

COVER SHEET
Civil Case Filing Form
 (To be completed by Attorney/Party
 Prior to Filing of Pleading)

Mississippi Supreme Court
 Administrative Office of Courts

Form AOC01
 (Revised 1/1/2001)

Court Identification

Docket Number

241CE

County # Judicial Court ID
 District (CH, CI, CO)

071409

Month Date Year

This area to be completed by clerk

Case Year

2009

Docket Number

224

Local Docket ID

Case Number if filed prior to 1/1/94

IN THE CIRCUIT COURT OF HARRISON COUNTY

Short Style of Case: Curd v. Western Express, Inc.

Party Filing Initial Pleading: Type/Print Name Kasie M. Braswell

MS Bar No. 10120

Check (✓) if Not an Attorney Check (✓) if Pro Hac Vice Signature _____

Compensatory Damages Sought: \$ Undetermined Punitive Damages Sought: \$ Undetermined

Is Child Support contemplated as an issue in this suit? Yes ✓ No If "yes" is checked, please submit a completed Child Support Information Sheet with Final Decree/Judgment

PLAINTIFF - PARTY(IES) INITIALLY BRINGING SUIT SHOULD BE ENTERED FIRST (FIRST NAME IN SHORT STYLE) - ENTER ADDITIONAL PLAINTIFFS ON SEPARATE FORM

Individual CURD CANDICE (_____)
 Last Name First Name Maiden Name, if Applicable Middle Init. Jr/Sr/III/IV

Address of Plaintiff 20400 SW 53rd Place, Fort Lauderdale, FL 33332

Check (✓) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: _____

Estate of _____

Check (✓) if Individual Plaintiff is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: _____

D/B/A / Agency _____

Business _____

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

Check (✓) if Business Plaintiff is filing suit in the name of an entity other than the above, and enter below: _____

D/B/A: _____

DEFENDANT - NAME OF DEFENDANT (FIRST NAME IN SHORT STYLE) - ENTER ADDITIONAL DEFENDANTS ON SEPARATE FORM

Individual _____ (_____)
 Last Name First Name Maiden Name, if Applicable Middle Init. Jr/Sr/III/IV

Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: _____

Estate of _____

Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: _____

D/B/A / Agency _____

Business Western Express, Inc.

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

Check (✓) if Business Defendant is being sued in the name of an entity other than the above, and enter below: _____

D/B/A: _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar No. or Name: _____ Pro Hac Vice (✓) _____
 (if known)

In left hand column, check one (1) box that best describes the nature of this suit. In right hand column check all boxes which indicate secondary claims.

- | | |
|----------------------------|-------------------------------------|
| Business/Commercial | |
| <input type="checkbox"/> | Accounting (Business) |
| <input type="checkbox"/> | Bankruptcy |
| <input type="checkbox"/> | Business Dissolution - Corporation |
| <input type="checkbox"/> | Business Dissolution - Partnership |
| <input type="checkbox"/> | Debt Collection |
| <input type="checkbox"/> | Employment |
| <input type="checkbox"/> | Examination of Debtor |
| <input type="checkbox"/> | Execution |
| <input type="checkbox"/> | Foreign Judgment |
| <input type="checkbox"/> | Garnishment |
| <input type="checkbox"/> | Pension |
| <input type="checkbox"/> | Receivership |
| <input type="checkbox"/> | Replevin |
| <input type="checkbox"/> | Stockholder Suit |
| <input type="checkbox"/> | Other _____ |
| Domestic Relations | |
| <input type="checkbox"/> | Child Custody/Visitation |
| <input type="checkbox"/> | Child Support |
| <input type="checkbox"/> | Contempt |
| <input type="checkbox"/> | Divorce: Fault |
| <input type="checkbox"/> | Divorce: Irreconcilable Differences |
| <input type="checkbox"/> | Domestic Abuse |
| <input type="checkbox"/> | Emancipation |
| <input type="checkbox"/> | Modification |
| <input type="checkbox"/> | Paternity |
| <input type="checkbox"/> | Property Division |
| <input type="checkbox"/> | Separate Maintenance |
| <input type="checkbox"/> | Termination of Parental Rights |
| <input type="checkbox"/> | UIFSA (formerly URESA) |
| <input type="checkbox"/> | Other _____ |
| Contract | |
| <input type="checkbox"/> | Breach of Contract |
| <input type="checkbox"/> | Installment Contract |
| <input type="checkbox"/> | Insurance |
| <input type="checkbox"/> | Product Liability under Contract |
| <input type="checkbox"/> | Specific Performance |
| <input type="checkbox"/> | Other _____ |

