

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

CAROLYN WHITE, Individually,
and as Executrix of the ESTATE OF
JERE F. WHITE, Deceased,

Plaintiff,

v.

TENOLD TRANSPORTATION
(2005) LTD. d/b/a TENOLD
TRANSPORTATION LIMITED
PARTNERSHIP (a/k/a TENOLD
TRANSPORTATION LP) and
MARIOUS M'BIKATA,

Defendants.

Civil Action File No.
1:11-CV-2997-JOF

**PLAINTIFF CAROLYN WHITE'S FIRST REQUESTS FOR ADMISSION
TO DEFENDANT MARIOUS M'BIKATA**

COMES NOW Plaintiff CAROLYN WHITE, in the above-styled action, by and through her attorneys, and requires Defendant MARIOUS M'BIKATA (hereinafter referred to as "Defendant M'Bikata"), to answer under oath the following Requests for Admission within 30 days from the date of service of these Requests, as provided by Rule 36 of the Federal Rules of Civil Procedure, 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.

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.

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.

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 May 11, 2011, in Paulding County, Georgia.

3. "**You,**" "**Your,**" or "**Defendant M'BIKATA**" means Defendant MARIOUS M'BIKATA.

4. "**TENOLD TRANSPORTATION**" means Defendant, collectively, TENOLD TRANSPORTATION (2005) LTD. d/b/a TENOLD TRANSPORTATION LIMITED PARTNERSHIP (a/k/a TENOLD TRANSPORTATION LP).

5. "**PLAINTIFF**" for purposes of these Requests, means Plaintiff CAROLYN WHITE.

6. "**DECEDENT**" for purposes of these Requests, means Decedent, JERE F. WHITE.

REQUESTS FOR ADMISSION

1.

Admit that Defendant M'BIKATA is a proper party to this lawsuit.

2.

Admit that the Defendant M'BIKATA was properly named in this case.

3.

Admit that the Defendant M'BIKATA was a professional driver on the date and time of the Subject Incident.

4.

Admit that service was proper on Defendant M'BIKATA.

5.

Admit that venue is proper in this Court.

6.

Admit that jurisdiction is proper in this Court.

7.

Admit that Defendant M'BIKATA was an employee of TENOLD TRANSPORTATION on May 11, 2011.

8.

Admit that Defendant M'BIKATA was an agent of TENOLD TRANSPORTATION on May 11, 2011.

9.

Admit that Defendant M'BIKATA was acting in the scope of his employment at the time of the Subject Incident.

10.

Admit that Defendant M'BIKATA was acting in the scope of his agency at the time of the Subject Incident.

11.

Admit that on May 11, 2011, Defendant M'BIKATA was the driver of the tractor-trailer involved in the Subject Incident.

12.

Admit that on May 11, 2011, Defendant M'BIKATA was driving the tractor-trailer as trained by TENOLD TRANSPORTATION.

13.

Admit that no act of Decedent JERE F. WHITE contributed to the Subject Incident.

14.

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

15.

Admit that there was no failure to act by Decedent JERE F. WHITE which contributed to the Subject Incident

16.

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

17.

Admit that Defendant M'BIKATA's negligence was the proximate cause of the damages sustained by Plaintiff as a result of the Subject Incident.

18.

Admit that Defendant M'BIKATA's negligence caused the Subject Incident.

19.

Admit that Defendant M'BIKATA is fully liable for the Subject Incident.

20.

Admit that Defendant M'BIKATA was a contributing cause of the Subject Incident.

21.

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.

22.

Admit that Defendant M'BIKATA is fully liable for any damages incurred or sustained by Plaintiff.

23.

Admit that Defendant M'BIKATA is fully liable for the wrongful death of Decedent JERE F. WHITE.

24.

Admit that Defendant M'BIKATA was a professional driver on the date and time of the Subject Incident.

25.

Admit that Defendant M'BIKATA's actions were willful, wanton, and demonstrated that entire want of care that raises the presumption of a conscious indifference to consequences.

26.

Admit that the weather was clear on the date of the Subject Incident.

27.

Admit that at all relevant times, Decedent JERE F. WHITE exercised care in his actions leading up to the Subject Incident.

Dated on November 11, 2011.

FRIED ROGERS GOLDBERG LLC

/s/ Jennifer Leonhardt Ojeda

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