

IN THE CIRCUIT COURT FOR CLAIBORNE COUNTY, TENNESSEE

**LONE MOUNTAIN SHORES
OWNERS ASSOCIATIONS, INC.,**

Plaintiff,

vs.

**HENRY BENNAFIELD, JANICE
BENNAFIELD, BELLA GOLDEN,
JAMES HAWS, DENISE HAWS,
VIC WARTHMAN, ELIZABETH
WARTHMAN, TROY
VANDERHOOF, PAM
VANDERHOOF, ED LUND, LAKE
FRONT RENDEZVOUS, LLC,
M&G EAGLESNEST, LLC, B&M
STORAGE, LLC, MICHAEL SISLOW,
BRANDY SISLOW, JASON JORDAN,
836 JACKSBLUFF, LLC, FRED
MAESS, KRISTY WAMBOLD,
JAMES SCRUGGS, DEBBIE
HUNLEY, BRENDAN FRANTZ,
AIMEE FRANTZ, DAVID LANG,
DAVID NORCROSS, MICHELLE
NORCROSS, PETE SZUCH,
CAROLINE SZUCH, and JAMON
SELLMAN,**

Defendants.

Docket No. CV-2354

**DEFENDANTS' FIRST SET OF INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS TO LONE MOUNTAIN SHORES OWNERS
ASSOCIATION, INC.**

Come now Defendants, by and through counsel, pursuant to Rules 26, 33, and 34 of the *Tennessee Rules of Civil Procedure* and propounds the following Interrogatories and Requests for Production of Documents to the Plaintiff Lone Mountain Shores Owners Association, Inc. A verified copy of answers to the Interrogatories accompanied with documents and things responsive

to the Requests shall be provided to Defendants' counsel within the time period prescribed by the *Tennessee Rules of Civil Procedure*.

INTERROGATORIES

1. Identify by full name and title each and every person who has answered or assisted in answering these interrogatories.

ANSWER:

2. Identify each person whom you expect to call to testify as an expert witness on your behalf. For each such person, state the subject matter upon which the expert is expected to testify, the substance of the facts and opinions to which the expert is expected to testify, and summary of the grounds for each such expert's opinion.

ANSWER:

3. Identify each person by name, address, and telephone number whom you or your attorneys know or believe to have knowledge regarding any of the allegations/claims and/or defenses in this lawsuit and specify the subject matter about which each person has knowledge.

ANSWER:

4. Identify by name, address, and telephone number each and every member of Lone Mountain Shores Owners Association, Inc. ("LMSOA") who has voiced and/or provided a written complaint, objection, and/or other concern to any LMSOA board member regarding any Defendant's short-term rental activity during the time period of January 1, 2013 to present and provide the substance of each such complaint, objection, and/or concern.

ANSWER:

5. Identify by name, address, and telephone number each and every person who has served on the LMSOA board of directors in any capacity during the time period of January 1, 2013 to present.

ANSWER:

6. Identify any other legal action in which LMSOA has been a party, including the style of the case, court, docket number, attorney(s) which represented LMSOA, nature and subject matter of the litigation, and outcome of the litigation (settlement terms, trial result, dismissal, etc.).

ANSWER:

7. Identify by name and title each and every current member of the LMSOA board of directors and provide the date each individual began serving in his/her respective position.

ANSWER:

8. Identify by name and address each and every LMSOA member who attended the LMSOA annual meeting for each of the following years: 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, and 2022.

ANSWER:

9. Identify each and every special meeting of the LMSOA board of directors and/or LMSOA members by providing the date of each such special meeting, subject matter of each such special meeting, and any and all issues presented for member vote at each such special meeting.

ANSWER:

10. Identify each and every investigation LMSOA made into Defendants' alleged covenant violations regarding short-term rentals prior to filing of this lawsuit, including the date of each investigation, the manner of each such investigation, and the names of any individuals who participated in any such investigation.

ANSWER:

11. Identify by name and address each individual person involved in the decision to file this lawsuit against Defendants, including the dates of any LMSOA board of directors' meetings

where this decision was discussed, the subject matter of each such discussion, and whether each individual LMSOA board member voted for or against filing this lawsuit against Defendants.

ANSWER:

12. Identify: (a) the date(s) of any conversation(s) and/or communication(s) any current member of the LMSOA board of directors had with any of the named Defendants in this case regarding the issue of short-term rentals; (b) the identity of the participants to each such communication and/or conversation; (c) the method of communication and/or conversation [e.g., email, text message, phone call, in-person conversation]; and (d) the subject matter and substance of each such communication and/or conversation.

