

KOPELMAN LAW GROUP

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January 5, 2001

ABC TRUCKING, INC.

1234 Main Street

Transport Town, Georgia 30000

CERTIFIED MAIL RETURN RECEIPT REQUESTED

RECEIPT NO. 0123 4567 8901 2345

Trucks R Us Insurance

5678 Central Street

Insurance, Indiana 56789

CERTIFIED MAIL RETURN RECEIPT REQUESTED

RECEIPT NO. 5432 1098 7654 3210

Re: Our Client: Ms. Jane Smith, Surviving Spouse of Mr. John Smith
 Date of Collision: December 31, 2000
 Your Insured: ABC Trucking, Inc.
 Your Driver: Tony Trucker
 Our File No.: 12345-2

Dear Sir or Madam:

As you are aware, this law firm, specifically the undersigned, represents the interests of Ms. Jane Smith in connection with the collision involving a 1998 Freightliner tractor owned by ABC Trucking, Inc., the tractor had the placard "ABC TRUCKING" on it. The driver of the tractor is Tony Trucker of Atlanta, Georgia. For your ready reference, a copy of the latest police report is attached.

We respectfully demand that you do not destroy urine or blood samples, urine or blood tests or any documents relating to the tractor trailer, its parts or contents, or the driver involved in this December 31, 2000 accident. This request includes the following documents which will be formally requested at a later date:

- Copy of all tachometer records;
- Copy of all on-board computer records;
- Copy of all dispatch records;
- Copy of all fax transmissions between the driver, his employer and any agent or broker;
- Copy of all telephone records;
- Copy of all mobile radio records;
- Copy of all pro-rate records;

- Copy of all wrecker or tow truck records;
- Copy of truck and trailer license;
- Copy of all pick-up and delivery records;
- Copy of all trip summaries;
- Copy of all delivery manifests;
- Copy of all credit card receipts;
- Copy of all toll tickets;
- Copy of all fuel receipts;
- Copy of all weight tickets;
- Copy of all fuel tax records;
- Copy of all state entry and departure records;
- Copy of registration and title to the truck;
- Copy of all expense sheets;
- Copy of all trailer interchange records;
- Copy of all bills of lading;
- Copy of all manifests and waybills;
- Copy of all rental contracts involving the truck;
- Copy of the written response from each state agency contacted with reference to Tony Trucker's driving record (See 49 C.F.R. §391.23);
- Written records with respect to each past employer who was contacted about Tony Trucker's qualifications;
- Copy of Tony Trucker's list of violations of motor vehicle traffic laws (See 49 C.F.R. §391.27);
- Copy of Tony Trucker's personnel files;
- Copy of all Tony Trucker's Safety Board investigative reports;
- Copy of all insurance policies covering the truck and trailer involved in the incident even if the vehicles are not specifically designated therein;
- Copy of all photographs of the accident scene, the truck and/or trailer involved in the accident;
- Tony Trucker's qualification file (See 49 C.F.R. §391.51), including Tony Trucker's application, list of Tony Trucker's previous employer for the 10 years preceding the date of the application, the reasons for leaving said employments, medical examiner's certificate, a note showing when and who reviewed Tony Trucker's record with him for each year of employment (See 49 C.F.R. §391.25), a list of certificates showing all violations of motor vehicle laws and ordinances (See 49 C.F.R. §391.27), responses from state agencies and employers to your inquires about Tony Trucker's employment and driving records, certificate of road test (See 49 C.F.R. §391.31(e)), records of drug and alcohol tests, and an accident register listing all DOT recordable preventable accidents;
- Copy of all out of service orders;
- Copy of Tony Trucker's driver's logs (i.e., record of duty status for the past six (6) months (See 49 C.F.R. §395);
- Copy of vehicle maintenance records for the commercial motor vehicle involved in the accident for the past six (6) months (See 49 C.F.R. §396.3);
- Copy of the accident register (See 49 C.F.R. §390.35);

- Copy of the accident report;
- Copy of repair invoices during the period that the truck has been operated in or on your behalf;
- Copy of all lease and trip lease contracts between you and the truck/trailer owner and operators;
- Copy of all trip reports;
- Copy of Commercial Driver's License (CDL) of Tony Trucker;
- All writings giving notification to you of Tony Trucker's convictions or suspensions for violating a state or local law relating to motor vehicle traffic control (See, 49 C.F.R. §383.31);
- All writings containing the results of any drug or alcohol test that was administered to Tony Trucker after the collision;
- All records of Tony Trucker's alcohol tests with a confirmed reading of 0.02 percent or greater, tests, instrument calibration documentation, driver evaluation by a substance abuse professional and calendar year summaries for the last five (5) years;
- All records related to the alcohol and drug testing collection processes and records of training for the two (2) years preceding the collision;
- All records of alcohol tests with less than 0.02 blood alcohol reading and negative drug tests;
- All copies of alcohol test forms, controlled substance chain of custody forms, documents related to the refusal of any driver to submit to testing, documents supplied by the driver to dispute test results and signed acknowledgments of required training documents;
- Copies of educational materials explaining drug and alcohol testing regulations submitted to drivers;
- Copies of your own policies and procedures relating to alcohol and drug testing;
- Copies of Tony Trucker's signed receipt for any policies and procedures or other educational materials received from his employer at any time;
- Copy of all company manuals covering truck safety, maintenance, fleet safety programs, and driver's standards;
- Copy of all records generated by on-board recording devices with which the truck was equipped at the time of the accident;
- Copy of all records generated through the use of the QUALCOMM OMNITRAX system with which the truck was equipped at the time of the accident;
- Copy of all records generated by the EATON VORAD collision avoidance system with which the truck was equipped at the time of the accident;
- Copy of all employee orientation training materials;
- Copy of trucking company hiring policies and procedures;
- Copy of all writings relating to disciplinary actions taken against Tony Trucker for any reason at any time;
- Copy of the accident review procedures or rules adopted by the trucking company to determine whether any accident is chargeable or non-chargeable, preventable or non-preventable;
- Copy of all writings or printouts generated by the on-board computer of the truck involved in the collision;

- Copy of all writings or printouts generated by an on-board recorder or other type of data recorder on the truck involved in the collision;
- Copy of all writing or printouts generated by a "Black Box" on the truck involved in the accident;
- Trip Logs;
- Mileage Sheets;
- Memoranda of any kind relating to this truck and driver;
- In-service hours;
- Tripometer results;
- Maintenance agreements for the six (6) months preceding this collision;
- Blood/Urine tests
- Blood/Urine samples;
- Leasing contracts;
- Any correspondence of any kind to and from any governmental agency pertaining to this tractor trailer rig and/or the driver. This request includes, but is not limited to, any correspondence between any governmental or law enforcement office and the driver or employer concerning the December 31, 2000 collision.

We respectfully request that you do not destroy any of the foregoing documents/evidence, urine/blood samples or urine/blood tests. Failure to preserve the evidence as we have outlined above will force us to seek a declaration from the Court that the defendants have engaged in the spoliation of evidence which would authorize a jury to draw an adverse inference against any of the defendants at any trial of this matter.

I trust you understand our request and the position we have asserted, but if you have any questions or comments, please do not hesitate to contact me. With kind regards, I am

Sincerely,

KOPELMAN LAW GROUP, P.C.



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RK/ns