

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
PRODUCTION OF DOCUMENTS TO DEFENDANT TANKSTAR USA, INC.**

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 TANKSTAR USA, INC., 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. "**CHANDLER**" means Defendant WILLIE J. CHANDLER, JR.

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

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

8. "**You,**" "**Your,**" or "**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

REQUEST NO. 1: A copy of each document utilized by you in any way in responding to Plaintiff’s First Interrogatories to TANKSTAR.

I. DRIVER

REQUEST NO. 2: Produce those materials which substantiate CHANDLER’s hours of service for the seven days before the collision as well as the day of the collision, which specifically include, but are not limited to those required by 49 CFR § 395.8(k)(1).

REQUEST NO. 3: A copy of CHANDLER’s entire personnel file.

REQUEST NO. 4: CHANDLER’s driver qualification file, 49 CFR 391.51, which should include, pursuant to statute, but not be limited to:

- a. Employee’s application;
- b. List of CHANDLER’s 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 the driver's record with him/her for each year of employment, 49 § CFR 391.25;
- f. A list of certificates showing all violations of motor vehicle laws and ordinances, 49 § CFR 391.27;
- g. Responses from state agencies, private companies, and employers to your inquiries about CHANDLER's employment and driving records, SEE 49 § CFR 391.23;
- h. Certificate of road test, 49 CFR § 391.31(e);
- i. Records of drug and alcohol tests;
- j. An accident register listing all DOT recordable preventable accidents, to include the folder in which it is contained together with all writing contained thereon;
- k. A copy of CHANDLER's road test results and certificate, 49 CFR §§ 391.31 and 391.33, and 391.11(b)(8);
- l. Any documents showing CHANDLER signed for any copy of the Federal Motor Carrier Safety Regulations, Company handbook, or company safety manual prior to the collision; and
- m. Color copies of all pages of the actual folder which contains the driver's qualification file.

REQUEST NO. 5: A copy of any documents added to and/or removed from CHANDLER's driver qualification file from May 29, 2008 to present. Please

produce separately and apart from the documents requested in the immediately preceding Request.

REQUEST NO. 6: A copy of all documents in your possession, custody and/or control relating in any way to motor vehicle collisions/ accidents of any kind in which CHANDLER has been involved, including all documents responsive to any of Plaintiff's First Interrogatories to TANKSTAR concerning CHANDLER's accident history.

REQUEST NO. 7: Copies of all safety and log audits of CHANDLER for the year of the Subject Incident and the year prior.

REQUEST NO. 8: A copy of all trip reports for the trip CHANDLER was on at the time of the Subject Incident.

REQUEST NO. 9: A copy of the front and back of CHANDLER's commercial driver's licenses at the time of the Subject Incident.

REQUEST NO. 10: All writings giving notification to you of CHANDLER's convictions or suspensions for violating a state or local law relating to motor vehicle traffic control. 49 CFR § 383.31.

REQUEST NO. 11: All writings containing the results of any drug and alcohol test that was administered to CHANDLER within twenty-four (24) hours after the Subject Incident. 49 CFR § 382.303.

REQUEST NO. 12: All records of driver alcohol tests with a confirmed reading of 0.02% or greater, confirmed positive test results, documentation of refusals to take alcohol and/or drug tests, instrument calibration documents, driver evaluation

by a substance abuse professional and calendar year summaries for the last five (5) years.

REQUEST NO. 13: Copies of CHANDLER's signed receipt for any materials, brochures, books, policies, standards, safety matters, or other written material provided by the employer to the driver.

REQUEST NO. 14: Copies of the payroll information concerning CHANDLER for the six (6) months prior and the two (2) months subsequent to the Subject Incident and his pay check for the time period covering the date of the Subject Incident (Plaintiff's counsel is not requesting copies of the pay checks unless otherwise specified, but requests the individualized payroll record ledger sheet indicating the amount of pay, miles driven for the time period, etc.).

