

4/28/03

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss.

SUPERIOR COURT  
CIVIL ACTION NO.: 02-01159A

MARCIA RHODES, HAROLD RHODES,  
INDIVIDUALLY, HAROLD RHODES,  
ON BEHALF OF HIS MINOR CHILD  
AND NEXT FRIEND, REBECCA RHODES,  
Plaintiffs

v.  
CARLO ZALEWSKI, DRIVER LOGISTICS,  
PENSKE TRUCK LEASING CORP., and  
BUILDING MATERIALS CORP. OF  
AMERICA, d/b/a GAF MATERIALS CORP.,  
Defendants

**DEFENDANTS, CARLO ZALEWSKI'S RESPONSES TO  
PLAINTIFF, MARCIA RHODES' FIRST SET OF REQUESTS FOR  
PRODUCTION OF DOCUMENTS AND THINGS**

The defendant objects to the plaintiff's pages of instructions and definitions to the extent that they attempt to place a burden on the defendant beyond that required by the Rules of Civil Procedure. Notwithstanding nor waiving this objection, the defendant responds to these requests as required by the Rules of Civil Procedure, giving words their ordinary meaning in the context of this action.

**REQUEST NO. 1**

All documents referring or relating to any Agreement or contract between Penske and Driver Logistics, including but not limited to, subrogation or indemnification agreements.

**RESPONSE NO. 1**

None.

**REQUEST NO. 2**

All documents referring or relating to any business relationship or course of dealings between Penske and Driver Logistics.

**RESPONSE NO. 2**

None.

**REQUEST NO. 3**

All documents referring or relating to any Agreement or contract between Penske and GAF, including but not limited to, subrogation or indemnification agreements.

RESPONSE NO. 3

None.

REQUEST NO. 4

All documents referring or relating to any business relationship or course of dealings between Penske and GAF.

RESPONSE NO. 4

None.

REQUEST NO. 5

All documents referring or relating to any Agreement or contract between GAF and Driver Logistics, including but not limited to, subrogation or indemnification agreements.

RESPONSE NO. 5

None.

REQUEST NO. 6

All documents referring or relating to any business relationship or course of dealings between GAF and Driver Logistics.

RESPONSE NO. 6

None.

REQUEST NO. 7

All documents describing the services provided by Penske to GAF , including but not limited to current and past brochures, promotional materials, videos, etc.

RESPONSE NO. 7

None.

REQUEST NO. 8

All documents describing the services provided by Driver Logistics to GAF; including current and past brochures, promotional materials, videos, etc.

RESPONSE NO. 8

None,

REQUEST NO. 9

All documents referring or relating to GAF's control over the daily activities of any employee of Driver Logistics.

RESPONSE NO. 9

None.

REQUEST NO. 10

All documents referring or relating to Driver Logistics' control over the daily activities of its employees, including but not limited to, Carlo Zalewski.

RESPONSE NO. 10

None.

REQUEST NO. 11

All documents referring or relating to the maintenance of the Tractor-Trailer, including but not limited to, the party(ies) responsible for routine and emergency maintenance and the complete record of any maintenance performed on the Tractor-Trailer

RESPONSE NO. 11

None.

REQUEST NO. 12

All documents referring or relating to Carlo Zalewski, including but not limited to personnel records, driving records and trip logs.

RESPONSE NO. 12

Carlo Zalewski is no longer in possession of the driving logs.

*Who is -  
have they  
been produced*

REQUEST NO. 13

All insurance policies under which any person carrying on an insurance business may be liable to satisfy all or part of a judgment which may be entered in this action or to indemnify or reimburse for payments made to satisfy judgment, including but not limited to any umbrella or excess policies issued to Penske, GAF, Driver Logistics, Zalewski, or covering the Tractor-Trailer.

RESPONSE NO. 13

None.

REQUEST NO. 14

All documents referring or relating to Carlo Zalewski' s supervisor, assignments, routes and activities.

RESPONSE NO. 14

None.

REQUEST NO. 15

All documents referring or relating to the registration of the Tractor-Trailer.

RESPONSE NO. 15

None.

REQUEST NO. 16

All documents referring or relating to GAF employee policies, procedures and discipline guidelines.

RESPONSE NO. 16

None.

REQUEST NO. 17

All documents referring or relating to Driver Logistics' employee policies, procedures and discipline guidelines.

RESPONSE NO. 17

None.

REQUEST NO. 18

All documents referring to or relating to any investigation of the January 9, 2002 accident that is the subject of this suit, including but not limited to witness statements, reports, and/or inspections or testing of the Tractor-Trailer, including expert reports.

RESPONSE NO. 18

The defendant, Carlo Zalewski, directs the plaintiff to the police report from the Medway Police which the defendant understands is already in the possession of the plaintiff. Should the plaintiff not have a copy of this, the defendant will gladly produce same.

REQUEST NO. 19

All documents referring to or relating to documents dealing with use of Tractor- Trailer from January 1, 2001 - January 9, 2002 including trip logs identifying: the driver; route, when the trip began; when the load was delivered; the load or contents and weight of such load or contents.

RESPONSE NO. 19

None.

REQUEST NO. 20

All documents referring or relating to traffic, operational or speeding violations of all Driver Logistics employees who drove routes for GAF.

RESPONSE NO. 20

None.

REQUEST NO. 21

All documents concerning your document retention or destruction practices or policies, including but not limited to, all documents concerning your policies or practices for the back-up, storage, archiving, retrieval, or destruction of Tractor- Trailer maintenance records and driver logs.

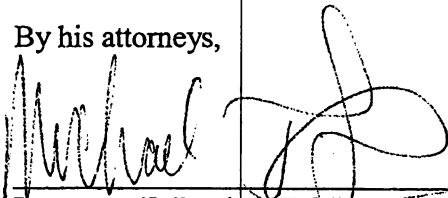
RESPONSE NO. 21

None.

Respectfully submitted,

CARLO ZALEWSKI

By his attorneys,



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