

the necessity for the release or to request permission to release materials from the SBA file related to the disaster loan obtained by Plaintiffs.¹

3. Nationwide's counsel sent an email to Plaintiff's counsel asking her to sign an "Authorization for Release of Information" to release the entire SBA file. See Exhibit "A," Email from Locke and authorization. Plaintiff disputes the relevance of the majority of the documentation contained with the SBA file as it contains personal information, confidential information and financial information that is complete unrelated to the issues in this case. Nationwide has previously attempted to use every government document that Plaintiff has signed against her; therefore, she objects to the release of the entire contents of the SBA file and will not waive her privacy rights.² The majority of the information sought by Nationwide from the SBA file is irrelevant to this case.

4. The "Authorization for Release of Information" submitted to Plaintiff's counsel by Nationwide asks her to release the following information: (a) Loan Application; (b) Verification of Real Property Damage Report; (c) Verification of Personal Property Damage Report; (d) SBA Promissory Note; (e) Loan Guaranty (if any); (f) Loan Authorization & Agreement; (g) Amendments to the Loan Authorization; (h) Deed of Trust; (i) Correspondence to and from the borrower(s); and (j) any and all documents related to my SBA loan application and/or grant arising out of the damage to my home at 116 Winters Lane, Long Beach, MS 39560-6014 as a result of Hurricane Katrina.³ [Emphasis added.] See Exhibit "A," Email from Locke and authorization.

¹ Plaintiff, John Politz, passed away on April 22, 2008. See [17] Suggestion of Death filed June 18, 2008.

² See *E-Government Act of 2002*, Pub.L. 107-347, 116 Stat. 2899 (Dec. 17, 2002), as amended by H.R. 1303 (Aug. 2, 2004).

³ The Mississippi Development Authority (MDA) responded to Nationwide's subpoena requesting documentation related to the grant. A copy of the MDA's response was provided to Plaintiff's counsel on or about October 16, 2008.

5. Pursuant to Rule 8.1 of the Uniform District Court Rules, Plaintiff is not required to provide personal identifiers or other sensitive information or data, including personal financial information. Nationwide has not demonstrated that any of this information is relevant to the issues in this case; therefore, Plaintiff object to the production of any documentation in the SBA file related to the loan application, SBA Promissory Note, loan guaranty (if any), loan authorization & agreement, amendments to the loan authorization, the Deed of Trust, “correspondence to and from the borrower(s)”, or “any and all documents related to my SBA loan application and/or grant.” Plaintiff will not object to the SBA’s production of the “Verification of Real Property Damage Report” or the “Verification of Personal Property Damage Report.”

6. In Nationwide’s [66] Motion to Compel it describes the information it is seeking as follows: “*the SBA loan file likely contains a damage assessment of Plaintiff’s property (and may include additional photographs of the residence and other relevant information to this dispute).*” Plaintiff will agree to the release of the SBA’s “damage assessment” or of the insured property and any related photographs, provided the “damage assessment” documents are the “Verification of Real Property Damage Report” or the “Verification of Personal Property Damage Report” mentioned above. However, without access to the contents of the SBA file, Plaintiff will not agree to release any other documents contained in the file.

7. Information that is not specifically related to damages to the insured property is not relevant to the issues in this case and therefore is not probative information under the Federal Rules of Civil Procedure.

8. In an effort to prevent further delay of this case, Plaintiff offers an alternative to the requirement for her to sign the “Authorization for Release of Information” and suggests that

the SBA release a copy of the file to her attorneys. Her attorneys will then review the file and provide copies of any documentation related to damages to the insured property or the contents thereof, including photographs, to Nationwide's counsel.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs request the Court to DENY the Defendant, Nationwide Mutual Fire Insurance Company's, [66] Motion to Compel Plaintiff to Sign Privacy Act Release for U.S. Small Business Administration Discovery.

Respectfully submitted,
HELEN POLITZ

BY: DENHAM LAW FIRM

BY: s/Kristopher W. Carter
KRISTOPHER W. CARTER
MS Bar No. 101963

CERTIFICATE

I, KRISTOPHER W. CARTER, do hereby certify that I electronically filed the above and foregoing *Plaintiffs' Response to Nationwide's [66] Motion to Compel Plaintiff to Sign Privacy Act Release for U.S. Small Business Administration Discovery* with the Clerk of the Court utilizing the ECF system, which provides notification of said filing to the following:

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SO CERTIFIED on this the 11th day of November, 2008.

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