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March 28, 2013

HAND DELIVERY

Ms. Erica Woodford, Clerk
Superior Court of Bibb County Georgia
601 Mulberry Street
Macon, Georgia 31201

RE: *Lindsay D. Holliday v. Georgia Department of Transportation and Project Engineer, Clifton Ford, PE*

Superior Court of Bibb County, Civil Action No. 12-CV-58472
Sell & Melton File No. 11.4055.2434

Dear Ms. Ms. Woodford:


I enclose herewith for filing in the above-styled case the following:

1. Rule 5.2 Certification regarding Georgia Department of Transportation's First Interrogatories to Plaintiff Lindsay D. Holliday; and Georgia Department of Transportation's First Request for Production of Documents to Plaintiff..

Please note the date and fact of filing on the enclosed copies and return same to my courier.

Thanking you for your assistance, I am,

Sincerely yours,



JOHN A. DRAUGHON, SR.

JAD\dp
enclosures

cc: Mary Jo Volkert, Esq. (via e-mail)
M. Devlin Cooper, Esq. (via e-mail)
Robert Waddell, Esq. (via e-mail and First Class mail)

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IN THE SUPERIOR COURT OF BIBB COUNTY
STATE OF GEORGIA

LINDSAY D. HOLLIDAY

Plaintiff,

v.

Civil Action No: 12-CV-58472

GEORGIA DEPARTMENT OF
TRANSPORTATION and Project Engineer,
CLIFTON FORD, PE.

Defendants.

RULE 5.2 CERTIFICATION

Defendant Georgia Department of Transportation, files this Certificate in compliance with Uniform Superior Court Rule 5.2 as follows:

Defendant has served:

1. **GEORGIA DEPARTMENT OF TRANSPORTATION'S FIRST INTERROGATORIES TO PLAINTIFF LINDSAY D. HOLLIDAY; and**
2. **GEORGIA DEPARTMENT OF TRANSPORTATION'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO PLAINTIFF**

upon Plaintiff's counsel of record Robert Waddell via e-mail and by depositing a true and correct copy of the same in the United States Mail, with sufficient postage affixed thereto addressed as follows:

Robert Waddell, Esq.
McGuire Woods, LLP
Suite 2100, Promenade
1230 Peachtree Street, NE
Atlanta, GA 30309
rwaddell@mcguirewoods.com

This Certificate is offered pursuant to requirements of U.S.C.R. 5.2 to reflect and show that the above-described discovery has been served as of March 28, 2013.

SAMUEL S. OLENS 551540
Attorney General

W. WRIGHT BANKS, JR. 036156
Deputy Attorney General

DENISE E. WHITING-PACK 558559
Senior Assistant Attorney General

MARY JO VOLKERT 728755
Senior Assistant Attorney General



JOHN A. DRAUGHON, SR.
Georgia Bar No. 229650
Special Assistant Attorney General
M. DEVLIN COOPER
Georgia Bar No. 142447
Attorneys for Defendants

PLEASE ADDRESS COMMUNICATIONS TO:

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40 Capitol Square, SW
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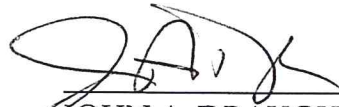
JOHN A. DRAUGHON, SR.
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(478) 746-8521 telephone
(478) 745-6426 facsimile
jad@sell-melton.com

CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the foregoing **RULE 5.2 CERTIFICATION** on the following parties via e-mail and by depositing a copy of the same in the United States Mail, postage prepaid and properly addressed to ensure delivery to:

Robert Waddell, Esq.
McGuire Woods, LLP
Suite 2100, Promenade
1230 Peachtree Street, NE
Atlanta, GA 30309
rwaddell@mcguirewoods.com

This 28th day of March, 2013.



JOHN A. DRAUGHON, SR.
Georgia Bar No. 229650

**IN THE SUPERIOR COURT OF BIBB COUNTY
STATE OF GEORGIA**

LINDSAY D. HOLLIDAY

Plaintiff,

v.

Civil Action No: 12-CV-58472

GEORGIA DEPARTMENT OF
TRANSPORTATION and Project Engineer,
CLIFTON FORD, PE.

