

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 FIRST REQUEST
FOR PRODUCTION OF DOCUMENTS TO DEFENDANT
WILLIE J. CHANDLER, JR.**

COMES NOW Plaintiff CHRISTOPHER W. PITTS ("Plaintiff" or "MR. PITTS") in the above-styled action, and submits the following Request for Production of Documents to Defendant WILLIE J. CHANDLER, JR., pursuant to the Georgia Civil Practice Act, for answer as provided by law.

DEFINITIONS

As used herein, the terms listed below are defined as follows:

1. The term "**Document**" as used herein shall be given a very broad definition to include every type of paper, writing, data, record, graphic, drawing, photograph, audio recording and video recording. The term includes material in all forms, including printed, written, recorded, or other. The term includes all files, records and data contained in any computer system, computer component and/or computer storage (e.g., hard drive, disc, magnetic tape, backup system, etc.). This term includes, but is not

limited to, correspondence, reports, meeting minutes, memoranda, stenographic or handwritten notes, diaries, notebooks, account books, orders, invoices, statements, bills, checks, vouchers, purchase orders, studies, surveys, charts, maps, analyses, publications, books, pamphlets, periodicals, catalogues, brochures, schedules, circulars, bulletins, notices, instructions, manuals, journals, e-mails, e-mail attachments, data sheets, work sheets, statistical compilations, data processing cards, microfilms, computer records (including printouts, disks or other magnetic storage media), tapes, photographs (positive or negative prints), drawings, films, videotapes, hard drive recordings, pictures, and voice recordings. Plaintiff expressly intends for the term "Document" to include every copy of such writing, etc. when such copy contains any commentary or notation whatsoever that does not appear on the original and any attachments or exhibits to the requested document or any other documents referred to in the requested document or incorporated by reference.

2. "**Person**" means any natural person, corporation, partnership, proprietorship, association, organization, group of persons, or any governmental body or subdivision thereof.

3. (a) "**Identify**" with respect to any "**person**" or any reference to stating the "**identity**" of any "**person**" means to provide the name, home address, telephone number, business name, business address, and business telephone number of such person, and a description of each such person's connection with the events in question.

(b) "**Identify**" with respect to any "**document**" or any reference to stating the "**identification**" of any "**document**" means to provide the title and date of each such document, the name and address of the party or parties responsible for the preparation of each such document, the name and address of the party who requested or

required the preparation of the document or on whose behalf it was prepared, the name and address of the recipient or recipients of each such document, and the names and addresses of any and all persons who have custody or control of each such document, or copies thereof.

4. "**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.

5. "**You**," "**Your**," or "**CHANDLER**" means Defendant WILLIE J. CHANDLER, JR.

6. "**BULK LOGISTICS**" means Defendant BULK LOGISTICS, INC.

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

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

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

10. "**Similar**" shall have the meaning given in the American Heritage Dictionary, which is "showing some resemblance; related in appearance or nature; alike but not identical." As used here, the word "similar" shall not be limited as if modified by the word "substantially" and shall not mean "the same". If you limit the information provided because you use another interpretation of the word "similar," please state the interpretation you are using and reveal the nature of the information withheld.

11. The terms "**and**" as well "**or**" shall be each construed conjunctively and disjunctively as necessary to bring within the scope of each interrogatory and request for documents all information and documents that might otherwise be construed to be outside its scope. The term "**and/or**" shall be construed likewise.

12. Whenever necessary to bring within the scope of an interrogatory or request for

production of documents any information or document that might otherwise be construed to be outside its scope: (i) the use of a verb in any tense shall be construed as the use of the verb in all other tenses; (ii) the use of the singular shall be construed as the use of the plural and vice versa; and (iii) “any” includes “all,” and “all” includes “any.”

13. 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.

DOCUMENT REQUESTS

I. DRIVER BACKGROUND

REQUEST NO. 1: Copies of your driver’s qualification file, if not previously produced, which should include, but is not limited to:

- a. Your application,
- b. List of previous employers for the ten (10) years preceding the date of application,
- c. The reasons for leaving said employments,
- d. Medical examiner’s certificate,
- e. A note showing when and who reviewed your driver’s record with you for each year of employment,
- f. A list of certificates showing all your violations of motor vehicle laws and ordinances,
- g. Responses from State agencies and employers about:
 - i. Your employment and driving records,
 - ii. certificate of road test,

- iii. records of drug and alcohol tests,
- h. An accident register listing all DOT recordable preventable accidents for you;
- i. Color copies of all pages of the actual folder which contains the driver's qualification file.

