

IN THE SUPERIOR COURT OF RICHMOND COUNTY
STATE OF GEORGIA

CLERK OF SUPERIOR COURT
AND JUVENILE COURT
FILED FOR RECORD

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

Civil Action No. 2012 RCCV240

**PLAINTIFF ANNIE LAURA OLIVER GRAY'S FIRST REQUESTS FOR
ADMISSION TO DEFENDANT GEMINI MOTOR TRANSPORT, L.P.**

COMES NOW Plaintiff Annie Laura Oliver Gray, individually, in the above-styled action, by and through her attorneys, and requires Defendant Gemini Motor Transport, L.P. 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.

1. **“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.

2. **“You,” “Your,” or “Gemini Motor”** means Defendant Gemini Motor Transport, L.P.

3. **“Defendant Fortenberry”** means Defendant Henry C. Fortenberry.

4. **“National Union Insurance”** means Defendant National Union Fire Insurance Company of Pittsburgh, PA.

5. **“Plaintiff Gray”** means Plaintiff Annie Laura Oliver Gray.

6. **“General Gray” or “Decedent”** Decedent Lieutenant General Robert Earl Gray.

7. **“The Estate”** means the Estate of Robert Earl Gray.

REQUESTS FOR ADMISSION

1.

Admit that the DOT number for GEMINI MOTOR is 913300.

2.

Admit that the MC ICC number for GEMINI MOTOR is 395777.

3.

Admit that **General Gray** was a member of the general public at the time of the Subject Incident.

4.

Admit that **Gemini Motor** was involved in intrastate transportation in Georgia at the time of the Subject Incident.

5.

Admit that **Gemini Motor** was involved in interstate transportation at the time of the Subject Incident.

6.

Admit that **Gemini Motor** is a motor carrier.

7.

Admit that GEMINI MOTOR was a motor carrier at the time of the Subject Incident.

8.

Admit that on November 23, 2011, **Gemini Motor** was the owner of a tractor involved in the Subject Incident.

9.

Admit that on November 23, 2011, **Gemini Motor** was the owner of a trailer involved in the Subject Incident.

10.

Admit that the 2011 tractor, VIN 1FTYR44U14PA76210, was involved in the Subject Incident.

11.

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

12.

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

13.

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

14.

Admit that **Defendant Fortenberry** was acting within the course and scope of his agency with **Gemini Motor** at the time of the Subject Incident

15.

Admit that on November 23, 2011, **Defendant Fortenberry** was operating the tractor-trailer owned by **Gemini Motor**.

16.

Admit that on November 23, 2011, **Defendant Fortenberry** was operating the tractor-trailer with the permission of **Gemini Motor**.

17.

Admit that on NOVEMBER 23, 2011, **Defendant Fortenberry** was operating the tractor-trailer with the knowledge of **Gemini Motor**.

18.

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

19.

Admit that on NOVEMBER 23, 2011, **Defendant Fortenberry** was not operating the tractor-trailer as trained by **Gemini Motor**.

20.

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

21.

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

22.

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

23.

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

24.

Admit that **Gemini Motor** is properly named in the Complaint.

25.

Admit that venue is proper in this Court.

26.

Admit that jurisdiction is proper in this Court.

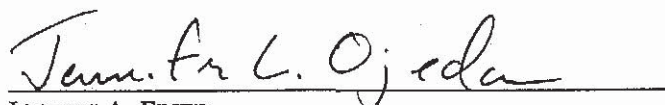
27.

Admit that service was proper upon **Gemini Motor**.

Admit that the person answering these questions has authority from **Gemini Motor**
to do so.

This 18th day of April, 2012.

FRIED ROGERS GOLDBERG LLC



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