

IN THE SUPERIOR COURT OF CLAYTON COUNTY
STATE OF GEORGIA

ORIGINAL

KIMBERLY L. LOVE,

Plaintiff,

v.

KEVIN M. JACKSON, TRIPLE CROWN
SERVICES COMPANY, and ZURICH
AMERICAN INSURANCE COMPANY

Defendants.

Civil Action File No.
2013 CV 02020-6
JURY TRIAL DEMANDED
RECEIVED AND FILED

MAY 08 2013

JACQUILINE D. WILLS
Clerk Superior Court
Clayton County, Georgia

**PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO
DEFENDANT KEVIN M. JACKSON**

COMES NOW, Plaintiff KIMBERLY L. LOVE, by and through her counsel of record,
and submits the following Request for Production of Documents to Defendant KEVIN .
JACKSON 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 the collision between KEVIN M. JACKSON, driver for TRIPLE CROWN SERVICES COMPANY and KIMBERLY L. LOVE, which occurred on December 1, 2012 at or around 5:15 A.M., in Clayton County, Georgia.

5) **"You," "Your," or "TRIPLE CROWN"** means Defendant TRIPLE CROWN SERVICES COMPANY.

6) **"KEVIN M. JACKSON"** means Defendant KEVIN M. JACKSON.

7) **"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.

8) The terms **"and"** as well as **"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.

9) 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."**

10) 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

GENERAL

REQUEST NO. 1: A copy of each document relied upon by you in any way in responding to Plaintiff's First Interrogatories to KEVIN M. JACKSON.

REQUEST NO. 2: A copy of each insurance policy (and declarations page for each policy) that provides or may provide coverage for damages sustained in the Subject Incident.

REQUEST NO. 3: Copies of all reservation of rights letters and/or agreements regarding insurance coverage for the Subject Incident.

YOUR INFORMATION

REQUEST NO. 4: All documents setting forth the relationship between you and TRIPLE CROWN. This includes, but is not limited to all leases, employment contracts, and independent contractor agreements and other contracts, agreements, memorandum and the like.

REQUEST NO. 5: A copy of all documents in your possession that relate to your qualifications to operate a commercial motor vehicle.

REQUEST NO. 6: A copy of all documents in your possession that relate to work you have done for any trucking company in the past seven years. This includes any documents you prepared for any trucking company and any documents you ever received from any trucking company.

REQUEST NO. 7: Copies of all medical certificates in your possession for the past seven years.

REQUEST NO. 8: Copies of all blood and/or urine test results in your possession for the past seven years.

REQUEST NO. 9: All data and materials you have ever obtained through FMCSA's Pre-Employment Screening Program.

REQUEST NO. 10: All documents that relate in any way to your orientation at TRIPLE CROWN.

REQUEST NO. 11: All documents in your possession that relate in any way to your training to operate a commercial motor vehicle.

REQUEST NO. 12: A copy of the front and back of every driver's license issued to you (regardless of name used) in your possession, custody and/or control.

REQUEST NO. 13: All documents giving notice to TRIPLE CROWN of any violation of any law, ordinance or regulation.

REQUEST NO. 14: Copies of all citations, warnings, and other documents alleging that you violated any law, ordinance and/or regulation in the last five years.

REQUEST NO. 15: All documents of any kind that relate to any action (formal or informal) by any supervisor or manager or anyone working by or on behalf of TRIPLE CROWN directed to you for the purpose of teaching, counseling, disciplining, correcting or otherwise managing you in any way relating to the safe operation of a commercial vehicle.

REQUEST NO. 16: A copy of all documents relating in any way to any motor vehicle collision and/or accident of any kind in which you were involved in the past five years.

REQUEST NO. 17: For each communication device (e.g., cell phones, PDAs, smartphones, texting and e-mailing devices, etc.) that was in the tractor that you were operating at the time of the Subject Incident, produce all documents reflecting usage and billing for the

time period beginning 48 hours before the Subject Incident and ending 48 hours after the Subject Incident. This includes all devices, whether owned by you or not, and whether it was in use at the time of the Subject Incident or not.

REQUEST NO. 18: Copies of each MVR regarding you in your possession.

REQUEST NO. 19: Copies of each DAC report regarding you in your possession.

REQUEST NO. 20: Copies of each personnel file and employment-related file in your possession.

REQUEST NO. 21: Copies of all medical treatment records related to injuries sustained by you in during the Subject Incident.

REQUEST NO. 22: All correspondence and other communications of any kind between you and any third-party relating to the Subject Incident.

REQUEST NO. 23: All correspondence and other communications of any kind between you and any other Defendant in this case.

HOURS OF SERVICE RELATED DOCUMENTS

REQUEST NO. 24: Copies of all hours of service logs and other time logs in your possession for the period beginning 180 days before the Subject Incident and ending 14 days following the Subject Incident.

REQUEST NO. 25: In addition to the documents responsive to the preceding Request, produce all documents showing where you were and what you were doing during the period beginning 14 days before the Subject Incident and ending 2 days following the Subject Incident.

