

IN THE COURT OF COMMON PLEAS FOR MAHONING COUNTY, OHIO

VIVIAN G. KOVEIN :
2282 Yorktown Street :
Uniontown, Ohio 44685 :

Plaintiff, :

v. : Case No. _____

DIRECT TRANSIT, INC. : Category _____
c/o Charles G. Peterson, Pres. :
211 Freedom Drive :
North Sioux City, SD 57049 :

and :

JOHN DOE 1, Administrator of :
the Estate of RODGER A. ROBERTS :
NAME UNKNOWN :
9580 Laurel Avenue :
Fontana, California 92335 :

and :

JOHN DOES 2 through 10 :
NAMES UNKNOWN :
Addresses Unknown :

PLAINTIFF'S FIRST SET OF INTERROGATORIES
PROPOUNDED TO DEFENDANT, DIRECT TRANSIT, INC.

Plaintiff hereby submits the following Interrogatories to Defendant, Direct Transit, Inc., to be answered in writing and under oath within thirty (30) days in accordance with Rule 33(A) of the Ohio Rules of Civil Procedure and in the form prescribed by Civil Rule 33(D).

Instructions:

1. The space for your answer following each Interrogatory is not intended to limit your response in any way or

to suggest the length of the answer that is desired. Full and complete answers are requested. If you require additional space to complete any answer, use continuation sheets and attach them at the end of these Interrogatories and indicate on the continuation sheets the number of the Interrogatory you are answering.

2. If you refuse to answer any Interrogatory in whole or in part, describe the basis for your refusal to answer, including any claim of privilege, in sufficient detail so as to permit the court to adjudicate the validity of your refusal, and identify each document and oral communication for which a privilege is claimed.

3. Pursuant to Ohio Civil Rule 26(E)(3), plaintiff herein requests that you supplement all answers to these Interrogatories. You are, accordingly, under a continuing duty to reasonably supplement your responses with respect to any question directly addressed to the identity and location of persons having knowledge of discoverable matters, the identity of each person, if any, expected to be called as a witness at trial, the identity of each person, if any, expected to be called as an expert witness at trial and the subject matter on which he or she is expected to testify, and the identity and location of documents relating to the subject matter of the instant lawsuit. Furthermore, you are under a similar duty to correct any incorrect response immediately upon learning of the error.

INTERROGATORIES

1. Please state the name, address, and title of the person answering these interrogatories, and please identify the capacity in which said person is answering these interrogatories.

2. Please state the name and address of each and every person who assisted in the preparation of these answers to interrogatories.

3. Please identify the legal characterization of your business entity (i.e. sole proprietorship, partnership, corporation).

4. If a corporation, please state the following:

a. date of incorporation;

b. state of incorporation;

c. names and addresses of corporate officers.

5. Please state the precise legal name and address of the business entity described above.

6. Please state whether you acknowledge service of process in this action, and if not, please state the manner in which you claim service of process upon you was defective.

7. Please state whether you were an interstate motor carrier on June 4, 1995, and if so, please state whether your ICC numbers were displayed on the vehicle that was involved in the subject collision.

8. Please state whether you were the legal owner of a the tractor and trailer involved in the subject collision.

9. Please state whether Rodger A. Roberts was an agent or employee of yours on June 4, 1995, and if so, please state whether he was an agent or an employee.

10. Please state whether Rodger A. Roberts was driving the vehicle referred to above with your permission on June 4, 1995.

11. Please state whether, at the time of the collision in question on June 4, 1995, Rodger A. Roberts was driving the vehicle referred to above in the scope and course of his employment or agency with you.

12. Please state whether Rodger A. Roberts was in your employ, and if not, please state his last date of employment and the reasons for the termination of his employment.

13. Please state last known address of Rodger A. Roberts.

14. Please state the date on which Rodger A. Roberts was first hired or otherwise engaged by you, and please describe in detail the process by which Rodger A. Roberts was recruited, tested, investigated, and hired or engaged.

15. Please state whether, on June 4, 1995, you were a party to any liability insurance contract pursuant to which an insurance company or other entity is or may be liable to satisfy, in whole or part, any judgment which may be entered against you in this action, and if so, please state the following:

- a. name and address of insurance company or entity;
- b. policy number;
- c. type of policy;
- d. limitations of liability contained in said policy.

16. If you are self-insured, in whole or part, for damages arising from the collision in question, please state the following:

- a. the amount of your retained limits,

- b. the name of your excess insurance carrier and the policy number of your excess insurance policy,

- c. the limits of liability of your excess insurance policy.

17. Please state whether any investigation into the motor vehicle collision in question was made by you, your employees, or anyone (other than legal counsel) acting on your behalf, and if so, please state the following:

- a. description of investigation;

- b. identity of person or persons conducting the investigation;

c. whether a written report was made of the investigation or any part thereof;

d. if a report was made, the name and address of the custodian of said report.

18. With respect to the damages done to the tractor and/or trailer in question, describe the damages done to them, who repaired the damages, and the cost and date(s) of the repairs.

19. State your policy with respect to the retention and destruction of drivers' logs and trip receipts and explain any differences between that policy and the manner in which the driver's logs and trip expenses for the trip in question were treated.

20. State your policy with respect to testing your drivers for substance abuse.

21. State each and every regulation in the Federal Motor Carrier Safety Regulations that was violated by the rig, Rodger A. Roberts, and Direct Transit, Inc., from the last stop made by the rig before the accident until the rig was removed from the scene of the accident. 49 C.F.R. §392.

22. Please state the name and address of every person known to you to have knowledge of the occurrence in question or to possess other facts or information discoverable in this action pursuant to the Civil Rules.

23. Please state the name and address of each and every lay witness whom you expect to call at the trial of this action, and for each witness, briefly state the subject matter of the

anticipated testimony.

24. Please state the name and address of each and every expert witness whom you expect to call at the trial of this action, and for each witness, briefly state the subject matter of the anticipated testimony and the facts known and opinions held by said expert relative to the subject matter of this action.

26. Please identify all exhibits which you intend to use at trial. If you will do so without a Motion to Produce, please attach hereto copies of such exhibits.

CLARK, PERDUE, ROBERTS & SCOTT

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CERTIFICATE OF SERVICE

This is to certify that a true copy of the foregoing Interrogatories were served upon the Defendants in the same manner and at the same time they received summons and a copy of the Complaint in this action.

CLARK, PERDUE, ROBERTS & SCOTT

DOUGLAS S. ROBERTS
Supreme Court No. 0023353