- | | |
|--------------------------|------------------------------------|
| <input type="checkbox"/> | Probate |
| <input type="checkbox"/> | Accounting (Probate) |
| <input type="checkbox"/> | Birth Certificate Correction |
| <input type="checkbox"/> | Commitment |
| <input type="checkbox"/> | Conservatorship |
| <input type="checkbox"/> | Guardianship |
| <input type="checkbox"/> | Heirship |
| <input type="checkbox"/> | Intestate Estate |
| <input type="checkbox"/> | Minor's Settlement |
| <input type="checkbox"/> | Muriment of Title |
| <input type="checkbox"/> | Name Change |
| <input type="checkbox"/> | Power of Attorney |
| <input type="checkbox"/> | Testate Estate |
| <input type="checkbox"/> | Will Contest |
| <input type="checkbox"/> | Other _____ |
| Statutes/Rules | |
| <input type="checkbox"/> | Bond Validation |
| <input type="checkbox"/> | Civil Forfeiture |
| <input type="checkbox"/> | Declaratory Judgment |
| <input type="checkbox"/> | ERISA |
| <input type="checkbox"/> | Eminent Domain |
| <input type="checkbox"/> | Extraordinary Writ |
| <input type="checkbox"/> | Federal Statutes |
| <input type="checkbox"/> | Injunction or Restraining Order |
| <input type="checkbox"/> | Municipal Annexation |
| <input type="checkbox"/> | Racketeering (RICO) |
| <input type="checkbox"/> | Railroad |
| <input type="checkbox"/> | Seaman |
| <input type="checkbox"/> | Other _____ |
| Appeals | |
| <input type="checkbox"/> | Administrative Agency |
| <input type="checkbox"/> | County Court |
| <input type="checkbox"/> | Hardship Petition (Driver License) |
| <input type="checkbox"/> | Justice Court |
| <input type="checkbox"/> | MS Employment Security Comm'n |
| <input type="checkbox"/> | Municipal Court |
| <input type="checkbox"/> | Oil & Gas Board |
| <input type="checkbox"/> | Workers' Compensation |
| <input type="checkbox"/> | Other _____ |

- | | |
|-------------------------------|-------------------------------------|
| <input type="checkbox"/> | Children and Minors - Non-Domestic |
| <input type="checkbox"/> | Adoption - Noncontested |
| <input type="checkbox"/> | Consent to Abortion for Minor |
| <input type="checkbox"/> | Removal of Minority |
| <input type="checkbox"/> | Other _____ |
| Tort - Personal Injury | |
| <input type="checkbox"/> | Bad Faith |
| <input type="checkbox"/> | Fraud |
| <input type="checkbox"/> | Loss of Consortium |
| <input type="checkbox"/> | Malpractice - Legal |
| <input type="checkbox"/> | Malpractice - Medical |
| <input type="checkbox"/> | Negligence - Real Estate |
| <input type="checkbox"/> | Negligence - Professional |
| <input type="checkbox"/> | Products |
| <input type="checkbox"/> | Wrongful Death |
| <input type="checkbox"/> | Other _____ |
| Torts | |
| <input type="checkbox"/> | Asbestos |
| <input type="checkbox"/> | Chemical Spill |
| <input type="checkbox"/> | ERISA |
| <input type="checkbox"/> | Eminent Domain |
| <input type="checkbox"/> | Extraordinary Writ |
| <input type="checkbox"/> | Hearing Loss |
| <input type="checkbox"/> | Radioactive Materials |
| <input type="checkbox"/> | Other _____ |
| Real Property | |
| <input type="checkbox"/> | Adverse Possession |
| <input type="checkbox"/> | Ejectment |
| <input type="checkbox"/> | Eminent Domain |
| <input type="checkbox"/> | Judicial Foreclosure |
| <input type="checkbox"/> | Lien Assertion |
| <input type="checkbox"/> | Partition |
| <input type="checkbox"/> | Receiver Appointment |
| <input type="checkbox"/> | Tax Sale: Confirmation/Cancellation |
| <input type="checkbox"/> | Title, Boundary &/or Easement |
| <input type="checkbox"/> | Other _____ |
| Civil Rights | |
| <input type="checkbox"/> | Elections |
| <input type="checkbox"/> | Habeas Corpus |
| <input type="checkbox"/> | Post Conviction Relief |
| <input type="checkbox"/> | Prisoner |
| <input type="checkbox"/> | Other _____ |

