



INFORMATION REQUEST

D. WALKER
CND-43 (01/12/03)

OCT 15 2013

DMS/CR

Purpose: Use this form to request information from DMV records.

Instructions: Type or print clearly.



If you are requesting driving record information, the subject will be the person you are requesting information on. If you are requesting vehicle information, the subject will be the vehicle owner (if available), otherwise you do not need to complete this section.

SUBJECT FULL NAME (last, first, mi, suffix) CHECK TO INDICATE SUBJECT NAME AND ADDRESS IS THE SAME AS THE REQUESTER ABOVE.

STREET ADDRESS

CITY STATE ZIP CODE

Check one or more boxes below to indicate the type of information you wish to receive. All data fields must be completed for Driving Record Information, Vehicle Information and Decedent Photo Requests. For Police Crash Reports provide as much information as possible.

DRIVING RECORD INFORMATION (Includes license history and conviction data) (complete SUBJECT INFORMATION above).

SUBJECT DRIVER LICENSE NUMBER or SUBJECT BIRTH DATE (mm/dd/yyyy)

An authorization from the subject is required for employers and others not authorized by Virginia code. I authorize the Department of Motor Vehicles to furnish, for this one time only, information pertaining to my driving record to the requester identified above.

SUBJECT SIGNATURE DATE (mm/dd/yyyy)

VEHICLE INFORMATION (Includes vehicle description and registration data) (complete SUBJECT INFORMATION above)

VEHICLE IDENTIFICATION NUMBER (VIN) VEHICLE MAKE VEHICLE YEAR

POLICE CRASH REPORT

Check one or more boxes to indicate your involvement in the crash:

I was a DRIVER I was a PASSENGER I am a VEHICLE OWNER I am the OWNER of property involved in the accident

I legally REPRESENT an involved person I was injured OTHER (explain)

I was NOT involved in the accident AND I do not legally represent an involved person

I am an authorized representative of any insurance carrier reasonably anticipating exposure to civil liability as a consequence of the accident or to which the person has applied for issuance or renewal of a policy of automobile insurance

IMPORTANT NOTE: The Department may only release a full accident report to a person involved in the accident, or their legal or personal representative, in accordance with Virginia Code § 48-2-360. All other requesters are entitled to receive only the name and addresses of the drivers, the owners of the vehicles involved, the injured persons, the witnesses, and one investigating officer, in accordance with Virginia Code § 48-2-379.

CRASH DATE (mm/dd/yyyy) TIME OF CRASH CRASH LOCATION (highway or street name)

02/13/2012 Interstate 81 North near mm 104

CITY/COUNTY/TOWN WHERE CRASH OCCURRED

Palaski County

INFORMATION REQUESTED (continued)

DECEDENT PHOTO REQUEST (requester may need to provide proof of death, i.e. copy of death certificate, executor papers, etc.)

DECEDENT FULL NAME (last, first, mi, suffix)		DECEDENT DMV CUSTOMER NUMBER	
DECEDENT BIRTH DATE (mm/dd/yyyy)	Requester's relationship to decedent (check one):	<input type="checkbox"/> Spouse	<input type="checkbox"/> Executor
		<input type="checkbox"/> Child	<input type="checkbox"/> Administrator

CERTIFICATION

I understand that it is unlawful to use information provided by DMV for any purpose other than the one stated. I certify that the information I have requested with this form will be used only for the stated purpose.

I further certify and affirm that all information presented in this form is true and correct, that any documents I have presented to DMV are genuine, and that the information included in all supporting documentation is true and accurate. I make this certification and affirmation under penalty of perjury and I understand that knowingly making a false statement or representation on this form is a criminal violation.

I agree that the information I obtain in response to my request is considered privileged and confidential. I agree that such information is subject to the restrictions upon use and dissemination imposed by (1) the Federal Drivers Privacy Protection Act (18 USC § 2721 et seq.), (2) the Government Data Collection and Dissemination Practices Act (Va. Code § 2.2-3800 et seq.), (3) the provisions of Va. Code §§ 46.2-208 through 210, 46.2-212, and 58.1-3, and (4) any successor rules, regulations, or guidelines adopted by DMV with regard to disclosure or dissemination of any information obtained from DMV records or files, and I agree to comply with such restrictions and understand that any violation may result in damages, civil penalties, criminal penalties or other relief permitted pursuant to Virginia law.

DATE (mm/dd/yyyy)

10/11/2013

OTHER INFORMATION (Be specific)

[Empty area for other information]

DMV CUSTOMER SERVICE CENTER

Proof of Requester's Identification <input checked="" type="checkbox"/> Valid Driver's License Number: 2109713 <input type="checkbox"/> Other Photo Identification	<input checked="" type="checkbox"/> Request on Original Driver's License <input type="checkbox"/> Request on Duplicate Driver's License <input checked="" type="checkbox"/> Law Enforcement Badge Number <input type="checkbox"/> Other
If referred to Headquarters to fill request, complete: CSR Name: CSC Name (and CSC number):	Remarks/CSR Stamp:
	Fees Charged:

ABN-687



Revised Report

Police Crash Report

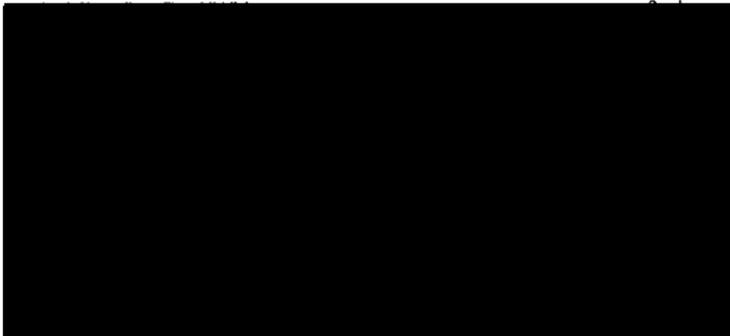
CRASH

Crash Date: 02/13/2012 Day of Week: Monday MILITARY Time (24 hr clock): 10:50
 City of Town Name: PULASKI COUNTY County of Crash: PULASKI COUNTY
 Landmarks at Scene: 120455066
 Location of Crash (route/street): I-81 Railroad Crossing ID no. (if within 150 ft.):
 Local Case Number: DIV412009624

At Intersection With or 0.3C Miles Feet N S E W Location of Crash (route/street): ROUTE 799
 Mile Marker Number: 1 0 3 6 0 1 Number of Vehicles: 1

