

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

Patrick Jackson- Plaintiff

v

Brody Transportation - Defendant

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CASE NO.: 06-C-00-1234

**PLAINTIFF'S INTERROGATORIES TO
DEFENDANT BRODY TRANSPORTATION CO., INC.**

TO: BRODY TRANSPORTATION CO., INC., Defendant

BY: PATRICK JACKSON, Plaintiff

Plaintiff, by and through his attorneys, Ronald V. Miller, Jr., Laura G. Zois and Miller & Zois, LLC, requests that Defendant Brody Transportation Co., Inc. (hereinafter "Defendant Brody") answer the following Interrogatories fully, under oath and in accordance with the Maryland Rules of Civil Procedure, Rule 2-421, subject to the instructions set forth below:

INSTRUCTIONS

- (a) These Interrogatories are continuing in character so as to require you to file supplementary answers if you obtain further or different information before trial.
- (b) Unless otherwise stated, these Interrogatories refer to the time, place and circumstances of the occurrence mentioned or complained of in Plaintiff's Complaint.
- (c) Where name and identity of a person is required, please state full name, home address and business address, if known.
- (d) Where knowledge or information in possession of a party is requested, such request includes knowledge of the party's agents, representatives and, unless privileged, attorneys. When an answer is made by corporate defendant, please state the name, address and title of the person supplying the information and making the affidavit, and announce the source of his or her information.
- (e) The pronoun "you" refers to the party to whom the Interrogatories are addressed and the parties mentioned in clause (d).
- (f) "Identify" when referring to a: (a) person, means to state his or her full name, telephone number, present or last known home address, his or her job title or titles, by whom employed and address of the place of employment; (b) public or private corporation, partnership, association, or other organization, or to a governmental agency,

means to state its full name and present or last known pertinent business address and phone number.

INTERROGATORIES

1. State in what capacity you are authorized to respond to this interrogatories on behalf of Defendant Brody, your full name, current home address and home addresses for the past ten (10) years, date of birth, social security number, your affiliation to Defendant Brody, the length of time employed by Defendant Brody, current title and position, and positions held by you for the last ten (10) years, as well as the complete legal name of Defendant Brody, any trade name by which Defendant Brody is identified or under which Defendant Brody conducts business, and the address and telephone number of your principal office.

2. Identify any individual you are aware of that has personal knowledge of the facts and circumstances of this case, including eyewitnesses, people claiming to be eyewitnesses and any individuals who arrived on the scene within five (5) hours after the occurrence.

3. If anyone investigated this matter for you (excluding your attorneys), including medical experts, private investigators or insurance adjusters, state their name(s) and address(es), and state whether such investigation was reduced to writing, and the substance of their investigation and findings. If said investigator obtained any signed, recorded, transcribed or oral statement from any individual, identify the person who gave the statement and the present custodian of such statement.

4. If you know of the existence of any pictures, photographs, plats, visual recorded images, police reports, diagrams or objects relative to the occurrence, the Plaintiff's physical condition, or the scene of the truck accident, identify the substance of such recording and the present custodian of each such item.

5. Do you know of any statement, conversation, comment, testimony or report made by any party to this lawsuit or witness, including the Plaintiff, made at the time of the truck accident or following the truck accident, concerning the occurrence or facts relevant to any issue in this case? If your answer is "yes," state the content of such statement, conversation, comment, or report, the place where it took place, and the custodian of such statement.

6. State the name and specialty of all experts whom you propose to call as witnesses at trial, and for each expert state the subject matter on which the expert is expected to testify, the substance of the findings and opinions to which the expert is expected to testify and attach to your Answers copies of all written reports of each such expert.

7. If you or your attorney will contend at trial that any other entity or person, a party to or not a party to, this lawsuit, was responsible for the Plaintiff's injuries, identify such person, persons or entities, and give a concise statement of the facts upon which you rely.

8. Please identify any policy of insurance or any insurance agreement that was in affect at the time of the [truck accident](#) and identify the type of policy, the identity of the insurance company the policy number and the policy limits and coverage afforded under the policy

or policies and if your insurance has ever been cancelled or lapsed, please identify the carrier and when the cancellation or lapse occurred.

9. If Defendant Steven Pakacki, Sr. (hereinafter "Defendant Pakacki") was acting within the scope of his or her employment at the time of the truck accident, please indicate whether or not you were required to file a report within the regular course of business as a result of the truck accident, and identify for whom the Defendant Pakacki was working at the time of the truck accident.

