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IN THE SUPERIOR COURT OF RICHMOND COUNTY  
STATE OF GEORGIA

12 APR 18 PM 3:32

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RICHMOND COUNTY, GA.

ANNIE LAURA OLIVER GRAY, )  
Individually and as Executrix of the )  
Estate of Robert Earl Gray, Deceased )

Plaintiff, )

v. )

GEMINI MOTOR TRANSPORT, L.P.; )  
HENRY C. FORTENBERRY; and )  
NATIONAL UNION FIRE )  
INSURANCE COMPANY OF )  
PITTSBURGH, PA )

Defendants. )

Civil Action No. 2012RCCV240

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**PLAINTIFF LAURA OLIVER GRAY'S FIRST INTERROGATORIES TO  
DEFENDANT GEMINI MOTOR TRANSPORT, L.P.**

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COMES NOW Plaintiff Annie Laura Oliver Gray, individually, in the above-styled action, and submits the following written Interrogatories to Defendant Gemini Motor Transport, L.P., 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 which occurred on November 23, 2011, in Jenkins County, Georgia.

5. "**You,**" "**Your,**" or "**Gemini Motor**" means Defendant Gemini Motor Transport, L.P.

6. "**Defendant Fortenberry**" means Defendant Henry C. Fortenberry.

7. "**National Union Insurance**" means Defendant National Union Fire Insurance Company of Pittsburgh, PA.

8. "**Plaintiff Gray**" means Plaintiff Annie Laura Oliver Gray.

9. "**General Gray**" or "**Decedent**" Decedent Lieutenant General Robert Earl Gray.

10. "**The Estate**" means the Estate of Robert Earl Gray.

11. "**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.

12. 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.

13. 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.”

14. 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

#### GEMINI MOTOR INFORMATION

1.

If you have not been correctly designated as a party Defendant in the above-styled case insofar as the legal description of you is concerned, please state the proper party name, the legal basis for said parties' inclusion in this lawsuit, and the service address of said party.

2.

Identify the following **Gemini Motor** employees as of date of the Subject Incident and presently: Safety Director/ Chief Safety Officer; person responsible for training the **Defendant Fortenberry**; person responsible for compliance of **Defendant Fortenberry** and **Gemini Motor** to applicable state and federal laws and regulations; and Supervisor of **Defendant Fortenberry**.

3.

If **Gemini Motor** performs hours of service log audits, explain what is entailed in the auditing process, identify who performs the audits (in-house or outsourced), and, identify when, if ever, **Defendant Fortenberry's** logs were audited.

4.

For each claim (formal or informal) and lawsuit wherein it is/was suggested or alleged that any person was injured or killed as a result of **Gemini Motor's** driver's actions in the past three years, provide the style of the case (or name of parties, jurisdiction and case number), and describe briefly the circumstances of each suit/claim and the disposition.

#### GOVERNMENTAL CONTACT AND INTERVENTION

5.

Have you obtained any information regarding your company from the Driver Safety Measurement System (CSMS) or the Motor Carrier Management Information System (MCMIS)? If so,

- a. Identify when you obtained this information;
- b. Provide your current Behavioral Analysis and Safety Improvement Category (BASIC) measurements for each BASIC under the CSA 2010; and
- c. Explain any BASIC measurement you feel is incorrect or unjustified and all efforts anyone has taken to correct the data.

6.

Identify all CSA 2010 interventions ever taken against your company for any reason.

7.

Does your company participate in the FMCSA's Pre-Employment Screening Program (PSP)? If so, did you ever obtain any information from PSP relating to **Defendant Fortenberry**?

VEHICLE INFORMATION

8.

With respect to the tractor operated by **Defendant Fortenberry** at the time of the Subject Incident, provide the following information:

- (a) Identify the registered owner, mileage, and gross weight at the time of the Subject Incident;
- (b) State the manufacturer, identification number, model number, and year of the ENGINE in the tractor; and
- (c) Identify all maintenance and repairs performed for the time period from 12 months before the Subject Incident to present.

9.

