

IN THE STATE COURT OF FULTON COUNTY
STATE OF GEORGIA

CHRISTOPHER W. PITTS and
TERESA PITTS, husband and wife,

Plaintiffs,

v.

BULK LOGISTICS, INC.; SCHWERTMAN
TRUCKING CO.; TANKSTAR USA, INC.;
WILLIE J. CHANDLER, JR.; and
CONTINENTAL CASUALTY COMPANY,

Defendants.

CIVIL ACTION FILE

NO. 10EV009965-J

**PLAINTIFF CHRISTOPHER W. PITTS'S FIRST INTERROGATORIES TO
DEFENDANT WILLIE J. CHANDLER, JR.**

COMES NOW Plaintiff CHRISTOPHER W. PITTS ("Plaintiff" or "MR. PITTS") in the above-styled action, and submits the following written Interrogatories to Defendant WILLIE J. CHANDLER, JR., pursuant to the Georgia Civil Practice Act, for answer as provided by law.

DEFINITIONS

As used herein, the terms listed below are defined as follows:

1. The term "**Document**" as used herein shall be given a very broad definition to include every type of paper, writing, data, record, graphic, drawing, photograph, audio recording and video recording. The term includes material in all forms, including printed, written, recorded, or other. The term includes all files, records and data contained in any computer system, computer component and/or computer storage (e.g., hard drive, disc, magnetic tape, backup system, etc.). This term includes, but is not limited to, correspondence, reports, meeting minutes, memoranda, stenographic or

handwritten notes, diaries, notebooks, account books, orders, invoices, statements, bills, checks, vouchers, purchase orders, studies, surveys, charts, maps, analyses, publications, books, pamphlets, periodicals, catalogues, brochures, schedules, circulars, bulletins, notices, instructions, manuals, journals, e-mails, e-mail attachments, data sheets, work sheets, statistical compilations, data processing cards, microfilms, computer records (including printouts, disks or other magnetic storage media), tapes, photographs (positive or negative prints), drawings, films, videotapes, hard drive recordings, pictures, and voice recordings. Plaintiff expressly intends for the term "Document" to include every copy of such writing, etc. when such copy contains any commentary or notation whatsoever that does not appear on the original and any attachments or exhibits to the requested document or any other documents referred to in the requested document or incorporated by reference.

2. "**Person**" means any natural person, corporation, partnership, proprietorship, association, organization, group of persons, or any governmental body or subdivision thereof.

3. (a) "**Identify**" with respect to any "**person**" or any reference to stating the "**identity**" of any "**person**" means to provide the name, home address, telephone number, business name, business address, and business telephone number of such person, and a description of each such person's connection with the events in question.

(b) "**Identify**" with respect to any "**document**" or any reference to stating the "**identification**" of any "**document**" means to provide the title and date of each such document, the name and address of the party or parties responsible for the preparation of each such document, the name and address of the party who requested or required the preparation of the document or on whose behalf it was prepared, the name

and address of the recipient or recipients of each such document, and the names and addresses of any and all persons who have custody or control of each such document, or copies thereof.

4. "**Subject Incident**" means events made the basis of the Complaint, including but not limited to the incident at issue on May 29, 2008, in Douglas County, Georgia.

5. "**You**," "**Your**," or "**CHANDLER**" means Defendant WILLIE J. CHANDLER, JR.

6. "**BULK LOGISTICS**" means Defendant BULK LOGISTICS, INC.

7. "**SCHWERMAN**" means Defendant SCHWERMAN TRUCKING CO.

8. "**TANKSTAR**" means Defendant TANKSTAR USA, INC.

9. "**CONTINENTAL CASUALTY**" means Defendant CONTINENTAL CASUALTY COMPANY.

10. "**Similar**" shall have the meaning given in the American Heritage Dictionary, which is "showing some resemblance; related in appearance or nature; alike but not identical." As used here, the word "similar" shall not be limited as if modified by the word "substantially" and shall not mean "the same". If you limit the information provided because you use another interpretation of the word "similar," please state the interpretation you are using and reveal the nature of the information withheld.

11. The terms "**and**" as well "**or**" shall be each construed conjunctively and disjunctively as necessary to bring within the scope of each interrogatory and request for documents all information and documents that might otherwise be construed to be outside its scope. The term "**and/or**" shall be construed likewise.

12. Whenever necessary to bring within the scope of an interrogatory or request for production of documents any information or document that might otherwise be

construed to be outside its scope: (i) the use of a verb in any tense shall be construed as the use of the verb in all other tenses; (ii) the use of the singular shall be construed as the use of the plural and vice versa; and (iii) “**any**” includes “all,” and “**all**” includes “any.”

13. With regard to any term used herein that is deemed by the responding party as being ambiguous or vague, a term shall be construed in its broadest sense to encompass all reasonable definitions of that term.

INTERROGATORIES

1.