FILED
 JUL 4 2009
 GAVLE PARKER
 BY CIRCUIT CLERK

EXHIBIT
A

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI

Third JUDICIAL DISTRICT, CITY OF Houston

Docket No. 2009 - 234 0401
File Yr Chronological No. Clerk's Local ID

Docket No. If Filed Prior to 1/1/94

FILED
JUL 4 2009
BY GAYLE PARKER
CIRCUIT CLERK

DEFENDANTS IN REFERENCED CAUSE - Page 1 of 4 Defendants
IN ADDITION TO DEFENDANT SHOWN ON CIVIL CASE FILING FORM COVER SHEET

Defendant #2:

Individual: Guillory Patrick () PS
Last Name First Name Maiden Name, if Applicable Middle Init. Jr/Sr/III/IV

Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:
Estate of _____

Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:
D/B/A _____

Business _____
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

Check (✓) if Business Defendant is being sued in the name of an entity other than the name above, and enter below:
D/B/A _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ Pro Hac Vice (✓) _____ Not an Attorney(✓) _____

Defendant #3:

Individual: _____ () _____
Last Name First Name Maiden Name, if Applicable Middle Init. Jr/Sr/III/IV

Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:
Estate of _____

Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:
D/B/A _____

Business _____
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

Check (✓) if Business Defendant is being sued in the name of an entity other than the name above, and enter below:
D/B/A _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ Pro Hac Vice (✓) _____ Not an Attorney(✓) _____

Defendant #4:

Individual: _____ () _____
Last Name First Name Maiden Name, if Applicable Middle Init. Jr/Sr/III/IV

Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:
Estate of _____

Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:
D/B/A _____

Business _____
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

Check (✓) if Business Defendant is being sued in the name of an entity other than the above, and enter below:
D/B/A _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ Pro Hac Vice (✓) _____ Not an Attorney(✓) _____

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI

CANDICE CURD,

PLAINTIFF

vs.

CIVIL ACTION NO. A240-CA-201

WESTERN EXPRESS, INC. and
PATRICK GULLORY, an individual, and
JOHN DOES 1-10, fictitious parties,
Jointly and individually,

FILED
DEFENDANTS
2009
GAYLE PARKER
CIRCUIT CLERK
BY *[Signature]* DC

COMPLAINT
(Jury Trial Demanded)

COMES NOW, the Plaintiff, Candice Curd, by and through her undersigned counsel, and hereby respectfully shows unto this Honorable Court the following:

PARTIES

1. The Plaintiff, Candice Curd, is over the age of 19 and is an individual who resides in Fort Lauderdale, Florida.
2. Western Express, Inc., a defendant herein, is a foreign corporation, registered to do business and doing business in the State of Mississippi. Defendant, Western Express, Inc. can be served with process by serving their registered agent for service of process, National Registered Agents Inc., 840 Trustmark Bldg 248 E. Capitol Street, Jackson, Mississippi 39201.
3. Patrick Guillory, a defendant herein, is an individual who is a resident of Louisiana, who may be served with process at his home address of 163 Oliver Road, Church Point, Louisiana, 70525. Mr. Guillory was at all relevant times, an agent or employee of Western Express, Inc., duly authorized and entrusted to operate the vehicle

involved herein by Western Express, Inc., and acting within the line and scope of his employment, and for the benefit of his employer.