REQUEST NO. 15: Copies of all documents or materials of any kind received from any person or company, or generated by you or your agents, relative to the performance, appraisals, criticisms, reprimands, infractions, or driving offenses committed by CHANDLER, and from any time subsequent to the time CHANDLER became employed by BULK LOGISTICS and/or SCHWERMAN and/or TANKSTAR up to and through the date of trial, to specifically include any calls reporting driver actions from the public on any call in number (How's my Driving? Call 800...) or other reporting system, if not contained in his personnel file previously requested.

REQUEST NO. 16: Produce copies of any documentation evidencing the completion, non-completion or failure of any training programs, driver orientation programs, safe driving programs or tests taken by CHANDLER in your possession.

REQUEST NO. 17: All certificates, diplomas, correspondence, writings, and/or documents regarding CHANDLER's attendance at any driver school or truck driving school, driver safety courses, highway safety, fleet maintenance, or motor carrier safety seminars in the three (3) years prior to the Subject Incident.

REQUEST NO. 18: All documents which refer to, relate to, or describe the employment relationship or other affiliation between TANKSTAR and CHANDLER.

REQUEST NO. 19: All documents showing any detention charges involving CHANDLER for the six (6) months prior to and including the day of the Subject Incident.

REQUEST NO. 20: A copy of each traffic citation, FMCSA terminal or road equipment and driver compliance inspection, warning and/or citation issued to CHANDLER by any city, county, state or federal agency or law enforcement official.

REQUEST NO. 21: Copies of any and all written documents, letters, directives, memoranda, notes, and notices from TANKSTAR to CHANDLER from his date of hire to present.

REQUEST NO. 22: A copy of all documents comprising all billing records for all radios, or hand-held phones, portable or cellular phones or communication devices owned by, given to or entrusted to CHANDLER, for use in connection with his employment with TANKSTAR, for the period of April 1, 2008 through and including June 1, 2008.

REQUEST NO. 23: Please produce any and all documentation, including detailed billing reports, in connection with any cellular telephones, car telephones

and/or Nextel hand-held radios used by CHANDLER between May 1, 2008 and May 30, 2008.

II. TRUCK

REQUEST NO. 24: Copies of the vehicle maintenance records for the commercial motor vehicle involved in the Subject Incident for the six (6) months prior to the Subject Incident. 49 CFR § 396.3

REQUEST NO. 25: Produce copies of any and all satellite communications and e-mail for the day of the Subject Incident and seven (7) days prior, as well as all recorded Electronic Control Module (ECM), Event Data Recorder (EDR), and/or sensing Diagnostic Module (SDM), or other computer or electronic data with reference to all data available, including, but not limited to:

- a. trip distance;
- b. total vehicle driving time;
- c. load factor;
- d. vehicle speed limit;
- e. maximum vehicle speed recorded;
- f. number of hard brake incidents;
- g. current engine speed (rpm);
- h. maximum and minimum cruise speed limits;
- i. total vehicle driving distance;
- j. fuel consumption (gal./hr.);
- k. idle time;
- l. engine governed speed;

- m. maximum engine speed recorded;
- n. current throttle position;
- o. brake switch status (on/off);
- p. odometer;
- q. trip driving time;
- r. overall fuel economy (mpg);
- s. average driving speed;
- t. # of engine overspeeds;
- u. # of vehicle overspeeds;
- v. current vehicle speed (mph);
- w. clutch status (on/off);
- x. clock; and
- y. Jake brake status.

REQUEST NO. 26: Produce the Permanent Unit File or its equivalent including, but not limited to, records relating to the repairs, maintenance, and costs for the tractor involved in the Subject Incident.

REQUEST NO. 27: Produce all of the following documents regarding both the tractor and trailer operated by CHANDLER at the time of the Subject Incident:

- a. Title and current registration;
- b. Engine manufacturer and serial number;
- c. All leases involving the tractor;
- d. Documents evidencing ownership of the tractor on May 29, 2008;
- e. Documents evidencing when and from whom vehicle was

purchased or leased, and mileage at time of purchase or lease; and

- f. Documents evidencing mileage and weight at time of the Subject Incident.

