

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

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

Plaintiffs,

v.

WESTERN EXPRESS, INC.,
JAMES DAVID RAST and
NATIONAL CASUALTY
COMPANY,

Defendants.

Civil Action
No. 1:14-cv-2843

**PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS TO
DEFENDANT JAMES DAVID RAST**

COMES NOW, Plaintiff WAFAA DABDOUB, by and through her counsel of record, and requires Defendant JAMES DAVID RAST to answer under oath the following Requests for Admissions within thirty (30) days from the date of service by hand delivery of these Requests, as provided by law and a copy of the answers to be furnished to Plaintiff's attorneys.

NOTE A: In reply to these Requests for Admission, your answer should specifically admit or deny the request, or set forth in detail the reasons why the request cannot be truthfully admitted or denied. Any denial shall fail to meet the substance of the requested admission, and

when good faith requires that you qualify your answer or deny only a part of the matter of which an admission is requested, you shall specify so much of it as is true and qualify or deny the remainder. Federal Rules of Civil Procedure, Rule 36(a)(2).

NOTE B: As the answering party, you may not give lack of information or knowledge as a reason for failure to admit or deny unless reasonable effort has been made and the information known or readily obtainable and available to the Defendant is sufficient to enable the Defendant to admit or deny the matter Federal Rules of Civil Procedure, Rule 36(a)(2).

NOTE C: If the Defendant considers that a matter requested presents a genuine issue for trial, this alone does not constitute grounds for an objection. Mixed questions of law and fact, opinions, and genuineness of documents are all legitimate subjects of Requests for Admission. Federal Rules of Civil Procedure, Rule 36(a)(1)(2).

DEFINITIONS

As used herein, the terms listed below are defined as follows:

1. **Person** means any natural person, corporation, partnership, proprietorship, association, organization, group of persons, and/or any governmental body or subdivision thereof.

2. **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.

3. **WESTERN EXPRESS** means Defendant WESTERN EXPRESS, INC.

4. **JAMES DAVID RAST** means Defendant JAMES DAVID RAST.

Requests for Admission

1.

The DOT number for WESTERN EXPRESS is 511412.

2.

The MC ICC number for WESTERN EXPRESS is MC-260323.

3.

MAHMOUD AHMAD DABDOUB was a member of the public.

4.

WESTERN EXPRESS is a motor carrier as defined by the Federal Motor Carrier Safety Regulations.

5.

WESTERN EXPRESS was a motor carrier as defined by the Federal Motor Carrier Safety Regulations at the time of the Subject Incident.

6.

WESTERN EXPRESS was an interstate carrier at the time of the Subject Incident.

7.

JAMES DAVID RAST was subject to the Federal Motor Carrier Safety Regulations at the time of the Subject Incident.

8.

WESTERN EXPRESS was a motor carrier as defined by the Federal Motor Carrier Safety Regulations at the time of the Subject Incident.

9.

On January 25, 2013, JAMES DAVID RAST was an agent of WESTERN EXPRESS.

10.

On January 25, 2013, JAMES DAVID RAST was an employee of WESTERN EXPRESS..

11.

At the time of the Subject Incident, JAMES DAVID RAST was acting within the course and scope of his employment or agency with WESTERN EXPRESS.

12.

On January 25, 2013, JAMES DAVID RAST was operating the tractor owned by WESTERN EXPRESS.

13.

On January 25, 2013, JAMES DAVID RAST was operating the tractor with the permission of WESTERN EXPRESS.

14.

On January 25, 2013, JAMES DAVID RAST was operating the tractor with the knowledge of WESTERN EXPRESS.

15.

On January 25, 2013, JAMES DAVID RAST did not violate any driver training he received from WESTERN EXPRESS at the time of the Subject Incident.

16.

On January 25, 2013, JAMES DAVID RAST violated the driver training he received from WESTERN EXPRESS at the time of the Subject Incident.

17.

At the time of the Subject Incident, it was dark.

18.

As JAMES DAVID RAST drove from the industry to the area of the Subject Incident, he was using his windshield wipers.

19.

At the time of the Subject Incident, JAMES DAVID RAST was using his windshield wipers.

20.

It had been raining during the night of January 25, 2013 in the area of the Subject Incident.

21.

At the time of the Subject Incident, it was raining in the area of the Subject Incident.

22.

At the time of the Subject Incident, the roadway where the subject incident occurred was wet.

23.

At the time of the Subject Incident, JAMES DAVID RAST was attempting to make a left hand turn out of an industrial park.

24.

As JAMES DAVID RAST was attempting to make a left hand turn out of an industrial park, he had to cross over a right hand turn lane for northbound traffic into the industrial park.

25.

As JAMES DAVID RAST was attempting to make a left hand turn out of an industrial park, he had to cross over two lanes of travel for northbound traffic.

26.

As JAMES DAVID RAST was attempting to make a left hand turn out of an industrial park, he had to cross over a center turn lane for northbound and/or southbound traffic.

27.

JAMES RAST is partially responsible for causing the Subject Incident.

28.

JAMES RAST denies that he is responsible for causing the Subject Incident in any degree no matter how small.

29.

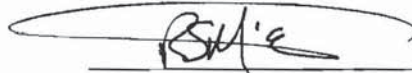
Venue is proper in this Court.

30.

Jurisdiction is proper in this Court.

This 5th day of February 2015.

FRIED ROGERS GOLDBERG LLC



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