4. Defendants John Does 1-10 are individuals or business entities whose true name and identity is otherwise unknown to Plaintiff and whose name(s) will be substituted for the fictitious parties named herein above when their identity is discovered.

JURISDICTION AND VENUE

5. This civil action arises out of an auto accident that occurred in Biloxi, Mississippi.

6. Venue is proper in this Court pursuant to Miss. Code Ann. §11-11-3. The acts and omissions giving rise to Plaintiff's Complaint occurred in this County and at least one Defendant is registered to do business, and is doing business, in the State of Mississippi.

FACTS

7. The above and foregoing paragraphs are incorporated herein by reference as if set forth fully.

8. On or about Wednesday, May 21, 2008, Plaintiff was a passenger in an automobile driven by Mr. Grant Cales. At approximately 2:18 pm, on May 21, 2008, Mr. Cales was legally operating his vehicle on I-10, near the 38-mile marker in Biloxi, Mississippi. Mr. Cales slowed his vehicle as another vehicle merged in front of his vehicle. While attempting to slow his vehicle, Mr. Cales vehicle was struck in the rear by a Western Express, Inc., semi-truck which was being operated by Defendant Guillory at the time of the accident.

9. As a result of the accident, Plaintiff suffered a severe injury to her neck and back for which she has received medical treatment, and will continue to receive medical treatment.

COUNT ONE – NEGLIGENCE

10. The above and foregoing paragraphs are incorporated herein by reference as if set forth fully.

11. Defendants, Guillory and Western Express, Inc. (acting by and through its agent or employee, Guillory) and John Does, negligently operated a semi-truck so as to cause or allow it to collide with a motor vehicle driven by Grant Cales and occupied by Plaintiff, Candice Curd.

12. Alternatively, or in addition, the Defendants negligently failed to properly maintain the truck driven by Guillory so that it would come to a stop within a reasonable time, and/or negligently failed to properly instruct Guillory on the safe driving, loading or maintenance of said truck, and/or negligently loaded the truck in such a manner that it could not be stopped upon braking within a reasonably safe distance, or otherwise negligently contributed to the collision complained of herein.

13. As a direct and proximate result of said Defendants' negligence, Plaintiff suffered severe physical injuries, including but not limited to, spinal disk herniation at C6-C7; L4-L5 facet arthropathy; and impingement of the posterior spinal sac from the arthropathy. Further, as a direct and proximate result of said Defendants' negligence, Plaintiff has incurred medical and related expenses, past and future, has and will incur other consequential expenses, including but not limited to lost wages, past and future, has experienced severe pain and anguish, and expects to experience pain and anguish well

into the future. Plaintiff has further experienced permanent and enduring injuries, which will continue to negatively impact her health and affect the normal enjoyment of her life which she would otherwise expect.

COUNT TWO – WANTONNESS

14. The above and foregoing paragraphs are incorporated herein by reference as if set forth fully.

15. Defendants, Guillory and Western Express, Inc. (acting by and through its agent or employee, Guillory) and John Does, wantonly operated a semi-truck so as to cause or allow it to collide with a motor vehicle driven by Grant Cales and occupied by Plaintiff, Candice Curd.

16. Alternatively, or in addition, the Defendants wantonly failed to properly maintain the truck driven by Guillory so that it would come to a stop within a reasonable time, and/or wantonly failed to properly instruct Guillory on the safe driving, loading or maintenance of said truck, and/or wantonly loaded the truck in such a manner that it could not be stopped upon braking within a reasonably safe distance, or otherwise wantonly contributed to the collision complained of herein.