Defendants.

**DEFENDANT GEORGIA DEPARTMENT OF TRANSPORTATION'S
FIRST INTERROGATORIES TO PLAINTIFF LINDSAY D. HOLLIDAY**

COMES NOW Defendant Georgia Department of Transportation (herein "DOT") in the above-captioned action, and pursuant to O.C.G.A. §9-11-33, hereby requests Plaintiff to answer the following interrogatories separately and fully, in writing, under oath. Answers must be made by you or a person authorized to make such answers on your behalf. Answers must be served on the undersigned counsel of record for the DOT within 7 days of the service hereof.

You must exercise due diligence to secure full information to answer these interrogatories. If you still cannot answer in full, answer to the extent possible, specify your inability to answer the remainder, state whatever information or knowledge you have concerning the unanswered portion, and detail what you did in attempting to secure the unknown information.

DEFINITIONS

As used herein:

(a) "Person" means any natural person, firm, corporation, partnership, joint venture, or any form of business entity.

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(b) "Writing" means any handwriting, typewriting, printing, photostating, photographing, audio recording, and every other means of recording, expressing or communicating upon any tangible thing, and any form of communication or representation, including letters, words, pictures, sounds, symbols, or combinations thereof.

(c) "You" and "your" refer to Plaintiff, to whom these interrogatories are addressed, and to your agents, representatives, attorneys and any other persons acting on your behalf.

(d) "Defendant" refers to Department of Transportation.

(e) "His" means his or her, and "him" means him or her.

(f) "The Project" refers to the Forest Hill Road Project in Macon, Bibb County, Georgia as described in Paragraph 2 of the Plaintiff's Complaint for Injunction and Temporary Restraining Order (herein "the Complaint") filed in the above styled case.

(g) A request to identify any person shall constitute a request for his, her or its:

(1) Name;

(2) Present occupation;

(3) Official title;

(4) Present business address and business telephone number, or, if not known, the last known business and residence address and telephone number.

(h) A request to identify a writing, statement, report or any other document shall mean for each document a request to state:

(1) The date it was made;

(2) To whom it was made;

(3) The names, addresses, and telephone numbers of all persons present when it was made;

- (4) The form of the report, i.e., whether oral, written, typed, recorded, etc.;
- (5) The substance of the report;
- (6) The present location of the report;
- (7) The name, address and telephone number of the person now having custody, control, or possession of the report.

(i) The word "Plaintiff" includes all agents, servants, representatives, private investigators and any other who may have obtained information for or on behalf of the Plaintiff.

(j) The word "document" includes writings, drawings, graphs, charts, photographs, phone records, deeds, agreements, plats, maps, aerial photographs, plans, drawings, sketches, expert reports, engineering studies, traffic counts, safety studies, and other data compilations from which information can be obtained or translated, if necessary, by the undersigned into reasonably useable form. It also includes documents in electronic format.

INTERROGATORIES

INTERROGATORY NO. 1:

- a) For each person Plaintiff expects to call as an expert witness at hearing or trial, state the subject matter on which the expert is expected to testify; the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds of each opinion.
- b) Identify all reports and any other documents prepared by each such expert witness.

INTERROGATORY NO. 2: Identify all persons who have knowledge of any allegations contained in the Complaint and describe what knowledge each such persons has.

INTERROGATORY NO. 3: Identify all documents relied upon by Plaintiff to demonstrate and support facts relevant to the present litigation, including, but not limited to, maps, plats, photographs, drawings, appraisals, plans, engineering studies, environmental studies, safety studies, traffic counts and all other similar documents pertaining to the Project.

INTERROGATORY NO. 4: List all witnesses, other than experts, who may be called at the hearing or trial as witnesses on behalf of Plaintiff and, as to each person, state his name, address, telephone number and to what he is expected to testify.

INTERROGATORY NO. 5: With reference to your interest in any of the property located in or on the Project, state the nature and extent of your interest, the date you acquired your interest; the manner in which you acquired your interest; the nature, amount, or value of the consideration given by you for the interest; the description of any improvements added to the property since you acquired your interest; the dates such improvements were added; and the amount spent to construct or install such improvements.

