



Aug 18 2011
5:30PM

IN THE STATE COURT OF FULTON COUNTY
STATE OF GEORGIA

CHRISTOPHER W. PITTS and
TERESA PITTS, husband and wife,

Plaintiffs,

v.

BULK LOGISTICS, INC.; SCHWERMANN
TRUCKING CO.; TANKSTAR USA, INC.;
WILLIE J. CHANDLER, JR.; and
CONTINENTAL CASUALTY COMPANY,

Defendants.

CIVIL ACTION FILE

NO. 10EV009965-J

**PLAINTIFF CHRISTOPHER W. PITTS' SECOND INTERROGATORIES and
SECOND REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT
TANKSTAR USA, INC.**

COMES NOW Plaintiff CHRISTOPHER W. PITTS ("Plaintiff" or "MR. PITTS") in the above-styled action, and submits the following written Second Interrogatories and Second Request for Production of Documents to Defendant TANKSTAR USA, INC., 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 on May 29, 2008, in Douglas County, Georgia.

5. "**You**," "**Your**," or "**CHANDLER**" means Defendant WILLIE J. CHANDLER, JR.

6. "**BULK LOGISTICS**" means Defendant BULK LOGISTICS, INC.

7. "**SCHWERMEN**" means Defendant SCHWERMEN TRUCKING CO.

8. "**TANKSTAR**" means Defendant TANKSTAR USA, INC.

9. "**CONTINENTAL CASUALTY**" means Defendant CONTINENTAL CASUALTY COMPANY.

10. "**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.

11. 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.

12. 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.”

13. 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

1.

For each and every Medical Review Officers (“MROs”) and any other person(s) who participated in any way in any drug testing of Defendant Chandler, provide the following information:

- (a) Their full name, address and telephone number;
- (b) Their employer’s full name address and telephone number; and
- (c) A brief explanation of their role and responsibilities regarding the testing of Defendant Chandler.

2.

For each and every Medical Review Officers (“MROs”) and any other person(s) who possessed, reviewed, handled, or addressed in any way any results of drug testing of Defendant Chandler, provide the following information:

- (a) Their full name, address and telephone number;
- (b) Their employer’s full name address and telephone number; and

(c) A brief explanation of their role and responsibilities regarding the testing of Defendant Chandler.

3.

Identify all communications of any kind between anyone at Schwerman or Tankstar and any MRO, Third Party Administrator (including without limitation DSI Medical Services, Inc.) and/or laboratory (including without limitation DrugScan Laboratory) regarding drug testing and/or drug test results of Defendant Chandler. For each communication, identify all persons involved, the type of communication (telephone, e-mail, fax, mail, other), the date of the communication, the purpose of the communication and the subject matter of the communication.

4.

With respect to the positive post-collision drug test on Defendant Chandler, provide the following information:

- (a) Identify the specific test performed;
- (b) Identify the minimum level (concentration) to be considered a positive result;
- (c) Identify the specific level (concentration) of Defendant Chandler's positive result; and
- (d) Explain your understanding of whether this test result is consistent with Defendant Chandler's testimony that the only marijuana he ingested was taking a few hits off of three joints 4 to 5 days prior to the collision at issue.

5.

Explain the medical review process that occurred at Schwerman and/or Tankstar following the post collision drug testing of Defendant Chandler. Identify all persons involved and "documents" evidencing the process.

DOCUMENT REQUESTS

1.

All documents identifying the MRO involved with Defendant Chandler's post-collision drug testing and the results thereof.

2.

All "documents" of any kind that contain and/or evidence the communications responsive to Second Interrogatory No. 3 above, between anyone at Schwerman or Tankstar and any MRO, Third Party Administrator (including without limitation DSI Medical Services, Inc.) and/or laboratory (including without limitation DrugScan Laboratory) regarding drug testing and/or drug test results of Defendant Chandler.

3.

With respect to the positive post-collision drug test on Defendant Chandler, all "documents" of any kind that identify, explain, and/or address in any way the identify the specific test performed, the minimum level (concentration) to be considered a positive result and/or the specific level (concentration) of Defendant Chandler's positive result.

4.

All "documents" of any kind that support your response to Second Interrogatory No. 4 (d) above about your understanding of whether Defendant Chandler's post-collision positive drug test result is consistent with Defendant Chandler's testimony that the only marijuana he ingested was taking a few hits off of three joints 4 to 5 days prior to the collision at issue.

5.

All “documents” of any kind evidence the medical review process for Defendant Chandler, including but not limited to handwritten notes, test results, computer data, statements from Defendant Chandler, interviews of Defendant Chandler, telephone logs, MRO worksheets or all other records or documents.

6.

All “documents” identified in response to and/or otherwise responsive to Second Interrogatory No. 5.

Dated on August 18, 2011.

FRIED ROGERS GOLDBERG LLC

/s/ Joseph A. Fried _____

JOSEPH A. FRIED

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