

IN THE COMMON PLEAS COURT OF CRAWFORD COUNTY, OHIO

ERICA HINTZ, Individually and as
Administrator of the Estate of Ethan M.
Stephens
5357 State Route 598
Plymouth, OH 44865

Plaintiff,

v.

**GMC EXCAVATION & TRUCKING,
LTD.**
C/O Steven J. Beck, Statutory Agent
1859 Biddle Road
Galion, OH 44833

and

JOHNNY K. SEITZ
3527 Iberia Ally
Galion, OH 44833

Defendants.

) Case No.:

) Judge

) **COMPLAINT WITH JURY DEMAND**
) **ENDORSED HEREON AND**
) **INTERROGATORIES, REQUESTS**
) **FOR PRODUCTION OF**
) **DOCUMENTS AND REQUESTS**
) **FOR ADMISSIONS ATTACHED**

) Michael Jay Leizerman (0063945)
) Joshua Leizerman (0088359)
) E.J. Leizerman & Associates, LLC
) 717 Madison Avenue
) Toledo, OH 43604
) Phone: (419) 243-1010
) Facsimile: (419) 243-8200
) michael@leizerman.com
) josh@leizerman.com

) Grant A. Goodman (0065230)
) The Goodman Law Firm
) 1360 W. Ninth Street, Suite 410
) Cleveland, OH 44113
) Phone: (216) 928-9990
) Facsimile: (216) 357-2679
) ggoodlaw@yahoo.com

) Attorneys for Plaintiff

PRELIMINARY STATEMENT AND JURISDICTION

1. This is a clear liability collision in which Defendant's dump truck crossed the centerline and struck Marine Private Ethan Stephens' vehicle head on.

2. The Probate Court in Huron County, Ohio has appointed Ethan's mother, Erica Hintz, as Administrator of the Estate of Ethan Stephens. Ethan Stephens was a citizen of the State of Ohio. Defendant GMC Excavation & Trucking, Ltd. is a corporation organized and existing under the laws of the State of Ohio. Defendant Johnny Seitz is a citizen of the State of Ohio.
3. This Court has subject matter jurisdiction, Ohio Rev. Code Ann. § 2305.01 as well as personal jurisdiction over the Defendants.
4. A substantial part of the events or omissions giving rise to Plaintiff's claims took place in Crawford County, Ohio. Therefore, Crawford County is the proper venue. Ohio Civ. R. 3(B)(3).

FIRST CAUSE OF ACTION
Negligence of Johnny Seitz

5. On or about September 29, 2014, Plaintiff Ethan Stephens was driving southbound on State Route 58. Defendant Johnny Seitz was driving northbound on State Route 58 when he crossed the center line and struck Mr. Stephens' vehicle head on.
6. Defendant Johnny Seitz had a duty to obey all traffic laws, keep a proper lookout, and to operate his truck in a safe and reasonable manner.
7. Defendant Johnny Seitz failed in the above-mentioned duties and was therefore negligent.

8. Defendant Johnny Seitz's negligence was the direct and proximate cause of Plaintiff's decedent Ethan Stephens' injuries and death.
9. As a direct and proximate result of Defendant Johnny Seitz's negligence, Plaintiff Ethan Stephens has lost past and future wages.
10. As a direct and proximate result of Defendant Johnny Seitz's negligence, Plaintiff Ethan Stephens incurred medical bills for the treatment of his injuries directly resulting from this collision.

SECOND CAUSE OF ACTION
Survival Action

11. Plaintiff incorporates by reference all of the above causes of action as though fully restated herein.
12. As a direct and proximate result of the actions and omissions of all defendants, Ethan Stephens experienced terror and conscious anguish, suffering and pain prior to his death.
13. As a direct and proximate result of the actions and omissions of all defendants, Ethan Stephens' property, including his personal effects and clothing were damaged or destroyed.