REQUEST NO. 26: A copy of all audits and summaries of your logs covering the period beginning one year prior to the Subject Incident and ending 14 days following the Subject Incident.

REQUEST NO. 27: For the period beginning 14 days prior to the Subject Incident and ending 48 hours after the Subject Incident produce all of the following documents in your possession:

- a. dispatch records;
- b. fax transmissions;
- c. mobile radio records;
- d. pre-rate records;
- e. wrecker or tow truck records;
- f. pick-up and delivery records;
- g. trip summaries;
- h. delivery manifests;
- i. credit card receipts;
- j. toll tickets;
- k. fuel receipts;
- l. weight tickets;
- m. fuel tax records;
- n. state entry and departure records;
- o. expense sheets;
- p. trailer interchange records;
- q. bills of lading;
- r. manifests and waybills;
- s. rental contracts involving the vehicle; and
- t. seal records for the trailer.

VEHICLE INFORMATION

REQUEST NO. 28: Copies of all out of service orders for the vehicle in question in your possession.

REQUEST NO. 29: Produce all 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. 30: For the tractor and trailer involved in the Subject Incident, produce all the Driver Vehicle Inspection Reports (DVIR) from the period beginning six months before the Subject Incident and ending one week after the Subject Incident.

LOAD

REQUEST NO. 31: All documents that relate, refer and/or discuss in any way the load you hauled at the time of the Subject Incident, including, by way of example and without limitation, all manifests, bills of lading, weight receipts, dispatch documents, content summaries, and documents that address the contents, ownership, pick-up, detainment, and delivery of the load.

SUBJECT INCIDENT

REQUEST NO. 32: Copies of all documents in your possession, custody and/or control relating in any way to the Subject Incident.

REQUEST NO. 33: Copies of all documents sent by you to any person or entity (other than your attorney(s)), regarding the Subject Incident and/or describing the Subject Incident.

REQUEST NO. 34: A copy of every document related to any investigation done by or on behalf of TRIPLE CROWN of the scene of the Subject Incident.

REQUEST NO. 35: All documents that set forth any facts leading up to the Subject Incident.

REQUEST NO. 36: All documents that explain what caused the Subject Incident.

REQUEST NO. 37: All documents assessing preventability of and/or fault for the Subject Incident.

REQUEST NO. 38: Copies of all photographs, video, computer simulations, and any other documents depicting:

- a. Any vehicle involved in the Subject Incident;
- b. Any person involved in the Subject Incident;
- c. The scene of the Subject Incident; and/or
- d. Any evidence (roadway markings or other) relevant to the Subject Incident.

REQUEST NO. 39: Copies all reports relating to the subject incident in your possession custody and/or control.

REQUEST NO. 40: A copy of all correspondence and other communications (including e-mail) that you have had with any person other than your lawyer involving the Subject Incident.

REQUEST NO. 41: 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.

GOVERNMENTAL CONTACT AND INTERVENTION

REQUEST NO. 42: Copies of all documents sent to or received from any governmental agency regarding the Subject Incident and/or your operation of a commercial motor vehicle within the past three years.

POLICIES AND PROCEDURES

REQUEST NO. 43: Copies of all handbooks and manuals provided to you by TRIPLE CROWN at any time.

REQUEST NO. 44: Copies of all policies, procedures, rules, guidelines, directives, and instructions ever given to you by TRIPLE CROWN.

MISCELLANEOUS

REQUEST NO. 45: With respect to each expert witness who may provide testimony at the trial of this case, provide:

- a. A copy of all documents (as that term is defined above) and items of any kind produced to said expert;
- b. A copy of all documents (as that term is defined above) and items of any kind generated or produced by said expert;
- c. A copy of the entire file of said expert;
- d. A current résumé or curriculum vitae for said expert; and
- e. All billing records and work logs for said expert.

REQUEST NO. 46: A copy of any and all documents and other materials which support any contention that the Subject Incident was the fault of anyone other than you.

REQUEST NO. 47: Copies of all diagrams, graphs, illustrations, photographs, charts, pictures, models, blow-ups, or any other document or thing, including electronically created charts, animations, or data that you intend to utilize as an exhibit, demonstrative exhibit, or aid in the trial of this case not previously supplied.

REQUEST NO. 48: Produce any document or thing that you contend is evidence,

proof, or support of your claims on any issue of negligence or causation as to the Subject Incident, including but not limited to admissions of fault, engineering analysis, scientific tests, and official or unofficial reports.

REQUEST NO. 49: Produce any document or thing that you contend evidences or supports your denial of any of Plaintiff's Requests for Admissions.

REQUEST NO. 50: If any surveillance has been undertaken by or on behalf of you, produce a copy of all reports, photographs, video and anything else generated through that investigation.

Dated: May 6, 2013.

FRIED ROGERS GOLDBERG LLC

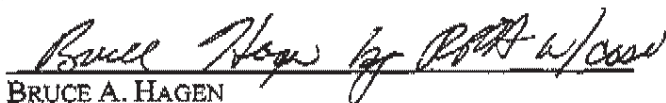


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