DRIVER

Driver Fled Scene



DRIVER

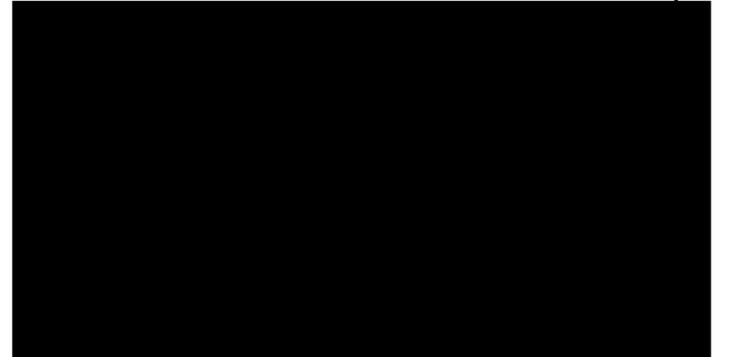
Driver Fled Scene

Gender

Driver's Name (Last, First, Middle)
 Address (Street and Number)
 City State ZIP
 Birth Date Drivers License Number State DL CDL
 Safety Equip. Used Air Bag Ejected Date of Death Injury Type EMS Transport
 Summons Issued As Result of Crash Offenses Charged to Driver

VEHICLE

Vehicle Owner's Name (Last, First, Middle) Same as Driver



VEHICLE

Vehicle Owner's Name (Last, First, Middle) Same as Driver

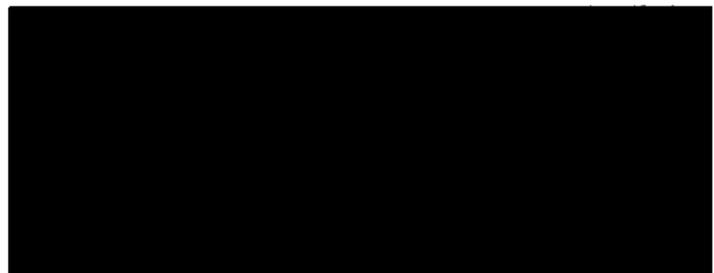
Address (Street and Number)
 City State ZIP
 Vehicle Year Vehicle Make Vehicle Model Disabled CMV Towed
 Vehicle Plate Number State Approximate Repair Cost
 VIN Oversize Cargo Spill
 Name of Insurance Company (not agent) Override Underride
 Speed Before Crash Speed Limit Maximum Safe Speed Under 8 ALL Passengers Age Count Over 21

Speed Before Crash: 70 Speed Limit: 70 Maximum Safe Speed: 70 Under 8: 3 ALL Passengers Age Count: 8-17: 0 18-21: 0 Over 21: 1

PASSENGER (only if injured or killed)

Name of Injured (Last, First, Middle) EMS Transport Date of Death
 Position In/On Vehicle Safety Equip Used Airbag Ejected Injury Type Birthdate Gender
 Name of Injured (Last, First, Middle) EMS Transport Date of Death
 Position In/On Vehicle Safety Equip Used Airbag Ejected Injury Type Birthdate Gender
 Name of Injured (Last, First, Middle) EMS Transport Date of Death

PASSENGER (only if injured or killed)



Position In/On Vehicle	Safety Equip Used	Airbag Ejected	Injury Type	Birthdate	Gender
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Position In/On Vehicle	Safety Equip Used	Airbag Ejected	Injury Type	Birthdate	Gender
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Codes

POSITION IN/ON VEHICLE	SAFETY EQUIPMENT USED	AIRBAG	EJECTED FROM VEHICLE	INJURY TYPE	
1. Driver	1. Lap Belt Only	1. Deployed - Front	1. Not Ejected	1. Dead	
2-6. Passengers	2. Shoulder Belt Only	2. Not Deployed	2. Partially Ejected	2. Serious Injury	
7. Cargo Area	3. Lap and Shoulder Belt	3. Unavailable/Not Applicable	3. Totally Ejected	3. Minor/Possible Injury	
8. Riding/Hanging On Outside	4. Child Restraint	4. Keyed Off	SUMMONS ISSUED AS A RESULT OF CRASH		
9-98. All Other Passengers	5. Helmet	5. Unknown			1. Yes
	6. Other	6. Deployed - Side			2. No
	7. Booster Seat	7. Deployed - Other (Knee, Air Belt, etc.)	3. Pending	4. No Apparent Injury	
	8. No Restraint Used	8. Deployed - Combination		6. No Injury (driver only)	
	9. Not Applicable				

Investigating Officer: ROBERT CHURCH Badge/Code Number: 6459 Agency/Department Name and Code: VIRGINIA STATE POLICE/ 156
 Reviewing Officer: Dirksen Compton Report File Date: 02/13/2012



Police Crash Report

Revised Report

CRASH

Crash Date 02/13/2012 MILITARY Time (24 hr clock) 10:50 County of Crash PULASKI COUNTY City of Town of Local Case Number DIV412009624

