

SCARLETT

LAW GROUP

Drew Dakota Bianchi

V.

Gordon Trucking, Inc., Michael Anthony
Demma, and Samuel Ortega Bimbela

Case No.: 1-08-CV-104548

Superior Court, Santa Clara County, California

San Fran

www.scarlett

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The Parties

PLAINTIFF:

- > Drew Dakota Bianchi

DEFENDANTS:

- > Michael Demma/Gordon Trucking, Inc.
- > Samuel Bimbela/Salazar Construction Co. Inc.; Salazar Equ
Inc.; Technicon Construction Co. Inc.
- > State of California, Department of Transportation (CALTRAN)



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Demma/GTI

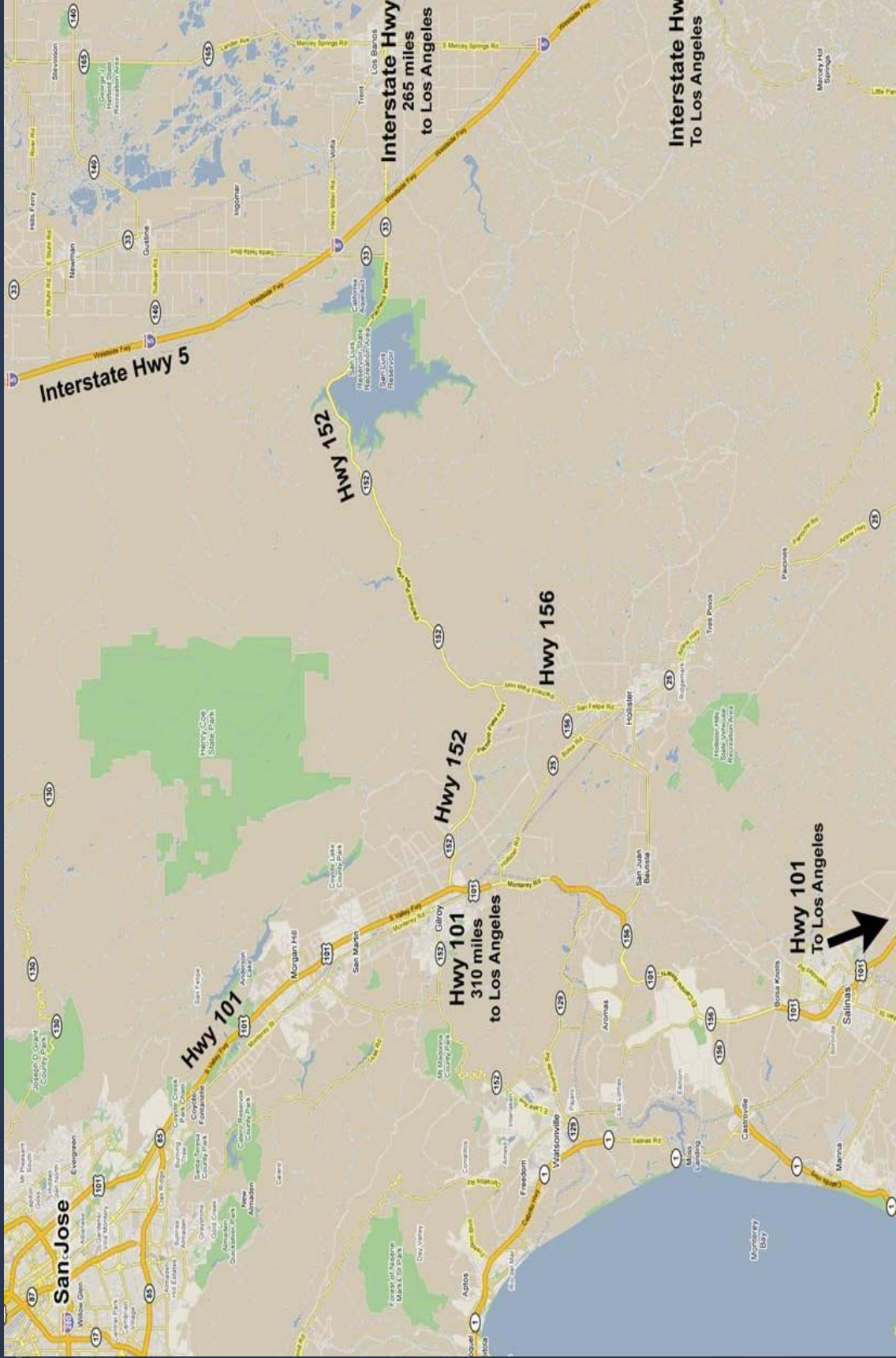


Bimbela



Drew

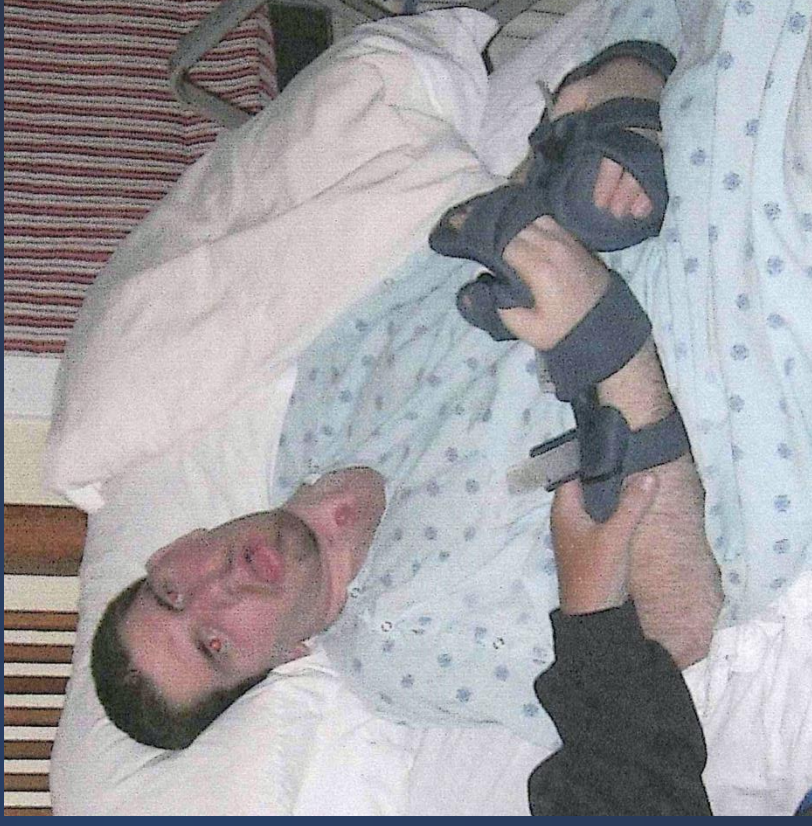
HIGHWAY 152 aka "Blood Alley"



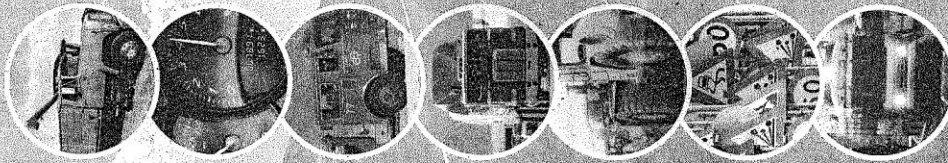
Pre-impact positions of autos



Collateral Damage



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CALIFORNIA Commercial DRIVER HANDBOOK 2007



Arnold Schwarzenegger, Governor
State of California
Dale E. Bonner, Secretary
Business, Transportation and Housing Agency
George Valverde, Director
Department of Motor Vehicles



7 Second Rule

Managing Space

A safe driver keeps space all around the vehicle. When things go wrong, space gives you time to think and to take action.

To have space available when something goes wrong, you need to manage space. While this is true for all drivers, it is very important for large vehicles. They take up more space and they require more space for stopping and turning.

Space Ahead

Of all the space around your vehicle, it is the area ahead of the vehicle—the space you are driving into—that is the most important.