REQUEST NO. 28: A copy of each out of service report or violation concerning the tractor or trailer from the year prior to the Subject Incident through present, to include copies of any supplements, responses, or amendments to the same. This request specifically includes each out of service report or violation concerning each leased power unit or trailer utilized, maintained, or controlled by TANKSTAR from the year prior to the Subject Incident through present.

REQUEST NO. 29: 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 Subject Incident, 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. 30: 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. 31: 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. 32: Produce all pre-trip inspection reports for the trip in question and three (3) months prior to the date of the Subject Incident for the tractor.

REQUEST NO. 33: Produce all pre-trip inspection reports for the trip in question and three (3) months prior to the date of the Subject Incident for the trailer.

REQUEST NO. 34: All documents showing any detention charges involving the truck for the six (6) months prior to and including the day of the Subject Incident.

III. INVESTIGATION AND FACTS

REQUEST NO. 35: Copies of all photographs, still or motion pictures, plans, drawings, blueprints, sketches, diagrams, computer simulations, or any other demonstrative evidence or visual reproductions in your possession or control concerning the Subject Incident, the accident scene, the roadways involved, the vehicles (to include the tractor/ trailer) involved in the accident, the parties, the injuries alleged by any party, or any issue relevant to this lawsuit. (This request specifically includes any surreptitious surveillance, photographs, films, and tapes of the plaintiffs.)

REQUEST NO. 36: Copies of all accident or incident reports, other than the police report, involving the Subject Incident.

REQUEST NO. 37: A copy of all correspondence and other communications (including e-mail) that you have had with any person other than your lawyer that in any way involves the Subject Incident.

REQUEST NO. 38: Copies of all records generated by any on-board recording device, whether computer, video, or other, not previously produced, with which the truck was equipped for the seven (7) days prior to the Subject Incident, the

day of the Subject Incident, and one (1) day after the Subject Incident.

REQUEST NO. 39: Copies of all records generated through the use of the QUALCOMM OMNITRAX system with which the truck was equipped at the time of the Subject Incident, or from any similar system, for the seven (7) days prior to the Subject Incident, the day of the Subject Incident, and one (1) day after the Subject Incident and identify the system from which such information was obtained.

REQUEST NO. 40: Copies of all records generated by the EATON VORAD collision avoidance system, or any other type of collision avoidance system, for the day of the Subject Incident, and identify the system from which such information was obtained.

REQUEST NO. 41: Copies of all witness statements obtained from any person about any information relevant to any issue in this lawsuit, including, but not limited to, the issue of liability or damages.

REQUEST NO. 42: Copies of all documents sent to or received from any Department of the Office of Federal Highway Administration, or other government agencies regarding the Subject Incident, the driver involved in the Subject Incident, or any subject that is part of the basis of this lawsuit.

REQUEST NO. 43: Copies of all e-mails or electronic correspondence between any of the Defendants and CHANDLER for the seven (7) days prior to the Subject Incident, the day of the Subject Incident, and the day after the Subject Incident.

REQUEST NO. 44: Produce any and all 7-day Prior Forms or 8-day Prior Forms for CHANDLER for the month of the Subject Incident.

REQUEST NO. 45: A copy of each non-privileged memorandum, letter,

document, e-mail, or report sent by you to any person or entity regarding Plaintiff Ms. Young, CHANDLER or the Subject Incident.

REQUEST NO. 46: Transcripts or recordings of all depositions given by TANKSTAR and through its employees, representatives, officers, or agents including but not limited to your company, in any other claim or lawsuit in the last three (3) years, as a party, expert witness, fact witness, or a non-party involving company safety policies for tractor-trailers and/or driver training, supervision, retention, or safety.

REQUEST NO. 47: Produce complete printouts from all commercial software program (*e.g.* J.J. Keller's Log Checker) or customized program, used to record and audit the driver's log book entries for one year prior to the Subject Incident and any report which includes the day of the Subject Incident.

REQUEST NO. 48: Any reports, notes, correspondences, records 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 this vehicular accident, the damages, the injuries, or any aspect of this lawsuit whatsoever.

