

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

WAFAA DABDOUB, Individually
and as Administrator of the Estate
of MAHMOUD AHMAD
DABDOUB,

Plaintiff,

v.

WESTERN EXPRESS, INC.,
JAMES DAVID RAST, and
NATIONAL CASUALTY
COMPANY,

Defendants.

Civil Action File No.
1:14-cv-02843-WBH

PLAINTIFF'S FIRST INTERROGATORIES TO
DEFENDANT JAMES DAVID RAST

COMES NOW, Plaintiff WAFAA DABDOUB, by and through her counsel of record, and requires Defendant JAMES DAVID RAST to respond under oath to the following interrogatory questions within thirty (30) days from the date of service by hand delivery of these Requests, pursuant to the Fed.R.Civ.P. 33 and as required 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, and/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 January 25, 2013 collision between MAHMOUD AHMAD DABDOUB and a tractor-trailer operated by WESTERN EXPRESS, INC. and JAMES DAVID RAST, which resulted in the death of MAHMOUD AHMAD DABDOUB.

5. "**WESTERN EXPRESS**" means Defendant WESTERN EXPRESS, INC.

6. "**JAMES DAVID RAST**" means Defendant JAMES DAVID RAST.

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 work "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 work "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, including all names that you have used in the past, your date and place of birth, and all social security numbers that you have ever used.

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.

3.

If you have ever been married and/or divorced, identify each past or current spouse and the date and jurisdiction for each marriage and/or divorce.

4.

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.

5.

Please identify all medical providers, who have evaluated, examined and/or treated you during the five (5) years preceding the Subject Incident.

6.

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.

7.

Have you ever been involved in any lawsuit or bankruptcy other than the present legal proceeding (including domestic and probate cases)? If so, explain whether you were a plaintiff, defendant, debtor, claimant, party, and/or witness and identify the style, jurisdiction, filing date, nature of the proceeding, and disposition

8.

If you have been arrested, charged, warned, cited, and/or convicted of any violation of any ordinance, law and/or regulation in the past ten (10) years, for each violation identify the charge, jurisdiction, date of disposition, and disposition. This includes all traffic violations, licensing violations, vehicle and/or driver inspection violations, and all violations of any criminal code and law.

9.

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

10.

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.

YOU AND WESTERN EXPRESS, INC.

11.

As to your work with WESTERN EXPRESS, 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) Have you ever been disciplined, counseled, reprimanded, written-up, suspended, re-trained or terminated? If so, explain when and why you were disciplined counseled, reprimanded, written-up, suspended, re-trained and/or terminated and identify all persons at WESTERN EXPRESS who have direct involvement and/or direct knowledge.

12.

Identify your primary supervisor(s), your primary manager(s), your home terminal managers(s), and your dispatcher at the time of the Subject Incident.

SUBJECT INCIDENT

13.

For the time period starting 48 hours before the Subject Incident through the present, identify each person with whom you communicated, who was acting for on behalf of WESTERN EXPRESS, INC. and/or any insurance company, regarding your work for WESTERN EXPRESS, INC. and/or in any way relating to the Subject Incident. For each such instance, please, 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.

14.

Identify all person(s) who were present at the scene of the collision and/or or were at the scene within 48 hours of the Subject Incident, as well as all those persons whom to your knowledge have or may have any relevant information regarding:

(a)The Subject Incident;

- (b) The facts leading up to the Subject Incident;
- (c) The investigation of the Subject Incident;
- (d) Any party to this action;
- (e) Any vehicles involved in the Subject Incident; and/or
- (f) Any other incidents, claims or defenses raised in this action.

15.

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.

16.

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

17.

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.

18.

For each of Plaintiff's First Request for Admissions to JAMES DAVID RAST 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.

Dated this 5th day of February, 2015.

FRIED ROGERS GOLDBERG LLC



JOSEPH A. FRIED

GEORGIA STATE BAR NUMBER 277251

R. SEAN MCEVOY

GEORGIA STATE BAR NUMBER 490918

ATTORNEYS FOR PLAINTIFF

TWO ALLIANCE CENTER
3560 LENOX ROAD, N.E., SUITE 1250
ATLANTA, GEORGIA 30326
TELEPHONE: 404-591-1800
FACSIMILE: 404-591-1801
E-MAIL: JOE@FRG-LAW.COM
SEAN@FRG-LAW.COM