The Need for Space Ahead. You need space ahead in case you must suddenly stop. According to accident reports, the vehicle that trucks and buses most often run into is the one in front of them. The most frequent cause of accidents is following too closely. Remember, if the vehicle ahead of you is smaller than yours, it can probably stop faster than you can. You may crash into it if you are following too closely.

How Much Space? How much space should you keep in front of you? One good rule says you need at least one second for each 10 feet of vehicle length at speeds below 40 mph. At higher speeds, you must add one second for safety. For example, if you are driving a 40-foot vehicle, you should leave 4 seconds between you and the vehicle ahead. In a 60-foot rig, you will need 6 seconds. Over 40 mph, you would need 5 seconds for a 40-foot vehicle and 7 seconds for a 60-foot vehicle.

To know how much space you have, wait until the vehicle ahead passes a shadow on the road, a pavement marking, or some other obvious landmark. Then count off the seconds like this: “one thousand-and-one, one thousand-and-two” and so on, until you reach the same spot. Compare your count with the rule of one second for every 10 feet of length. If you are

driving a 40-foot truck and only counted up to 2 seconds, you are too close. Drop back a little and count again until you have 4 seconds of following distance (or 5 seconds, if you are going over 40 mph). After a little practice, you will know how far back you should be. Remember to add one second for speeds above 40 mph. Also remember that when the road is slippery, you need much more space to stop.

Space Behind

You cannot stop others from following you too closely. But there are things you can do to make it safer.

Stay to the Right. Heavy vehicles are often tailgated when they cannot keep up with the speed of traffic such as when you are going uphill. If a heavy load is slowing you down, stay in the right lane if you can. Going uphill, you should not pass another slow vehicle unless you can get around it quickly and safely.

Handle Tailgaters Safely. In a large vehicle, it is often hard to see whether a vehicle is close behind you. You may be tailgated:

- When you are traveling slowly. Drivers trapped behind slow vehicles often follow too closely.
- In bad weather many passenger vehicle drivers follow large vehicles closely, especially when it is hard to see the road ahead.

If you find yourself being tailgated, here are some things you can do to reduce the chances of an accident:

- Avoid quick changes. If you have to slow down or turn, signal early and reduce speed very gradually.
- Increase your following distance. Opening up room in front of you will help you to avoid having to make sudden speed or direction changes. It also makes it easier for the tailgater to get around you.
- Do not speed up. It is safer to be tailgated at a low speed than a high speed.

SPEED = Distance Traveled
In Feet Per Second

100 MPH =	146.666 FPS
95 MPH =	139.333 FPS
90 MPH =	131.999 FPS
85 MPH =	124.666 FPS
80 MPH =	117.333 FPS
75 MPH =	109.999 FPS
70 MPH =	102.666 FPS
65 MPH =	95.333 FPS
60 MPH =	87.999 FPS
55 MPH =	80.666 FPS
50 MPH =	73.333 FPS
45 MPH =	65.999 FPS
40 MPH =	58.666 FPS
35 MPH =	51.333 FPS
30 MPH =	43.999 FPS
25 MPH =	36.666 FPS
20 MPH =	29.333 FPS
15 MPH =	21.999 FPS
10 MPH =	14.666 FPS
5 MPH =	7.333 FPS

Dangers of Using Cell Phones While Driving

WHAT DOES "SAFETY" MEAN TO YOU?

CONTRIBUTED BY SCOTT MANTHEY
SAFETY

How does this sound: A condition that brings freedom from risk, danger or injury. Most important to the team at GTI is that we do our best to eliminate the "injury" part of safety. We know that we can replace a truck and a trailer. What we can't replace are the people that we encourage to return home safely.

Think about how you feel towards your loved ones. Then remember, each person in this world is loved one of someone else. This is why most of you are seeing messages about following distasteful speed and safety in general. We want to make sure we are doing everything we can to ensure you will return home safely.

Through your hard work, we have made progress towards reducing our major preventable accidents. With continued focus, communication and compassion, we can further reduce the accidents and injuries that are inherent with this business.