ANSWER:

13. Identify the date of every meeting of the LMSOA board of directors from January 1, 2021 to present and state the reason for each such meeting, the subject matter of any topics discussed during each such meeting, and the results of any votes held during each such meeting.

ANSWER:

14. Identify each member of the LMSOA board of directors who has physically visited and/or inspected the property of any named Defendant in this lawsuit and provide: (a) the date and time of each such visit/inspection; (b) the reason for each such visit/inspection; (c) the property visited/inspected during each such visit/inspection; and (d) the names of any persons present at each such property during any visit/inspection.

ANSWER:

15. State whether the LMSOA board of directors considered taking action(s) besides filing this lawsuit against Defendants, the nature of any such alternative action(s), and the LMSOA board of directors' basis for concluding any other such actions would not be effective.

ANSWER:

16. State the reason why the LMSOA board of directors filed this lawsuit against Defendants Troy and Pam Vanderhoof without first providing Mr. and Ms. Vanderhoof with written notice of Mr. and Ms. Vanderhoof's alleged covenant violation and providing Mr. and Ms. Vanderhoof with the opportunity for a hearing on the issue.

ANSWER:

17. Identify by name and address each and every LMSOA member who voted in favor and each and every LMSOA member who voted against Ballot Item 4 listed on the October 2, 2021 ballot sent by the board of directors to all LMSOA members.

ANSWER:

18. Identify each and every covenant violation the LMSOA board of directors has enforced either via fines or otherwise by providing: (a) the date of each violation; (b) the member(s) who committed each such violation; (c) the covenant provision violated; and (d) the method of enforcement for each violation.

ANSWER:

19. Identify each and every instance prior to January 1, 2022 in which the LMSOA board of directors has enforced either via fines, legal action, or otherwise, a violation of any LMSOA covenants governing rental of any LMSOA member's home.

ANSWER:

20. Provide the date of each and every written communication (email, text message, facsimile, etc.) among the current LMSOA board of directors in which any of the current individual members of the board of directors communicated amongst or between one another regarding the issue of short-term rentals in Lone Mountain Shores and provide the method of each such communication, the parties to each such communication, and the substance of each such communication.

ANSWER:

21. Identify by providing the date, time, and method of any communication between any current member of the LMSOA board of directors and any past or present LMSOA member regarding any Defendant's alleged covenant violation as alleged in LMSOA's Complaint and provide the substance of each such communication.

ANSWER:

22. State the results of any measure, covenant amendment, by-law amendment, or other issue put to a vote of LMSOA members by LMSOA by identifying each and every issue put to vote, the date each vote took place, the number of LMSOA member votes cast for each vote (including the specific number of votes for and against each measure), and the names of each LMSOA member who voted for and against each measure.

ANSWER:

23. Has any prior LMSOA board of directors and/or individual member of the board of directors provided written correspondence to any LMSOA member in which the LMSOA board of directors conveyed explicit approval of LMSOA members using their home as a short-term rental? If so, state the date of each such correspondence, to whom the correspondence was sent, and the substance of each such correspondence.

ANSWER:

24. If LMSOA is claiming any privilege or immunity with respect to any document otherwise responsive to Defendants' Requests for Production of Documents served concurrently herewith, identify each document by the type of document (letter, memorandum, email, etc.), date, author, current location of the document, and a description of the document sufficient to determine upon what basis LMSOA is asserting any such privilege or immunity, and the nature of the

privilege and/or immunity claimed by LMSOA to justify withholding disclosure of each respective document.

ANSWER:

25. Describe in detail any and all steps the Association took to provide notice or opportunity for a hearing to any of the Defendants regarding the assertions stated in the Complaint and Defendants short-term rental of their respective properties.

ANSWER:

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VERIFICATION

STATE OF TENNESSEE)
)
COUNTY OF _____)

I, _____ (name), as _____ (title) of Lone Mountain Shores Owners Association, Inc., after first being duly sworn, state as follows:

I have read the Defendants' First Set of Interrogatories to Plaintiff Lone Mountain Shores Owners Association, Inc., and the foregoing responses are true and correct to the best of my knowledge.

(Signature)

(Printed Name)

Sworn and subscribed before me, a Notary Public, this the _____ day of _____, 2023.

Notary Public

My commission expires: _____.