DRIVER INFORMATION

- | | | | |
|---|-------------------------------------|---|-------------------------------------|
| Veh 1 | Veh 1 | Veh 1 | Veh 1 |
| Driver's Action P1 | <input checked="" type="checkbox"/> | Driver Vision Obscured P3 | <input checked="" type="checkbox"/> |
| 1. No Improper Action | <input checked="" type="checkbox"/> | 1. Not Obscured | <input type="checkbox"/> |
| 2. Exceeded Speed Limit | <input type="checkbox"/> | 2. Rain, Snow, etc. on Windshield | <input type="checkbox"/> |
| 3. Exceeded Safe Speed But Not Speed Limit | <input type="checkbox"/> | 3. Windshield Otherwise Obscured | <input type="checkbox"/> |
| 4. Overtaking On Hill | <input type="checkbox"/> | 4. Vision Obscured by Load on Vehicle | <input type="checkbox"/> |
| 5. Overtaking On Curve | <input type="checkbox"/> | 5. Trees, Crops, etc. | <input type="checkbox"/> |
| 6. Overtaking at Intersection | <input type="checkbox"/> | 6. Building | <input type="checkbox"/> |
| 7. Improper Passing of School Bus | <input type="checkbox"/> | 7. Embankment | <input type="checkbox"/> |
| 8. Cutting In | <input type="checkbox"/> | 8. Sign or Signboard | <input checked="" type="checkbox"/> |
| 9. Other Improper Passing | <input type="checkbox"/> | 9. Hillcrest | <input type="checkbox"/> |
| 10. Wrong Side of Road - Not Overtaking | <input type="checkbox"/> | 10. Parked Vehicle(s) | <input type="checkbox"/> |
| 11. Did Not Have Right-of-Way | <input type="checkbox"/> | 11. Moving Vehicle(s) | <input type="checkbox"/> |
| 12. Following Too Close | <input type="checkbox"/> | 12. Sun or Headlight Glare | <input type="checkbox"/> |
| 13. Fail to Signal or Improper Signal | <input type="checkbox"/> | 13. Other | <input type="checkbox"/> |
| 14. Improper Turn - Wide Right Turn | <input type="checkbox"/> | 14. Blind Spot | <input type="checkbox"/> |
| 15. Improper Turn - Cut Corner on Left Turn | <input type="checkbox"/> | 15. Smoke/Dust | <input type="checkbox"/> |
| 16. Improper Turn From Wrong Lane | <input type="checkbox"/> | 16. Stopped Vehicle(s) | <input type="checkbox"/> |
| 17. Other Improper Turn | <input type="checkbox"/> | Type of Driver Distractions P4 | <input checked="" type="checkbox"/> |
| 18. Improper Backing | <input type="checkbox"/> | 1. Looking at Roadside Incident | <input checked="" type="checkbox"/> |
| 19. Improper Start From Parked Position | <input type="checkbox"/> | 2. Driver Fatigue | <input type="checkbox"/> |
| 20. Disregarded Officer or Flagger | <input type="checkbox"/> | 3. Looking at Scenery | <input type="checkbox"/> |
| 21. Disregarded Traffic Signal | <input type="checkbox"/> | 4. Passenger(s) | <input type="checkbox"/> |
| 22. Disregarded Stop or Yield Sign | <input type="checkbox"/> | 5. Radio/CD, etc. | <input type="checkbox"/> |
| 23. Driver Distraction | <input type="checkbox"/> | 6. Cell Phone | <input type="checkbox"/> |
| 24. Fail to Stop at Through Highway - No Sign | <input checked="" type="checkbox"/> | 7. Eyes Not on Road | <input checked="" type="checkbox"/> |
| 25. Drive Through Work Zone | <input type="checkbox"/> | 8. Daydreaming | <input type="checkbox"/> |
| 26. Fail to Set Out Flares or Flags | <input type="checkbox"/> | 9. Eating/Drinking | <input type="checkbox"/> |
| 27. Fail to Dim Headlights | <input type="checkbox"/> | 10. Adjusting Vehicle Controls | <input type="checkbox"/> |
| 28. Driving Without Lights | <input type="checkbox"/> | 11. Other | <input type="checkbox"/> |
| 29. Improper Parking Location | <input type="checkbox"/> | 12. Navigation Device | <input type="checkbox"/> |
| 30. Avoiding Pedestrian | <input type="checkbox"/> | 13. Texting | <input type="checkbox"/> |
| 31. Avoiding Other Vehicle | <input type="checkbox"/> | 14. No Driver Distraction | <input type="checkbox"/> |
| 32. Avoiding Animal | <input type="checkbox"/> | Drinking P5 | <input type="checkbox"/> |
| 33. Crowded Off Highway | <input checked="" type="checkbox"/> | 1. Had Not Been Drinking | <input type="checkbox"/> |
| 34. Hit and Run | <input type="checkbox"/> | 2. Drinking - Obviously Drunk | <input type="checkbox"/> |
| 35. Car Ran Away - No Driver | <input type="checkbox"/> | 3. Drinking - Ability Impaired | <input type="checkbox"/> |
| 36. Blinded by Headlights | <input type="checkbox"/> | 4. Drinking - Ability Not Impaired | <input type="checkbox"/> |
| 37. Other | <input type="checkbox"/> | 5. Drinking - Not Known Whether Impaired | <input type="checkbox"/> |
| 38. Avoiding Object in Roadway | <input type="checkbox"/> | 6. Unknown | <input type="checkbox"/> |
| 39. Eluding Police | <input type="checkbox"/> | Method of Alcohol Determination (by police) P6 | <input type="checkbox"/> |
| 40. Fail to Maintain Proper Control | <input checked="" type="checkbox"/> | 1. Blood | <input type="checkbox"/> |
| 41. Improper Passing | <input type="checkbox"/> | 2. Breath | <input type="checkbox"/> |
| 42. Improper or Unsafe Lane Change | <input checked="" type="checkbox"/> | 3. Refused | <input type="checkbox"/> |
| 43. Over Correction | <input type="checkbox"/> | 4. No Test | <input type="checkbox"/> |
| Condition of Driver Contributing to the Crash P2 | <input checked="" type="checkbox"/> | Drug Use P7 | <input checked="" type="checkbox"/> |
| 1. No Defects | <input type="checkbox"/> | 1. Yes | <input type="checkbox"/> |
| 2. Eyesight Defective | <input type="checkbox"/> | 2. No | <input type="checkbox"/> |
| 3. Hearing Defective | <input type="checkbox"/> | 3. Unknown | <input type="checkbox"/> |
| 4. Other Body Defects | <input type="checkbox"/> | | |
| 5. Illness | <input type="checkbox"/> | | |
| 6. Fatigued | <input type="checkbox"/> | | |
| 7. Apparently Asleep | <input checked="" type="checkbox"/> | | |
| 8. Other | <input type="checkbox"/> | | |
| 9. Unknown | <input type="checkbox"/> | | |

