

IN THE SUPERIOR COURT OF RICHMOND COUNTY  
STATE OF GEORGIA

CLERK OF SUPERIOR COURT  
AND JUVENILE COURT  
FILED FOR REPLY

12 APR 18 PM 3:32

ELAINE C. JOHNSON, CLERK  
RICHMOND COUNTY, GA.

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

Civil Action No. 2012RCCV240

v. )

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

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**PLAINTIFF ANNIE LAURA OLIVER GRAY'S FIRST REQUESTS FOR  
ADMISSION TO DEFENDANT HENRY C. FORTENBERRY**

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COMES NOW Plaintiff Annie Laura Oliver Gray, in the above-styled action, by and through her attorney, and requires Defendant Henry C. Fortenberry, to answer the following Requests for Admission within 45 days from the date of service of these Requests, as provided by O.C.G.A. § 9-11-36, and a copy of the answers to be furnished to Plaintiff's attorneys.

**NOTE A:** In reply to these Requests for Admission, your answer should specifically admit or deny the request, or set forth in detail the reasons why the request cannot be truthfully admitted or denied. Any denial shall fail to meet the substance of the requested admission, and when good faith requires that you qualify your answer or deny only a part of the matter of which an admission is requested, you shall specify so much of it as is true and qualify or deny the remainder. O.C.G.A. § 9-11-36(a)(2).

**NOTE B:** As the answering party, you may not give lack of information or

knowledge as a reason for failure to admit or deny unless reasonable effort has been made and the information known or readily obtainable and available to the Defendant is sufficient to enable the Defendant to admit or deny the matter. O.C.G.A. § 9-11-36(a)(2).

**NOTE C:** If the Defendant considers that a matter requested presents a genuine issue for trial, this alone does not constitute grounds for an objection. Mixed questions of law and fact, opinions, and genuineness of documents are all legitimate subjects of Requests for Admission. O.C.G.A. § 9-11-36(a)(1)(2).

### DEFINITIONS

As used herein, the terms listed below are defined as follows:

1. "**Person**" means any natural person, corporation, partnership, proprietorship, association, organization, group of persons, or any governmental body or subdivision thereof.
2. "**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.
3. "**You**," "**Your**," or "**Defendant Fortenberry**" means Defendant Henry C. Fortenberry.
4. "**Gemini Motor**" means Defendant Gemini Motor Transport, L.P.
5. "**National Union Insurance**" means Defendant National Union Fire Insurance Company of Pittsburgh, PA.
6. "**Plaintiff Gray**" means Plaintiff Annie Laura Oliver Gray.
7. "**General Gray**" or "**Decedent**" means Decedent Lieutenant General Robert Earl Gray.
8. "**The Estate**" means the Estate of Robert Earl Gray.

REQUESTS FOR ADMISSION

1.

Admit that **Defendant Fortenberry** is a proper party to this lawsuit.

2.

Admit that the **Defendant Fortenberry** was properly named in this case.

3.

Admit that **Defendant Fortenberry** was a professional driver on the date and time of the Subject Incident.

4.

Admit that service was proper on **Defendant Fortenberry**.

5.

Admit that venue is proper in this Court.

6.

Admit that jurisdiction is proper in this Court.

7.

Admit that **Defendant Fortenberry** was an employee of **Gemini Motor** on November 23, 2011.

8.

Admit that **Defendant Fortenberry** was an agent of **Gemini Motor** November 23, 2011.

9.

Admit that **Defendant Fortenberry** was acting in the scope of his employment with **Gemini Motor** at the time of the Subject Incident.

10.

Admit that **Defendant Fortenberry** was acting in the scope of his agency with **Gemini Motor** at the time of the Subject Incident.

11.

Admit that on November 23, 2011, **Defendant Fortenberry** was the driver of a tractor-trailer involved in the Subject Incident.

12.

Admit that on November 23, 2011, **Defendant Fortenberry** was driving the tractor-trailer as trained by **Gemini Motor**.

13.

Admit that no act of **General Gray** contributed to the Subject Incident.

14.

Admit that there was no failure to act by **General Gray** which contributed to the Subject Incident.

15.

Admit that there was no act on the part of anyone, other than **Defendant Fortenberry**, that contributed to the Subject Incident.

16.

Admit that there was no failure to act on the part of anyone, other than **Defendant Fortenberry**, that contributed to the Subject Incident.

17.

Admit that **Defendant Fortenberry** is fully liable for the Subject Incident.

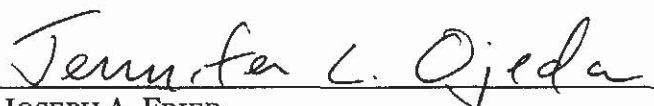
18.

Admit that **Defendant Fortenberry** was a contributing cause of the Subject Incident.

Admit that other than those parties named in the Complaint in this case, there are no other persons or entities that caused and/or contributed to the Subject Incident in any way.

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

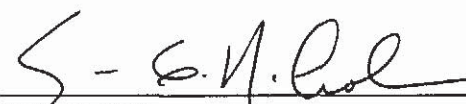
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