INTERROGATORY NO. 6: Identify each person who provided, was the source of, or was consulted, with respect to the information, in whole or in part, used to prepare or formulate your responses to the preceding interrogatories, and for each person so identified, designate the responses in which that person participated and state the nature of that person's participation in said preparation or formulation.

INTERROGATORY NO. 7: Please describe the methodology, if any, that you used with respect to your contention that irreparable and immediate harm will occur if tree cutting proceeds on the Project and identify each fact which tends to support your contention.

INTERROGATORY NO. 8: Please describe the methodology, if any, that you used with respect to your contention that the DOT's plan would result in an unsafe road and would

be a hazard to public safety; please identify each fact which tends to evidence (a) the unsafe traffic conditions, (b) the hazard to public safety, and (c) any expert opinions regarding the DOT's plan and design.

INTERROGATORY NO. 9: Please describe the methodology, if any, that you used with respect to your contention that the DOT's plan would negatively impact U.S. waterways; please identify each fact which tends to evidence (a) the negative impact of the DOT's plan, (b) the waterways that are impacted, and (c) the expert opinions regarding the scientific study of the waterways.

INTERROGATORY NO. 10: Please describe the methodology, if any, that you used with respect to your contention that unrestrained and unfiltered storm water runoff, soil, silt, etc., will negatively impact the perennial streams that flow across Forest Hill Road. Please identify each fact which tends to evidence (a) the directional flow of the streams, (b) the boundaries of the streams, (c) your method of identifying the stream flow permanence, (d) your method of identifying and labeling the perennial streams, and (e) any expert opinions regarding your contentions as outlined above.

INTERROGATORY NO. 11: Please describe the methodology, if any, that you used with respect to your contention that safety and environmental issues would violate State and Federal law and best management practices of various governmental agencies; please identify each fact which tends to evidence (a) violations of State and Federal law, (b) violations of best management practices of various governmental agencies, and (c) any expert opinions regarding said violations.

INTERROGATORY NO. 12: Please describe the methodology, if any, that you used with respect to your contention that the DOT's projection of traffic volume to justify this

particular road design is arbitrary and capricious; please identify each fact which tends to evidence (a) the traffic volumes used by the DOT were inaccurate or unjustified and (b) any expert opinions regarding the traffic volumes for the Project.

INTERROGATORY NO. 13: Please describe the methodology, if any, that you used with respect to your contention that the design prepared by Rick Chellman is superior to the current design of the Project. In doing so, include (a) the education and experience of Mr. Chellman, (b) the source of information and the basis of his knowledge or belief, (c) how the trees on the Project will not be harmed, (d) the road safety conditions of his design, (e) his design and its impact on perennial streams and waterways, (f) the accepted standards used to support his findings and opinions, and (g) identify any documents that refer, relate to, or support your answer to this Interrogatory.

INTERROGATORY NO. 14: Please identify each and every person that you engaged or used that evidence Mr. Chellman's plan meets all design criteria of the American Association of State Highway and Transportation Officials. In doing so, include (a) the name, address, and occupation of each person, (b) the source of the person's information and the basic of his or her knowledge or belief, and (c) identify any documents that refer, relate to, or support your answer this Interrogatory.

INTERROGATORY NO. 15: Please identify each and every person that you engaged or used to appraise or to value the property located in or around the Project, regardless of whether you will rely upon or have relied upon any such person's appraisal or valuation. In doing so, include (a) the name, address, and occupation of each person, (b) the source of the person's information and the basis of his or her knowledge or belief, and (c) identify any documents that refer, relate to, or support your answer to this Interrogatory.

PLEASE ADDRESS COMMUNICATIONS TO:

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Senior Assistant Attorney General
40 Capitol Square, SW
Atlanta, Georgia 30334-1300
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(478) 746-8521 telephone
(478) 745-6426 facsimile
jad@sell-melton.com

CERTIFICATE OF SERVICE

This is to certify that I have this day served the within and foregoing **DEFENDANT GEORGIA DEPARTMENT OF TRANSPORTATION'S FIRST INTERROGATORIES TO PLAINTIFF LINDSAY D. HOLLIDAY** by electronic mail and U.S. mail delivering a true and correct copy of the same to:

Robert Waddell
McGuire Woods, LLP
Suite 2100, Promenade
1230 Peachtree Street, NE
Atlanta, GA 30309
rwaddell@mcguirewoods.com

This 28th day of March, 2013.