With respect to the trailer operated by **Defendant Fortenberry** at the time of the Subject Incident, provide the following information:

- (a) Identify the registered owner, mileage, and gross weight at the time of the Subject Incident;
- (b) State the manufacturer, make, model number, and year of manufacture of the tractor and trailer; and
- (c) Identify all maintenance and repairs performed for the time period from 12 months before the Subject Incident to present.

10.

With respect to the trip that **Defendant Fortenberry** was on at the time of the Subject Incident, provide the following information:

- (a) Identify where and when (date and time) **Defendant Fortenberry** picked up the load he 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 **Defendant Fortenberry** made from the time he picked up the load until the time of the Subject Incident; and
- (d) Identify the route **Defendant Fortenberry** intended to follow from the point of origin to the point of destination.

11.

If the tractor involved in the Subject Incident contained or utilized any system or device that monitors, records and/or transmits any vehicle operation/usage data or that allows for the capture of any such data: (a) identify each system and device; (b) state whether the data for the time period surrounding the Subject Incident has been preserved and how it has been preserved; and (c) identify the person who has custody of the data and of the system from which the data was acquired. **NOTE:** The systems and devices to which this Interrogatory is addressed, include, but are not limited to: any Qualcomm, TransCore, SkyBitz, Fluensee, Fleetilla, Teletrac, Lat-Lon, Telogis, GeoLogic, Cheetah, Xata, PeopleNet or any Electronic On Board Recorder (EOBR); any collision or lane departure warning system (e.g., Eaton Vorad); any driver safety monitoring or hours of service monitoring system; any transponders or tachographs; any onboard cameras or video devices; any bar code or toll pass systems; and any other tracking system, logging unit, trip monitor, trip recorder, GPS system, satellite systems, or cellular systems.

12.

If the trailer involved in the Subject Incident contained or utilized any system or device that monitors, records and/or transmits any vehicle operation/usage data or that allows for the capture of any such data: (a) identify each system and device; (b) state whether the data for the time period surrounding the Subject Incident has been preserved and how it has been preserved; and (c) identify the person who has custody of the data and of the system from which the data was acquired. **NOTE:** The systems and devices to which this Interrogatory is addressed, include, but are not limited to: any Qualcomm, TransCore, SkyBitz, Fluensee, Fleetilla, Teletrac, Lat-Lon, Telogis, GeoLogic, Cheetah, Xata, PeopleNet or any Electronic On Board Recorder (EOBR); any collision or lane departure warning



system (e.g., Eaton Vorad); any driver safety monitoring or hours of service monitoring system; any transponders or tachographs; any onboard cameras or video devices; any bar code or toll pass systems; and any other tracking system, logging unit, trip monitor, trip recorder, GPS system, satellite systems, or cellular systems.

13.

If the tractor involved in the Subject Incident contained or utilized any system or device that allowed for communication between the driver and any other person or entity please identify each system and device, state whether the data for the time period surrounding the Subject Incident has been preserved, and identify the person who has custody of the data and of the system from which the data was acquired.

14.

If the tractor or trailer involved in the Subject Incident contained or utilized any “black box” type device such as an Engine Control Module (ECM), Event Data Recorder (EDR), Airbag Control Module and/or any other such device, please identify each device, state whether the data for the time period surrounding the Subject Incident has been preserved and/or downloaded, and if so, identify who performed the download and when the download was performed.

#### **DRIVER INFORMATION**

15.

Describe in detail:

- (a) The relationship between **Gemini Motor** and **Defendant Fortenberry** at the time of the Subject Incident (e.g., lease operator, company driver, owner-operator, temporary driver, etc.);

- (b) How **Defendant Fortenberry** was paid at the time of the Subject Incident (by hour, by load, by mile, salary or other); and
- (c) When **Gemini Motor's** relationship with **Defendant Fortenberry** began and ended (if applicable).

16.

Was **Defendant Fortenberry** acting within the course and scope of his employment or agency at the time of the Subject Incident? If not, explain the basis for your contention and identify documents and witnesses that support your contention.

17.

Identify and describe all formal and informal disciplinary and/or counseling actions undertaken by **Gemini Motor** regarding **Defendant Fortenberry** at any time.

18.

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

19.