17. As a direct and proximate result of said Defendants' wantonness, Plaintiff suffered severe physical injuries, including but not limited to, spinal disk herniation at C6-C7; L4-L5 facet arthropathy; and impingement of the posterior spinal sac from the arthropathy. Further, as a direct and proximate result of said Defendants' wantonness, Plaintiff has incurred medical and related expenses, past and future, has and will incur other consequential expenses, including but not limited to, lost wages, past and future, has experienced severe pain and anguish, and expects to experience pain and anguish

well into the future. Plaintiff has further experienced permanent and enduring injuries, which will continue to negatively impact her health and affect the normal enjoyment of her life which she would otherwise expect. In addition, Plaintiff has lost income as a result of her injuries and expects to lose future income as a result of her injuries.

WHEREFORE, Plaintiff seeks compensatory damages from said Defendants, jointly and individually, to compensate her for the severe physical injuries she has sustained, including compensation for her severe physical pain and anguish, past and future, her medical and related expenses, including but not limited to, lost wages, past and future, her other consequential expenses, past and future, and for the loss to her enjoyment of life, past and future.

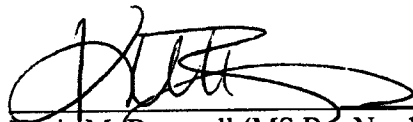
Further, Plaintiff seeks an award of punitive damages from Defendants, jointly and individually, to deter the Defendants from engaging in further similar negligent and wanton conduct in the future.

Plaintiff further seeks a judgment for costs, interest and any other relief to which she is entitled under the laws of this State.

JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues so triable.

Respectfully submitted, this the 10th day of July, 2009.



Kasie M. Braswell (MS Bar No. 101210)

TAYLOR MARTINO ZARZAUR, P.C.
51 St. Joseph Street
Mobile, Alabama 36602
T: (251) 433-3131
F: (251) 405-5080
kasie@taylormartino.com
Attorney for Plaintiff, Candice Curd

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI

CANDICE CURD

PLAINTIFF

Civil Action No. A2-01-09-224

VS.

WESTERN EXPRESS, INC. and
PATRICK GUILLORY, an individual, and
JOHN DOES 1-10, fictions parties,
Jointly and individually,

DEFENDANTS

SUMMONS

THE STATE OF MISSISSIPPI

TO: WESTERN EXPRESS, INC.
C/O National Registered Agents, Inc.
840 Trustmark Bldg
248 E Capitol St
Jackson, MS 39201

NOTICE TO DEFENDANT(S)

**THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS
IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT
YOUR RIGHTS.**

You are required to mail or hand-deliver a copy of a written response to the Complaint to Kasie M. Braswell, the attorney for the Plaintiff whose post office address is Post Office Box 894, Mobile, Alabama, 36601. Your response must be mailed or delivered within thirty (45) days from the date of delivery of this Summons and Complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time.

Issued under my hand and the seal of said Court, this 14th day of July, 2009.

Circuit Clerk of Harrison County, Mississippi

BY: Jamie E. Richard, DC

PROCESS SERVER'S RETURN

WESERN EXPRESS, INC.
NAME OF PERSON OR ENTITY SERVED

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below (*process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used*):

FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVE. By mailing (by first class, postage prepaid) copies to the person served, together with copies of the form of notice and acknowledgment and return envelope, postage prepaid, addressed to the sender (attach completed acknowledgment of receipt pursuant to M.R.C.P. Form 1B).

PERSONAL SERVICE. I personally delivered copies to _____ on the ____ day of _____, 2009 where I found said person in _____ County of the State of _____.

RESIDENCE SERVICE. After exercising reasonable diligence, I was unable to deliver copies to said person within _____ County, _____. I served the summons and complaint on ____ day of _____, 2009, at the usual place of abode of said person by leaving a true copy of the summons and complaint with _____ who is the _____ (*here insert wife, husband, son, daughter, etc.*), a member of the family of the person served above the age of sixteen (16) years and willing to receive the summons and complaint, and thereafter on the ____ day of _____, 2008, I mailed (by first class mail, postage prepaid) copies to the person served at his or her usual place of abode where the copies were left.

