

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS  
AT KANSAS CITY**

LARRY BLAIR	)	
	)	
and	)	
	)	
CHARLIE DAVIS,	)	
	)	
On Behalf Of Themselves And	)	
All Other Persons Similarly Situated,	)	Case No: 09-CV-2443 EFM/KGG
	)	
Plaintiffs,	)	
vs.	)	
	)	
TRANSAM TRUCKING, INC.	)	
	)	
Defendant.	)	
	)	

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**DEFENDANT’S QUESTIONNAIRE TO CLASS MEMBERS**

TransAm Trucking, Inc. (“TransAm”), in accordance with Federal Rules 33 and 34, requests each opt-in class member to complete the following questionnaire and return it within forty-five (45) days of the date of this request in the enclosed self-addressed stamped envelope.

Respectfully submitted,

**SEIGFREID BINGHAM, P.C.**

By: /s/ Rachel H. Baker  
Rachel H. Baker      US-KS #70148  
Shannon Johnson      KS #23496  
2323 Grand Boulevard, Suite 1000  
Kansas City, Missouri 64108  
rbaker@sb-kc.com  
sjohnson@sb-kc.com  
Phone: 816-421-4460  
Fax: 816-474-3447  
ATTORNEYS FOR DEFENDANT  
TRANSAM TRUCKING, INC.

**Instructions:** Please answer the following questions to the best of your knowledge and recollection. All of the questions relate to the lawsuit called *Larry Blair v. TransAm Trucking, Inc.*, to which you have consented to become a class member and participate in the lawsuit. As such, you are required to provide certain information to TransAm. Please write legibly. If you need more space, use additional sheets of paper and identify which question number you are answering on the additional sheet(s). When you have completed the questionnaire, please review and sign/date at the end in the space provided. Make sure that your name is clearly printed legibly in addition to your signature.

**Question 1:**

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address: \_\_\_\_\_

**Question 2:**

As part of providing driving services to TransAm or any motor carrier you drove for prior to driving for TransAm, have you ever registered a corporation, company, partnership, limited liability company, sole proprietorship, or other entity with any Secretary of State? If so, please state:

- (a) The name of any such corporation, company, partnership, limited liability company, sole proprietorship, or other entity;
- (b) The state where the entity was first incorporated or organized; and
- (c) The years of operation of the entity.

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**Question 3:**

During the time you provided driving services to TransAm, please identify:

(a) Your driver manager(s): \_\_\_\_\_

(b) The month(s) and year(s) you provided driving services: \_\_\_\_\_

(c) Were you ever a Company Driver at TransAm? No \_\_\_\_\_ Yes \_\_\_\_\_

(d) Why did you become an independent contractor driver? \_\_\_\_\_

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**Question 4:**

If you claim that TransAm prepared tax returns for you or any entity identified in Question 2, please identify any year you believe this occurred and identify the state(s) in which you filed a tax return in those years. Please also sign and return the tax authorization for the relevant years only, attached to this questionnaire, or provide copies of the tax returns for the relevant years. If you do not claim that TransAm prepared tax returns for you or any entity identified in Question 2, you do not need to provide the tax authorization or any tax returns.

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**Question 5:**

During the time you drove for TransAm under an Independent Contractor Agreement, did you ever: **(check all boxes that apply).**