State whether you have knowledge of any traffic violations or hours of service violations committed by **Defendant Fortenberry**, either while in your employ or in previous employment. If so, state what information you have in that regard.

20.

For each motor vehicle collision/accident involving **Defendant Fortenberry** of which you are aware, provide the collision/accident date, location, jurisdiction, names of other parties involved and a brief description of what happened.

21.

If **Defendant Fortenberry** had ever been disqualified from driving a commercial motor vehicle while in your employ, please describe when and under what circumstances.

22.

Identify and explain all communications of any kind between **Defendant Fortenberry** and anyone acting for or on behalf of **Gemini Motor** during the twenty-four (24) hours before and after the Subject Incident. For each communication, identify the method of communication (cell phone, QualComm, other), time of communication, persons involved, and the general subject.

23.

Please provide mirror images of all servers and hard drives containing any information relating to the collision at issue and/or the **Defendant Fortenberry** – this includes, but is no limited to, the safety director and risk management’s server and/or hard drive.

#### REGULATIONS AND POLICIES

24.

If you maintain that the Federal Motor Carrier Safety Regulations did not apply to **Defendant Fortenberry** at the time of the Subject Incident, explain the basis for your contention and identify all facts, witnesses, and documents that support your contention.

25.

Identify all **Gemini Motor** policies, procedures, rules, guidelines, directives, manuals, handbooks and instructions that governed the conduct of **Defendant Fortenberry** at the time of the Subject Incident.

## INVESTIGATION OF SUBJECT INCIDENT

26.

Describe in detail when and how you first became aware that **Defendant Fortenberry** was involved in the Subject Incident. Please include the identification of all persons involved and what information was conveyed.

27.

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

28.

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.

29.

Identify each person who has been involved in the investigation of the Subject Incident. For each person identified, describe their role and involvement in the investigation.

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; and/or any claims or defenses raised in this action. The purpose of this Interrogatory is to identify all witnesses whom **Gemini Motor** believes may have relevant testimony of any kind in connection with this case.

31.

Identify all persons who to your knowledge have given a statement in any form (written, oral, recorded or otherwise) in connection with the investigation of the Subject Incident, General Gray and/or his medical care before his death in the collision at issue, Plaintiff Gray, and/or any facts or circumstances relevant to this litigation. For each person identified, provide the date and time of the statement, identify to whom the statement was made and who was present when the statement was made, identify whether the statement was written, oral, recorded, and/or transcribed, and identify all persons presently having custody of the statement.

32.

Identify and explain all interaction and communication between anyone working for or on behalf of **Gemini Motor** and any federal and/or state law enforcement personnel/ agency regarding the Subject Incident. Please include the identification of all persons involved and what information was conveyed.

33.

Identify and explain all interaction and communication between anyone working for or on behalf of **Gemini Motor** and anyone employed with or acting on behalf of any other Defendant named in this action in connection with the Subject Incident.

34.

Please state whether any drug and/or alcohol tests (blood, urine or otherwise) performed on **Defendant Fortenberry** 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.

As to any tests, inspections, measurements and/or investigations performed by or on behalf of **Gemini Motor**, or of which you are at all aware regarding in any way the Subject Incident and/or any other matter raised in this case, identify all person(s) who ordered and/or who participated in performing each and describe in detail the subject(s), purpose(s), methodologies and conclusions of each.

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.

If you maintain that any non-party 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) who have any knowledge regarding this issue.

38.

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

39.

If **Gemini Motor** has performed any review (e.g., accident review board) of the Subject Incident to determine preventability and/or fault, identify all persons involved in the review, the dates of the review and the conclusions that were reached.

MISCELLANEOUS

40.

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

41.

For each of Plaintiff's First Request for Admissions to **Gemini Motor** 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.

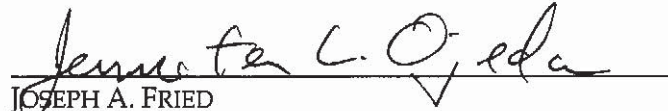
INSURANCE

42.

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.


This 18<sup>th</sup> day of April, 2012.

**FRIED ROGERS GOLDBERG LLC**

  
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