

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 SAIA MOTOR FREIGHT LINE, LLC**

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 SAIA MOTOR FREIGHT LINE, LLC, 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 YOURNET, which occurred on August 20, 2012 at or around 4:58 A.M., in Clayton County, Georgia.

5. "**You**," "**Your**," or "**SAIA**" means Defendant SAIA MOTOR FREIGHT LINE, LLC.

6. "**JOHN PITTS**" means Defendant JOHN PITTS.

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

SAIA MOTOR FREIGHT LINE, LLC INFORMATION

1.

If you contend that Plaintiff has sued the wrong party or that your name is incorrectly stated in this lawsuit, please explain the basis for your contention and identify the correct legal entity for the correct party in interest to this suit.

2.

Identify the following people: (a) The Safety Director/Chief Safety Officer for SAIA on the date of the Subject Incident and now; (b) The person(s) primarily responsible for compliance with state and federal safety regulations at SAIA on the date of the Subject Incident and now; (c) The person(s) responsible for training JOHN PITTS; and (d) JOHN PITTS' supervisor and manager on the date of the Subject Incident.

3.

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 SAIA'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.

4.

Identify and explain each communication of any kind between any federal and/or state agency and SAIA that involved compliance (or noncompliance) with state and/or federal laws and/or regulations in the past 5 years. This would include, but is not limited to, all letters, interventions,

complaints, warnings, citations, and safety ratings.

VEHICLE INFORMATION

5.

With respect to the tractor operated by JOHN PITTS at the time of the Subject Incident, provide the following information:

- (a) Identify the registered owner, leasor (if any) and leasee (if any) on the date of the Subject Incident and presently.
- (b) Provide the mileage and gross weight at the time of the Subject Incident;
- (c) For the engine, identify the manufacturer, year, model and identification number;
- (d) Identify all systems and devices in/on the tractor that have the capability of recording and or transmitting any data about the operation of the tractor (including without limitation Engine Control Module, Event Data Recorder, Airbag Control Module, Brake Control Module, Electronic On-Board Recorder, VORAD, etc.), state whether or not that data has been preserved and/or downloaded, and if so, when and by whom.
- (e) Identify all systems and devices of any kind in or on the tractor that allowed for communication between the driver and any other person or entity, 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.
- (f) Identify all systems and devices of any kind in or on the tractor that has the capability to monitor, record, and/or transmit data (this includes, but is not limited to, Qualcomm, TransCore, SkyBitz, Fluensee, Fleetilla, Teletrac, Lat-Lon, Telogis,

GeoLogic, Cheetah, Xata, PeopleNet or similar system; any collision or lane departure warning system; 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), 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.

- (g) Identify all maintenance and repairs performed for the time period from 12 months before the Subject Incident to present.

6.

With respect to the trailer operated by JOHN PITTS at the time of the Subject Incident, provide the following information:

- (a) Identify the registered owner, lessor (if any) and lessee (if any) on the date of the Subject Incident and presently.
- (b) Provide the mileage and gross weight at the time of the Subject Incident;
- (c) Identify all systems and devices in/on the trailer that have the capability of recording any data about the operation of the trailer (including without limitation ABS control module, etc.), state whether or not that data has been preserved and/or downloaded, and if so, when and by whom.
- (d) Identify all systems and devices of any kind in or on the trailer that has the capability to monitor, record, and/or transmit data (this includes, but is not limited to, any transponders or tachographs; any bar code systems; and any other tracking system,

logging unit, GPS system, satellite systems, or cellular systems), 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.

- (e) Identify all maintenance and repairs performed for the time period from 12 months before the Subject Incident to present.

TRIP AND HOURS OF SERVICE INFORMATION

7.

With respect to the trip that JOHN PITTS was on at the time of the Subject Incident, provide the following information:

- (a) Identify all shippers and brokers involved;
- (b) Explain where and when (date and time) JOHN PITTS picked up the load he had at the time of the Subject Incident;
- (c) Identify where (name and address of location) and when (date and time) the load was to be delivered;
- (d) Identify the location, time, duration and reason for each stop JOHN PITTS made from the time he picked up the load until the time of the Subject Incident; and
- (e) Identify the route JOHN PITTS intended to follow from the point of origin to the point of destination.

8.

With respect to JOHN PITTS' 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 JOHN PITTS' logs of which you are aware;

- (b) Identify all HOS violations of which you are aware;
- (c) Explain what you have done, if anything, to audit or verify the accuracy of JOHN PITTS' logs and identify all persons involved in the process; and,
- (d) Identify all documents and data of any kind that you used to audit or verify the accuracy of JOHN PITTS' logs.