One way we are reducing accidents and injuries is by incorporating the Smith System Space Cushion Driving into our already successful safety program. This is a proven program used by a number of Fortune 500 companies. You will see and hear more about this in the weeks to come.

DID YOU KNOW?

A study at the University of Utah has shown that drivers using cell phones while driving are as impaired as a driver driving drunk.

The study was small, but conclusive. Forty drivers were tested using a simulator. Each driver drove four times. Here's the breakdown: one time while undistracted, one time with a handheld cell, one time with a hands-free cell and one time while intoxicated to 0.08 percent blood alcohol. The participants were instructed to follow the simulated pace car that intermittently braked.

Cell phone users were 9% slower to hit the brakes, 19% slower to resume speed and proved to be more likely to crash. Three participants actually rear-ended the pace car.

Drunk drivers drove slower but were more aggressive. They followed the pace car more closely, slower to hit the brakes and when they did hit the brakes, it was with 20% more force on the pedal. This is just one of a number of studies that shows cell phone users are much more likely to have an accident than those not using the cell phone while driving. This is about the same rate as a drunk driver.

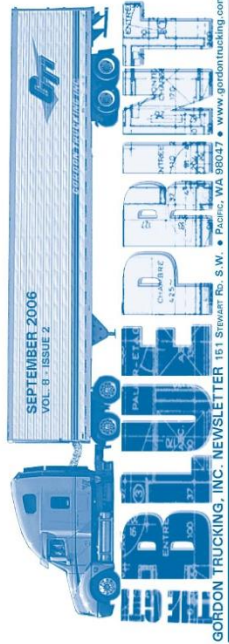
In an effort to meet our moral obligation to ourselves and the motoring public, we at GTI urge you to read, sign and return our Company cell phone policy.

It is your hard work and dedication that makes GTI one of the safest carriers on the road today. Thank you all.

DRIVER LOUNGES GO WIRELESS!

CONTRIBUTED BY STEVE CROWNER
IT

GTI will be providing drivers with access to the internet via wireless access points. The Pacific Clackamas, Turlock, Green Bay and Medford facilities will be equipped with wireless access points, and the drivers lounge areas to allow drivers access to the internet to catch up on news, emails, banking, etc. Pacific will be the first site that is activated with the remote sites following shortly after. Access points are scheduled to be installed during the month of September 2006. Terminal managers will be given the instructions for how to use the access points as well as posting the instructions in driver facilities. Look for additional updates as the remote sites are installed.



WHAT'S NEW AT GTI

As we go to press, we've just completed Driver Appreciation Week for 2006, and concluded it with the annual company picnic here in Pacific. Wow, what a week!

The theme for the week was clean trucks as we washed a lot up here in Pacific, and had services come in and help at several other terminals. We've always thought that washing a truck and offering some lunch was an appropriate way to say thanks but I have to tell you that many of the folks driving got the short end of that deal. I've never seen so many clean, well kept trucks in the GTI fleet. Many that came through the wash bay here in Pacific needed nothing more than a light dusting off. Granted, we've had some unusually dry weather out here in the West, but it was amazing how great the fleet's looking. THANKS!

If you made it by one of the terminals during the event, you should have seen a sheet that walked through several exciting new programs we're instituting. On top of the handshakes and truck washes, we wanted to be sure to have some more substantial ways of saying thanks and building on our success.

First off, potentially the largest impact, but perhaps the least understood, are changes in how we dispatch and preplan in our system. Up until now, we've always relied solely on driver manager input on getting ETAs (estimated time of arrival) and PTA's (probable time of availability) into our system. Now, we've added in the use of GPS tracking, and times drive freight booking (knowing who and how many drivers will be available in a market), and TIMELY PREPLANS. It seems that we've been in the dark long enough. Our IT department is working on changes so drivers will receive that information as it's put into the system at the time of dispatch, and will have the ability to send back updates through their driver manager. We're going to ask our driver associates to play an important role in this process, and one that we feel will drive better accuracy and better preplanning in our system.