REQUEST NO. 2: A copy of any and all reports concerning the Subject Incident, including any that were prepared by you or on your behalf.

REQUEST NO. 3: A complete copy of your commercial driver's license in effect at the time of the Subject Incident.

REQUEST NO. 4: Copies of all writings giving notification to you of any convictions or suspensions for violating a state or local law relating to motor vehicle traffic control.

REQUEST NO. 5: Copies of the written response from each state agency contacted with reference to your driving record.

REQUEST NO. 6: Copies of all written records with respect to each past employer who was contacted about your driver's qualifications.

REQUEST NO. 7: Copies of any record of violations of motor vehicle traffic laws, whether kept by list or separately, of any type.

REQUEST NO. 8: Copies of all traffic citations, terminal or road equipment and driver compliance inspections, warnings or citations issued to you by any city, county, state federal agency or law enforcement official.

REQUEST NO. 9: Copies of all log audits since you have been employed with BULK LOGISTICS and/or SCHWERMAN and/or TANKSTAR, up to and specifically including the logs for the day of the Subject Incident.

REQUEST NO. 10: Copies of your personnel files.

REQUEST NO. 11: Copies of all National Transportation Safety Board investigative reports regarding you.

REQUEST NO. 12: Copies of any manuals covering truck safety, maintenance, fleet safety, programs and driver's standards provided to you, including any signed receipts for those materials.

REQUEST NO. 13: Copies of any employment contract or lease under which you were operating at the time of the Subject Incident.

REQUEST NO. 14: A copy of the itemized bill from your cell phone and/or personal digital assistant for May 29, 2008.

REQUEST NO. 15: Copies of all medical treatment records related to injuries sustained by you in the collision at issue.

II. ACCIDENT SCENE AND WITNESSES

REQUEST NO. 16: All tapes and transcripts of conversations, interviews, statements, etc. of any witness, party or any other entity whatsoever regarding any aspect of the Subject Incident, the injuries or damages resulting therefrom, or this lawsuit.

REQUEST NO. 17: All photographs, video tapes, drawings, or other visual reproductions in your possession or control depicting the scene or area of the Subject Incident, the vehicles involved, the roadways involved, any alleged injuries or property damage or any other claim arising out of the Subject Incident.

REQUEST NO. 18: Any reports, notes, correspondence, records, photographs, films, videos, or other documents or items whatsoever made by or within the control or possession of any detective, investigator, etc. having anything whatsoever

to do with the Subject Incident, the damages, the injuries, or any aspect of this lawsuit whatsoever.

REQUEST NO. 19: Produce all statements which may have been taken from the Plaintiffs and/or reports made or given by any person who may have seen any part of the Subject Incident or who may have arrived at the scene of the Subject Incident immediately, or shortly after its occurrence; or who may have knowledge of facts concerning the incident; or who you expect to call as an expert witness at trial.

REQUEST NO. 20: Produce any and all photographs, models, diagrams, videotapes, animations, and/or drawings in the possession of you, your investigators, agents, representatives, or insurers of:

- a. the scene of the Subject Incident;
- b. any vehicle or other object involved in the Subject Incident; and
- c. any person involved in the Subject Incident, but not limited to surreptitious surveillance photographs, films and tapes of the Plaintiff.

REQUEST NO. 21: Produce all documents in your possession, or in the possession of your insurers, representatives, agents or investigators, regarding any property damage to any vehicle, the contents of any vehicle, any stationary object, or any other real or personal property damage resulting from the incident complained of, including but not limited to repair estimates, appraisals, purchase invoices, repair bills, and checks or drafts reflecting payment for repair or replacement, and any other documents concerning or establishing the value of any item of property before or after the Subject Incident.

REQUEST NO. 22: Copies of all records generated by any on-board

electronic or video recording devices with which the vehicle was equipped at the time of the Subject Incident.

REQUEST NO. 23: Produce any documents given to any person or entity, including any insurance company in return for payment in whole or in part for property damage, e.g., loan receipt(s), release(s), assignment(s), etc.

REQUEST NO. 24: Produce any and all non-privileged correspondence regarding or referencing the Subject Incident, including any correspondence prepared on your behalf.

III. VEHICLE

REQUEST NO. 25: Copies of the title of the vehicle in question.

REQUEST NO. 26: Copies of the registration of the vehicle in question.

REQUEST NO. 27: Copies of all out of service orders for the vehicle in question.

REQUEST NO. 28: Produce all the Driver Vehicle Inspection Reports (DVIR) from the week after the Subject Incident, the day of the Subject Incident, and the seven (7) months prior to the Subject Incident.