State your full name, give your present residence address, date and place of birth, marital status, social security number, the name of your present employer and your job title, the name of your employer on the date of the incident giving rise to this lawsuit, and list all other names by which you have been known throughout your life time, including the dates that you were known by these names.

2.

Identify each person who participated in and/or who provided any information for each of the responses to each of Plaintiff's First Interrogatories and Request for Production of Documents and for each person identified, describe their relationship to each Defendant.

3.

Fully identify, stating the name, residence and business addresses, and residence and business telephone numbers of each person who:

(a) May have seen any part of the Subject Incident, or who may have or

claims to have arrived at the scene of the Subject Incident, immediately or shortly after it happened;

- (b) Has knowledge of facts concerning the Subject Incident, your injuries or disability, or any other discoverable information;
- (c) Has investigated any aspect of the Subject Incident or any person's claims of injury and damage; and
- (d) For whom you were performing, or had been performing, any act or service whatsoever at the time and place of the Subject Incident, or in the course of the trip or venture in which you were engaged at the time and place of the incident complained of.

4.

Identify each employer for whom you have worked in the past fifteen (15) years including the name, address and phone number of each employer, supervisor's name, description of your responsibilities, dates of employment and reason for leaving.

5.

Describe in detail your relationship with BULK LOGISTICS at the time of the Subject Incident (e.g., lease operator, company driver, owner-operator, temporary driver, etc.), how you first came to work with BULK LOGISTICS how you were paid (e.g., by the hour, by the load, by the mile, salary or other), and any changes in the relationship since the Subject Incident.

6.

Describe in detail your relationship with SCHWERTMAN at the time of the Subject Incident (e.g., lease operator, company driver, owner-operator, temporary driver, etc.), how you first came to work with SCHWERTMAN, how you were paid (e.g., by the hour,

by the load, by the mile, salary or other), and any changes in the relationship since the Subject Incident.

7.

Describe in detail your relationship with TANKSTAR at the time of the Subject Incident (e.g., lease operator, company driver, owner-operator, temporary driver, etc.), how you first came to work with TANSTAR, how you were paid (e.g., by the hour, by the load, by the mile, salary or other), and any changes in the relationship since the Subject Incident.

8.

Identify any and all statement(s) and/or report(s) created or given by you or any other person, including depositions, regarding in any way the Subject Incident and for each such statement or report provide the name of the individual who gave it, the date of its making, the name of the person(s) present when made, the form of the statement (whether oral, written, recorded, etc.), the subject matter thereof, and the name and address of each person who currently has the original and/or any copy of the statement or report.

9.

If you or your attorney maintains that anyone other than a named Defendant has any responsibility of any kind for MR. PITTS'S injuries, identify each such person and or entity, describe in detail the basis for their responsibility and identify any and all person(s) who have any knowledge regarding this issue and any and all documents (as that term is defined above) that address, evidence and/or support of your contentions.

10.

If there has been any judicial or administrative hearing or proceeding (including workers' compensation and criminal) concerning the occurrence complained of in this case, please describe it, giving the date, place and nature of the hearing or proceeding, and the names, addresses and telephone numbers of each person present, and the name, address and telephone number of any person who transcribed or recorded the hearing or who presently has a transcript, recording or summary of it.

11.

Describe in detail where you were and what you were doing for the seventy-two (72) hours immediately prior to and the seventy-two hours immediately preceding the Subject Incident (if working – identify time and address of each pick up, delivery and stop and the reason for each stop (*e.g.*, load, unload, fuel, rest, inspection, repair, other)). Identify all documents that evidence your response and all people who can substantiate your response.

12.

In the seventy-two (72) hour period immediately preceding the Subject Incident, if you consumed any alcoholic beverage, sedative, tranquilizer, or other prescription and/or over-the-counter drug or medicine, identify the substance consumed, the amount consumed, the time and place of consumption and the purpose for the consumption.

13.

Was there a mobile or cellular telephone or radio in the motor vehicle you were driving at the time of the Subject Incident, either permanently installed in the vehicle or a portable or transportable model which was in the vehicle at the time? If the answer is

yes, please identify the cellular telephone carrier which served that device, the name of the account holder who was billed for that service, and state the number of the device, if any. **[Note: The cellular phone number will be used only for purposes of discovery of records in the context of this case, and will not be provided to anyone for any other purpose.]**

14.

Identify each motor vehicle collision(s) that you have been involved in during the past fifteen (15) years and for each collision describe what happened, where the collision occurred, the names of the other individuals involved, who was at fault and whether there were any injuries.

15.

Identify (date, location, disposition) each traffic citation, warning ticket, and criminal charge of any kind ever issued to you by any city, county, state federal agency or law enforcement official and provide the disposition of same. Further, if your driving privileges have ever been suspended, revoked, canceled or otherwise restricted in any way, describe the reasons and circumstances in detail and provide the suspension dates.