THIRD CAUSE OF ACTION
Statutory Violations of Johnny Seitz

14. Plaintiff incorporates by reference all of the above causes of action as though fully restated herein.
15. Defendant Johnny Seitz violated state and federal statutes and regulations, including but not limited to 49 C.F.R. §§ 350-399, as

adopted by O.A.C. 4901:2-5-02 through 4901:2-5-08; along with O.R.C. §§ 4511.20 and 4511.202.

16. Defendant Johnny Seitz's statutory violations directly and proximately caused Ethan Stephens' damages and death.

FOURTH CAUSE OF ACTION

Claim for Punitive Damages against Johnny Seitz

17. Plaintiff incorporates by reference all of the above causes of action as though fully restated herein.
18. Defendant Johnny Seitz's actions demonstrate a conscious disregard for the rights and safety of Plaintiff Ethan Stephens and the rest of the motoring public. Plaintiff demands punitive damages against Defendant Johnny Seitz.

FIFTH CAUSE OF ACTION

Vicarious Liability of GMC Excavation & Trucking, Ltd.

19. Plaintiff incorporates by reference all of the above causes of action as though fully restated herein.
20. Defendant Johnny Seitz was the employee, agent, servant, or independent contractor for GMC Excavation & Trucking, Ltd. Accordingly, GMC Excavation & Trucking, Ltd. is vicariously liable for the acts of Defendant Johnny Seitz for the causes of action above.

SIXTH CAUSE OF ACTION

Strict Liability of GMC Excavation & Trucking, Ltd.

21. Plaintiff incorporates by reference all of the above causes of action as though fully restated herein.

22. Without regard to employment relationship, GMC Excavation & Trucking, Ltd. is the registered owner of the USDOT number 721344 displayed on the truck involved in this collision and is therefore responsible for the acts of the driver of that vehicle.

SEVENTH CAUSE OF ACTION

Negligence of GMC Excavation & Trucking, Ltd.

23. Plaintiff incorporates by reference all of the above causes of action as though fully restated herein.
24. Defendant GMC Excavation & Trucking, Ltd. had a duty to act reasonably in hiring and retaining Johnny Seitz, to act reasonably when entrusting Johnny Seitz to drive one of its trucks, and to promulgate and enforce rules and regulations to ensure its drivers and vehicles were reasonably safe.
25. Defendant GMC Excavation & Trucking, Ltd. failed in the above-mentioned duties and was therefore negligent.
26. Defendant GMC Excavation & Trucking, Ltd.'s negligence was the direct and proximate cause of Ethan Stephens' death and the damages described in this Complaint.

EIGHTH CAUSE OF ACTION

Statutory Violations of GMC Excavation & Trucking, Ltd.

27. Plaintiff incorporates by reference all of the above causes of action as though fully restated herein.

28. Defendant GMC Excavation & Trucking, Ltd. violated and encouraged Defendant Johnny Seitz to violate state and federal statutes and regulations, including but not limited to Ohio Rev. Code 4511.43A and 49 C.F.R. §§ 350-399 as adopted by O.A.C. 4901:2-5-02 through 4901:2-5-08.
29. Defendant GMC Excavation & Trucking, Ltd.'s statutory violations directly and proximately caused Plaintiff's injuries and death.
30. Defendant GMC Excavation & Trucking, Ltd. is negligent *per se* based on these statutory and regulatory violations.

NINTH CAUSE OF ACTION

Claim for Punitive Damages against GMC Excavation & Trucking, Ltd.

31. Plaintiff incorporates by reference all of the above causes of action as though fully restated herein.
32. Defendant GMC Excavation & Trucking, Ltd.'s actions demonstrate a conscious disregard for the rights and safety of Plaintiff Ethan Stephens and the rest of the motoring public. Plaintiff demands punitive damages against Defendant GMC Excavation & Trucking, Ltd.

WHEREFORE, Plaintiff demands judgment against Defendants in an amount in excess of twenty-five thousand dollars (\$25,000.00) for all causes of action above; plus punitive damages against the truck driver and truck companies; and other relief as

justice requires or as this Court or the trier of fact sees fit under principles of law and equity; plus interest and costs.