REQUEST NO. 29: Copies of all other inspection reports, to include pre and post trip inspections not otherwise requested herein and all trip reports for the three (3) months prior to the subject incident for the tractor.

REQUEST NO. 30: Copies of all other inspection reports, to include pre and post trip inspections not otherwise requested herein and all trip reports for the three (3) months prior to the Subject Incident for the trailer.

IV. DEFENSES

REQUEST NO. 31: Produce all books, documents and/or other tangible

things which prove, support, or may constitute evidence of any facts or circumstances upon which you base the defenses and allegations in your Answer, or referred to in your responses to any of the Interrogatories addressed to you.

REQUEST NO. 32: Produce any document or thing which you contend is evidence, proof, or support of your claims on any issue of negligence or causation as to the incident complained of, including but not limited to admissions of fault, engineering analysis, scientific tests, and official or unofficial reports.

REQUEST NO. 33: If you contended any portion of the Plaintiffs' Complaint was inaccurate, wrong, or was in fact denied by you, provide each document, if not already provided, which supports your contention or denial.

V. DRUGS AND ALCOHOL

REQUEST NO. 34: Copies of all writings containing the results of any drug and alcohol test that was administered to you after the Subject Incident.

REQUEST NO. 35: Copies of all records of alcohol tests with a confirmed reading of 0.02% or greater, confirmed positive tests, documentation of refusals to take alcohol and/or drug tests, instrument calibration documentation, evaluation by a substance abuse professional and calendar year summaries for the last five (5) years.

REQUEST NO. 36: Copies of all records of alcohol tests with less than 0.02 blood alcohol reading and negative drug tests.

REQUEST NO. 37: All copies of alcohol test forms, controlled substance chain or custody forms, documents relating to your refusal to submit to testing, documents supplied by you to dispute test results and signed acknowledgments of required training documents.

REQUEST NO. 38: Copies of educational materials explaining drug and

alcohol testing regulations submitted to you.

REQUEST NO. 39: Copies of your employer's own policies and procedures relating to alcohol and drug testing at the time of the Subject Incident.

REQUEST NO. 40: Copies of your signed receipt for the above materials.

VI. TRIP

REQUEST NO. 41: In regard to the vehicle involved in the Subject Incident, for the twenty-four (24) hours preceding the Subject Incident, to include a time five (5) minutes after the Subject Incident, provide:

- a. Copies of all tachometer records;
- b. Copies of all on-board computer records of the tractor or trailer;
and
- c. Copies of all offsite records generated by the use, operation, or existence of the tractor or trailer.

REQUEST NO. 42: In regard to the vehicle involved in the collision, for the seven (7) days prior through one hour after the Subject Incident also provide:

- a. Copies of all dispatch records;
- b. Copies of all fax transmissions;
- c. Copies of all telephone records;
- d. Copies of all mobile radio records;
- e. Copies of all pre-rate records;
- f. Copies of all wrecker or tow truck records;
- g. Copies of vehicle license and registration;
- h. Copies of all pick-up and delivery records;
- i. Copies of all trip summaries;

- j. Copies of all delivery manifests;
- k. Copies of all credit card receipts;
- l. Copies of all toll tickets;
- m. Copies of all fuel receipts;
- n. Copies of all weight tickets;
- o. Copies of all fuel tax records;
- p. Copies of all state entry and departure records;
- q. Copies of registration and title;
- r. Copies of all expense sheets;
- s. Copies of all trailer interchange records;
- t. Copies of all bills of lading;
- u. Copies of any manifests and waybills;
- v. Copies of all rental contracts involving the vehicle; and
- w. Copies of all seal records for the trailer.

REQUEST NO. 43: Produce COLOR COPIES of the front and back of all driver logs, and any copies of logs, whether kept officially or unofficially, for the date of the Subject Incident and the six (6) month period preceding the Subject Incident. This includes any information kept on part of the form such as a pre-trip or post-trip tractor or trailer inspection form. If copies are produced, Plaintiffs request color copies, reserving the right to request originals.

VII. EXPERTS

REQUEST NO. 44: Any and all correspondence, reports, charts, photographs, drawings, videotapes, brochures, manuals, memoranda or any other type of document material or physical evidence of any kind received from, provided to, or


generated by any expert witness whom defendants expect to call as a witness in this case.

VIII. PLAINTIFFS

REQUEST NO. 45: Any medical, education, employment and all other records which have been obtained by you or your counsel regarding the Plaintiffs.

This 18th day of October, 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