The Ultimate Book on Advanced Trucking Litigation John Gsanger

THE UNIVERSITY OF TEXAS SCHOOL OF LAW

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





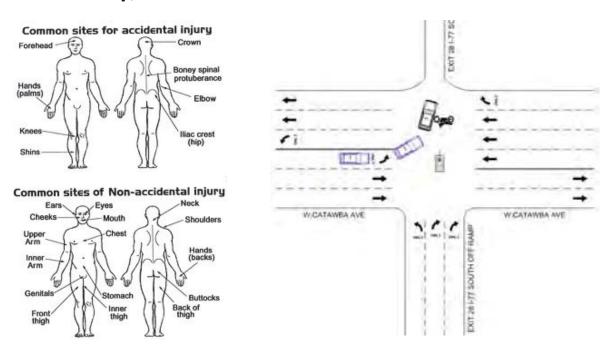
B. Preserve the Scene and Investigations

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 cohehitants relationship of
- 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 crashAny 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 plead, reported to employer
- Prior crashes, when, where, circumstances, reported to employer
 DWI/drug offenses, when, where, how pled.
- DWI/drug offenses, when, where, how plectoreported to employer
 Arrests and probations, when, where, whythere, whythere is a second of the control of the control
- 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
- Who were references, were they called, were past employers called
- What driver license and criminal background checks were done





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