9.

For the 72 hours leading up to the Subject Incident, provide the following information regarding JOHN PITTS:

- (a) Identify all driving hours
- (b) Identify all on-duty not driving hours (location and activities)
- (c) Identify all stops (time and location) and the reason for them;
- (d) Identify when and where meals were eaten
- (e) Identify when and where JOHN PITTS slept
- (e) Identify when and where and in what dosages all medications (prescription and over the counter) were ingested.

10.

Did JOHN PITTS have any health issues that affected or could have affected his ability to drive in any way in the 72 hours leading up to the Subject Incident? If so, explain.

11.

If SAIA performs hours of service log audits on drivers,

- (a) Explain what is entailed in the auditing process;
- (b) Identify all documents and data used in the process;
- (c) Identify who performs the audits (in-house or outsourced);

- (d) Identify when, if ever, JOHN PITTS' logs were audited; and
- (e) Identify all Hours of Service violations of which you are aware for JOHN PITTS while he was working with your company.

DRIVER INFORMATION

12.

With Respect to JOHN PITTS, provide the following information:

- (a) Explain the relationship between SAIA and JOHN PITTS at the time of the Subject Incident (e.g., leased driver, company driver, etc.);
- (b) Explain how JOHN PITTS was paid for driving (by hour, by load, by mile, salary or other);
- (c) Explain all steps SAIA undertook to qualify JOHN PITTS in accord with the Federal Motor Carrier Safety Regulations;
- (d) Identify when SAIA'S relationship with JOHN PITTS began and ended.

13.

Was JOHN PITTS 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.

14.

Identify and describe all formal and informal disciplinary and/or counseling actions undertaken by SAIA regarding JOHN PITTS at any time.

15.

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

16.

Identify all traffic violations committed by JOHN PITTS, either while in your employ or in previous employment.

17.

If JOHN PITTS has ever been arrested or charged with any crime to your knowledge, for each arrest or charge identify the charge, date, jurisdiction and disposition.

18.

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

19.

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

20.

Identify and explain all communications of any kind between JOHN PITTS and anyone acting for or on behalf of SAIA 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.

REGULATIONS AND POLICIES

21.

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

22.

Identify all SAIA policies, procedures, rules, guidelines, directives, manuals, handbooks and instructions that were in effect for JOHN PITTS at the time of the Subject Incident.

INVESTIGATION OF SUBJECT INCIDENT

23.

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

24.

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

25.

Identify all persons who to your knowledge were present at the scene of the Subject Incident at any time in the 48 hours after the collision and explain their role, why they were at the scene and what actions they took.

26.

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

27.

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 SAIA believes may have relevant testimony of any kind in connection with this case.

28.

Identify all persons who to your knowledge have given a statement **in any form** (written, oral, recorded or otherwise) in connection with this case. 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.

29.

Identify and explain all interaction and communication between anyone working for or on behalf of SAIA 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.

30.

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

31.

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

JOHN PITTS 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).

32.

As to any tests, inspections, measurements and/or investigations performed by or on behalf of SAIA, 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.

33.

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.

34.

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.

35.

If you maintain that JUAN YOURNET 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 this responsibility and identify all person(s) who have any knowledge regarding this issue.

36.

If SAIA has performed any review (e.g., accident review board, preventability determination) 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

37.

Identify each person SAIA expects 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.

38.

For each of Plaintiff's First Request for Admissions to SAIA 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

39.

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.

40.

If anyone working for or on behalf of SAIA has engaged in any surveillance of Plaintiff or

anyone associated with Plaintiff, identify who performed the surveillance, the dates of the surveillance, and what documents and things were generated as a result of the surveillance.

Dated: December 19, 2012.

FRIED ROGERS GOLDBERG LLC



JOSEPH A. FRIED
GEORGIA STATE BAR NUMBER 277251
RICHARD P. HAMILTON
GEORGIA STATE BAR NUMBER 321274

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
RICH@FRG-LAW.COM

BRUCE A. HAGEN, ATTORNEY AT LAW



BRUCE A. HAGEN
GEORGIA STATE BAR NUMBER 316678

119 NORTH McDONOUGH STREET
DECATUR, GA 30030-3300
(404) 522-7553

BRUCE A. HAGEN, ATTORNEY AT LAW

Bruce Hagen by RPA w/ cases

BRUCE A. HAGEN
GEORGIA STATE BAR NUMBER 316678

ATTORNEYS FOR PLAINTIFF

119 NORTH McDONOUGH STREET
DECATUR, GA 30030-3300
(404) 522-7553