

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

ORIGINAL

WAFAA DABDOUB, Individually and as  
Administrator of the Estate of MAHMOUD  
AHMAD DABDOUB,

Plaintiff,

v.

WESTERN EXPRESS, INC. and JAMES  
DAVID RAST,

Defendants.

Civil Action File No.  
1:14-cv-02843-WBH

**PLAINTIFF'S FIRST INTERROGATORIES TO  
DEFENDANT WESTERN EXPRESS, INC.**

COMES NOW, Plaintiff WAFAA DABDOUB, by and through her counsel of record, and requires Defendant WESTERN EXPRESS, INC. to respond under oath to the following interrogatory questions within thirty (30) days from the date of service by hand delivery of these Requests, pursuant to the Fed.R.Civ.P. 33 and as required 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, and/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 January 25, 2013 collision between MAHMOUD AHMAD DABDOUB and a tractor-trailer operated by WESTERN EXPRESS, INC. and JAMES DAVID RAST, which resulted in the death of MAHMOUD AHMAD DABDOUB.

5. "**You,**" "**Your,**" or "**WESTERN EXPRESS**" means Defendant WESTERN EXPRESS, INC.

6. "**JAMES DAVID RAST**" means Defendant JAMES DAVID RAST.

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 work "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 work "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.

## INTERROGATORIES

### INFORMATION

1.

Identify the following people:

- (a) The Safety Director/Chief Safety Officer for WESTERN EXPRESS on the date of the Subject Incident and through the present date;
- (b) The person(s) primarily responsible for compliance with state and federal safety regulations at WESTERN EXPRESS on the date of the Subject Incident and through the present date;
- (c) The person(s) responsible for training JAMES DAVID RAST; and
- (d) JAMES DAVID RAST’S supervisor and manager on the date of the Subject Incident.

2.

Did JAMES DAVID RAST have any health issues that affected or could have affected his ability to drive in any way in the 72 hours leading up to the Subject Incident? If so, explain.

### INVESTIGATION OF SUBJECT INCIDENT

3.

Identify and explain all communications of any kind between JAMES DAVID RAST and anyone acting for or on behalf of WESTERN EXPRESS during the twenty-four (24) hours before and after the Subject Incident. For each communication, identify the method of communication (cell phone, QualComm, other), time of communication, persons involved, and the general subject.

4.

Identify all persons who to your knowledge were present at the scene of the Subject Incident at any time in the 48 hours after the collision and explain their role, why they were at the scene and what actions they took.

5.

Identify each person (name and employer) who has been involved in the investigation of the Subject Incident. For each person identified, describe their role and involvement in the investigation.

6.

Identify all person(s) who you to your knowledge have or may have any relevant information regarding: the Subject Incident; the facts leading up to the Subject Incident; the investigation of the Subject Incident; any party to this action; any vehicles involved in the Subject Incident; and/or any claims or defenses raised in this action. The purpose of this Interrogatory is to identify all witnesses whom WESTERN EXPRESS believes may have relevant testimony of any kind in connection with this case.

7.

Identify all persons who to your knowledge have given a statement **in any form** (written, oral, recorded or otherwise) in connection with this case. For each person identified, provide the date and time of the statement, identify to whom the statement was made and who was present when the statement was made, identify whether the statement was written, oral, recorded, and/or transcribed, and identify all persons presently having custody of the statement.

8.

Identify and explain all interaction and communication between anyone working for or on behalf of WESTERN EXPRESS and any federal and/or state law enforcement personnel/agency regarding the Subject Incident. Please include the identification of all persons involved and what information was conveyed.

9.

Identify and explain all interaction and communication between anyone working for or on behalf of WESTERN EXPRESS and anyone employed with or acting on behalf of any other Defendant named in this action in connection with the Subject Incident.

10.

As to any tests, inspections, measurements and/or investigations performed by or on behalf of WESTERN EXPRESS, or of which you are at all aware regarding in any way the Subject Incident and/or any other matter raised in this case, identify all person(s) who ordered and/or who participated in performing each and describe in detail the subject(s), purpose(s), methodologies and conclusions of each.

11.

If you maintain that MAHMOUD DABDOUB has any responsibility of any kind for causing the Subject Incident, and/or for causing any of the damages alleged in the Plaintiff's Complaint, describe in detail the basis for this responsibility and identify all person(s) who have any knowledge regarding this issue.

12.

If WESTERN EXPRESS has performed any review (e.g., accident review board, preventability determination) of the Subject Incident to determine preventability and/or fault, identify all persons involved in the review, the dates of the review and the conclusions that were reached.

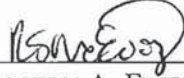
**REQUESTS FOR ADMISSION**

13.

For each of Plaintiff's First Request for Admissions to WESTERN EXPRESS that you did not admit without qualification: explain in detail the reason for your refusal to admit; identify each person having information or knowledge supporting your denial; state in detail the substance of all such information and knowledge held by each person so identified; and identify each document that supports each denial.

Dated this 3<sup>rd</sup> day of November 2014.

**FRIED ROGERS GOLDBERG LLC**



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JOSEPH A. FRIED  
GEORGIA STATE BAR NUMBER 277251  
R. SEAN MCEVOY  
GEORGIA STATE BAR NUMBER 490918

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