JOHN A. DRAUGHON, SR.
Georgia Bar No. 229650

**IN THE SUPERIOR COURT OF BIBB COUNTY
STATE OF GEORGIA**

LINDSAY D. HOLLIDAY

Plaintiff,

v.

Civil Action No: 12-CV-58472

GEORGIA DEPARTMENT OF
TRANSPORTATION and Project Engineer,
CLIFTON FORD, PE.

Defendants.

**DEFENDANT GEORGIA DEPARTMENT OF TRANSPORTATION'S
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO PLAINTIFF**

COMES NOW the Defendant Georgia Department of Transportation (the "Department" and "DOT"), and, pursuant to O.C.G.A. §§ 9-11-26 and 9-11-34, propounds these requests for production of documents upon Plaintiff.

In responding to this Request for Production, you are requested to produce all documents or things within your custody or control, as well as the custody and control of your officers, agents, employees, investigators or attorneys. In the event that the documents requested do not exist, or have been lost or destroyed, you are requested to so indicate in your written response to this Request.

Plaintiff shall satisfy his obligation in responding to these requests by transmitting copies of all responsive documents within seven (7) days to counsel for the Department at the address indicated below, or by making other arrangements before time expires for response with counsel for the Department. The documents responsive to each request should be separately set out,

except that, if a document is responsive to more than one request, it need only be produced in response to the first request for its production.

The documents requested include all recordings of information of every kind and nature that are responsive to the requests, except that exact duplicates of documents need not be produced. The documents requested include, without limitation, all paper writings and records, all stored computer transmissions (including e-mail, which should be printed), all computer databases, all electronic storage media, all digital storage media and all tape recordings of any kind. Documents that are drafts different from the final version of the document or that contain additional writings, interlineations or marginalia not on the original constitute separate documents and should be separately produced. When communications are requested, the documents requested include all letters, memoranda, e-mails, printouts of e-mail, and diskettes, and all attachments or enclosures to any of those whether in written or electronic form.

DEFINITION OF TERMS

(a) “Document(s)” is used in this Request for Production in the broad and liberal sense and means written, typed, printed, recorded, or graphic matter, however produced or reproduced, and whether an original, duplicate, or copy, including, but not limited to, papers, invoices, notes, accounts, books, correspondence, programs or data stored in a computer, cablegrams, mailgrams, telegrams, e-mails, memoranda, letters, documents, communications, including interoffice and intraoffice communications, reports, studies, calculations projections, contracts, charts, plans, agreements, working papers, minutes of meetings or telephone conversations, notes, diaries, sound recordings of any type, photographs, films negatives or videotapes.

(b) The terms “you” and “your” shall refer to Plaintiff, his representatives, agents, employees, and attorneys.

(c) The use of male, female or neutral gender in these Requests incorporates all genders and should not be construed to limit the information requested in any way. The use of the singular form of any word includes the plural and vice versa.

(d) These Requests shall be deemed continuing and shall require supplementary answers if you obtain or become aware of, or anyone on your behalf obtains or becomes aware of, additional information responsive to these Requests subsequent to your initial responses.

(e) The term “Person(s)” when used in these Requests refers to a natural person.

(f) The term “entity(ies)” when used in these Requests refers to any corporation, limited liability company, professional corporation, professional association, partnership, limited partnership, proprietorship, joint venture, municipality, or any other entity, whether created by statute, common law or otherwise, and includes the entity, its subsidiaries, owners, members, partners, limited partners, shareholders, officers, directors, trustees, agents, servants, attorneys, employees, legal representatives, experts, consultants or any other person acting on its behalf, or within its authority.