VEHICLE INFORMATION

- | | | | |
|---|-------------------------------------|--|--------------------------|
| Veh 1 | Veh 1 | Veh 1 | Veh 1 |
| Vehicle Maneuver V1 | <input checked="" type="checkbox"/> | Vehicle Damage V4 | <input type="checkbox"/> |
| 1. Going Straight Ahead | <input type="checkbox"/> | 1. Unknown | <input type="checkbox"/> |
| 2. Making Right Turn | <input type="checkbox"/> | 2. No damage | <input type="checkbox"/> |
| 3. Making Left Turn | <input type="checkbox"/> | 3. Overturned | <input type="checkbox"/> |
| 4. Making U-Turn | <input type="checkbox"/> | 4. Motor | <input type="checkbox"/> |
| 5. Slowing or Stopping | <input type="checkbox"/> | 5. Undercarriage | <input type="checkbox"/> |
| 6. Merging Into Traffic Lane | <input checked="" type="checkbox"/> | 6. Totaled | <input type="checkbox"/> |
| 7. Starting From Parked Position | <input type="checkbox"/> | 7. Fire | <input type="checkbox"/> |
| 8. Stopped in Traffic Lane | <input type="checkbox"/> | 8. Other | <input type="checkbox"/> |
| 9. Ran Off Road - Right | <input type="checkbox"/> | Vehicle Condition V5 | <input type="checkbox"/> |
| 10. Ran Off Road - Left | <input type="checkbox"/> | 1. No Defects | <input type="checkbox"/> |
| 11. Parked | <input type="checkbox"/> | 2. Lights Defective | <input type="checkbox"/> |
| 12. Backing | <input checked="" type="checkbox"/> | 3. Brakes Defective | <input type="checkbox"/> |
| 13. Passing | <input type="checkbox"/> | 4. Steering Defective | <input type="checkbox"/> |
| 14. Changing Lanes | <input type="checkbox"/> | 5. Puncture/Blowout | <input type="checkbox"/> |
| 15. Other | <input type="checkbox"/> | 6. Worn or Slick Tires | <input type="checkbox"/> |
| 16. Entering Street From Parking Lot | <input type="checkbox"/> | 7. Motor Trouble | <input type="checkbox"/> |
| Skidding Tire/Mark V2 | <input type="checkbox"/> | 8. Chains In Use | <input type="checkbox"/> |
| 1. Before Application of Brakes | <input type="checkbox"/> | 9. Other | <input type="checkbox"/> |
| 2. After Application of Brakes | <input checked="" type="checkbox"/> | 10. Vehicle Altered | <input type="checkbox"/> |
| 3. Before and After Application of Brakes | <input type="checkbox"/> | 11. Mirrors Defective | <input type="checkbox"/> |
| 4. No Visible Skid Mark/Tire Mark | <input type="checkbox"/> | 12. Power Train Defective | <input type="checkbox"/> |
| Vehicle Body Type V3 | <input type="checkbox"/> | 13. Suspension Defective | <input type="checkbox"/> |
| 1. Passenger car | <input type="checkbox"/> | 14. Windows/Windshield Defective | <input type="checkbox"/> |
| 2. Truck - Pick-up/Passenger Truck | <input type="checkbox"/> | 15. Wipers Defective | <input type="checkbox"/> |
| 3. Van | <input type="checkbox"/> | 16. Wheels Defective | <input type="checkbox"/> |
| 4. Truck - Single Unit Truck (2-Axles) | <input checked="" type="checkbox"/> | 17. Exhaust System | <input type="checkbox"/> |
| 5. Motor Home, Recreational Vehicle | <input type="checkbox"/> | Special Function Motor Vehicle V6 | <input type="checkbox"/> |
| 6. Special Vehicle - Oversized Vehicle/Earthmover/Road Equipment | <input type="checkbox"/> | 1. No Special Function | <input type="checkbox"/> |
| 7. Bicycle | <input type="checkbox"/> | 2. Taxi | <input type="checkbox"/> |
| 8. Moped | <input type="checkbox"/> | 3. School Bus (Public or Private) | <input type="checkbox"/> |
| 9. Motorcycle | <input type="checkbox"/> | 4. Transit Bus | <input type="checkbox"/> |
| 10. Emergency Vehicle (Regardless of Vehicle Type) | <input type="checkbox"/> | 5. Intercity Bus | <input type="checkbox"/> |
| 11. Bus - School Bus | <input type="checkbox"/> | 6. Charter Bus | <input type="checkbox"/> |
| 12. Bus - City Transit Bus/Private Owned Church Bus | <input type="checkbox"/> | 7. Other Bus | <input type="checkbox"/> |
| 13. Bus - Commercial Bus | <input type="checkbox"/> | 8. Military | <input type="checkbox"/> |
| 14. Other (Scooter, Go-cart, Hearse, Bookmobile, Golf Cart, etc.) | <input type="checkbox"/> | 9. Police | <input type="checkbox"/> |
| 15. Special Vehicle - Farm Machinery | <input type="checkbox"/> | 10. Ambulance | <input type="checkbox"/> |
| 16. Special Vehicle - ATV | <input type="checkbox"/> | 11. Fire Truck | <input type="checkbox"/> |
| 17. Special Vehicle - Low-Speed Vehicle | <input type="checkbox"/> | 12. Tow Truck | <input type="checkbox"/> |
| 18. Truck - Sport Utility Vehicle (SUV) | <input type="checkbox"/> | 13. Maintenance | <input type="checkbox"/> |
| 19. Truck - Single Unit Truck (3 Axles or More) | <input checked="" type="checkbox"/> | 14. Unknown | <input type="checkbox"/> |
| 20. Truck - Truck Tractor (Bobtail-No Trailer) | <input type="checkbox"/> | EMV in service V7 | <input type="checkbox"/> |
| | | 1. Yes | <input type="checkbox"/> |
| | | 2. No | <input type="checkbox"/> |
| | | Truck Cover V8 | <input type="checkbox"/> |
| | | 1. Yes | <input type="checkbox"/> |
| | | 2. No | <input type="checkbox"/> |



Police Crash Report

Revised Report

CRASH

Crash Date 02/13/2012 MILITARY Time (24 hr clock) 10:50 County of Crash PULASKI COUNTY City of Town of Local Case Number DIV412009624

