

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

ORIGINAL

WAFAA DABDOUB, Individually
and as Administrator of the Estate of
MAHMOUD AHMAD DABDOUB,

Plaintiffs,

v.

WESTERN EXPRESS, INC., JAMES
DAVID RAST and NATIONAL
CASUALTY COMPANY,

Defendants.

Civil Action
No. 1:14-cv-2843

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

COMES NOW, Plaintiff WAFAA DABDOUB, by and through her counsel of record, and requires Defendant WESTERN EXPRESS, INC. to answer under oath the following Requests for Admissions within thirty (30) days from the date of service by hand delivery 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. Federal Rules of Civil Procedure, Rule 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 Federal Rules of Civil Procedure, Rule 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. Federal Rules of Civil Procedure, Rule 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, and/or any governmental body or subdivision thereof.
2. "**Subject Incident**" means the January 25, 2013 collision between MAHMOUD AHMAD DABDOUB and a tractor-trailer operated by WESTERN EXPRESS, INC. and JAMES DAVID RAST, which resulted in the death of MAHMOUD AHMAD DABDOUB.
3. "**You,**" "**Your,**" or "**WESTERN EXPRESS**" means Defendant WESTERN EXPRESS, INC.
4. "**JAMES DAVID RAST**" means Defendant JAMES DAVID RAST.

REQUESTS FOR ADMISSION

1.

The letter attached hereto as Exhibit "A" is a true and accurate copy of the letter that Western Express received via Federal Express delivery.

2.

The letter attached hereto as Exhibit "A" requested that Western Express preserve and maintain 14 categories of material and information.

3.

Upon receipt of the letter attached hereto as Exhibit "A," Western Express took measures to preserve and maintain the material and information described in Exhibit "A."

4.

Western Express has preserved and maintained the material and information described in Exhibit "A."

5.

Western Express has preserved and maintained other material, things, and information not described in Exhibit "A" that Western Express believes may be relevant to the January 25, 2013 collision between MAHMOUD AHMAD DABDOUB and a tractor-trailer owned by WESTERN EXPRESS, INC.

6.

The DOT number for WESTERN EXPRESS is 511412.

7.

The MC ICC number for WESTERN EXPRESS is MC-260323.

8.

MAHMOUD AHMAD DABDOUB was a member of the public.

9.

WESTERN EXPRESS is a motor carrier as defined by the Federal Motor Carrier Safety Regulations.

10.

WESTERN EXPRESS was a motor carrier as defined by the Federal Motor Carrier Safety Regulations at the time of the Subject Incident.

11.

WESTERN EXPRESS was an interstate carrier at the time of the Subject Incident.

12.

JAMES DAVID RAST was subject to the Federal Motor Carrier Safety Regulations at the time of the Subject Incident.

13.

WESTERN EXPRESS was a motor carrier as defined by the Federal Motor Carrier Safety Regulations at the time of the Subject Incident.

14.

On January 25, 2013, WESTERN EXPRESS was the owner of a tractor involved in the Subject Incident.

15.

The VIN number for the tractor that was involved in the Subject Incident is 1GCGG29U761203269.

16.

On January 25, 2013, WESTERN EXPRESS was the owner of a trailer involved in the Subject Incident.

17.

On January 25, 2013, JAMES DAVID RAST was an agent of WESTERN EXPRESS.

18.

On January 25, 2013, JAMES DAVID RAST was an employee of WESTERN EXPRESS.

19.

JAMES DAVID RAST was a professional driver on the date and time of the Subject Incident.

20.

At the time of the Subject Incident, JAMES DAVID RAST was acting within the course and scope of his employment or agency with WESTERN EXPRESS.

21.

On January 25, 2013, JAMES DAVID RAST was operating the tractor-trailer owned by WESTERN EXPRESS.

22.

On January 25, 2013, JAMES DAVID RAST was operating the tractor-trailer with the permission of WESTERN EXPRESS.

23.

On January 25, 2013, JAMES DAVID RAST was operating the tractor-trailer with the knowledge of WESTERN EXPRESS.

24.

On January 25, 2013, JAMES DAVID RAST was operating the tractor-trailer as trained by WESTERN EXPRESS.

25.

On January 25, 2013, JAMES DAVID RAST was not operating the tractor-trailer as trained by WESTERN EXPRESS.

26.

At the time of the Subject Incident, it was dark.

27.

At the time of the Subject Incident, it was raining.

28.

At the time of the Subject Incident, JAMES DAVID RAST was attempting to make a left hand turn across multiple lanes of traffic.

29.

No act of MAHMOUD AHMAD DABDOUB contributed to the cause of the Subject Incident.

30.

No failure to act by MAHMOUD AHMAD DABDOUB contributed to the cause of the Subject Incident.

31.

WESTERN EXPRESS does not contend that the act or inaction of a non-party caused or contributed to the cause of the Subject Incident.

32.

JAMES RAST is fully responsible for causing the Subject Incident.

33.

WESTERN EXPRESS is properly named in the Complaint.

34.

Venue is proper in this Court.

35.

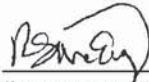
Jurisdiction is proper in this Court.

36.

Service was proper upon WESTERN EXPRESS.

This 3rd day of November 2014.

FRIED ROGERS GOLDBERG LLC



JOSEPH A. FRIED
GEORGIA STATE BAR NUMBER 277251
R. SEAN MCEVOY
GEORGIA STATE BAR NUMBER 490918

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