

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT INDEPENDENCE**

RICK CULLEN and)	
REBECCA CULLEN,)	
702 SW 15 th , Apt. 4)	
Blue Springs, MO 64105)	
)	
Plaintiffs,)	
)	
v.)	Case No.
)	Div. No.
DELL R. PRIEST,)	
Serve at:)	
1159 N. 1340 East)	
Shelley, ID)	
)	
and)	
)	
EDWARDS BROS., INC.,)	
Serve Registered Agent:)	
George Peterson)	
485 E. St.)	
Idaho Falls, ID)	
)	
Defendants.)	

**PLAINTIFFS' OPENING INTERROGATORIES TO
DEFENDANT EDWARDS BROS., INC.**

Pursuant to Mo. R. Civ. P. 57.01, plaintiffs propound the following interrogatories to defendant Edwards Bros., Inc., to be answered separately and fully in writing, under oath, as required by law within forty-five (45) days after service of these interrogatories along with a copy of the petition filed in this matter. These interrogatories are continuing in nature and the answers shall be supplemented by the defendant at any time in the future as the facts and information discovered hereafter shall have been ascertained. Said supplemental answers shall be served upon counsel for the plaintiffs reasonably after such discovery is made.

1. Have you been sued in your correct corporate name? If the answer to this interrogatory is “no,” please state the correct corporate name.

ANSWER:

2. Please state in full all other names or DBAs under which defendant’s business operates.

ANSWER:

3. For each accident, rollover, run-off-the-road, or collision in which a vehicle being driven for you, on your behalf, or under your authority, has been involved in any way, within the five years preceding February 22, 2005, and which involved a personal injury or death of any person (including any driver), or damage to any property, identify the time, place, all parties involved with addresses and phone numbers and provide a brief description of what happened.

ANSWER:

4. For each claim of any kind that has been made against you arising out of any accident, rollover, run-off-the-road, or collision within the five years preceding the accident

on February 22, 2005 and until the present, state the names, addresses and phone numbers of all persons and/or entities including attorneys making such claims.

ANSWER:

5. State the name, address and phone number of all persons or entities that assisted you in any way in the development of any safety or training programs from January 1, 2004 to February 22, 2005 and state how they have so assisted you.

ANSWER:

6. State the names and last known addresses and phone numbers of all drivers who drove for you, on your behalf, or under your authority at any time between September 22, 2005 to February 22, 2005 who were either terminated or quit or otherwise no longer drive for you, on your behalf, or under your authority, and identify the reason if any for such driver quitting or being terminated.

ANSWER:

7. State the names, addresses and phone numbers of all persons who worked at any time between February 22, 2004 to February 22, 2005 in your safety department and state their job description for that time period and the job for which they are now employed by you.

ANSWER:

8. State the names and addresses of all persons who recruited, trained, dispatched or supervised Dell R. Priest while employed by Edwards Bros., Inc.

ANSWER:

9. Was Dell R. Priest driving under your authority at the time of the collision which is the subject of this lawsuit?

ANSWER:

10. State whether you have retained a driver qualification file in your company offices for Dell R. Priest, and if so, list each of the documents in that file.

ANSWER:

11. State whether you have knowledge of any traffic violation or CFR violation committed by Dell R. Priest either while your employee or during previous employment. If so, state what information you have in that regard.

ANSWER:

12. State whether you have knowledge of any hours of service violations committed by Dell R. Priest either while in your employment or in previous employment. If so, state what information you have in that regard.

ANSWER:

13. Please describe any discipline, including the reason for discipline, the extent of the discipline, the dates of such discipline and the name, address and phone number of the person in charge of such discipline provided to or directed at Dell R. Priest. If no discipline was taken, state whether any was considered.

ANSWER:

14. State the names, addresses and phone numbers of all drivers who complained to you between January, 2000 and February 22, 2005 or your management or dispatchers about the number of hours they were working or your logging policies.

ANSWER:

15. State all steps you took to insure Dell R. Priest was properly trained and capable to perform his job duties and include the names of all persons who assisted in taking such steps.

ANSWER:

16. State all pickups and deliveries, including the date, time and address where each pickup or delivery was made, trip numbers, and a description of the cargo made by Dell R. Priest within the ten (10) days preceding February 22, 2005 up to the time of the accident.

ANSWER:

17. For the load on the trailer at the time of the February 22, 2005 accident, state the exact place of origin, the exact time when the truck left its place of origin, the place of destination of the truck and what the scheduled arrival time was at the place of destination.

ANSWER:

18. State the method by which compensation was determined for the payment of Dell R. Priest for the trip during which the crash referenced in the petition occurred.

ANSWER:

19. State whether your company is in possession of the drivers' logs of Dell R. Priest for the trip at issue. If you are not in possession of the drivers' logs for the trip, please state the current location of all copies of the log books and the name of the custodian of those records.

ANSWER:

20. State whether Edwards Bros., Inc. contracts with another company to perform logbook audits of its drivers. If yes, provide the name, address, telephone number and contact person for the company.

ANSWER:

21. As it relates to the tractor-trailer being driven by defendant Dell R. Priest at the time of the incident described in plaintiffs' petition, state:
- a. When the vehicle was purchased;
 - b. The make, model and VIN of the vehicle;
 - c. The gross vehicle weight of the tractor when being towed empty;
 - d. The gross vehicle weight of the trailer when being towed empty; and
 - e. The gross vehicle weight of the tractor-trailer was it was being used at the time of the incident described in plaintiffs' petition.

ANSWER:

22. If the truck was loaded with cargo at the time of the accident described in the petition, state the name(s), address(es) and telephone number(s) of the shipper(s), consignee, and the person/company that loaded the cargo.

ANSWER:

23. Does the truck involved in the accident have an on board computer or a satellite tracking device? If so, identify the brand, make and model of the device and all disks, computer tapes, or other written materials generated by the use of the on board computer or satellite tracking device during the trip and the location of these materials.

ANSWER:

24. State whether Edwards Bros., Inc. contracts with another company to download data from the satellite tracking device utilized by the truck involved in the incident described in plaintiffs' petition. If yes, provide the name, address, telephone number and contact person for the company.

ANSWER:

25. Was a drug or alcohol test administered to the truck driver after the accident described in the petition? If yes, please state who administered the test, what the results were, at what time was it administered and if not administered pursuant to regulations, state the reason for the delay.

ANSWER:

26. Do you have any insurance agreements which will indemnify you, in whole, or in part, against any judgment plaintiffs may obtain in the instant action? If your answer is "yes," please state the amount of coverage, the name and address of the insurer, the policy number(s) and whether this case is being defended under any reservation of rights.

ANSWER:

27. Does Edwards Bros., Inc. have a self-insured retention limit before coverage begins on any of the policies providing coverage to Edwards Bros., Inc.? If so, state the SIR limit.

ANSWER:

28. Please state the names, addresses and all telephone numbers of all persons that were known or found by you or acting on your behalf to be present at the scene of the collision at the time said collision occurred or within one hour after said collision occurred.

ANSWER:

29. Identify each person whom you intend to call to give expert testimony at the trial of this matter and state the general nature of the subject matter upon which the expert is expected to testify as well as their hourly deposition rate.

ANSWER:

HENNING & BOUGH, P.C.

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