

IN THE STATE COURT OF FULTON COUNTY  
STATE OF GEORGIA

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

Plaintiffs,

v.

BULK LOGISTICS, INC.; SCHWERMANN  
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 SECOND REQUEST FOR  
ADMISSIONS TO DEFENDANT SCHWERMANN TRUCKING CO.**

COMES NOW Plaintiff CHRISTOPHER W. PITTS ("Plaintiff" or "MR. PITTS") in the above-styled action, by and through his attorneys, and requires Defendant, SCHWERMANN TRUCKING CO., to answer under oath the following Requests for Admissions within 30 days from the date of service of these Requests, 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. **BULK LOGISTICS** means Defendant BULK LOGISTICS, INC.
5. **You,** **Your,** or **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.

A drug test (blood, urine or otherwise) was performed on CHANDLER after the Subject Incident occurred.

1.

An alcohol test (blood, urine or otherwise) was performed on CHANDLER after the Subject Incident occurred.

2.

A drug test (blood, urine or otherwise) was performed on CHANDLER after the Subject Incident occurred in accord with the Federal Motor Carrier Safety Regulations and the trucking regulations of the State of Georgia.

3.

An alcohol test (blood, urine or otherwise) was performed on CHANDLER after the Subject Incident occurred in accord with the Federal Motor Carrier Safety Regulations and the trucking regulations of the State of Georgia.

4.

A copy of the results of CHANDLER's post collision alcohol test is in your possession.

5.

A copy of the results of CHANDLER's post collision drug test is in your possession.

6.

CHANDLER's post collision alcohol test was positive.

7.

CHANDLER's post collision drug test was positive.

8.

CHANDLER's post collision drug test was positive for marijuana.

9.

CHANDLER's post collision drug test was positive for methamphetamines.

10.

CHANDLER's post collision drug test was negative.

11.

CHANDLER was under the influence of alcohol at the time of the collision at issue.

12.

CHANDLER was under the influence of marijuana at the time of the collision at issue.

13.

CHANDLER's post collision testing shows that he had marijuana (THC) in his system at the time of the collision at issue.

14.

CHANDLER's post collision testing shows that he had illegal substances in his system at the time of the subject collision.

15.

CHANDLER had been subject to random drug and alcohol tests prior to the collision at issue.

16.

CHANDLER had tested positive for drugs and/or alcohol in testing performed prior to the subject collision.

17.

In the twenty-four (24) hour period immediately preceding the Subject Incident, CHANDLER consumed, inhaled or otherwise ingested an illegal substance.

18.

In the twenty-four (24) hour period immediately preceding the Subject Incident, CHANDLER consumed, inhaled or otherwise ingested marijuana.

19.

In the twenty-four (24) hour period immediately preceding the Subject Incident, CHANDLER consumed, inhaled or otherwise ingested one or more prescription and/or over-the-counter drug or medicine.

20.

CHANDLER was evaluated by a substance abuse professional at least once during the five (5) years preceding the Subject Incident.

21.

You are in possession of CHANDLER'S confirmed positive drug test results from the drug test that was administered after the Subject Incident.

22.

Admit that you are in possession of driver alcohol tests with a confirmed reading of 0.02% or greater for CHANDLER.

23.

CHANDLER was under the influence of an illegal substance at the time of the Subject Incident.



24.

CHANDLER has a history of arrest for driving while under the influence of drugs or alcohol.

25.

You are aware and admit that CHANDLER tested positive for marijuana (THC) in drug testing performed following the collision at issue in this case.

This 31<sup>st</sup> day of March, 2011.

**FRIED ROGERS GOLDBERG LLC**



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

***ATTORNEYS FOR PLAINTIFFS***

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](mailto:JOE@FRG-LAW.COM)  
[JEN@FRG-LAW.COM](mailto:JEN@FRG-LAW.COM)