

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

CAROLYN WHITE, Individually,  
and as Executrix of the ESTATE OF  
JERE F. WHITE, Deceased,

Plaintiff,

v.

TENOLD TRANSPORTATION  
(2005) LTD. d/b/a TENOLD  
TRANSPORTATION LIMITED  
PARTNERSHIP (a/k/a TENOLD  
TRANSPORTATION LP) and  
MARIOUS M'BIKATA,

Defendants.

Civil Action File No.  
1:11-CV-2997-JOF

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**PLAINTIFF CAROLYN WHITE'S FIRST INTERROGATORIES TO  
DEFENDANT MARIOUS M'BIKATA**

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COMES NOW Plaintiff CAROLYN WHITE, Individually, in the above-styled action, and submits her First Interrogatories to Defendant MARIOUS M'BIKATA, pursuant to Federal Rules of Civil Procedure 26 and 33 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 which occurred on May 11, 2011, in Paulding County, Georgia.

5. "**You,**" "**Your,**" or "**Defendant M'BIKATA**" means Defendant MARIOUS M'BIKATA.

6. "**TENOLD TRANSPORTATION**" means, collectively, Defendant TENOLD TRANSPORTATION (2005) LTD. d/b/a TENOLD TRANSPORTATION LIMITED PARTNERSHIP (a/k/a TENOLD TRANSPORTATION LP).

7. "**PLAINTIFF**" for purposes of these Interrogatories, means Plaintiff CAROLYN WHITE.

8. "**DECEDENT**" for purposes of these Interrogatories, means Decedent, JERE F. WHITE.

9. "**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.

10. 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.

11. 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.”

12. 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**

### **YOUR BACKGROUND INFORMATION**

1.

State your full name, date and place of birth, social security number, marital

status and the names and addresses of all relatives who reside in the Northern District of Georgia. If you have ever been known by any name(s) other than the one you are providing here, identify each name and for each name explain when you were known by that name, whether you had a separate social security number and/or drivers license in that name, and explain why you changed names or went by more than one name.

2.

For each driver's license you have had in the past seven years, identify the state of issue, the date of issue, the number and whether or not it was a commercial driver's license. If your driving privileges have ever been suspended, revoked, canceled or otherwise restricted in any way, explain why, when and by whom.

3.

Identify each address where you have lived in the past ten years and provide the dates when you lived at each address.

4.

Explain your educational background, including all schools you have attended from the beginning of high school forward, dates you attended and degrees/certificates obtained.

5.

If you have ever served your country or community in any way, please explain your service and provide the dates when you served.

6.

For each place you have worked (as an employee, independent contractor, or otherwise) in the past 15 years, provide the following information: name of entity or person for whom you performed work; address; dates you worked there; job position; supervisor's name; and the reason you left.

7.

Identify each motor vehicle collision(s) that you have been involved in during the past 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.

8.

If you have been warned and/or cited for any violation of any ordinance, law and/or regulation in the past ten years, for each violation identify the charge, jurisdiction, date, and disposition. This includes all traffic violations, licensing violations, vehicle and/or driver inspection violations, and all violations of any criminal code and law. For each felony conviction, please identify the charge,

jurisdiction, conviction date, and sentence/disposition.

9.

If you have ever been disqualified from driving a commercial motor vehicle, please describe when and under what circumstances you were disqualified.

10.

Have you had any medical condition in the past five years that could affect your ability to operate a motor vehicle (including without limitation any condition affecting vision, hearing, blood pressure, nervous system, endocrine system, motor skills, sensory abilities, etc.)? If so, describe in detail each condition, who has treated you for the condition, and the nature and dates of these treatments.

11.

Have you ever been involved in any lawsuit other than the present one (excluding domestic cases)? If so, explain whether you were a plaintiff, defendant, or witness and identify the style, jurisdiction, date and nature of the lawsuit.

12.

Identify all training you have received in connection with operating a commercial motor vehicle, including courses taken to obtain your Commercial Drivers License and training received since obtaining your CDL.

## YOU AND TENOLD TRANSPORTATION

13.

Describe in detail the relationship between you and TENOLD TRANSPORTATION at the time of the Subject Incident (e.g., lease operator, company driver, owner-operator, temporary driver, etc.); how you were paid at the time of the Subject Incident (by hour, by load, by mile, salary or other); and when your relationship with TENOLD TRANSPORTATION began and ended.

14.

Describe in detail all training and education (including on the job training) provided to you by or on behalf of TENOLD TRANSPORTATION at any time and in any way related to the operation of a commercial motor vehicle.

15.

For the time period starting 48 hours before the Subject Incident and ending 48 hours after the Subject Incident, identify and explain all communications of any kind (in person, on phone, text message, e-mail, Qualcomm, other) between you and anyone acting for or on behalf of TENOLD TRANSPORTATION, anyone acting for or on behalf of any insurance company, and/or anyone else for any purpose.

16.

Identify and explain the circumstances of each time that you have ever been subjected to any discipline, reprimand, counseling, additional training, and/or any negative employment action by TENOLD TRANSPORTATION, for any reason, whether the Subject Incident or any other incident.

**SUBJECT INCIDENT**

17.

Explain your understanding of how and why the Subject Incident occurred.

18.

If you consumed any alcoholic beverage, sedative, tranquilizer, stimulant, and/or other prescription and/or over-the-counter drug or medicine (whether legal or not) during the 72 hour period immediately before the Subject Incident, identify the substance consumed, the amount consumed, the time and place of consumption and the purpose for the consumption.

19.

With respect to the trip that you were on at the time of the Subject Incident, please identify: where and when (date and time) you picked up the load you had at the time of the Subject Incident; where (name and address of location) and when (date and time) the load was to be delivered; the location, time, duration and reason

for each stop you made from the time you picked up the load until the time of the Subject Incident; and the route you intended to follow from the point of origin to the point of destination.

20.

Identify all persons who to your knowledge were present at the scene of the Subject Incident within 48 hours of the time of the Subject Incident and explain their role at the scene of the Subject Incident and what actions they took.

21.

Have you prepared and/or given any statement or account of what happened in the Subject Incident to anyone? If so, identify all such statements and accounts by explaining when, where, in what form, and to whom the statement or account was given.

22.

For each communication device (cell phone, text message device, e-mail device, etc.) that was in the tractor you were operating on the day of the Subject Incident, explain whether or not it was in use at any time in the hour preceding the Subject Incident and identify the service provider, account number, phone number and owner.

23.

If you maintain the DECEDENT, or any other person or entity has any responsibility of any kind for causing the Subject Incident, and/or for causing any of the damages alleged in the Complaint, identify each such person or entity and/or entity, describe in detail the basis for their responsibility and identify all person(s) and documents supporting your contentions.

24.

Were you given any drug and/or alcohol tests (blood, urine or otherwise) after the Subject Incident occurred? If so, please state the time at which the test was administered, the name, address and phone number of the persons, firms, or entities who administered said test(s) and all such persons, firms, or entities in possession of a copy of the results of said test(s).

25.

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.

*[Signatures on following page]*

Dated on November 11, 2011.

**FRIED ROGERS GOLDBERG LLC**

*/s/ Jennifer Leonhardt Ojeda* \_\_\_\_\_

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