

IN THE SUPERIOR COURT OF CLAYTON COUNTY  
STATE OF GEORGIA

QUAZITIA AISHA MARSHALL AS  
ADMINISTRATOR OF THE ESTATE OF  
JUAN ANTONIO YOURNET, DECEASED,  
AND AS NATURAL MOTHER AND  
LEGAL GUARDIAN OF TEAONNIE  
JAHNIRAH QUANAE YOURNET AND  
TY'JUAN ANTONIO YOURNET,  
MINORS.

Plaintiffs,

v.

JOHN P. PITTS, SAIA MOTOR FREIGHT  
LINE, LLC. and ZURICH AMERICAN  
INSURANCE COMPANY

Defendants.

Civil Action File No.

JURY TRIAL DEMANDED

**PLAINTIFF'S FIRST INTERROGATORIES TO  
DEFENDANT JOHN PITTS.**

COMES NOW, Plaintiff QUAZITIA MARSHALL, as Administrator of the Estate of Juan Antonio Yournet and as the Natural Mother and Legal Guardian of Teaonnie Jahnirah Quanae Yournet and Ty'Juan Antonio Yournet, minors, by and through her counsel of record, and submits the following written Interrogatories to Defendant, JOHN PITTS, 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 the collision between JOHN PITTS, driver for SAIA MOTOR FREIGHT LINE, LLC, and JUAN A. YOURNET, which occurred on August 20, 2012 at or around 4:58 A.M., in Clayton County, Georgia.

5. "**You,**" "**Your,**" or "**JOHN PITTS**" means Defendant JOHN PITTS.

6. "**SAIA**" means Defendant SAIA MOTOR FREIGHT LINE, LLC.

7. "**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.

8. The terms "**and**" as well as "**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.

9. 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."

10. 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, and social security number.

2.

Have you ever been known by any name(s) other than the one you identified in the preceding Interrogatory? If so, 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.

3.

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.

4.

If you are currently married, identify your spouse, your spouse's employer and job position, and your date of marriage.

5.

If you have ever been divorced, for each divorce identify your former spouse's name and the date and jurisdiction of your divorce.

6.

Identify everyone who resides in your home with you, giving names, ages, and



relationships.

7.

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

8.

Identify every person, who you are related to by blood or marriage, who resides in the jurisdiction where this case is pending. For each person, identify their employer, job position, age and how they are related to you. This information is needed for jury selection purposes.

9.

Identify each school you have attended starting with high school and provide the dates you attended and whether or not you graduated.

10.

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

11.

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

12.

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

reason you left.

13.

If you have won any awards, been given special recognitions, and/or there are any accomplishments and/or achievements you are particularly proud of, please explain them and provide the date and location for them.

14.

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.

15.

If you have been arrested, charged, 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.

16.

If you have ever been convicted at any time of a felony, for each conviction identify the charge, jurisdiction, conviction date, and sentence/disposition.

17.

For every instance when your driving privileges have been suspended, revoked, canceled or otherwise restricted in any way, explain why, when and by whom.

18.

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

19.

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.

20.

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.

21.

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

22.

If you were not completely honest in providing information to SAIA in connection with your hiring, driver qualification, or otherwise, please explain what you were not fully honest about and why.

**YOU AND SAIA**

23.

As to your work with SAIA, provide the following information:

- (a) What was your status on date of Subject Incident (employed company driver, leased driver, other);

- (b) Explain how you were paid (by hour, by load, by mile, salary or other);
- (c) Identify and explain all instances when you were disciplined, counseled, reprimanded, written up, or had any negative employment action taken against you; and
- (d) If you have been terminated, explain when and why you were terminated.

24.

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

25.

Identify your primary supervisor(s) and manager(s) at SAIA at the time of the Subject Incident.

26.

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 SAIA, anyone acting for or on behalf of any insurance company, and/or anyone else for any purpose.

**SUBJECT INCIDENT**

27.

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

28.

Identify each person with whom you communicated in any way regarding the Subject



Incident at any time and provide the details of when, why, where, and for what purpose these communications occurred. Communications for which you assert a privilege should be identified on a privilege log.

29.

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.

30.

Identify all person(s) who you to your knowledge have or may have any relevant information regarding: the Subject Incident; the facts leading up to the Subject Incident; the investigation of the Subject Incident; any party to this action; any vehicles involved in the Subject Incident or; and/or any other incidents, claims or defenses raised in this action. The purpose of this Interrogatory is to identify all witnesses you believe may have relevant testimony of any kind in connection with this case.

31.

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. If you claim privilege, please provide a privilege log.

32.

If you maintain that any person or entity other than you 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 and/or entity, describe in detail the basis for their responsibility and identify all person(s) and documents that support your contentions.

33.

If you maintain that JUAN A. YOURNET has any responsibility of any kind for causing the Subject Incident, and/or for causing any of the damages alleged in the Complaint, describe in detail the basis for their responsibility and identify all person(s) who have any knowledge regarding this issue.

34.

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).

35.

If there has been any judicial or administrative hearing or proceeding (including workers' compensation and criminal) concerning the Subject Incident, 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.

36.

Identify all photographs, motion pictures, maps, plats, drawings, diagrams, videotapes, or other tangible or documentary evidence depicting the scene of the Subject Incident and/or any person or vehicle involved in the Subject Incident.

37.

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.

38.

Do you accept responsibility for causing the Subject Incident? Explain why or why not.

39.

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.

MISCELLANEOUS

40.

With respect to the trip that you were on at the time of the Subject Incident, provide the following information:

- (a) Identify where and when (date and time) you picked up the load you had at the time of the Subject Incident;
- (b) Identify where (name and address of location) and when (date and time) the load was to be delivered;
- (c) Identify 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

- (d) Identify the route you intended to follow from the point of origin to the point of destination.

41.

Explain in detail where you were and what you were doing during the 72 hours immediately prior to and the 48 hours immediately following the Subject Incident. This response should include the time and location of each pick up, delivery and stop and the reason for each stop (e.g., load, unload, fuel, rest, meal, inspection, repair, other) as well as what you were doing when off duty. Identify all documents that evidence your response and all people who can substantiate your response.

42.

With respect to your Hours of Service (HOS) in the eight (8) days leading up to the date of the Subject Incident, provide the following information:

- (a) Identify all errors on your logs of which you are aware;
- (b) Identify all HOS violations of which you are aware;
- (c) Are you aware of any audit of your HOS for the 8 days leading up to the collision?

43.

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.

44.

Identify each person you expect to call as an expert witness at trial and for each expert identified: (a) summarize each opinion the expert holds in regards to this case; (b) identify the factual basis for each such opinion; (c) identify all documents and evidence of any kind provided to the expert for review; and (d) identify all documents and evidence of any kind that support each opinion.

45.

For each of Plaintiff's First Request for Admissions addressed to you 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.

**INSURANCE**

46.

For each insurance policy of any kind that does or may provide any coverage on behalf of any Defendant (whether it is your policy or anyone else's policy) for damages/injuries alleged in this case, provide: name of insurer; policy number; limits of coverage; the name(s) of all insureds; and state whether any insurer has offered a defense under a reservation of rights or otherwise contested coverage for the subject case.

**[SIGNATURES CONTINUED ON THE FOLLOWING PAGE]**



Dated: December 19, 2012.

**FRIED ROGERS GOLDBERG LLC**



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