

**UT LAW**

**CLE**

2016

**THE CAR CRASH SEMINAR**

*From Sign-Up to Settlement*

# **The Ultimate Book on Advanced Trucking Litigation**

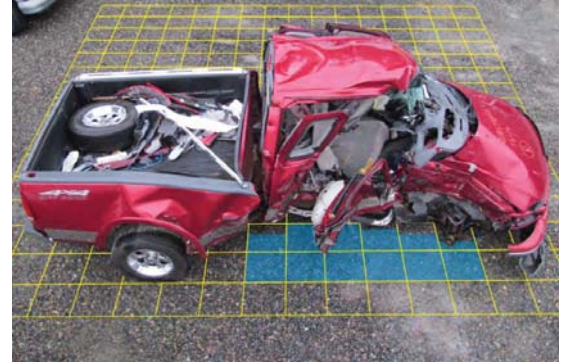
**John Gsanger**

**THE UNIVERSITY OF TEXAS SCHOOL OF LAW**

## **I. Critical Preliminary Matters**

- A. Preserve the Truck and Target Vehicle**
- B. Preserve the Truck Crash Scene and Scene Investigations**
- C. Identify and Obtain the Facts from the Witnesses**
- D. Preservation of Evidence and Notice of Claims Letter**
- E. Freedom of Information Act Requests**
- F. Temporary Restraining Orders**
- G. Preserve and Obtain the Electronically Recorded Data**
- H. Insurance Coverage and Risk Management**

## A. Preserve the Truck and Target Vehicle

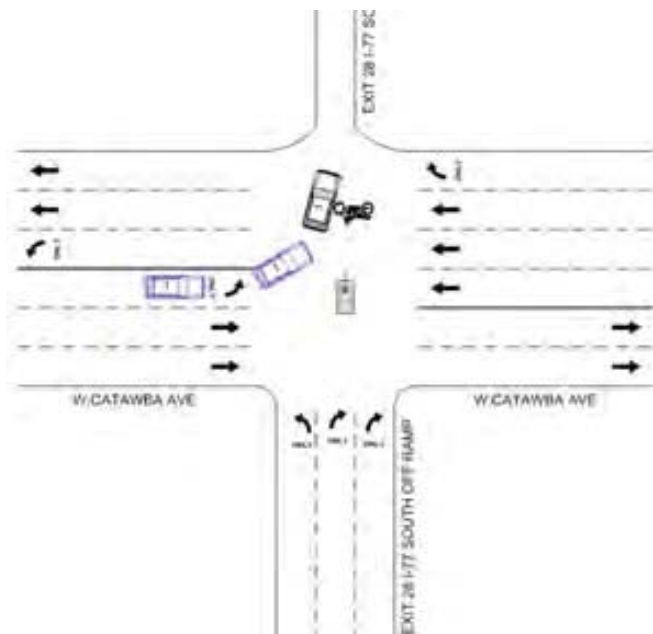
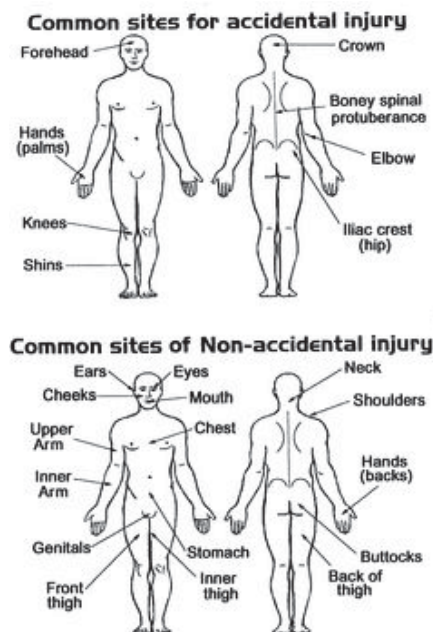


## B. Preserve the Scene and Investigations

PK nails) in the ground.



## C. Identify, Obtain the Facts from Witnesses



## 1. The Drivers and Other Eyewitnesses

- Full name, previous names, handle, when and why names changed
- Date and place of birth, parents' names, schooling and occupations
- Current and former addresses, when and way address changed
- Name of landlords, cohabitants, relationship of cohabitants
- Current and former marital status, dates of marriages and divorces
- Spouses' full names and previous names, dates of birth, occupations
- Children's names, ages, schools, custody arrangements
- Home, work, cell phone numbers, current and past cell provider
- Current, past mobile devices with text, email, video, game capability
- Military service history, special driving training while in military
- Education, schools, dates, classwork focus, grades, graduate status
- Languages, literacy, fluency, ability to understand signs, directions
- Social security and driving license and CDL numbers and states
- Dates, classes, endorsements, and issuing states of all license types
- Dates and reasons for all changes in license statuses
- Truck driving classes, schools, dates, graduate or certification status
- Who provided driving training, continuing training, who pays for it
- What training materials provided, when, how often, still accessible
- Did you receive a safety manual, a driving manual, FMCSRs, when
- Were you paid to review them while on the job, do you still have them
- Were there any training or safety videos, computer programs, tests
- What safety topics were addressed in your training, certification
- Did training include learning risks from conduct which led to crash
- Did training teach you objective magnitude of risks which led to crash
- Did training make you subjectively aware of risks before the crash
- Any disciplinary action from this crash or any prior or later incident
- Types of vehicles authorized to drive and materials authorized to haul
- Types of licensure tests taken, how many times, any failed tests
- License suspensions, when, why, for how long, reported to employer
- License restrictions, when, why, for how long, reported to employer
- Traffic citations, when, where, why, how pled, reported to employer
- Prior crashes, when, where, circumstances, reported to employer
- DWI/drug offenses, when, where, how pled, reported to employer
- Arrests and probations, when, where, why, reported to employer
- Convictions, Incarcerations, when, where, why, reported to employer
- In-patient treatments, when, where, why, reported to employer
- Current job title, prior jobs and titles, responsibilities, supervisors
- When and why for each change in employer, job title, responsibilities
- For each job, what training, what vehicles driven, any reprimands
- When, how, where, to whom apply for job held at time of crash
- Any prior applications rejected, when and why and by whom
- What information did employer ask for, was it all accurately provided
- What background check did employer perform before hiring you
- Who were references, were they called, were past employers called
- What driver license and criminal background checks were done

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