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Produce the following records and documents of Lone Mountain Shores Owners Association, Inc. (“LMSOA”):

- a. The charter and any restated charter as well as any and all amendments made to the charter currently in effect;
- b. The by-laws and any amended or restated by-laws which are currently in effect;
- c. Any and all resolutions adopted by the board of directors of LMSOA;
- d. Any and all minutes, recordings, and/or other documents from all meetings of members, all meetings of directors, all actions approved by LMSOA members, and all actions taken by the board of directors without a meeting for the time period January 1, 2013 to present; and
- e. Any and all written communication to LMSOA members for the time period January 1, 2018 to present, including but not limited to notices provided for each annual and special meeting, complaints, and/or any notice of hearing provided to LMSOA members.

RESPONSE:

2. Produce all documentary, photographic or tangible evidence that you identified, reviewed or relied upon in responding to the preceding Interrogatories, specifying the documents responsive to each such Interrogatory and including all documents referenced in your answers to the preceding Interrogatories.

RESPONSE:

3. Produce a copy of the annual reports for LMSOA for the calendar years 2013 to 2022.

RESPONSE:

4. Produce all tangible materials, written materials, electronically stored information or other items which may be offered as exhibits at trial.

RESPONSE:

5. Produce a current curriculum vitae for each expert witness you intend to call at trial.

RESPONSE:

6. Produce all documents and things prepared by any expert whom you expect to call at trial, including, without limitation, those which would include his or her report, observations, opinions, conclusions, photographs, field notes or calculations relied upon for his or her testimony in this case.

RESPONSE:

7. Produce all work papers, notes and documents in the file of any expert witness who is expected to testify or who has written a report which is or will be relied upon in whole or in part by a testifying expert in this case.

RESPONSE:

8. Produce a copy of all correspondence between and among the members of the LMSOA board of directors (past or present) for the time period January 1, 2018 to present which concern the issue of short-term rentals in Lone Mountain Shores, including but not limited to text messages, emails, facsimiles, and letters.

RESPONSE:

9. Produce a copy of all documents which LMSOA and/or LMSOA's board of directors has received that concern complaints and/or other inquiries regarding any of the Defendants' utilizing their homes as short-term rentals.

RESPONSE:

10. Produce a copy of any and all documents which concern or evidence any inspection performed of any of the named Defendants' properties for the time period January 1, 2013 to present.

RESPONSE:

11. Produce any and all photographs, videos, and/or other visual representations of any of the Defendants' properties which concern and/or depict Defendants' short-term rentals of their properties.

RESPONSE:

12. Produce a list of each and every member of the LMSOA board of directors for the time period January 1, 2013 to present including each such members name, address, and telephone number.

RESPONSE:

13. Produce a list of each and every member of LMSOA for the time period January 1, 2013 to present including each such members name, address, and telephone number.

RESPONSE:

14. Produce a copy of any and all correspondence between any member of the LMSOA board of directors (past or present) and the owner/occupant(s) of Lot 823 in Lone Mountain Shores for the time period January 1, 2008 to July 1, 2021 which concerns any rental activities on Lot 823.

RESPONSE:

15. Produce any and all documents, including any correspondence, which concern the discussion, preparation, explanation, and execution of the 2013 Amended and Restated Declaration of Covenants, Restrictions, and Easements for Lone Mountain Shores.

RESPONSE:

16. Produce a copy of any and all legal opinions or other professional opinion/explanation/recommendation solicited and/or received by the LMSOA board of directors which concern the issue of short-terms rentals in Lone Mountain Shores.

RESPONSE:

17. Produce a copy of each and every “Cease and Desist” letter sent to any of the Defendants prior to the filing of this lawsuit.

RESPONSE:

18. Produce any and all documents responsive to Interrogatory No. 23 of Defendants’ First Set of Interrogatories to Plaintiff.

RESPONSE:

19. Produce a copy of any and all correspondence by and between any member of the LMSOA board of directors (past or present) and any Defendant to this lawsuit for the time period January 1, 2013 to present, including but not limited to text messages, emails, facsimiles, ballots, and letters.

RESPONSE:

20. Produce a copy of any and all correspondence by and between any member of the LMSOA board of directors and any third-party concerning the issue of short-term rentals in Lone Mountain Shores for the time period January 1, 2013 to present, including but not limited to text messages, emails, facsimiles, ballots, and letters.

RESPONSE:

21. Produce a copy of each and every ballot cast by LMSOA members for any issue put to vote by LMSOA for the time period January 1, 2018 to present.

RESPONSE:

Respectfully submitted,

TRAMMELL, ADKINS & WARD, P.C.

By _____
Ryan L. Sarr, BPR #032350
Attorneys for Defendants
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing has been served on the following counsel of record by delivering the same or by placing the same in the United States Mail, postage prepaid:

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Knoxville, TN 37902

This ____ day of _____, 2023.

TRAMMELL, ADKINS & WARD, P.C.

By _____
Ryan L Sarr