Respectfully submitted,

^

Michael Jay Leizerman
Attorney for Plaintiff

JURY DEMAND

Plaintiff demands a jury for all triable issues.

^

Michael Jay Leizerman
Attorney for Plaintiff

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) Attorneys for Plaintiff

TO DEFENDANT GMC EXCAVATION & TRUCKING, LTD.:

The following Interrogatories, Requests for Production of Documents and Request for Admissions are submitted herewith to you to be answered under oath, in writing within twenty-eight (28) days after the date of service thereon upon you, in accordance with the Ohio Court Rules.

If you believe any response to a request for production is privileged, please provide a privilege log, including a general description of the document and who possess it.

You are hereby instructed in accordance with the Ohio Rules of Civil Procedure to reasonably supplement your responses to these Interrogatories

and Request for Production of Documents if and as they may change during the course of the proceedings of this litigation.

Please contact michael@leizerman.com to receive an electronic version of this document in MSWord format so that you can more easily fill in your responses.

INTERROGATORIES

INTERROGATORY NO. 1: Please identify by name and title each and every person who has answered or helped answer these Interrogatories.

ANSWER:

INTERROGATORY NO. 2. Please state the full and correct name of the Defendant business entity and all parent companies, subsidiaries, related business entities, and related logistics companies. Also, list the name of all other corporations in which any shareholder of GMC Excavation & Trucking, Ltd. holds a 5% or greater ownership interest.

ANSWER:

INTERROGATORY NO. 3: Please state the name and address of the owner(s) of the truck and trailer that were involved in the crash described in Plaintiff's Complaint.

ANSWER:

INTERROGATORY NO. 4: Please state the full name, address, date of birth, employer and social security number of the driver of the truck involved in the motor vehicle collision with Plaintiff on September 29, 2014.

ANSWER:

INTERROGATORY NO. 5: Please state whether the driver of the truck involved in the motor vehicle collision with Plaintiff on September 29, 2014 was employed by GMC Excavation & Trucking, Ltd. on the date of the collision. If so, describe his position and when he began working for GMC Excavation & Trucking, Ltd. If this person was not an employee of GMC Excavation & Trucking, Ltd., state the nature of the business relationship between Johnny Seitz and GMC Excavation & Trucking, Ltd.

ANSWER:

INTERROGATORY NO. 6: If Johnny Seitz was not acting with the course and scope of his employment at the time of the collision, please state each and every fact upon which you rely to base this claim and the name, address, and employer of each and every person who has knowledge of such information.

ANSWER:

INTERROGATORY NO. 7: Immediately following the crash of September 29, 2014, please identify the person at GMC Excavation & Trucking, Ltd. who was first notified and whether there's a written record of the collision.

ANSWER:

INTERROGATORY NO. 8: Please state the name, address, and employer of each and every person known to you or your representatives who claims to have any knowledge of the circumstances surrounding the crash in question.

ANSWER:

INTERROGATORY NO. 9: Has, or anyone acting on its behalf, ever taken or received any statement, either orally or in writing, from any person, relating to this collision? If so, please state the name of the person who gave the statement, who took the statement, its date, its substance, and whether counsel may obtain a copy of any such statement.

ANSWER:

INTERROGATORY NO. 10: At the time of the crash:

- a. List the name of any motor vehicle insurance, excess insurance, “umbrella” coverage, general liability insurance and/or other insurance which arguably provides coverage for GMC Excavation & Trucking, Ltd and for the owner of the truck.
- b. Liability coverage limit of each type of insurance identified.
- c. The amount of any liability deductible and/or self-insured retention which requires payment from the Defendant.

ANSWER:

INTERROGATORY NO. 11: List the name, address and telephone number of each person likely to have discoverable information about the claims and defenses in this case, even if you do not intend on calling that person as a witness.

ANSWER:

INTERROGATORY NO. 12: Identify any non-party who you claim is or may be liable to the claimant in any part or in whole for the damages claimed but who has not been joined in the action as a party and the facts upon which you base this assertion.