CRASH INFORMATION

<p>Location of First Harmful Event in Relation to Roadway C1</p> <p>✓ 1. On Roadway 2. Shoulder 3. Median 4. Roadside 5. Gore 6. Separator 7. In Parking Lane or Zone 8. Off Roadway, Location Unknown 9. Outside Right-of-Way</p>	<p>Traffic Control Type C5</p> <p>1. No Traffic Control 2. Officer or Flagger 3. Traffic Signal 4. Stop Sign 5. Slow or Warning Sign ✓ 6. Traffic Lanes Marked 7. No Passing Lines 8. Yield Sign 9. One Way Road or Street 10. Railroad Crossing With Markings and Signs 11. Railroad Crossing With Signals 12. Railroad Crossing With Gate and Signals 13. Other 14. Pedestrian Crosswalk 15. Reduced Speed – School Zone 16. Reduced Speed – Work Zone 17. Highway Safety Corridor</p>	<p>Roadway Description C9</p> <p>1. Two-Way, Not Divided 2. Two-Way, Divided, Unprotected Median ✓ 3. Two-Way, Divided, Positive Median Barrier 4. One-Way, Not Divided 5. Unknown</p>	<p>Intersection Type C12</p> <p>✓ 1. Not at Intersection 2. Two Approaches 3. Three Approaches 4. Four Approaches 5. Five-Point, or more 6. Roundabout</p>
<p>Weather Condition C2</p> <p>✓ 1. No Adverse Condition (Clear/Cloudy) 3. Fog 4. Mist 5. Rain 6. Snow 7. Sleet/Hail 8. Smoke/Dust 9. Other 10. Blowing Sand, Soil, Dirt, or Snow 11. Severe Crosswinds</p>	<p>Roadway Alignment C6</p> <p>✓ 1. Straight – Level 2. Curve – Level 3. Grade – Straight 4. Grade – Curve 5. Hillcrest – Straight 6. Hillcrest – Curve 7. Dip – Straight 8. Dip – Curve 9. Other 10. On/Off Ramp</p>	<p>Roadway Defects C10</p> <p>✓ 1. No Defects 2. Holes, Ruts, Bumps 3. Soft or Low Shoulder 4. Under Repair 5. Loose Material 6. Restricted Width 7. Slick Pavement 8. Roadway Obstructed 9. Other 10. Edge Pavement Drop Off</p>	<p>Work Zone C13</p> <p>✓ 1. Yes 2. No</p>
<p>Light Conditions C3</p> <p>✓ 1. Dawn 2. Daylight 3. Dusk 4. Darkness – Road Lighted 5. Darkness – Road Not Lighted 6. Darkness – Unknown Road Lighting 7. Unknown</p>	<p>Roadway Surface Condition C7</p> <p>✓ 1. Dry 2. Wet 3. Snowy 4. Icy 5. Muddy 6. Oil/Other Fluids 7. Other 8. Natural Debris 9. Water (Standing, Moving) 10. Slush 11. Sand, Dirt, Gravel</p>	<p>Relation to Roadway Interchange Area: C11</p> <p>1. Main-Line Roadway 2. Acceleration/Deceleration Lanes 3. Gore Area (Between Ramp and Highway Edgelines) 4. Collector/Distributor Road 5. On Entrance/Exit Ramp 6. Intersection at end of Ramp 7. Other location not listed above within an interchange area (median, shoulder and roadside)</p>	<p>Work Zone C14</p> <p>Workers Present</p> <p>1. With Law Enforcement 2. With No Law Enforcement 3. No Workers Present</p>
<p>Traffic Control Device C4</p> <p>✓ 1. Yes – Working 2. Yes – Working and Obscured 3. Yes – Not Working 4. Yes – Not Working and Obscured 5. Yes – Missing 6. No Traffic Control Device Present</p>	<p>Roadway Surface Type C8</p> <p>✓ 1. Concrete 2. Blacktop, Asphalt, Bituminous 3. Brick or Block 4. Slag, Gravel, Stone 5. Dirt 6. Other</p>	<p>Intersection Area:</p> <p>✓ 8. Non-Intersection 9. Within Intersection 10. Intersection-Related - Within 150' 11. Intersection-Related - Outside 150'</p>	<p>Work Zone Location C15</p> <p>1. Advance Warning Area 2. Transition Area 3. Activity Area 4. Termination Area</p>
		<p>Other Location:</p> <p>12. Crossover Related 13. Driveway, Alley-Access - Related 14. Railway Grade Crossing 15. Other Crossing (Crossings for Bikes, School, etc.)</p>	<p>Work Zone Type C16</p> <p>1. Lane Closure 2. Lane Shift/Crossover 3. Work on Shoulder or Median 4. Intermittent or Moving Work 5. Other</p>
			<p>School Zone C17</p> <p>1. Yes 2. Yes - With School Activity ✓ 3. No</p>
			<p>Type of Collision C18</p> <p>1. Rear End 2. Angle 3. Head On 4. Sideswipe – Same Direction 5. Sideswipe – Opposite Direction 6. Fixed Object in Road 7. Train 8. Non-Collision ✓ 9. Fixed Object – Off Road 10. Deer 11. Other Animal 12. Pedestrian 13. Bicyclist 14. Motorcyclist 15. Backed Into 16. Other</p>



Revised Report
CRASH

Police Crash Report

Crash Date 02/13/2012 MILITARY Time (24 hr clock) 10:50 County of Crash PULASKI COUNTY City of Town of Local Case Number DIV412009624

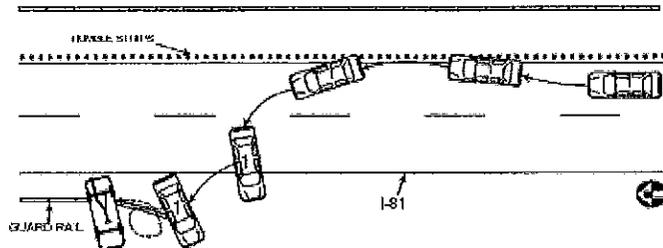
CRASH DIAGRAM

VEHICLE # 1
Fill In Impact Area(s).
Initial Impact. 10

11 ✓ 12 ✓ ✓ 1
10 ✓ ✓ 2
9 ✓ 13 ✓ 3
8 ✓ ✓ 4
7 ✓ ✓ 5

6 N

Veh Dir of Travel—N/S/E/W



VEHICLE #
Fill In Impact Area(s).
Initial Impact.

12

11 1
10 2
9 13 3
8 4
7 5

6

Veh Dir of Travel—N/S/E/W

VEHICLE #
Fill In Impact Area(s).
Initial Impact.

12

11 1
10 2
9 13 3
8 4
7 5

6

Veh Dir of Travel—N/S/E/W

DAMAGE TO PROPERTY OTHER THAN VEHICLES

Approx. Repair Cost 3500 Object Struck (Tree, Fence, etc.) GUARD RAIL Property Owners Name (Last, First, Middle) VDOT Address (Street and Number) 1401 BROAD STREET RICHMOND VA VDOT Property

CRASH DESCRIPTION

DRIVER OF VEHICLE #1 EYES WERE NOT ON THE ROAD, VEHICLE #1 DRIFTED OFF ROAD RIGHT HITTING RUMBLE STRIPS, VEHICLE #1 OVERCORRECTED BACK TO THE LEFT LOST CONTROL CROSSED BACK ACROSS TRAFFIC LANES, VEHICLE #1 RAN OFF ROAD LEFT STRIKING GUARD RAIL

CRASH EVENTS

Vehicle #	First Event	Second Event	Third Event	Fourth Event	Most Harmful Event	Vehicle #	First Event	Second Event	Third Event	Fourth Event	Most Harmful Event
1	28	36	28	5	5						