REQUEST NO. 49: Copies of any and all calendars, notes, diaries, records, or other similar documents made, maintained, or kept by agents, employees, or representatives of TANKSTAR pertaining to the tractor and trailer at issue, TANKSTAR, or the Subject Incident.

REQUEST NO. 50: All tapes and transcripts of conversations, interviews, statements, etc., of any witness, party, or any other entity or person whatsoever regarding any aspect of the Subject Incident, the injuries or damages resulting therefrom, or this lawsuit, to include statements from any person who arrived shortly

after the collision, or who may have knowledge of facts concerning the Subject Incident; or whom you expect to call as an expert witness at trial.

REQUEST NO. 51: If an Accident Review Board or similar entity reviewed the Subject Incident, produce the following:

- a. A copy of all documents (as defined) and other materials of any kind reviewed by said board or entity;
- b. A copy of all reports and documents (as defined) of any kind produced by said board or entity;
- c. Documents evidencing who was on the board;
- d. Documents evidencing all criteria for review; and
- e. Determination of preventability and all other conclusions reached by said board or entity.

IV. TRIP IN QUESTION

REQUEST NO. 52: COLOR COPIES of front **and** back of all of CHANDLER's driver's logs (*i.e.* records of duty status), whether kept officially or unofficially, for six (6) months prior to the collision and thirty (30) days after the collision. 49 CFR § 395. If copies are produced, Plaintiff requests color copies, reserving the right to request originals.

REQUEST NO. 53: A copy of all lease and trip lease contracts between you and the truck/trailer owner and operator involved in the Subject Incident.

REQUEST NO. 54: Copies of any contract under which your company was operating the truck in question at the time of the Subject Incident.

REQUEST NO. 55: Copies of all bills of lading for truck involved in the

Subject Incident for the seven days prior to the Subject Incident, the day of the Subject Incident, and the day after the Subject Incident.

V. SAFETY

REQUEST NO. 56: A copy of the accident register maintained as required by 49 CFR § 390.35, to include the collision with MR. PITTS and all accidents three (3) years prior.

REQUEST NO. 57: A copy of all company manuals covering truck safety, maintenance, fleet safety, programs, and driver's standards, driver's handbook, in effect on the date of the Subject Incident.

REQUEST NO. 58: Copies of any manuals covering truck safety, maintenance, fleet safety, programs and driver's standards, driver's handbook, provided to the driver prior to the date of the Subject Incident, if different than what was in effect at the time of the Subject Incident.

REQUEST NO. 59: A copy of all of TANKSTAR's policies, procedures, internal operating procedures, directives, instructions, guidelines and other compilations of corporate policies and procedures that were in effect at the time of the Subject Incident that relate in any way to the following subjects:

- a. Driving a commercial vehicle;
- b. Driving safety;
- c. Driving in foggy conditions;
- d. Completing U-Turns;
- e. Defensive driving;
- f. Compliance with the Federal Motor Carrier Safety Regulations;

- g. Accident investigation;
- h. Accident review boards;
- i. Determination of preventability of accidents; and
- j. Hiring, training and supervising drivers.

REQUEST NO. 60: If any of the policies, procedures, internal operating procedures, directives, instructions, guidelines and other compilations of corporate policies and procedures addressing the areas listed in the above request have been modified or changed in any way since the Subject Incident, provide a copy of all changes.

REQUEST NO. 61: If any of the policies, procedures, internal operating procedures, directives, instructions, guidelines and other compilations of corporate policies and procedures addressing the areas listed in the above request had been modified or changed in any way in the two (2) years before the Subject Incident, provide a copy of all changes.

REQUEST NO. 62: A copy of the index of the policies and procedure manual, internal operating procedures, or other compilation of corporate policies and procedures to specifically include the positions of safety director, safety committee, risk manager, and risk management committee, effective on the date of the Subject Incident.

REQUEST NO. 63: A copy of TANKSTAR's Safety Handbook or documentation and compilation of policies and procedures in the area of loss control and safety, effective of the date of the Subject Incident if not previously provided.

REQUEST NO. 64: If ISO certified, produce all ISO certification documents in effect on the date of the Subject Incident.