XXX CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class mail, postage prepaid, requiring a return receipt) copies to the person served. (Attached signed return receipt of other evidence of actual delivery to the person served.)

At the time of service, I was at least 18 years of age and not a party to this action.

FEE FOR SERVICE \$ _____
Process Server must list below:

NAME: _____ ADDRESS _____

TELEPHONE NO. _____ STATE OF _____ COUNTY OF _____

Personally appeared before me the undersigned authority in and for the said state and county aforesaid, the within named _____, states that the foregoing "Proof of Service-Summons" are true and correct and therein stated.

PROCESS SERVER

SWORN TO AND SUBSCRIBED BEFORE ME, this the ____ day of _____, 2009.

NOTARY PUBLIC
My commission expires: _____

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI

CANDICE CURD,

PLAINTIFF

vs.

CIVIL ACTION NO. A2401-09-224

**WESTERN EXPRESS, INC. and
PATRICK GUILLORY, an individual, and
JOHN DOES 1-10, fictitious parties,
Jointly and individually,**

DEFENDANTS

**PLAINTIFF'S FIRST SET OF INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS TO DEFENDANT WESTERN EXPRESS, INC.**

(To be served with Complaint)

COMES NOW Plaintiff Candice Curd, and propounds her First Set of Interrogatories and Requests for Production of Documents to Defendant Western Express, Inc., as follows:

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 auto accident and personal injuries mentioned or complained of in the Complaint.
- c. Where name and identity of a person is required, please state full name, home address and also 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, his attorney's. When answer is made by corporate defendant, state the

name, address and title of persons 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 an individual, corporation, or other entity shall mean to set forth the name and telephone number, and if a corporation or other entity, its principle place of business, or if an individual, the present or last known home address, his or her job title or titles, by whom employed and address of the place of employment.
- g. "Auto Accident" is defined as the car accident referenced in Plaintiff's Complaint.

INTERROGATORIES

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

RESPONSE:

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.

RESPONSE:

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.

RESPONSE:

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.

RESPONSE:

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.

RESPONSE:

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.

RESPONSE:

7. If you or your attorneys 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.

RESPONSE:

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.

RESPONSE:

9. If Defendant Patrick Guillory. (hereinafter "Defendant Guillory") 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 Guillory was working at the time of the truck accident.

RESPONSE:

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.

RESPONSE:

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 Guillory 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.

RESPONSE:

13. State the full itinerary of the vehicle involved in the subject 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.

RESPONSE:

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.

RESPONSE:

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.

RESPONSE:

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

RESPONSE:

17. If Defendant Guillory 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.

RESPONSE:

18. Immediately following the incident made the basis of the Complaint, please state:

a. The person at Defendant Western Express who was first notified of the accident?

b. The date and time this person was notified?

c. Whether anyone at Defendant Western Express 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?

RESPONSE:

19. Please list all prior accidents in which the Defendant Guillory 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.

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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?

RESPONSE:

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.

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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?

RESPONSE:

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.

RESPONSE:

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

RESPONSE:

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. All documents identified in your answers to Interrogatories.

RESPONSE:

2. All written reports of each person whom you expect to call as an expert witness at trial.

RESPONSE:

3. All documents upon which any expert witness you intend to call at trial relied to form an opinion.

RESPONSE:

4. The most recent resume or curriculum vitae of each expert whom you expect to call as an expert witness at trial.

RESPONSE:

5. All notes, correspondence, bills, invoices, diagrams, photographs, x-rays or other

documents prepared or reviewed by each person whom you expect to call as an expert witness at trial.

RESPONSE:

6. All invoices generated by expert witnesses generated for performing all expert witness services to the defendant, including but not limited to, the fees for the medical examination, the records review, the pretrial preparation, any telephone conference, any trial testimony anticipated and any other fee paid by the defendants for expert fees.

RESPONSE:

7. All written, recorded, or signed statements of any party, including the Plaintiff, Defendant, witnesses, investigators, or agent, representative or employee of the parties concerning the subject matter of this action.