16.

State all physical and mental infirmities which you had at the time of the incident in question including, but not limited to, vision or hearing infirmities, and describe in detail the infirmity, how it effects you and what treatments or examinations have you had for same and from whom and when did you receive such treatments or examinations.

17.

State the complete history of the trip you were engaged in at the time of the

Subject Incident, to specifically include: the place from and the time at which you began the trip, locations and identifying names of any stops made prior to the collision in question, your destination, route, and any other information possessed by any party concerning said trip. The history shall also include whether or not you received a citation for this accident and the final determination made on the citation.

18.

If you have ever been prosecuted, or pled guilty or *nolo contendere* to, or entered a first offender plea to, or been convicted of any crime punishable as either a misdemeanor or a felony (including traffic offenses), please state as to each instance, the offense charged, the date of prosecution or conviction, the court having jurisdiction (identified by court, county, and state), and the resolution of the case.

19.

Describe in detail how the Subject Incident occurred, including each and every act or omission that you and/or your attorney contends caused or contributed to cause MR. PITTS'S injuries, whether by you or anyone else. Identify all Documents that support your contention and/or that describe in any way how the Subject Incident occurred.

20.

If you, your representatives or your insurer are aware of any photographs, videotapes, drawings or models of any aspect of the incident complained of in Plaintiffs' Complaint (scene, vehicle, physical object, or person), or any surveillance photographs, films or videotapes of the Plaintiffs, please identify each, and state the present location and the name of the person having possession, custody or control of each.

21.

List every place you have lived for the last ten (10) years by name, address, and dates of residency.

22.

State the names and addresses of any social, civic, fraternal, professional, occupational, labor or religious organizations in which you are a member or have been a member during the last fifteen (15) years, including in your response the inclusive dates of membership and any offices you have held therein.

23.

List any factual errors you contend are contained in the police report of the Subject Incident. For each such alleged error, state the facts upon which you rely to support your contention and identify any persons and documents that support your contention.

24.

State whether you have ever been a plaintiff, defendant, or witness in a lawsuit. If so, please state the court, county, state, date, nature of the lawsuit, the names of the parties in each lawsuit and state whether you were a plaintiff, defendant or witness.

25.

Describe in detail each defense that you claim to have in connection with this case and identify all facts, persons, and documents that support each defense.

26.

For each of Plaintiff's First Request for Admissions to CHANDLER that you did not admit without qualification, explain in detail the reason for your refusal to admit and identify all persons and documents that support your response.

27.

Identify and describe in detail all training and instruction provided to you by BULK LOGISTICS and/or SCHWERTMAN and/or TANKSTAR, or any other persons or entities, regarding driving, compliance with state and federal regulations, filling out paperwork, and performing any aspect of your job as a truck driver.

28.

Identify your supervisors at BULK LOGISTICS and/or SCHWERTMAN and/or TANKSTAR at the time of the Subject Incident.

29.

Identify your wireless service provider and telephone number for the time period relevant to this action and also identify the company providing service to any radio, personal digital assistant, communication device, navigation device, etc. which you owned, used, or had access to during the time period relevant to this action.

30.

Identify each person CHANDLER expects to call as an expert witness at trial, and for each expert, state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion to which the expert is expected to testify.

31.

For each insurance policy of any kind that does or may provide any coverage on behalf of any Defendant for damages/injuries alleged in this case, provide the name of insurer; type of policy and policy number; limits of liability coverage; and the name(s) of all insureds.

32.

Identify and explain the circumstances of each time that you have ever been subjected to any discipline, discipline, reprimand, investigation, additional training, etc. by BULK LOGISTICS and/or SCHWERTMAN and/or TANKSTAR, for any reason, whether the Subject Incident or any other incident.

33.

Identify each person with whom who you communicated in any way regarding the Subject Incident and provide the details of when, why, where, and for what purpose these communications occurred.

This 18th day of October, 2010.

FRIED ROGERS GOLDBERG LLC



JOSEPH A. FRIED
GEORGIA STATE BAR NUMBER 277251
JENNIFER LEONHARDT OJEDA
GEORGIA STATE BAR NUMBER 765489

THE LENOX BUILDING
3399 PEACHTREE ROAD, N.E.
SUITE 325
ATLANTA, GEORGIA 30326-2835
TELEPHONE: 404-591-1800
FACSIMILE: 404-591-1801
E-MAIL: JOE@FRG-LAW.COM
JEN@FRG-LAW.COM

THE KEENER LAW FIRM

RUSSELL G. KEENER
GEORGIA STATE BAR NUMBER 410885

640 VILLAGE TRACE
BUILDING 16, SUITE A
MARIETTA, GEORGIA 30067

TELEPHONE: 770-955-3000
FACSIMILE: 770-955-3036
E-MAIL: RUSSELL@KEENERLAW.COM

ATTORNEYS FOR PLAINTIFFS