

THE STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF GREENVILLE	)	THIRTEENTH JUDICIAL CIRCUIT
	)	
Latorre M. Choice as the Personal	)	
Representative of the Estate of	)	
Elex R. Paul a/k/a Alex R. Paul	)	
	)	
Plaintiffs,	)	
	)	<b>PLAINTIFF'S FIRST SET OF</b>
vs.	)	<b>REQUESTS FOR PRODUCTION TO</b>
	)	<b>DEFENDANT SAMUEL J. BROWN</b>
	)	
Samuel J. Brown, by and through his	)	
Guardian ad Litem, Lisa Richardson Mobley	)	
and Benton Express, Inc.	)	
	)	
Defendants.	)	
	)	

TO: THE DEFENDANT SAMUEL J. BROWN:

The Plaintiffs do hereby request, pursuant to Rule 34 of the South Carolina Rules of Civil Procedure, that Defendant Samuel J. Brown (hereinafter Brown) produce for inspection and/or copying, at the offices of the undersigned, within forty-five (45) days from the date of service hereof, the following documents and materials:

**DEFINITIONS**

As used in this Request for Production and any Supplemental Request in this case, the following shall be the meaning and sense in which each term is used:

A. "Document" shall include without limitation:

(1) Every writing or record of every type and description that is *or has been* in the possession, custody or control of the said Defendant, his agents, representatives or attorneys, or of which the Defendant has knowledge, including, but not limited to, correspondence, e-mail, jpg files, data files, memoranda, tapes, stenographic or handwritten notes, studies, publications, books, pamphlets, photographs, facsimile copies, CD Roms, laser imaged documents, computer files or data, films,

recordings, maps, models, plats, graphs, diagrams reports, surveys, minutes and/or statistical compilations.

(2) A copy of such writing or record where the original is not in the possession, custody or control of the Defendant, including documents stored as electronic documents, imaged upon CD Rom or stored by facsimile in any other manner, and every copy of such writing or record where such copy is not an identical copy of the original, or where such copy contains any commentary or notation whatsoever which does not appear on the original.

### REQUEST FOR PRODUCTION

1. Any and all documents, writings or exhibits of any kind in the possession, custody or control of the Defendant or the Defendant's attorney listed in or used in the preparation of Defendant's Answers to Interrogatories.

2. Any and all correspondence, reports, charts, photographs, jpg files, data, charts, surveys, statements, maps, brochures, manuals, animations, drawings, videotapes, brochures, manuals, memoranda, notes or other documents, materials or physical evidence of any kind regarding the wreck that is the subject of this lawsuit and the truck and/or trailer that were involved in the wreck.

3. Any and all correspondence, e-mail, jpg files, data, reports, charts, photographs, drawings, videotapes, surveys, statements, maps, brochures, manuals, memoranda, time sheets, animations, time records, billing records, expense records or other documents, materials or physical evidence of any kind **received from, provided to or generated by** any expert witness whom Defendant expects to call as a witness at the trial of this case.

4. Any and all correspondence, reports, charts, photographs, jpg files, data, statements, animations, drawings, diagrams, videotapes, surveys, statements, maps, brochures, manuals, treatises, measurements, notes or other documents, materials or physical evidence of any kind relied upon by any expert witness in forming an opinion in this case whom Defendant expects to call as a witness at trial.

5. Any documents, materials or physical evidence which Defendant contends are relevant or which it may introduce at the trial of this action.

6. Written statements or transcripts of recorded statements taken from any witness or potential witness concerning the facts or issues of this action.

7. All reports, memoranda, correspondence, e-mail, jpg files, data, maps, surveys, charts, drawings, manuals, files, reports, videotapes, audiotapes, CDs, photographs, computer files, data, animations, summaries, statements or other documents whatsoever relating in any way to the events set forth in the Complaint herein.

8. Credit card account receipts, including fuel card receipts, materials relating to dial-a-check, COM checks, fast checks, or the like, records and printouts, for all accounts to which Defendant Brown had access during the three (3) month period prior to the subject accident through one week subsequent to the date of the accident, including usage records of said accounts by driver Brown.

9. Copies of all road and bridge tolls receipts, scale weight records, trailer wash-out receipts, motel receipts, vehicle repair invoices, and any other documents pertaining to purchases made by Defendant Brown while driving a truck on March 26, 2009, and one month prior to the accident.

10. Trip envelopes, trip sheets, including trip papers, trip expense reports or the equivalent thereof for each trip driven by Defendant Brown, for a three (3) month period prior to the subject accident, through one week subsequent to the date of the accident.

11. A true, correct and complete copy of Defendant Brown's driving record.

12. All manifests, receipts, orders, shipping documents, bills of lading or other records of pickups and deliveries for the route of Defendant Brown, for the three (3) month period prior to the subject accident through one week subsequent to the date of the accident.

13. All records and notations of communications, or records which memorialize or relate to any communications or contact or to tracking or which provide a historical record of such communications



or contact, between Defendant Benton Express, Inc. and Defendant Brown, including telephone records, telephone notes, radio records, radio notes, manual logs, e-mails, notations or memoranda.

14. All records and notations regarding Defendant Brown and all tractors he has driven for Benton Express, Inc., including computer records, computer logs, manual logs, e-mail, Qualcomm records, SATCOM records, COMDATA records, computer histories, trip records, trip sheets, locator history, position history, and any other computerized or manual records whatsoever, for the three (3) month period prior to the subject accident through one week subsequent to the date of the accident.

15. All accident, incident or investigative reports prepared by Defendants concerning the subject accident, including all notes, memoranda, photographs or other documents relating thereto.

16. All results of any pre-employment, random or post-accident drug testing of Defendant Brown.

17. All accident, incident or investigative reports prepared by Defendants concerning the subject accident, including all notes, memoranda, photographs or other documents relating thereto.

18. All other accident, incident or investigative reports which relate in any way to the subject accident.

19. Copies of Defendant Brown's accident reports reported to Director, Regional Motor Carrier Safety Office, Officer of the Federal Highway Administration. Form MCS-OT (to include this accident and all previous accidents).

20. The complete driver's log for the Defendant Brown for the six (6) month period prior to the date of the accident and including the date of the accident, and for one (1) month subsequent to the subject accident.

21. All records of accidents in which the Defendant Brown was involved during the entire period of his employment with Defendant Benton Express, Inc., including accident logs.

22. All records which relate to contracts or agreements entered into between Defendant Benton

Express, Inc. and Defendant Brown.

23. A copy of the post Accident Report (as required by 49 C.F.R. Section 382.303) and all related documents prepared by or signed by Defendant Brown following the incident which forms basis for this litigation.

24. A xerox copy of the front and back of Defendant Brown's commercial driver's license.

McWHIRTER, BELLINGER & ASSOCIATES, P.A.  
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