ANSWER:

INTERROGATORY NO. 13: Did Johnny Seitz complete an application for employment and/or any other pre-employment paperwork prior to employment by GMC Excavation & Trucking, Ltd?

ANSWER:

INTERROGATORY NO. 14: Please state what maintenance had been performed on the truck involved in the collision for the 24 months prior to the collision. For each such maintenance, please state the nature of the maintenance performed.

ANSWER:

INTERROGATORY NO. 15: Describe the load when the truck left that day, its number of stops, where it stopped, and the load at the time of the crash.

ANSWER:

INTERROGATORY NO. 16: Is there a bill of lading or any other document describing in detail the entire cargo loaded in the truck prior to the crash? If so, please list the custodian of each such documents, the title of each, the preparer and employer of each.

ANSWER:

INTERROGATORY NO. 17: If the truck was leased or rented, did GMC Excavation & Trucking, Ltd. make an inspection of the truck at the inception of the lease or contract?

ANSWER:

INTERROGATORY NO. 18: Identify the USDOT number displayed on the truck and its registered owner on the date of the crash.

ANSWER:

INTERROGATORY NO. 19: Please state the name, address, telephone number, and title of the individual(s) at GMC Excavation & Trucking, Ltd., if any, who could verify whether Johnny Seitz was in compliance with applicable federal and state safety regulations at the time of the motor vehicle collision with Plaintiff?

ANSWER:

INTERROGATORY NO. 20: Please state all training that GMC Excavation & Trucking, Ltd. provides or requires for its drivers/trucks. State specifically the training received by Johnny Seitz.

ANSWER:

INTERROGATORY NO. 21: At the time of the crash, was the truck equipped with a satellite communication device, e-mail capability or a GPS product? If so, please describe.

ANSWER:

INTERROGATORY NO. 22: List the engine manufacturer of the truck (i.e. Detroit Diesel, Cummins, Caterpillar) and the year it was made.

ANSWER:

INTERROGATORY NO. 23: If the answer to Request for Admission No. 7 is anything but an unqualified admission, state the factual basis for your affirmative defense of “insufficiency of process” and/or “failure of service of process”.

ANSWER:

INTERROGATORY NO. 24: Does Johnny Seitz still work as an employee or contractor for GMC Excavation & Trucking, Ltd.? If not, when was his last day?

ANSWER:

INTERROGATORY NO. 25: Have you, your agent, your attorneys, insurance company or anyone on your behalf requested and/or received any information from any computer information source or center concerning the decedent or his family in this suit? If so, please state the name, address and job title of the person in possession or control of this information, the date the information was ordered, the name, address and job title of the person so ordering the information, and the name of the information source or center used.

ANSWER:

INTERROGATORY NO. 27: At the time of the crash, did you maintain a driver manual, company handbook, or its equivalent, and if so, please describe.

ANSWER:

INTERROGATORY NO. 28: At the time of the crash, did you maintain a company safety rules handbook, or its equivalent, and if so, please describe.

ANSWER:

REQUEST FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1: Please produce any and all accident and/or incident reports and investigations prepared by Defendant as a result of the crash other than the police report.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: Please produce any accident register or record maintained to include the motor vehicle collision with Plaintiff.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: If ISO certified, please produce all ISO Certification documents.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: Please produce all documents prepared concerning all inspections performed on the truck involved in this accident.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5: Please produce all leases and contracts that were in effect for the truck on the day of the accident.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6: Please produce the entire personnel file of Johnny Seitz.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7: Please produce the entire qualification file of Johnny Seitz, including those parts maintained pursuant to 49 C.F.R. 391.51 and preserved pursuant to 49 C.F.R. 379 (including Appendix A, Note A).

RESPONSE:

REQUEST FOR PRODUCTION NO. 8: Please produce the entire drug and alcohol file of Johnny Seitz including but not limited to pre-employment, post-accident, random, reasonable suspicion, and return to duty drug and alcohol testing results maintained pursuant to 49 C.F.R. 382.401, preserved pursuant to 49 C.F.R. 379 (including Appendix A, Note A) and released pursuant to 49 C.F.R. 40.323.

