

IN THE STATE COURT OF FULTON COUNTY
STATE OF GEORGIA

CHRISTOPHER W. PITTS and
TERESA PITTS, husband and wife,

Plaintiffs,

v.

BULK LOGISTICS, INC.; SCHWERMAN
TRUCKING CO.; TANKSTAR USA, INC.;
WILLIE J. CHANDLER, JR.; and
CONTINENTAL CASUALTY COMPANY,

Defendants.

CIVIL ACTION FILE

NO. 10EV009965-J

**PLAINTIFF CHRISTOPHER W. PITTS'S FIRST REQUEST FOR
ADMISSIONS TO DEFENDANT BULK LOGISTICS, INC.**

COMES NOW Plaintiff CHRISTOPHER W. PITTS ("Plaintiff" or "MR. PITTS") in the above-styled action, by and through his attorneys, and requires Defendant BULK LOGISTICS, INC., to answer under oath the following Requests for Admissions within 45 days from the date of service of these Requests with Plaintiffs' Summons and Complaint, as provided by law, and a copy of the answers to be furnished to Plaintiffs' 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 events made the basis of the Complaint, including but not limited to the incident at issue on May 29, 2008, in Douglas County, Georgia.

3. "**CHANDLER**" means Defendant WILLIE J. CHANDLER, JR.

4. "**You,**" "**Your,**" or "**BULK LOGISTICS**" means Defendant BULK LOGISTICS, INC.

5. "**SCHWERMAN**" means Defendant SCHWERMAN TRUCKING CO.

6. "**TANKSTAR**" means Defendant TANKSTAR USA, INC.

7. "**CONTINENTAL CASUALTY**" means Defendant CONTINENTAL CASUALTY COMPANY.

8. With regard to any term used herein that is deemed by the responding party as being ambiguous or vague, a term shall be construed in its broadest sense to encompass all reasonable definitions of that term.

REQUESTS FOR ADMISSION

1.

Admit that the DOT number for DEFENDANT is 746426.

2.

Admit that MR. PITTS is a member of the public.

3.

Admit that BULK LOGISTICS was involved in intrastate transport.

4.

Admit that BULK LOGISTICS was involved in intrastate transport at the time of the Subject Incident.

5.

Admit that BULK LOGISTICS was involved in interstate transport.

6.

Admit that BULK LOGISTICS was involved in interstate transport at the time of the Subject Incident.

7.

Admit that BULK LOGISTICS is a motor carrier.

8.

Admit that BULK LOGISTICS was a motor carrier at the time of the Subject Incident.

9.

Admit that on May 29, 2008, BULK LOGISTICS was the owner of a tractor involved in the Subject Incident.

10.

Admit that the tractor-trailer, VIN 2HSCSEAHR1YC073364, was involved in the

Subject Incident.

11.

Admit that on May 29, 2008, CHANDLER was an agent of BULK LOGISTICS.

12.

Admit that on May 29, 2008, CHANDLER was an employee of BULK LOGISTICS.

13.

Admit that on May 29, 2008, CHANDLER was operating the tractor-trailer owned by BULK LOGISTICS.

14.

Admit that on May 29, 2008, CHANDLER was operating the tractor-trailer with the permission of BULK LOGISTICS.

15.

Admit that on May 29, 2008, CHANDLER was operating the tractor-trailer with the knowledge of BULK LOGISTICS.

16.

Admit that on May 29, 2008, CHANDLER was operating the tractor-trailer as trained by BULK LOGISTICS.

17.

Admit that on May 29, 2008, CHANDLER was not operating the tractor-trailer as trained by BULK LOGISTICS.

18.

Admit that no act of MR. PITTS contributed to the Subject Incident.

19.

Admit that there was no failure to act by MR. PITTS which contributed to the Subject

Incident.

20.

Admit that Defendant CHANDLER is fully liable for the Subject Incident.

21.

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

22.

Admit that BULK LOGISTICS is properly named in the Complaint.

23.

Admit that venue is proper in this Court.

24.

Admit that jurisdiction is proper in this Court.

25.

Admit that service was proper upon BULK LOGISTICS.

26.

Admit that the person answering these questions has authority from BULK LOGISTICS to do so.

This 30th day of April, 2010.

FRIED ROGERS GOLDBERG LLC



JOSEPH A. FRIED
GEORGIA STATE BAR NUMBER 277251
JENNIFER LEONHARDT OJEDA
GEORGIA STATE BAR NUMBER 765489

THE LENOX BUILDING
3399 PEACHTREE ROAD, N.E.
SUITE 325
ATLANTA, GEORGIA 30326-2835
TELEPHONE: 404-591-1800
FACSIMILE: 404-591-1801
E-MAIL: JOE@FRG-LAW.COM
JEN@FRG-LAW.COM

THE KEENER LAW FIRM

RUSSELL G. KEENER
GEORGIA STATE BAR NUMBER 410885

640 VILLAGE TRACE
BUILDING 16, SUITE A
MARIETTA, GEORGIA 30067
TELEPHONE: 770-955-3000
FACSIMILE: 770-955-3036
E-MAIL: RUSSELL@KEENERLAW.COM

ATTORNEYS FOR PLAINTIFFS