Another program I'm excited about is getting our driver review program up and running. As some of you saw during Driver Appreciation Week, we have a tremendous amount of performance data, such as idle, RPM, and MPH info in "Sensor Tracs." Our plan is to take some of this type of data, as well as productivity, service, and safety stats, combine it with subjective feedback, and sit down face to face in a review style format. This will give your driver manager a chance to evaluate how you're doing, and for you to deliver feedback on how the driver manager, and the company, is performing for you.

Finally, we're going to re-energize our efforts to put together informative, monthly meetings for our driving and other associates. We held a few of these last year in Pacific, but didn't get the turnout from driving associates that we'd like. We're going to put together a slightly different monthly format at each terminal that will allow everyone to get updated on what's happening at the company and in the terminal. There will be more specifics to follow on this soon.

As we come into the fall season, we want to remind everyone this is where we earn our position for next year with our customers. Given the retail driven nature of our industry, fourth quarter is crucial to our customers and when they have the highest expectations for us. As we've enjoyed substantial growth over the last two years, we are in a great situation to further solidify our reputation for great service. We'll need everyone running as productively and safely as possible to ensure our service is important, please remember that there's no food worth risking the safety of yourself or someone else on the road.

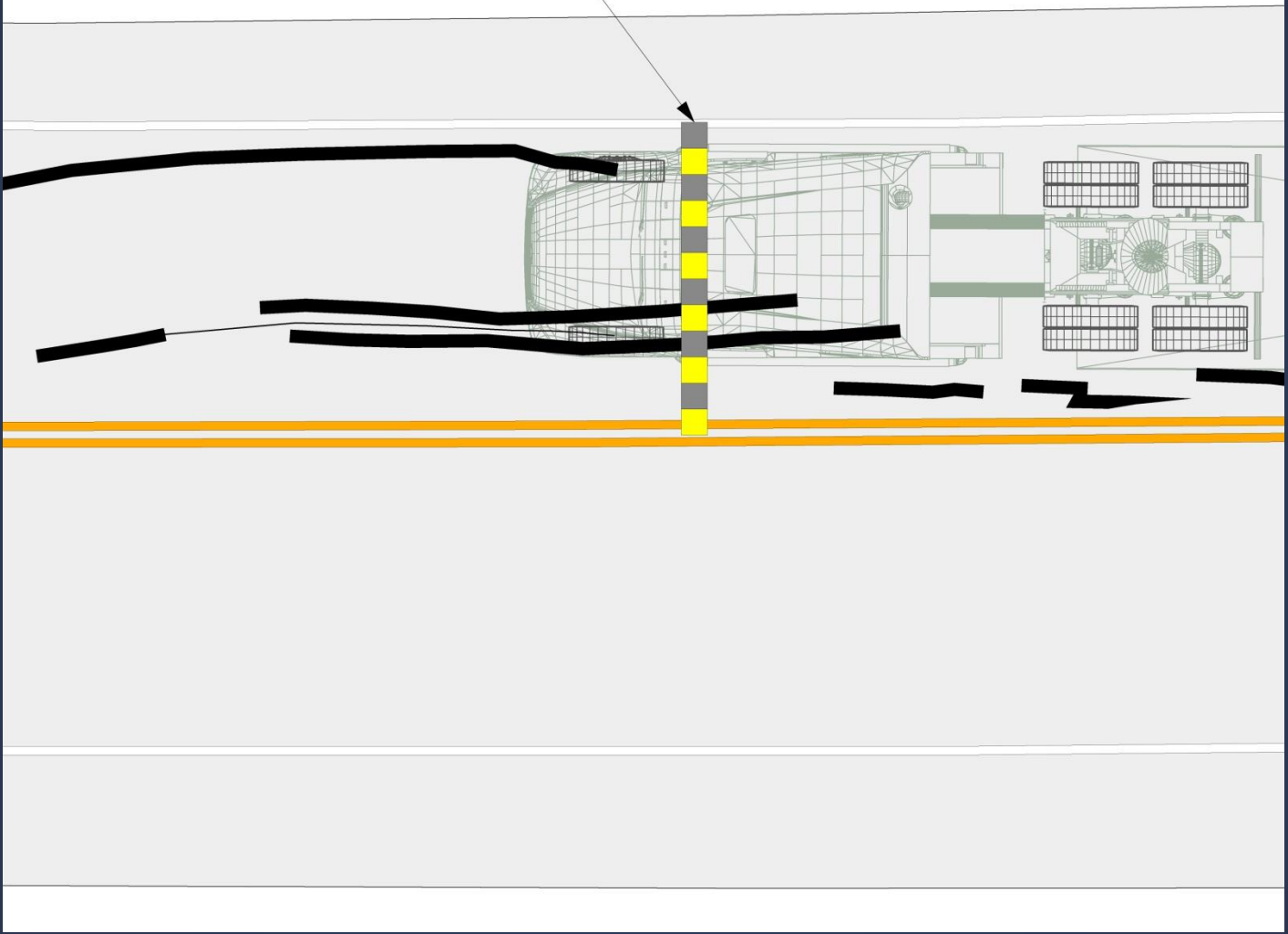
Thanks again to everyone at GTI for making this a great family company.