RESPONSE:

REQUEST FOR PRODUCTION NO. 9: Please produce the entire driver investigation history file or its equivalent for Johnny Seitz maintained pursuant to 49 C.F.R. 391.53 and preserved pursuant to 49 C.F.R. 379 (including Appendix A, Note A).

RESPONSE:

REQUEST FOR PRODUCTION NO. 10: Please produce any other file kept concerning Johnny Seitz.

RESPONSE:

REQUEST FOR PRODUCTION NO. 11: Please produce any and all payroll and benefit records, including independent contractor settlement records, if applicable, for Johnny Seitz for two years prior to the collision to one year after the collision.

RESPONSE:

REQUEST FOR PRODUCTION NO. 12: Please produce all cancelled checks of any kind paid to Johnny Seitz for twelve months prior and six months after the collision.

RESPONSE:

REQUEST FOR PRODUCTION NO. 13: Please produce any and all cellular and telephone records and bills of Johnny Seitz for the day of the motor vehicle collision with Plaintiff and seven days prior.

RESPONSE:

REQUEST FOR PRODUCTION NO. 14: Please produce any and all credit card bills and receipts for Johnny Seitz the month of the motor vehicle collision with Plaintiff.

RESPONSE:

REQUEST FOR PRODUCTION NO. 16: Please produce any and all state safety audits for Johnny Seitz for the year of this collision and three years prior.

RESPONSE:

REQUEST FOR PRODUCTION NO. 17: Please produce any and all accident reports filed for Johnny Seitz the year of this collision and three years prior.

RESPONSE:

REQUEST FOR PRODUCTION NO. 18: Please produce any and all DOT inspection reports filed for Johnny Seitz for the year of this collision and three years prior.

RESPONSE:

REQUEST FOR PRODUCTION NO. 19: Please produce any and all long form DOT physicals for Johnny Seitz.

RESPONSE:

REQUEST FOR PRODUCTION NO. 20: Please produce any and all DOT and state inspections of the truck involved in the crash for the year of the collision and one year prior.

RESPONSE:

REQUEST FOR PRODUCTION NO. 21: Please produce any photographs taken of the truck operated by Johnny Seitz at the scene of the collision or any time after.

RESPONSE:

REQUEST FOR PRODUCTION NO. 22: Please produce copies of any documentation evidencing the completion or non-completion of training programs and driver orientation programs by Johnny Seitz for GMC Excavation & Trucking, Ltd.

RESPONSE:

REQUEST FOR PRODUCTION NO. 23: Please produce copies of any and all satellite communications and e-mail for the day of the collision involving Plaintiff and seven days prior, as well as all recorded ECM (electronic control module), EDR (event data recorder), and/or SDM (sensing & diagnostic module) chronological data with reference to all data available.

RESPONSE:

REQUEST FOR PRODUCTION NO. 24: Please produce all insurance policies and all endorsements (including MCS-90) including liability, general liability, excess, umbrella, and all other insurance policies that will cover or arguably cover damages claimed in the collision involving Plaintiff.

RESPONSE:

REQUEST FOR PRODUCTION NO. 25: Please produce a copy of documents evidencing the completion or non-completion of any safe driving programs by Johnny Seitz.

RESPONSE:

REQUEST FOR PRODUCTION NO. 26: Please produce a copy of the driver manual, company handbook, or their equivalent issued to Johnny Seitz.

RESPONSE:

REQUEST FOR PRODUCTION NO. 27: Please produce a copy of the company safety rules or its equivalent issued to Johnny Seitz.

RESPONSE:

REQUEST FOR PRODUCTION NO. 28: Please produce the Permanent Unit File or its equivalent pursuant to 49 C.F.R. 396.3 including but not limited to records relating to the inspections, repairs, maintenance, and costs for the truck and/or the trailer involved in the motor vehicle collision with Plaintiff.