If any Document is withheld from production due to an objection or privilege, please state in your response:

- a. the name and current or last known address, telephone number and job title of (i) the Document’s author(s); (ii) each person who edited, corrected, revised, amended, or reviewed the Document; (iii) each person who wrote any initials, comments or notations on the Document; and (iv) each recipient of the Document or a copy thereof,
- b. the date of the Document;

- c. a description of the general nature or type of Document (e.g., opinion of counsel, report, memorandum, letter);
- d. a general description of the Document's subject matter;
- e. the relationship between the author and each recipient of the Document;
- f. the basis for not producing the Document or a copy thereof (i.e., the specific privilege or reason claimed and the foundation for such privilege or reason); and
- g. the present location of the Document, and the name of the person in each location having custody or control of the Document.

The Documents produced in response to these Requests should be produced in the form in which you normally maintain the Documents or identified by the specific Request to which the Documents are responsive.

In the event that any Document requested herein was, but no longer is, in your possession, custody, or control, please state what disposition was made of the Document and the name, current or last known address, telephone number and employer of the person or entity who now possesses, holds in custody or controls the Document.

In the event that any Document requested herein was in your possession, custody or control, but has been destroyed, please specify the date and manner of destruction, the reason for its destruction, the identity of the person who destroyed the Document, and the identity of the custodian of the Document on the date and at the time of its destruction.

REQUEST FOR PRODUCTION NO. 1: Please produce any and all documents identified in response to Defendant's First Interrogatories, or referred to by you in preparing your responses to Defendant's First Interrogatories.

REQUEST FOR PRODUCTION NO. 2: Please produce copies of the following documents pertaining to experts Plaintiff intends to call as witnesses at hearing or trial:

- (a) any and all reports generated by said expert(s) in connection with this case;
- (b) any and all notes made by said expert(s) in connection with this case;
- (c) any and all documents or other tangible items received by said expert(s) in connection with this case;
- (d) said expert's curriculum vitae;
- (e) list of all other cases in which said expert(s) has/have testified up to and including the time of trial in this case, including the case number, court, attorneys involved, parties for whom testified, type of testimony (i.e., affidavit, deposition, trial), and brief description of the opinion given by said expert(s);
- (f) copy of all charges for said expert's time and expenses in connection with his or her work on this case; and
- (g) copy of any and all demonstrative or tangible items said expert(s) intend to use or refer to in any way at the trial of this case.

REQUEST FOR PRODUCTION NO. 3: Please produce all documents which relate in any way to the allegations contained in your Complaint.

REQUEST FOR PRODUCTION NO. 4: Please produce all documents written by Plaintiff addressed to the DOT, or any other third party, concerning the issues raised in your Complaint or in Defendant's Answer to the Complaint.

REQUEST FOR PRODUCTION NO. 5: Please produce copies of all written notes, memoranda, journals, logs, diaries or statements, whether signed or unsigned, made by parties or witnesses (whether experts or laypersons) concerning any of the facts or circumstances pertaining to this case or any events or occurrences that form the subject matter of this case.

REQUEST FOR PRODUCTION NO. 6: If Plaintiff contends that any of the DOT's employees or representatives have made any statements that would constitute admissions in this case, please produce all documents or other tangible items or evidence that support said contention.

SAMUEL S. OLENS 551540
Attorney General

W. WRIGHT BANKS, JR. 036156
Deputy Attorney General

DENISE E. WHITING-PACK 558559
Senior Assistant Attorney General

MARY JO VOLKERT 728755
Senior Assistant Attorney General



JOHN A. DRAUGHON, SR.
Georgia Bar No. 229650
Special Assistant Attorney General
M. DEVLIN COOPER
Georgia Bar No. 142447
Attorneys for Defendants

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CERTIFICATE OF SERVICE

This is to certify that I have this day served the within and foregoing **DEFENDANT DEPARTMENT OF TRANSPORTATION'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO PLAINTIFF** by electronic mail and U.S. mail delivering a true and correct copy of the same to :

Robert Waddell
McGuire Woods, LLP
Suite 2100, Promenade
1230 Peachtree Street, NE
Atlanta, GA 30309
rwaddell@mcguirewoods.com

This 28th day of March, 2013.


JOHN A. DRAUGHON, SR.
Georgia Bar No. 229650