First Harmful Event of Entire Crash that Results in First Injury or Damage. 5

COLLISION WITH FIXED OBJECT

- 1. Bank Or Ledge
- 2. Trees
- 3. Utility Pole
- 4. Fence Or Post
- 5. Guard Rail
- 6. Parked Vehicle
- 7. Tunnel, Bridge, Underpass, Culvert, etc.
- 8. Sign, Traffic Signal
- 9. Impact Cushioning Device
- 10. Other
- 11. Jersey Wall
- 12. Building/Structure
- 13. Curb
- 14. Ditch
- 15. Other Fixed Object
- 16. Other Traffic Barrier
- 17. Traffic Sign Support
- 18. Mailbox

COLLISION WITH PERSON, MOTOR VEHICLE OR NON-FIXED OBJECT

- 19. Pedestrian
- 20. Motor Vehicle In Transport
- 21. Train
- 22. Bicycle
- 23. Animal
- 24. Work Zone
- Maintenance Equipment
- 25. Other Movable Object
- 26. Unknown Movable Object
- 27. Other

NON-COLLISION

- 28. Ran Off Road
- 29. Jack Knife
- 30. Overturn (Rollover)
- 31. Downhill Runaway
- 32. Cargo Loss or Shift
- 33. Explosion or Fire
- 34. Separation of Units
- 35. Cross Median
- 36. Cross Centerline
- 37. Equipment Failure (Tire, etc)
- 38. Immersion
- 39. Fell/Jumped From Vehicle
- 40. Thrown or Falling Object
- 41. Non-Collision Unknown
- 42. Other Non-Collision

FEB 18 2014

VIRGINIA: IN THE CIRCUIT COURT OF PULASKI COUNTY

RECEIVED

BRITTANY F. ROBINSON,
Plaintiff

COMPLAINT

v.

TRINITY INDUSTRIES, INC, TRINITY :
HIGHWAY PRODUCTS, LLC, :
MAKCO, INC., AND JOHN DOE :
CONTRACTOR :

COMPLAINT

Comes now the plaintiff, Brittany F. Robinson, by counsel, and moves this Honorable Court for entry of judgment against the defendants, Trinity Industries, Inc., Trinity Highway Products, LLC (collectively "Trinity"), Makco, Inc., and John Doe Contractor on the grounds and in the amount set forth below.

Parties, Jurisdiction and Venue

1. Brittany F. Robinson is an individual and citizen of the United States of America who resides in Corning, NY.

2. Trinity Industries is a Delaware corporation doing business in Virginia, with its principal place of business located at 2525 Stemmons Freeway, Dallas, Texas 75207 and may be served via its registered agent Edward R. Parker at 5511 Staples Mill Road, Richmond, Virginia 23228. Defendant actively solicits business and sells its products in the Commonwealth of Virginia and derives substantial revenue from such sales. The tortious injury giving rise to this suit occurred in the Commonwealth of Virginia and arose from the defendant's contracting and transaction of business in the Commonwealth of Virginia.

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FEB 18 2014

3. Trinity Highway is a limited liability company doing business in Virginia with its principal place of business located at 2525 Stemmons Freeway, Dallas, Texas 75207. Defendant actively solicits business and sells its products in the Commonwealth of Virginia and derives substantial revenue from such sales. The tortious injury giving rise to this suit occurred in the Commonwealth of Virginia and arose from the defendant's contracting and transaction of business in the Commonwealth of Virginia.

4. Makco, Incorporated is a Virginia Corporation with a principal office located at 49 Deerfield Road, Louisa, VA 23093.

5. Defendant John Doe Contractor is reasonably believed to be a contractor in the Commonwealth of Virginia who installed or maintained the guardrail system that is the subject of this lawsuit.

6. This Court has *in personam* jurisdiction over the defendants pursuant to Virginia Code §8.01-328.1(A)(1), (2), (3), (4) and/or (5).

Factual Background

7. Trinity Industries, Inc. is the parent corporation of Trinity Highway Products, LLC and as such controls Trinity Highway Products, LLC (collectively "Trinity").

8. Trinity is in the business of manufacturing and selling various highway safety and construction products for use across the United States and specifically in and more specifically manufactures and sells the ET-Plus guardrail end terminal ("ET-Plus") under an exclusive licensing agreement from Texas A & M University.

9. The ET-Plus unit is commonly referred to as a "head" and when used in conjunction with the standard "W" style guardrail see throughout the roads and highways of America is designed to safely absorb and dissipate the energy of a vehicular impact.

10. Upon impact, the guardrail is designed to be extruded through the head and flattened out into a ribbon, thus absorbing the majority of the collision energy.

11. The original production of the ET-Plus, built to approved specifications, was overall very successful and not only did it work for an initial impact, it continued, in minimally the majority of instances, to work even when struck again in a separate incident and before maintenance crews were able to repair it.

12. The ET-Plus, along with each and every other product used on the National Highway System throughout the United States must undergo testing to determine and validate crashworthiness before the product may be placed on the National Highway System or on the roads of the Commonwealth of Virginia.

13. The Federal Highway Administration, a division of the United States Government under the U.S. Department of Transportation, along with other state and federal organizations are charged with establishing the crashworthiness criteria for products such as the ET-Plus.

14. Virginia, like other states, requires that its Department of Transportation ("VDOT") approve any product installed on its roadways. Each highway project in Virginia is governed by contract documents issued by VDOT. These documents require that any products installed on Virginia's highways be both previously approved by the VDOT and compliant with National Cooperative Highway Research Program Report 350 ("NCHRP 350"), if tested prior to January 1, 2011, or tested using the Manual for Assessing Safety Hardware ("MASH"), if presented for testing after that date. Products previously accepted under NCHRP 350 do not need to be retested unless, of course, the product is changed.

15. NCHRP 350, Recommended Procedures for the Safety Performance Evaluation of Highway Features, establishes a performance range on several criteria that guardrail terminals

must satisfy through as many as seven different tests to be deemed safe and reliable for installation. The prime contractor who submits a winning bid on a project must sign contract documents agreeing with the NCDOT to install only state-approved, NCHRP 350 or MASH-compliant products.

16. Virginia has an Approved List for the product at issue (GR-9 Terminals). Trinity manufactures and sells guardrail end terminals under the names ET-2000 Plus, ET-Plus and ET-31, among others. The ET-Plus, also known as ET-2000 Plus, was approved by VDOT and placed on VDOT's Approved List for End Terminals by 2001. The version of the ET-Plus approved by VDOT remains on VDOT's current Approved Product List. VDOT has not approved any other version of the ET-Plus.