RESPONSE:

REQUEST FOR PRODUCTION NO. 29: Please for produce printouts of all data of any communication system (e-mail or other electronic communications) for the day of the collision and the week prior.

RESPONSE:

REQUEST FOR PRODUCTION NO. 30: Please produce the complete unemployment file of Johnny Seitz, if applicable.

RESPONSE:

REQUEST FOR PRODUCTION NO. 31: Please produce all correspondence between GMC Excavation & Trucking, Ltd. and its insurance company relative to the collision described in Plaintiffs' Complaint.

RESPONSE:

REQUEST FOR ADMISSION

REQUEST FOR ADMISSION NO. 1: Admit or deny that on September 29, 2014, Johnny Seitz failed to drive his commercial motor vehicle in a safe manner by failing to yield to Plaintiff's vehicle.

ANSWER:

REQUEST FOR ADMISSION NO. 2: Admit or deny that Johnny Seitz was acting in the scope and course of his employment with GMC Excavation & Trucking, Ltd on September 29, 2014 when the collision with Plaintiff occurred.

ANSWER:

REQUEST FOR ADMISSION NO. 3: Admit or deny that Johnny Seitz was negligent in the collision involving Plaintiff on September 29, 2014.

ANSWER:

REQUEST FOR ADMISSION NO. 4: Admit or deny that Ethan M. Stephens was not negligent in the September 29, 2014 collision.

ANSWER:

REQUEST FOR ADMISSION NO. 5: Admit or deny that Johnny Seitz's negligence proximately caused some injury to Ethan M. Stephens.

ANSWER:

REQUEST FOR ADMISSION NO. 6: Admit or deny that Johnny Seitz's negligence solely and proximately caused Ethan M. Stephens' death.

ANSWER:

REQUEST FOR ADMISSION NO. 7: Admit or deny that GMC Excavation & Trucking, Ltd. was served a copy of the Complaint in this case.

ANSWER:

Respectfully submitted,

^

—
Michael Jay Leizerman
Attorney for Plaintiff

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) ggoodlaw@yahoo.com

) Attorneys for Plaintiff
)

TO DEFENDANT JOHNNY SEITZ:

The following Interrogatories, Requests for Production of Documents and Request for Admissions are submitted herewith to you to be answered under oath, in writing within twenty-eight (28) days after the date of service thereon upon you, in accordance with the Ohio Court Rules.

If you believe any response to a request for production is privileged, please provide a privilege log, including a general description of the document and who possess it.

You are hereby instructed in accordance with the Ohio Rules of Civil Procedure to reasonably supplement your responses to these Interrogatories and Request for Production of Documents if and as they may change during the course of the proceedings of this litigation.

Please contact michael@leizerman.com to receive an electronic version of this document in MSWord format so that you can more easily fill in your responses.

INTERROGATORIES

INTERROGATORY NO. 1: Where were you coming from and where were you going at the time of the collision as alleged in the Complaint?

ANSWER:

INTERROGATORY NO. 2: State your purpose in driving the dump truck involved in the collision with Plaintiff on September 29, 2014.

ANSWER:

INTERROGATORY NO. 3: Describe the exact route that you followed from the point where your trip commenced to the point where the collision occurred.

ANSWER:

INTERROGATORY NO. 4: Please state in detail how the collision occurred. If there is more than one version, state separately and identify its source.

ANSWER:

INTERROGATORY NO. 5: State the full name and address of each person who witnessed or claims to have witnessed the collision.

ANSWER:

INTERROGATORY NO. 6: State the full name and address of each person who was present or claims to have been present at the scene or immediately before, at the time of, or immediately after the collision.

ANSWER:

INTERROGATORY NO. 7: Did you give a statement(s), oral or written, to anyone concerning the crash as alleged in suit? If so, state the name and address of each person taking such statement(s).

ANSWER:

INTERROGATORY NO. 8: State the condition of the roads and the weather at the time of the motor vehicle collision as alleged in suit.

ANSWER:

INTERROGATORY NO. 9: Other than the crash at issue, please list all other vehicle collisions in which you have been involved in the past 10 years in which you were a driver, whether or not you believe the collision was your fault.