RESPONSE:

8. All photographs, videotapes or audio tapes, x-rays, diagrams, medical records, surveys or other graphic representations of information concerning the subject matter of this action, the Plaintiff, or property damage.

RESPONSE:

9. Any documents which afforded liability insurance for the incident which is the subject matter of the Plaintiff's Complaint.

RESPONSE:

10. Any documents identified in any other parties' Answers to Interrogatories.

RESPONSE:

11. Any documents received pursuant to a subpoena request.

RESPONSE:

12. Any document prepared during the regular course of business as a result of the incident complained of in the Plaintiff's Complaint.

RESPONSE:

13. Copies of any treaties, standards in the industry, legal authority, rule, case, statute, or code, that will be relied upon in the defense of this case.

RESPONSE:

14. All maintenance records concerning the vehicle being driven by Defendant Guillory on the date of the accident for the two (2) years prior to the auto accident.

RESPONSE:

15. Any and all invoices, logs, sales receipts, itineraries, or schedules for the Defendant.

RESPONSE:

16. The complete personnel file of Defendant Guillory, including any and all training logs, compliance logs, employee "write-ups", warnings and/or infractions (by any name).

RESPONSE:

17. The complete maintenance log for the truck involved in the accident made the basis of the Complaint for this matter.

RESPONSE:

18. Copies of any and all traffic citations issued to Defendant Guillory while employed by Western Express.

RESPONSE:

19. Any and all weigh scale receipts issued within 24 hours of the subject accident.

RESPONSE:

20. Copies of any and all trip reports for the 30-days preceding the subject accident.

RESPONSE:

21. Copies of any and all fuel billing statements for the 30-days preceding the accident.

RESPONSE:

22. Copies of Defendant Guillory's: driver's daily log; trip sheets; dispatch records; toll receipts; comchecks; bills of lading for the 30-days preceding the subject accident.

RESPONSE:

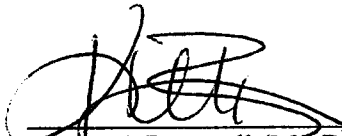
23. Copies of Defendant Guillory's: accident register(s); accident report(s); driver logs; and driver qualification files for the 5 years preceding the subject accident.

RESPONSE:

24. Complete copies of any and all data retrieved or stored in any electronic control module (ECM) or "black box" located on the subject vehicle for the one-year preceding the subject accident.

RESPONSE:

Respectfully submitted, this the 16th day of July, 2009.



Kasie M. Braswell (MS Bar No. 101210)

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Attorney for Plaintiff, Candice Curd

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI

CANDICE CURD

PLAINTIFF

Civil Action No. 09-0221

VS.

WESTERN EXPRESS, INC. and
PATRICK GUILLORY, an individual, and
JOHN DOES 1-10, fictitious parties,
Jointly and individually,

DEFENDANTS

SUMMONS

THE STATE OF MISSISSIPPI

TO: Patrick Guillory
163 Oliver Road
Church Point, LA 70525

NOTICE TO DEFENDANT(S)

**THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS
IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT
YOUR RIGHTS.**

You are required to mail or hand-deliver a copy of a written response to the Complaint to Kasie M. Braswell, the attorney for the Plaintiff whose post office address is Post Office Box 894, Mobile, Alabama, 36601. Your response must be mailed or delivered within thirty (30) days from the date of delivery of this Summons and Complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time.

Issued under my hand and the seal of said Court, this 14th day of

July, 2009.

Circuit Clerk of Harrison County, Mississippi

BY: Jamie E. Richard, D.E.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*Patrick Hubbard
163 Olive Rd
Greer, SC 29615*

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Handwritten Signature] Agent Addressee

B. Received by (Printed Name)

P. Hubbard Yes No

C. Date of Delivery

7/15/09 Yes No

D. Is delivery address different from item 1? Yes No

If YES, enter delivery address below:

3. Service Type

Certified Mail Express Mail

Registered Return Receipt for Merchandise

Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number 7009 0620 0002 0620 5119

(Transfer from service label)

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540