REQUEST NO. 65: Produce all Federal accident reports filed by CHANDLER the year of the Subject Incident and for five (5) prior years.

REQUEST NO. 66: Produce any and all DOT Inspection Reports filed by CHANDLER for the year of the Subject Incident and for three (3) prior years.

REQUEST NO. 67: A complete copy of, or in the alternative, access to, each driver safety training film, video, videotape, videocassette, audio cassette, computer program, simulator, driver diagnostic record or test, maintained by your company, or used by your company its personnel, agents, or employees during the year of the Subject Incident and three (3) years prior.

REQUEST NO. 68: A copy of all articles, texts, or other documents or pages of documents or writings TANKSTAR prepared, contributed to, used, adopted, read, or relied upon, relevant to the TANKSTAR's position or opinion on issues pertaining to motor carrier safety regulations or driver qualifications, regulations and compliance and non-compliance therewith, or safety standards, compliance and non-compliance therewith.

REQUEST NO. 69: A copy of all articles, texts, or other documents or pages of documents or writings TANKSTAR prepared, contributed to, used, adopted, read, or relied upon, that support TANKSTAR's position or opinion on any issue pertaining to liability or causation in this matter.

REQUEST NO. 70: A copy of all articles, texts, other documents or pages of documents, or writings, TANKSTAR prepared, contributed to, used, adopted, read, or relied upon, relating to qualification, testing, and retention of drivers.

REQUEST NO. 71: A copy of all articles, texts, or other documents or

pages of documents or writings TANKSTAR prepared, contributed to, used, adopted, read, or relied upon, relating to out of service criteria and compliance and non-compliance therewith, to include power unit maintenance and trailer maintenance.

REQUEST NO. 72: A copy of all materials obtained by TANKSTAR, by and through its employees, representatives, officers, or agents, including but not limited to your company, at any highway safety, driver safety, fleet maintenance, motor carrier safety seminar, or motor carrier continuing education course in the five (5) years prior to the day of the Subject Incident.

REQUEST NO. 73: All certificates, diplomas, correspondence, writings, and/or documents regarding TANKSTAR's officers or safety representatives attendance at any driver safety courses, highway safety, fleet maintenance, or motor carrier safety seminars by and through its employees, representatives, officers, or agents in the five (5) years prior to the day of the Subject Incident.

REQUEST NO. 74: All correspondence writings and/or documents sent or received by your company, or the driver involved in the Subject Incident, regarding disciplinary action or suspension or potential disciplinary action or suspension of your company as a motor carrier, contractor, or service provider, or of your driver by any federal, state, or local government entity, including but not limited to the Federal Highway Administration, or any state agency, in the ten (10) years prior to the Subject Incident.

REQUEST NO. 75: All certificates, writings, documents, invoices, decals, and membership cards that certify or attest that TANKSTAR is and/or has been a member of any motor carrier or highway safety organization in the last ten (10) years,

including but not limited to any state transportation association, the Commercial Vehicle Safety Alliance, Advocates for Highway and Auto Safety, or similar organizations. You may provide a list of each such organization and dates of membership in lieu of providing the requested documents.

REQUEST NO. 76: All documents, phone call logs, or correspondence reflecting complaints or criticisms of any kind received by you from any source, including your personnel, concerning your driver, your company's jobs, the operation of, or failure to repair or maintain any power unit or trailer.

REQUEST NO. 77: All of TANKSTAR's officers, executives, or administrator's notices, directives, bulletins, publications, or manuals, or other written instructions concerning day to day operating and safety procedures to be followed by their personnel managers, supervisors, dispatchers, and drivers, including all versions of any document(s) relative to disciplinary policies or procedures regarding safety, maintenance, or failure to comply with the State Motor Carrier Safety Regulations in existence and effective at the company from January 1, 2003 through the present.

REQUEST NO. 78: All company newsletters for the five (5) years prior to the Subject Incident, to specifically include any newsletter or publication involving truck or driver safety.

REQUEST NO. 79: A copy of TANKSTAR's document retention policy, including its document retention policy on the following areas:

- a. Driver training files;
- b. Driver qualification files;
- c. Driver accident files; and

- d. Accident investigation files.