ANSWER:

INTERROGATORY NO. 10: Please state with whom you were employed/under lease agreement within the last six months prior to the motor vehicle collision with Plaintiff. Please state the place of your employment/lease, supervisors, type of work, and the length of time you were employed/leased at each place of employment.

ANSWER:

INTERROGATORY NO. 11: List the name, address and telephone number of each person likely to have discoverable information about the claims and defenses in this case, even if you do not intend on calling that person as a witness.

ANSWER:

INTERROGATORY NO. 12: Has any person likely to have discoverable information about the claims and defenses in this case given a written or recorded statement to you or your agent. If so, please state the name and address of each person and the name and address of the person who has the present custody or control of each such statement.

ANSWER:

INTERROGATORY NO. 13: If the answer to Request for Admission No. 7 is anything but an unqualified admission, state the factual basis for your affirmative defense of “insufficiency of process” and/or “failure of service of process”.

ANSWER:

INTERROGATORY NO. 14: Please state whether you completed a driver’s collision report form or its equivalent at any time for your employer/lessor detailing the crash of September 29, 2014.

ANSWER:

INTERROGATORY NO. 15: Please state whether you were operating or attempting to operate a cellular phone or other communication device at the time of or in the minutes before the collision with Plaintiff. This includes phone calls, texts, browsing the internet, controlling music or any other activity that involved touching your phone.

ANSWER:

INTERROGATORY NO. 16: Please state whether you performed a safety inspection of the truck involved in the collision with Plaintiff at any time on or before September 29, 2014, and if so, state:

- a. Date and time of the latest inspection prior to the September 29, 2014 crash;
- b. Where the inspection took place;
- c. Name of party who conducted the inspection;
- d. Result of the safety inspection; and

- e. Whether anyone at GMC Excavation & Trucking, Ltd. were notified of the result of the inspection, and if so, who and when?

ANSWER:

REQUEST FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1: Please produce any and all collision and/or incident reports and investigations prepared by Defendant as a result of the crash other than the police report.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: Produce copies of any and all insurance policies for the truck and trailer involved in the collision with Plaintiff.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: Please produce copies of all photographs, slides, motion pictures, video tapes, surveillance reports or other information relevant to surveillance of Plaintiff's activities from the date of the collision involving Plaintiff to the present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: Produce any logs kept, official or unofficial, for the month of the collision with Plaintiff and six months prior.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5: Please produce all records relating to the repairs, maintenance, and costs for the truck involved in the collision with Plaintiff.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6: Please produce a copy of your cellular phone records for the day of the collision and the seven days prior.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7: Please produce all correspondence between yourself and any insurance company relative to the collision described in Plaintiff's Complaint.

RESPONSE:

REQUEST FOR ADMISSION

REQUEST FOR ADMISSION NO. 1: Admit or deny that on September 29, 2014, you were operating a commercial motor vehicle.

ANSWER:

REQUEST FOR ADMISSION NO. 2: Admit or deny that you were acting in the scope and course of your employment/lease agreement with GMC Excavation & Trucking, Ltd. on September 29, 2014 when the collision with Plaintiff occurred.

ANSWER:

REQUEST FOR ADMISSION NO. 3: Admit or deny that you were negligent in the collision of September 29, 2014.

ANSWER:

REQUEST FOR ADMISSION NO. 4: Admit or deny that Ethan M. Stephens was not negligent in the September 29, 2014 collision.

ANSWER:

REQUEST FOR ADMISSION NO. 5: Admit or deny that your negligence solely and proximately caused some injury to Ethan M. Stephens.

ANSWER:

REQUEST FOR ADMISSION NO. 6: Admit or deny that your negligence solely and proximately caused Ethan M. Stephens' death.

ANSWER:

REQUEST FOR ADMISSION NO. 7: Admit or deny that you were served a copy of the Complaint in the above-captioned case.

ANSWER:

Respectfully submitted,

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Michael Jay Leizerman
Attorney for Plaintiff