

6/20/2003

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL 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.)
 _____)

**PLAINTIFF MARCIA RHODES' SECOND SET OF INTERROGATORIES TO
DEFENDANT DRIVER LOGISTICS SERVICES, INC.**

The Plaintiff, Marcia Rhodes, pursuant to Rules 33 and 26(b)(4) of the Massachusetts Rules of Civil Procedure, requests that Defendant, Driver Logistics Services, Inc. answer the following interrogatory under oath within forty-five (45) days as set forth in the Massachusetts Rules of Civil Procedure.

DEFINITIONS & INSTRUCTIONS

1. Your attention is called to the duty imposed by Massachusetts Rule of Civil Procedure 26(e) to supplement your answers to these interrogatories with respect to information hereinafter acquired.
2. The term "communication" as used herein includes, without limitation, the following: conversations, telephone conversations, e-mails, statements, discussions, debates, arguments,

disclosures, interviews, consultation and every other manner of oral utterance, or electronic or written transmittals of information or messages.

3. The terms "identify," or "identity" mean, with respect to a natural person, to set forth his or her full name, present or last known business and residence address and phone number, his or her employer, the position or positions held with that employer and a description of the job responsibilities of such person.

4. The term "fact" as used herein includes, without limitation, the following: circumstances, occurrences, occasions, events, incidences, oral communications, writings, episodes, experiences, happenings, transactions and all manner of other affairs, matters or things.

5. As used herein, the terms "you," "your," "yours," or "Driver Logistics" shall mean and refer to Driver Logistics Services, and any business entity owned, operated, or managed by Driver Logistics, any parent, subsidiary, division, affiliate, or predecessor-in-interest of, Driver Logistics and the officers, directors, employees, parents, subsidiaries, divisions, affiliates, agents, counsel, attorneys, and other representatives of each such entity.

6. As used herein, the term "GAF" shall mean and refer to Building Materials Corp. of America d/b/a GAF Materials Corp., any business entity owned, operated, or managed by GAF Materials Corp., any parent, subsidiary, division, affiliate, or predecessor-in-interest of, GAF Materials Corp. and the officers, directors, employees, parents, subsidiaries, divisions, affiliates, agents, counsel, attorneys, and other representatives of each such entity.

7. If any of these interrogatories cannot be answered in full, then the respondent should answer to the extent possible, specify each reason for its inability to answer the remainder and state whatever information or knowledge it has concerning the unanswered portion. In answering the Interrogatories, furnish such information as is available to respondent, regardless

of whether or not it is based on personal knowledge or records of respondent, its agents or representatives, or from others or others' records, regardless of source.

8. If any of these interrogatories call for the identification of documents or oral communications which you contend are protected by the attorney-client privilege or another claimed privilege or by the work product rule, furnish the information identifying such document or oral communication nevertheless (except for a summary of contents or substance) and also state all reasons for your claim that the document or oral communication is so privileged or protected.

INTERROGATORIES

INTERROGATORY NO. 7.

Identify by name, employer, address and qualifications, each person you expect to call as an expert witness at the trial of this action and for each such person:

- a. State the subject matter on which such person is expected to testify;
- b. State the substance of the facts and opinions to which each such person is expected to testify; and
- c. Provide a summary of the grounds and the materials relied upon for each such opinion.

INTERROGATORY NO. 8.

Identify each and every fact upon which you base your denial set forth in your answer to Paragraph 5 of the Second Amended Complaint that Driver Logistics leased Zalewski's services to GAF.

INTERROGATORY NO. 9.

Identify each and every fact upon which you base your assertion that you have insufficient information to answer Paragraph 15 of the Second Amended Complaint, which alleges that Zalewski failed to stop behind Marcia Rhodes.

INTERROGATORY NO. 10.

Identify each and every fact upon which you base your denial of Paragraph 28 of the Second Amended Complaint that Driver Logistics is liable for the injuries to Marcia Rhodes as a direct and proximate result of the negligence of its employee, Zalewski.

Respectfully submitted,

MARCIA RHODES; HAROLD RHODES,
Individually; HAROLD RHODES, on
Behalf of His Minor Child and Next
Friend, REBECCA RHODES

By their attorneys,



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DATED: June 20, 2003

CERTIFICATE OF SERVICE

I, Carlotta M. Patten, counsel for the plaintiffs, hereby certify that I have this 20 day of June, 2003 served a copy of the foregoing upon all counsel of record by hand:

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