VI. TRUCKING COMPANY

REQUEST NO. 80: A copy of each certificate of membership in every organization, association, council, or group involved in the trucking or transportation industry to which TANKSTAR belongs or pays membership dues, or has paid dues in the last five (5) years.

REQUEST NO. 81: Copies of the organizational charts and lists identifying the divisions and management structure for TANKSTAR, its subsidiaries, parents, or affiliates of the year of the Subject Incident and two (2) years prior.

REQUEST NO. 82: Furnish one (1) blank form of each of the operational forms or documents utilized by TANKSTAR's drivers, personnel, and/or departments with respect to the movement or control of cargo and trip settlements with drivers, excluding only "negotiable instruments" such as checks.

REQUEST NO. 83: Copies of the following documents relating to TANKSTAR for the past six (6) years:

- a. Any writings regarding TANKSTAR's, or its personnel's, compliance, failure to comply, or alleged failure to comply, with any motor carrier safety regulation, standard, or law, out of service criteria, local ordinance, or any state transportation code;
- b. Correspondence to and from the Occupational Safety & Health Administration or the Department of Labor regarding accidents, injuries, or safety issues;
- c. Correspondence to and from STB or ICC;

- d. Correspondence to and from NTSB or FHWA;
- e. Correspondence to and from Department of Public Safety of any state;
- f. Correspondence to and from Department of Transportation of any state; and
- g. Correspondence to and from FMCSA.

REQUEST NO. 84: Copies of all documents relating to any arrest, indictment, deferral, or criminal conviction against CHANDLER, TANKSTAR, its employees, officers, or agents for the ten years prior to the Subject Incident to the present.

VII. INSURANCE

REQUEST NO. 85: 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. 86: Copies of all documents (as defined above) constituting a reservation of rights agreement, a non-waiver agreement, or any documentation reflecting that anything other than a full and unqualified defense has been tendered to TANKSTAR or any other Defendant in this action.

REQUEST NO. 87: Copies of all documents constituting any notice letters that have been sent by or on behalf of Defendants CHANDLER or TANKSTAR, to any other person or entity, placing such other person or entity, including insurers, on notice of the Subject Incident.

VIII. FEDERAL REPORTS

REQUEST NO. 88: A copy of all National Transportation Safety Board investigative reports for five (5) years prior to the collision and one (1) year after the Subject Incident.

REQUEST NO. 89: Each Motor Carrier Identification Report prepared by TANKSTAR, its employees, officers, or agents for the past five (5) years.

REQUEST NO. 90: All documents TANKSTAR, its employees, officers, or agents relied upon in completing, preparing, amending or supplementing any Motor Carrier Identification Report identified above during the past five (5) years.

IX. EXPERTS

REQUEST NO. 91: 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.

X. LITIGATION

REQUEST NO. 92: A copy of any and all materials which support any contention that the Subject Incident was the fault of anyone other than the Defendants.

REQUEST NO. 93: 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. 94: All documents, demonstrative or physical evidence you intend to place into evidence or use in front of the Court or jury at the trial of this cause not previously supplied.

REQUEST NO. 95: All scientific tests, experiments or demonstrations which you either intend to place into evidence at the trial of this cause or demonstrate to the court or jury, irrespective of whether you intend to introduce same into evidence.

REQUEST NO. 96: Copies of any medical, educational, employment, and all other records which have been obtained by you or your counsel regarding Plaintiff MR. PITTS or Plaintiff TERESA PITTS.

REQUEST NO. 97: All reports, publications and/or other documents evidencing any safety standards, laws, regulations, ordinances, or industry standards that you contend or will contend at trial that your company and driver has complied with, or that Plaintiff MR. PITTS failed to comply with.

REQUEST NO. 98: 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 foregoing Interrogatories.

REQUEST NO. 99: 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 Subject Incident, including but not limited to admissions of fault, engineering analysis, scientific tests, and official or unofficial reports.

This 18th day of October, 2010.

FRIED ROGERS GOLDBERG LLC



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