

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

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**PLAINTIFF CAROLYN WHITE'S FIRST REQUESTS FOR ADMISSION  
TO DEFENDANT TENOLD TRANSPORTATION (2005) LTD.  
d/b/a TENOLD TRANSPORTATION LIMITED PARTNERSHIP  
(a/k/a TENOLD TRANSPORTATION LP)**

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COMES NOW Plaintiff CAROLYN WHITE, in the above-styled action, by  
and through her attorneys, and requires Defendant TENOLD  
TRANSPORTATION (2005) LTD. d/b/a TENOLD TRANSPORTATION  
LIMITED PARTNERSHIP (a/k/a TENOLD TRANSPORTATION LP)  
(collectively referred to as "TENOLD TRANSPORTATION"), 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 “TENOLD TRANSPORTATION”** means, collectively, Defendant TENOLD TRANSPORTATION (2005) LTD. d/b/a TENOLD TRANSPORTATION LIMITED PARTNERSHIP (a/k/a TENOLD TRANSPORTATION LP).
4. **“Defendant M’BIKATA”** means Defendant MARIOUS M’BIKATA.
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 the DOT number for TENOLD TRANSPORTATION is 175138.

2.

Admit that the MC ICC number for TENOLD TRANSPORTATION is MC-245537.

3.

Admit that Decedent JERE F. WHITE was a member of the general public at the time of the Subject Incident.

4.

Admit that TENOLD TRANSPORTATION was involved in intrastate transportation in Georgia at the time of the Subject Incident.

5.

Admit that TENOLD TRANSPORTATION was involved in interstate transportation at the time of the Subject Incident.

6.

Admit that TENOLD TRANSPORTATION is a motor carrier.

7.

Admit that TENOLD TRANSPORTATION was a motor carrier at the time

of the Subject Incident.

8.

Admit that on May 11, 2011, TENOLD TRANSPORTATION was the owner of a tractor involved in the Subject Incident.

9.

Admit that on May 11, 2011, TENOLD TRANSPORTATION was the owner of a trailer involved in the Subject Incident.

10.

Admit that the 2004 Peterbilt tractor and Wilson trailer (VIN 4WWFGB6B27N610410) was involved in the Subject Incident.

11.

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

12.

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

13.

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

14.

Admit that on May 11, 2011, Defendant M'BIKATA was operating the tractor-trailer with the permission of TENOLD TRANSPORTATION.

15.

Admit that on May 11, 2011, Defendant M'BIKATA was operating the tractor-trailer with the knowledge of TENOLD TRANSPORTATION.

16.

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

17.

Admit that on May 11, 2011, Defendant M'BIKATA was not operating the tractor-trailer as trained by TENOLD TRANSPORTATION.

18.

Admit that on May 11, 2011, Defendant M'BIKATA was acting within the course and scope of his employment with TENOLD TRANSPORTATION.

19.

Admit that on May 11, 2011, Defendant M'BIKATA was acting within the course and scope of his agency with TENOLD TRANSPORTATION.

20.

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

21.

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

22.

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

23.

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

24.

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

25.

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

26.F

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

27.

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

28.

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.

29.

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

30.

Admit that TENOLD TRANSPORTATION is liable for punitive damages.

31.

Admit that M'BIKATA is liable for punitive damages.

32.

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

34.

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



35.

Admit that TENOLD TRANSPORTATION is vicariously liable for the negligent acts and omissions of Defendant M'BIKATA that led to the catastrophic injury to and death of Decedent JERE F. WHITE.

36.

Admit that TENOLD TRANSPORTATION is properly named in the Complaint.

37.

Admit that venue is proper in this Court.

38.

Admit that jurisdiction is proper in this Court.

39.

Admit that service was proper upon TENOLD TRANSPORTATION.

40.

Admit that the person answering these questions has authority from TENOLD TRANSPORTATION to do so.

Dated on November 11, 2011.

**FRIED ROGERS GOLDBERG LLC**

/s/ Jennifer Leonhardt Ojeda

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