17. Once a product is approved for use along the National Highway System or the roadways of Virginia, its design specifications cannot be altered; or if altered, the product must undergo additional testing and approval prior to its placement on the roadways of Virginia or the National Highway System.

18. Beginning sometime between 2000 and 2005, a different or altered ET-Plus started appearing along the National Highway System and on the roads in the Commonwealth of Virginia, in particular, a revised or altered "head" was manufactured with an exit gap of approximately 1.0 inches rather than approximately 1.5 inches as originally tested, approved, and manufactured.

19. Beginning in early 2005, yet another different or altered ET-Plus started appearing along the National Highway System and on the roads in the Commonwealth of Virginia; in particular, a revised or altered 'head' was manufactured with a 4" feeder chute (as opposed to the prior approved 5" feeder chute) and a shorter overall height.

20. In addition to the above, due to the shortened height, the feeder rails are actually inserted into the head .75" rather than being welded flush to it as originally designed and approved, thus drastically reducing the overall space of the feeder chute.

21. Trinity twice petitioned the Federal Highway Administration ("FHWA") for modifications to other components of the overall ET-Plus system; once in September of 2005 and then again in August of 2007.

22. The above-described requests (September 2005 and August 2007) dealt with components sold with the ET-Plus and their configuration, and nowhere in these design changes does Trinity mention the reduced feeder chute size or any other changes to the ET-Plus head.

23. Based upon information and belief, Trinity never officially notified or petitioned the Federal Highway Administration, the Virginia Department of Transportation or any branch or unit of any federal or state government for approval or consideration of the feeder chute changes as described above.

24. The ET-Plus, as modified in 2005 and at issue in this case, does not allow the guardrail to feed properly through the chute due to the reduced internal area of the head itself causing the guardrail to "throat lock" in the head during impact.

25. Once "throat lock" occurs, as is the case in this action, the ET-Plus system violently stops or redirects the vehicle in a manner causing serious injury or death – often by impalement.

26. Based on information and belief, Trinity, at all times relevant hereto, knew of the dangerous conditions created by its unapproved, modified ET-Plus system, as literally hundreds of thousands of these unapproved, secretly modified, inherently dangerous ET-Plus systems have been in use across the country for several years preceding the incident at issue in this lawsuit.

Facts

27. Paragraphs 1-26 are incorporated hereby as though fully and completely set forth.

28. At or about 10:50 AM on Monday, February 13, 2013, Brittany Robinson was a passenger in a vehicle travelling northbound on I-81 in Pulaski, VA near mile marker 104.

29. At the time and place described in the preceding paragraph, the vehicle in which Brittany Robinson was a passenger left the roadway and struck an ET-Plus end terminal at issue.

30. The impact described above resulted in the failure of the ET-Plus end terminal to properly extrude and, rather than performing properly, caused the guardrail to lock inside the end terminal and fail to dissipate the energy of the vehicle in a safe manner and bring it to a safe stop.

31. As a result of the ET-Plus failure, the vehicle was impaled by the guardrail and overturned.

32. Further as a result of the ET-Plus failure, Brittany Robinson suffered injuries, including broken bones, which required surgery, hospitalization, and other medical care.

33. In addition to bodily injury, Brittany Robinson suffered emotional distress from her injuries as well from witnessing the injuries to her children, including her child Ethan Robinson who was pinned to the roof of the vehicle by the impaling guardrail and suffered pelvic injuries, brain trauma, and other injuries.

Count One

(Trinity's Negligence)

34. Plaintiff realleges and repleads all of those allegations contained and set forth in paragraphs numbered 1 through 33, inclusive, of this Complaint, with the same force and effect as though they were herein fully and specifically again set forth in detail.

35. Defendant Trinity changed, modified and altered their ET-Plus guardrail system, and more specifically, its end terminal which resulted in the guardrail at issue, and guardrails across the United States, failing and, rather than properly absorbing the energy of an impact, it locks up and injures or kills vehicle occupants due to the trauma of the sudden stop, by catapulting the vehicle, redirecting it an unsafe manner, or causing the guardrail to impale the vehicle.

36. Defendant Trinity knew of multiple failures of the secretly modified ET-Plus terminals and failed to disclose either modifications to the products or the dramatic increase in severe, even death-producing collisions occurring across the United States. The terminals were defective in their design and manufacture.

37. As a direct and proximate cause of Defendant Trinity's negligence and gross negligence, Brittany Robinson suffered bodily and other injuries.

Count Two

(Trinity, Makco and John Doe Contractor)

38. Plaintiff realleges and repleads all of those allegations contained and set forth in paragraphs numbered 1 through 37, inclusive, of this Complaint, with the same force and effect as though they were herein fully and specifically again set forth in detail.

39. Makco, Inc. was responsible for the inspection, maintenance, installation, and/or repair of the guardrail system at issue in this lawsuit.

40. John Doe Contractor was responsible for the installation, maintenance, inspection and/or repair of the guardrail system at issue in this lawsuit.

41. Makco, Inc. failed and was negligent in the inspection, repair, installation, and/or maintenance of the guardrail system at issue in this lawsuit.

42. John Doe Contractor failed and was negligent in the inspection, installation, maintenance, and/or repair of the guardrail system at issue in this lawsuit.

43. The negligence of Makco, Inc. and John Doe Contractor in the performance of their duties, individually and/or collectively was a proximate cause of the injuries to Brittany Robinson.

Count Three

(Strict Liability)

44. Plaintiff realleges and repleads all of those allegations contained and set forth in paragraphs numbered 1 through 43, inclusive, of this Complaint, with the same force and effect as though they were herein fully and specifically again set forth in detail.

45. Defendant Trinity manufactured and sold the defective ET-Plus that caused Brittany Robinson's injuries.

46. Defendant Makco, Inc. purchased and installed the defective ET-Plus terminal and was compensated for the terminal and installation by VDOT.

47. Defendant John Doe Contractor repaired or replaced the ET-Plus terminal and was compensated for the terminal and/or maintenance by VDOT.

48. Plaintiff alleges that the ET-Plus terminal involved in this cause of action was in a defective and unreasonably dangerous condition at all times herein material, including but not necessarily limited to, the time of design, the time of manufacture, the time of installation, the time of the accident, and the time it was placed into the stream of commerce in Virginia.

