

IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA

COPY

JURIAN WASHINGTON, Individually and as
Administrator of the Estate of
JAMES WASHINGTON, JR., deceased,

Plaintiff,

v.

DAVIS EXPRESS, INC.; DIXIELAND
LOGISTICS, INC.; DOUGHOSS
EDWARDS; AMOS JACKSON, JR.;
SPARTA INSURANCE COMPANY; and
GREAT WEST CASUALTY CO.,

Defendants.

Civil Action File
No. _____

JURY TRIAL DEMANDED

STATE COURT OF
DEKALB COUNTY, GA

2012 JUN 25 PM 5:29

FILED

BY: _____
OFFICE OF THE CLERK

**PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS TO
DEFENDANT DAVIS EXPRESS, INC.**

COMES NOW, Plaintiff JURIAN WASHINGTON, Individually and as the Administrator of the Estate of JAMES WASHINGTON, JR., by and through his counsel of record, and requires Defendant DAVIS EXPRESS, INC., to answer under oath the following Requests for Admissions within 45 days from the date of service of these Requests, as provided by law, 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 the collision between Edwards and Mr. Washington which occurred on June 25, 2010 at or around 3:50 P.M., in DeKalb County, Georgia.
3. "**You,**" "**Your,**" or "**DAVIS EXPRESS**" means Defendant DAVIS EXPRESS, INC.
4. "**DOUGHLOSS EDWARDS**" means Defendant DOUGHLOSS EDWARDS.

REQUESTS FOR ADMISSION

1.

Admit that the DOT number for DAVIS EXPRESS is 163826.

2.

Admit that the MC ICC number for DAVIS EXPRESS is 141339.

3.

Admit that JAMES WASHINGTON, JR. is a member of the public.

4.

Admit that DAVIS EXPRESS was involved in intrastate transport at the time of the Subject Incident.

5.

Admit that DAVIS EXPRESS was involved in interstate transport at the time of the Subject Incident.

6.

Admit that DAVIS EXPRESS is a motor carrier as defined by the Federal motor Carrier Safety Regulations.

7.

Admit that DAVIS EXPRESS was a motor carrier as defined by the Federal motor Carrier Safety Regulations at the time of the Subject Incident.

8.

Admit that on June 25, 2010, DAVIS EXPRESS was the owner of a tractor involved in the Subject Incident.

9.

Admit that on June 25, 2010, DAVIS EXPRESS was the owner of a trailer involved in the Subject Incident.

10.

Admit that the tractor-trailer, VIN 1XKAD48X39J227051, was involved in the Subject Incident.

11.

Admit that on June 25, 2010, DOUGHLOSS EDWARDS was an agent of DAVIS

EXPRESS.

12.

Admit that on June 25, 2010, DOUGHLOSS EDWARDS was an employee of DAVIS

EXPRESS.

13.

Admit that at the time of the Subject Incident, DOUGHLOSS EDWARDS was acting within the course and scope of his employment or agency with DAVIS EXPRESS.

14.

Admit that on June 25, 2010, DOUGHLOSS EDWARDS was operating the tractor-trailer owned by DAVIS EXPRESS.

15.

Admit that on June 25, 2010, DOUGHLOSS EDWARDS was operating the tractor-trailer with the permission of DAVIS EXPRESS.

16.

Admit that on June 25, 2010, DOUGHLOSS EDWARDS was operating the tractor-trailer with the knowledge of DAVIS EXPRESS.

17.

Admit that on June 25, 2010, DOUGHLOSS EDWARDS was operating the tractor-trailer as trained by DAVIS EXPRESS.

18.

Admit that on June 25, 2010, DOUGHLOSS EDWARDS was not operating the tractor-trailer as trained by DAVIS EXPRESS.

19.

Admit that no act of JAMES WASHINGTON, JR. contributed to the Subject Incident.

20.

Admit that there was no failure to act by JAMES WASHINGTON, JR. which contributed to
the Subject Incident.

21.

Admit that DOUGHLOSS EDWARDS is fully responsible for causing the Subject Incident.

22.

Admit that DOUGHLOSS EDWARDS was a professional driver on the date and time of the
Subject Incident.

23.

Admit that DAVIS EXPRESS is properly named in the Complaint.

24.

Admit that venue is proper in this Court.

25.

Admit that jurisdiction is proper in this Court.

26.

Admit that service was proper upon DAVIS EXPRESS.

27.

Admit that the person answering these questions has authority from DAVIS EXPRESS to do
so.

This 25th day of June, 2012.

FRIED ROGERS GOLDBERG LLC



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