ann Stutte and Laura Stutte; Bates No. 512
72. Letter dated May 27, 2011 from Stacey Jennings to Scott Levitt. Bates No. 513
73. Photographs by Tim Crockett taken on 9-15-2010; Bates Nos. 514-523
74. Complaint in Case No. L-17172 and attached letter; Bates Nos. 524-529
75. Documents in Case No. V0037765; Bates Nos. 530-535
76. CD containing photographs from Gary Noland. Bates No. 536
77. CD containing photographs from real estate agent. Bates No. 537
78. CD containing Kim Holloway Facebook information. Bates No. 538
79. CD containing U.S. Cellular information. Bates No. 539

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.

RESPONSE: Plaintiff adopts herein by reference each of the Objections 1-6 stated above by reference. More specifically, Plaintiff objects to this request 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, because this request is so broad, vague and ambiguous that a response cannot be framed, and because is overly unduly burdensome and is submitted for the purpose of harassment.

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.

RESPONSE: Plaintiff adopts herein by reference each of the Objections 1-6 stated above by reference. More specifically, Plaintiff objects to this request 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, because this request is so broad, vague and ambiguous that a response cannot be framed, and because is overly unduly burdensome and is submitted for the purpose of harassment.

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.

RESPONSE: See response and objections to Request #1. Plaintiff adopts herein by reference each of the Objections 1-6 stated above. More specifically, Plaintiff objects to this request 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, because this

request is so broad, vague and ambiguous that a response cannot be framed, and because is overly unduly burdensome and is submitted for the purpose of harassment. Plaintiff objects to this request to the extent it requires Plaintiff to produce trial preparation material or attorney-client communications because such are privileged and not subject to discovery.

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.

RESPONSE: Plaintiff adopts herein by reference each of the Objections 1-6 stated above. Plaintiff objects to this request to the extent it requires Plaintiff to produce trial preparation material or attorney-client communications because such are privileged and not subject to discovery. Further, Plaintiff objects to this request 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 has identified and will produce the items listed in response to Request # 1 which includes written communications to or from the Policyholders and their attorneys.

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.

RESPONSE: Plaintiff adopts herein by reference each of the Objections 1-6 stated above. Plaintiff objects to this request to the extent it requires Plaintiff to produce trial preparation material or attorney-client communications because such are privileged and not

subject to discovery. Further, Plaintiff objects to this request 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 because 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. Defendant also object to this request to the extent it requires Plaintiff to produce documents pertaining to experts that are protected from disclosure by Rule 26(b)(4).

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.

RESPONSE: See response to #1. Otherwise, Plaintiff adopts herein by reference each of the Objections 1-6 stated above by reference. More specifically, Plaintiff objects to this request 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, because this request is so broad, vague and ambiguous that a response cannot be framed, and because is overly unduly burdensome and is submitted for the purpose of harassment. Plaintiff objects to this request to the extent it requires Plaintiff to produce trial preparation material or attorney-client communications because such are privileged and not subject to discovery.

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.

RESPONSE: Plaintiff specifically adopts herein by reference each of the Objections stated above by reference. More specifically, Plaintiff objects to this request 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. 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 further objects to this request because it seeks Plaintiff's proprietary or trade secret information. Because of the unique nature and compilation of the its handling / investigation policies and procedures, the ANPAC asserts the information is trade secret protected and therefore is not appropriate for release during discovery. The following reasons illustrate why ANPAC asserts trade secret protection in relation to these document:

1. This information and the process to compile the information has economic value and is confidential and proprietary.
2. ANPAC expends significant financial and employee resources to develop compilation systems for the information.
3. The information and process is not generally known to persons not affiliated with ANPAC
4. The information and process is not readily ascertainable to persons not affiliated with ANPAC.
5. ANPAC does not disclose this process to the public or other insurance companies.
6. Access to this information or this process is restricted within ANPAC and accessible only by certain employees who have knowledge of protective access codes.

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.

RESPONSE: See response and objections to Request #1. Plaintiff adopts herein by reference each of the Objections 1-6 stated above.

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

RESPONSE: See response and objections to Request #1. Plaintiff adopts herein by reference each of the Objections 1-6 stated above.

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

RESPONSE: See response and objections to Request #1. Plaintiff adopts herein by reference each of the Objections 1-6 stated above..

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.

RESPONSE: See response and objections to Request #1. Plaintiff adopts herein by reference each of the Objections 1-6 stated above.

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

RESPONSE: Plaintiff specifically adopts herein by reference each of the Objections 1-6 stated above by reference. More specifically, Plaintiff objects to this request 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. 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.

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

RESPONSE: See response and objections to Request #1. Plaintiff adopts herein by reference each of the Objections 1-6 stated above.

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

RESPONSE: See response and objections to Request #1. Plaintiff adopts herein by reference each of the Objections 1-6 stated above. Otherwise, Plaintiff objects to this request because it is so broad, vague and ambiguous that a response cannot be framed, is overly unduly burdensome and is submitted for the purpose of harassment. Further, Plaintiff specifically adopts herein by reference each of the Objections stated above by reference.

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

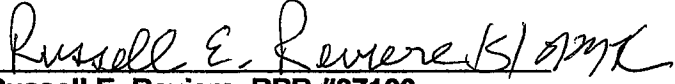
RESPONSE: See response and objections to Request #1. Plaintiff adopts herein by reference each of the Objections 1-6 stated above. Otherwise, Plaintiff objects to this request because it is so broad, vague and ambiguous that a response cannot be framed, is overly unduly burdensome and is submitted for the purpose of harassment. Further, Plaintiff specifically adopts herein by reference each of the Objections stated above by reference

Respectfully submitted,

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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:

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This the 8 day of May, 2012.