The Defense

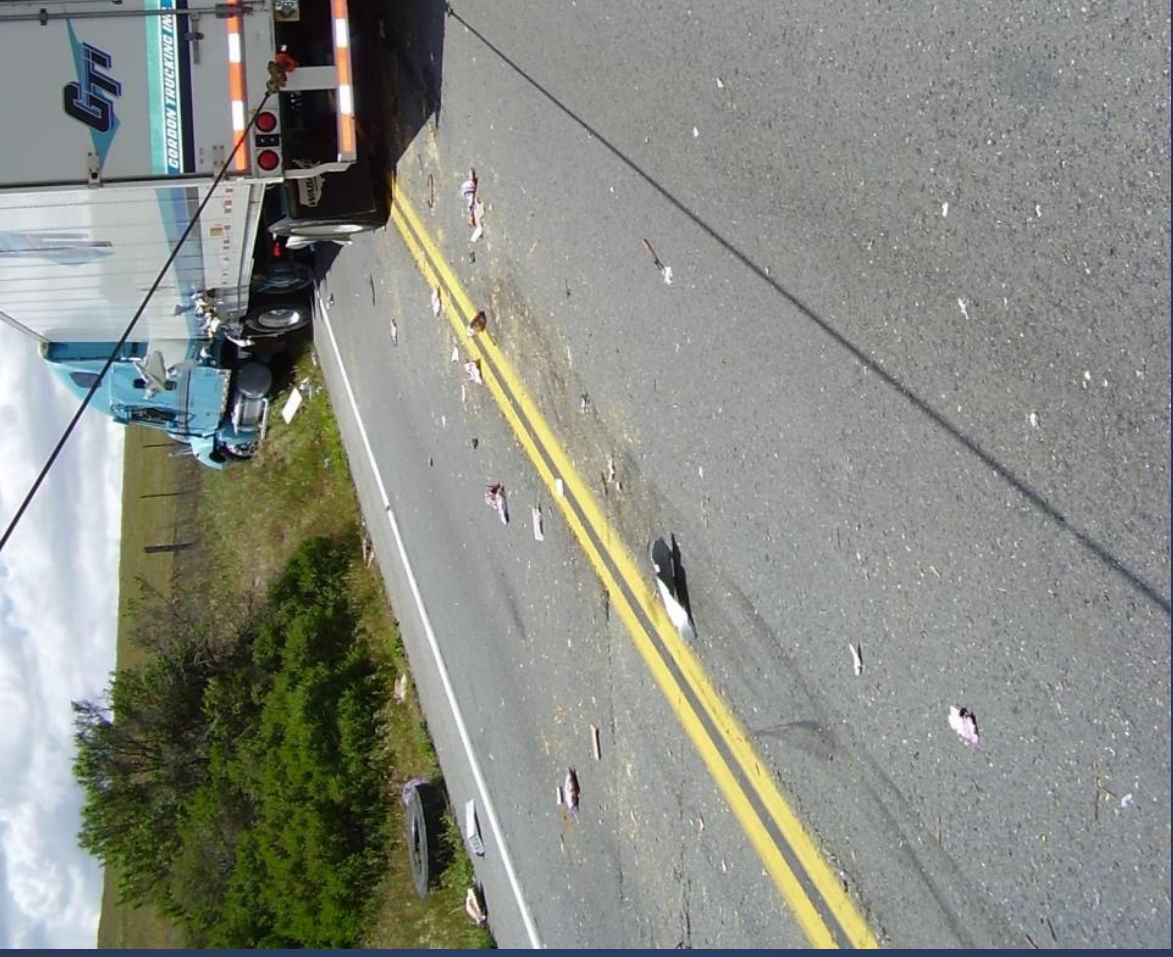


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SQUARES = 1 FT X 1 FT

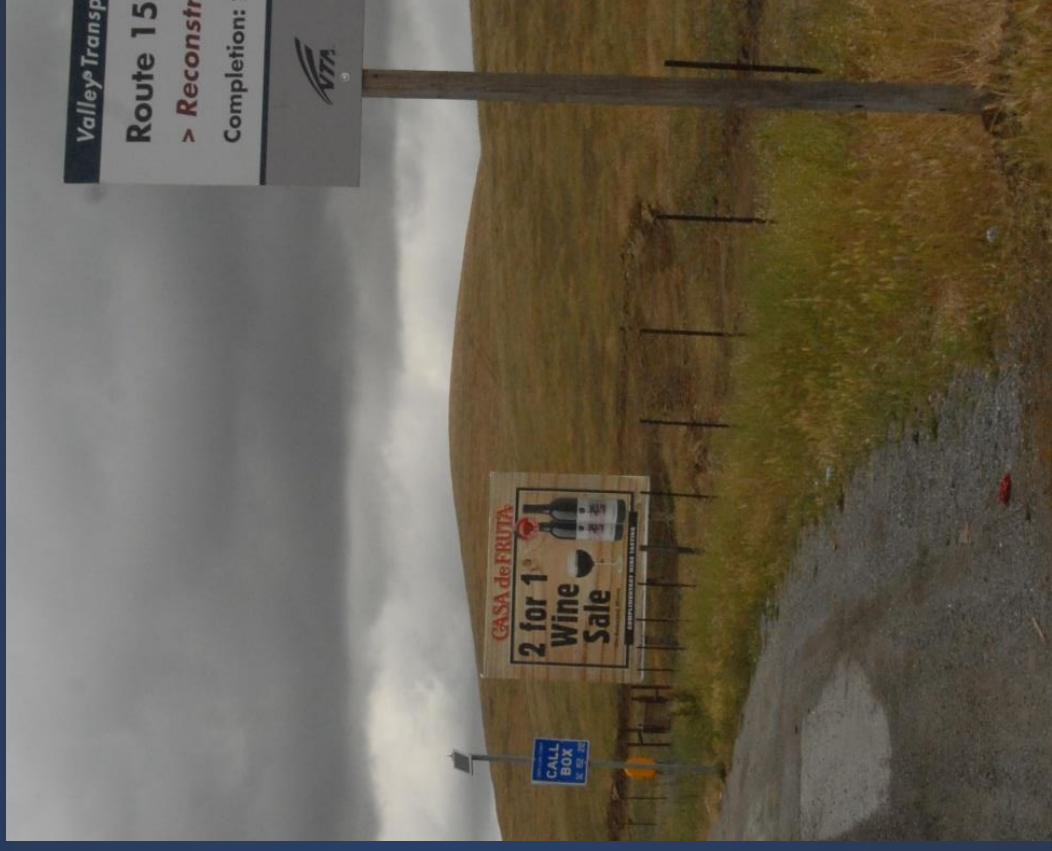


Debunking the Defense



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Construction zone? What construction zone?



Demonstrative Evidence

- The Value of Therapy



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The Value of Therapy

*2 Years
and
\$1.5 Million Later . . .*



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