49. The design, manufacture, installation, repair, and maintenance of rails placed near vehicles moving at high rates of speed is an inherently dangerous and ultra hazardous activity. As such, all of the defendants are strictly liable in tort.

Count Four

(Implied Warranty of Merchantability)

50. Plaintiff realleges and repleads all of those allegations contained and set forth in paragraphs numbered 1 through 50, inclusive, of this Complaint, with the same force and effect as though they were herein fully and specifically again set forth in detail.

51. As the manufacturer of the ET-Plus and the vendor of the same, Trinity impliedly warranted to plaintiff that the ET-Plus and all components of and a part of the ET-Plus, as manufactured, equipped and sold by the defendant, including the terminal head, and related parts and components thereof, were free of defects, safe to use, and fit for their intended purposes and uses, were of merchantable quality, and that they, including the material employed in their assembly, were fit, safe and in proper condition for their intended and ordinary uses, and for the particular purposes for which its end users such as plaintiff, intended, and for the general purposes and uses for which they were designed, constructed, assembled, manufactured, tested, inspected, distributed, sold and/or delivered. The use of the ET-Plus which the plaintiff attempted to make on February 13, 2012, was reasonably foreseeable, predictable, and expected/anticipated by the defendant when it sold the ET-Plus.

52. Notwithstanding defendant Trinity's aforesaid implied warranties to plaintiff, defendant breached these warranties by carelessly and negligently:

- a. failing to manufacture the ET-Plus with the dimensions approved by the FHWA and the Commonwealth of Virginia;
- b. failing to test the modified terminal in conformance with NCHRP 350;
- c. failing to conform the ET-Plus to defendant Trinity's implied warranties of merchantability, as they were not, in fact, of merchantable quality and were

unfit, unsafe and dangerous and unusable for their intended uses and purposes and/or reasonably foreseeable uses, or for the general purposes and uses for which they were intended.

Count Five

(Breach of Implied Warranty of Fitness for a Particular Purpose)

53. Plaintiff realleges and repleads all of those allegations contained and set forth in paragraphs numbered 1 through 52, inclusive, of this Complaint with the same force and effect as though they were herein fully and specifically set forth again in detail.

54. Defendant Trinity impliedly warranted that the ET-Plus was fit for the purposes for which it was sold and for the particular purpose of dissipating the forces brought to bear on vehicle occupants in collisions with guardrails. At the ET-Plus from defendant Trinity was sold and installed, Trinity knew or had reason to know that Makco or John Doe Contractor would purchase and install and that the driving public would use the ET-Plus in reliance on the Trinity's skill and judgment to furnish suitable goods.

55. The ET-Plus manufactured, modified, and/or equipped by defendant Trinity, and purchased by Makco or John Doe contractor for the use of the driving public, including the plaintiff, was not fit for the particular purpose for which they were intended. Such conditions of the ET-Plus constituted a breach of the defendant's implied warranties of fitness for a particular purpose.

56. As a direct and proximate result of the defendant's breach, plaintiff was seriously and permanently wronged, injured, and damaged as fully set forth above.

Count Six

(Breach of Express Warranties)

57. Plaintiff realleges and repleads all of those allegations contained and set forth in paragraphs numbered 1 through 57, inclusive, of this Complaint, with the same force and effect as though they were herein fully and specifically set forth in detail.

58. Defendant made express warranties that the ET-Plus, including, but not limited to, were NCHRP 350 compliant, tested, and approved, free from defects in design and manufacture, and that the ET-Plus had been properly designed, constructed, manufactured, assembled, tested, sold, and distributed; and that the same were safe and could be used and operated by the plaintiff for the uses and purposes normally contemplated; and that Trinity otherwise expressly represented the safety of the ET-Plus, all of which representations and express warranties were reasonably relied upon by Makco or John Doe Contractor, and the driving public, including plaintiff.

59. The ET-Plus as sold by Trinity was not free of defects in material and workmanship; rather, it was defective and not usable for the purposes for which it was sold as aforesaid. Such conditions constituted a breach of Trinity's express warranties, as aforesaid.

60. By reason of the events aforesaid, and as a direct and proximate result of the breach of aforesaid express warranties and representations made by the defendant, plaintiff has been seriously and permanently wronged, damaged and injured as fully set forth above.

Count Seven

(Negligent Infliction of Emotional Distress)

61. Plaintiff realleges and repleads all of those allegations contained and set forth in paragraphs numbered 1 through 60, inclusive, of this Complaint, with the same force and effect as though they were herein fully and specifically set forth in detail.

62. As a consequence of defendants' negligence and breaches of warranty as described above, plaintiff was forced to watch as her son was violently pinned to the roof of the family's vehicle by the impaling guardrail, causing her to suffer severe emotional distress. Her emotional distress was compounded by the fact that, because of her injuries and the condition of the vehicle after the impact, she was unable to do anything to assist her son and was forced to watch helplessly as her son suffered and cried out for help.

Count Eight

(Punitive Damages)

63. Plaintiff realleges and repleads all of those allegations contained and set forth in paragraphs numbered 1 through 62, inclusive, of this Complaint, with the same force and effect as though they were herein fully and specifically set forth in detail.

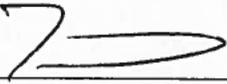
64. The defendants' actions and omissions were willful and wanton and evinced a conscious and reckless disregard for the public in general and your plaintiff in particular. As a consequence, plaintiff is entitled to an award of punitive damages.

WHEREFORE, for Counts One through Seven, plaintiff moves the Court for entry of judgment against the defendants, in the principal amount of \$500,000.00 of compensatory damages and, on Count Eight, \$350,000 in punitive damages, plus interest thereon at the legal

rate from February 13, 2012, until fully paid, plus plaintiff's taxable costs incurred in this action, along with such other and further relief as the Court deems appropriate.

Plaintiff demands a trial by jury on all counts.

Respectfully submitted,
Brittany F. Robinson

By  _____
Of Counsel

Respectfully submitted this 13th Day of February, 2014.

Timothy E. Kirtner
Virginia State Bar # 36938
Gilmer, Sadler, Ingram, Sutherland & Hutton, LLP
65 East Main Street
P.O. Box 878
Pulaski, Virginia 24301
(tel:) 540-980-1360
(fax:) 540-980-5264

Steven R. Lawrence
Texas State Bar # 24038227
The Lawrence Law Firm
700 Lavaca Street
Suite 1400
Austin, Texas 78701
(tel:) 512-686-3312
(fax:) 512-686-3342