10. Identify the property damage done to each vehicle, trailer or piece of equipment as a result of the accident and which parts of those vehicles were damaged in the occurrence complained of, the name and address of the person or entity who repaired each vehicle, and the date and cost of repairs. If the vehicles have not been repaired, state the present location of said vehicles, the days of the week, the time of day, and the places they may currently be seen and identify any photographs of the vehicles involved in the collision.

11. Please state the name and address of the owner of the vehicle and/or trailer involved in this occurrence, and whether you had the permission of the owner of the vehicle and/or trailer to use the equipment, and the purpose for which you were using the equipment.

12. State whether you have information about whether Defendant Pakacki consumed any alcoholic beverages or drugs, prescription, over the counter, or illicit, within eight (8) hours prior to the truck accident, and if the answer is in the affirmative, state where they were obtained and consumed and the nature and amount thereof.

13. State the full itinerary of the vehicle involved in the March 12, 2004 collision, stating the place and time of the beginning of the trip, the place and time and duration of each stop, the route taken, the destination and the anticipated time of arrival at that destination.

14. Please state with specificity exactly how this accident took place and include in your answer, the date of the accident, the time of the accident, the location of the accident, description of the vehicles (including make, model, year), where the vehicles were just prior to the accident, how far apart the vehicles were just prior to impact, the speed of each vehicle just before the accident, the exact location of each vehicle in relation to the roadway prior to and upon impact, and where the vehicles came to rest. If this was a chain reaction accident, identify the sequence of the impacts between the vehicles.

15. Did you, your agents, servants, employees or representatives have any conversation or contact with any of the parties to this lawsuit, any witness to the accident, or any investigator of the truck accident? If so, state the substance of such conversations and outline the contact.

16. Do you contend that the Plaintiff was contributorily negligent or assumed the risk of his or her injuries? If so, state the facts upon which you rely.

17. If Defendant Pakacki was not acting within the scope and course of his employment at the time of the collision, please state each and every fact upon which you rely to base

your claim and the name, address and employer of each and every person who has knowledge of such information.

18. Immediately following the incident of March 12, 2004, please state:

- a. The person at Defendant Brody who was first notified of the accident?
- b. The date and time this person was notified?
- c. Whether anyone at Defendant Brody created a written record of the accident, and if so, whom?
- d. Is this record kept in any Vehicle Accident Investigation File or its equivalent?
- e. Is this record kept in the ordinary course of business?

19. Please list all prior accidents in which the Defendant Pakacki has been involved, either with other persons or with property. Please include the name of any other driver or property owner involved, the location of the collision, the date and time of the collision, and disposition of the matter.

20. Did Defendant Pakacki complete an application for employment or any other paperwork prior to being hired or employed by Defendant Brody?

21. What, if any, background information did you obtain, or attempt to obtain, regarding Defendant Pakacki's driving history and/or safety record prior to engaging his services or allowing him to use your vehicle and/or trailer?

22. What maintenance, if any, was performed on the tractor **or** trailer of the subject vehicle for the six (6) months prior to the collision? For each such maintenance, please list the following:

- a. What prompted the maintenance visit;
- b. Who performed the maintenance;
- c. Who diagnosed the necessity for maintenance;
- d. What diagnosis was rendered;
- e. When were the repairs performed;
- f. What, if any, parts were replaced; and
- g. Did the problem reoccur? If so, when?

23. Is there a bill of lading, purchase order or any other document describing in detail, the entire load packaged in the trailer prior to the incident? If so, please list the custodian of

each such document, the title of each, the preparer and employer of each and attach a copy of said document to your responses hereto.

24. Did Defendant Brody make any safety inspection, including federal compliance inspections, of the semi-tractor trailer rig at the inception of the lease or contract?

25. Identify the US DOT number displayed on the tractor-trailer on the date of the incident.

26. Describe and explain in detail the method of calculating the pay, compensation, wages, salary, bonus, or commission for Defendant Pakacki at the time of the collision and for one (1) year prior.

27. Describe all training that Defendant Brody provides or requires for its drivers/operators, and include in your answer any training manuals or safety manuals provided to employees or independent contractors.

28. At the time of this [truck accident](#), was the cab equipped with a satellite communication device or e-mail capability, including a Qualcomm system such as SensorTRACS, TrailerTRACS, ViaWeb, JTRACS, ProOmniOne, OmniExpress, FleetAdvisor, QTRACS fleet management system, TruckMAIL, GlobalTRACS, or a GPS product manufactured by any other company?

29. Disclose the interview process you employ before hiring any individual, including, but not limited to, any application for employment; driving test; medical evaluation; face-to-face, electronic or telephonic interview; verification of insurance information; licensing; and safety history.

30. Please describe the nature of your relationship with each of the named Defendants.

Respectfully submitted,

MILLER & ZOIS, LLC

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