- |  |  |
|--|--|
| <input type="checkbox"/> Sign a 6-month tractor lease  | <input type="checkbox"/> Purchase the Fuel Optimizer service   |
| <input type="checkbox"/> Take a different route than what was recommended by the Fuel Optimizer  | <input type="checkbox"/> Buy fuel at locations other than what was recommended by the Fuel Optimizer   |
| <input type="checkbox"/> Drive a tractor that was not leased from TransAm Leasing (whether leased from somewhere else or own your own truck) | <input type="checkbox"/> Refuse to accept loads to certain parts of the country (for example, tell TransAm you wouldn't go to the Northeast, New York City, or California) |
| <input type="checkbox"/> Buy fuel at "Flying J" before 2010  | <input type="checkbox"/> Receive your settlement pay through direct deposit into your bank account   |
| <input type="checkbox"/> Slow your speed to lower fuel costs   | <input type="checkbox"/> Increase speed in order to cover more miles   |
| <input type="checkbox"/> Turn in trip paperwork late   | <input type="checkbox"/> Drive as a coach  |
| <input type="checkbox"/> Receive a lease completion bonus  | <input type="checkbox"/> Attend safety classes   |
| <input type="checkbox"/> Elect not to attend <u>all</u> safety classes   | <input type="checkbox"/> Earn more pay for attending all safety classes  |
| <input type="checkbox"/> Take more than four days of hometime in a one-month period  | <input type="checkbox"/> Reject or decline a load (if yes, please state the approx. number of times you rejected a load: ___)  |
| <input type="checkbox"/> Switch tractors/lease a new tractor   | <input type="checkbox"/> Request a loan from TransAm   |
| <input type="checkbox"/> Detour to see friends or family while pulling a load for TransAm  | <input type="checkbox"/> Accept a load pre-plan, but before picking up, decide not to take it and refuse the load  |
| <input type="checkbox"/> Hire someone else to drive a load for you   | <input type="checkbox"/> Participate in a maintenance savings account  |
| <input type="checkbox"/> Unload your trailer yourself  | <input type="checkbox"/> Wash your tractor more than once per month  |
| <input type="checkbox"/> Take a cash advance from TransAm  | <input type="checkbox"/> Deduct business expenses on your tax returns  |
| <input type="checkbox"/> Have tractor maintenance performed somewhere <u>other than</u> TransAm  | <input type="checkbox"/> Perform maintenance on your tractor yourself or with a friend/family member   |

**Question 6:**

If you elected to use PrePass while driving for TransAm, why? \_\_\_\_\_

\_\_\_\_\_

**Question 7:**

Except for this lawsuit, have you ever made a claim or filed a lawsuit for damages or compensation against another person relating to your work as a professional driver, or been a defendant in any lawsuit relating to your work as a professional driver?  Yes  No

If yes, please state:

(a) Nature of the claim or lawsuit (i.e. relating to employment, worker's compensation, occupational accident, class action, etc.):

\_\_\_\_\_

(b) Date the lawsuit was filed (month and year): \_\_\_\_\_

(c) Name of attorney, if you had one: \_\_\_\_\_

(d) Name and address of the opposing party: \_\_\_\_\_

(e) Describe how the claim or lawsuit was resolved. If the matter was settled by way of a monetary payment, state the amount of the payment and who received said payment.

\_\_\_\_\_

\_\_\_\_\_

**Question 8:**

State the date you stopped providing services to TransAm and the reason you stopped providing services to TransAm.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Question 9:**

Except for your attorneys, have you talked to anyone about this lawsuit? If so, please state:

- (a) Who you communicated with: \_\_\_\_\_
- (b) The approximate date you communicated with the person: \_\_\_\_\_
- (c) Whether the communication was oral or in writing (ie facebook, text): \_\_\_\_\_
- (d) Describe what you talked about. \_\_\_\_\_

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(e) If you have copies of any written communications about this lawsuit (including but not limited to emails, facebook messages, text messages, tweets) – other than communications with your attorneys – please provide a copy of each communication when you mail back this document.

**Question 10:**

Did you review any settlement statements provided to you by TransAm?  Yes  No

If yes, did you ever see a charge or deduction on a settlement statement that you believed was improper under your agreements with TransAm?  Yes  No

If yes, please state the details of the charge or deduction, whether you reported this to TransAm, and describe whether the issue was resolved:

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**Question 11:**

Did you ever have employees or other drivers working under you to provide driving services to TransAm?  Yes  No

If yes, please state:

(a) Name of all persons who you hired, paid, or employed to drive for TransAm:

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(b) How you paid them and how much (i.e., per mile, per trip): \_\_\_\_\_

(c) How you selected the driver(s): \_\_\_\_\_

(d) Approximate dates they drove for you (for each driver): \_\_\_\_\_

**Question 12:**

Did you ever provide driving services to TransAm on behalf of or as an employee of another independent contractor/Owner Operator?  Yes  No

If yes, please answer the following questions for only the time period you provided driving services for TransAm as an employee or independent contractor driver of another contractor:

(a) The dates you provided driving services as an employee of another driver: \_\_\_\_\_

(b) State how you received your pay, including who paid you, how were you paid (i.e. check, cash), how often you were paid, and if you were always paid on time).

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(c) Did you have a written agreement with the Owner Operator?  Yes  No

(d) Did you make lease payments for the tractor you were driving?  Yes  No

(e) Did you sign an equipment lease for the tractor you were driving?  Yes  No

The above answers are truthful and accurate to the best of my knowledge, under penalty of perjury.

Signature: \_\_\_\_\_

Printed name: \_\_\_\_\_

Date: \_\_\_\_\_