

## **IX. The Trucking Claims Checklist**

### **A. Investigation of Accident**

1. Retain Reconstruction Expert to Investigate Accident and Photograph Scene
2. Retain Trucking Expert to Inspect Vehicle
3. Obtain Post-Accident PSC, DOT or FHWA Inspection Reports

### **B. Preservation of Evidence**

1. Obtain Motor Carrier Certificates and Filings from State Agencies
2. Send Spoliation Letter to Trucking Company and its Insurer
3. Request ECM Data

### **C. Complaint**

1. File Direct Action Against Insurer if allowed under State Law
2. Determine Product Liability Claims against Manufacturer
3. Examine Potential Claims against Broker or Shipper
4. Find out if Insurer Screened Drivers
5. Determine Theories of Liability against Trucking Company
  - a. Negligent Hiring, Entrustment or Retention
  - b. Negligent Inspection, Maintenance or Repair
  - c. Violations of FMCSR
  - d. Driver Fatigue
  - e. Punitive Damages

### **D. Discovery**

1. Request all Documents Required by Federal Regulations
  - a. Driver's Qualification File
  - b. Driver's Logs
  - c. Daily Inspection Reports
  - d. Annual Inspections
  - e. Maintenance and Repair Records
  - f. Qualcomm and On-board Recording Devices
  - g. Downloadable Data from ECM
  - h. Post-Accident Drug and Alcohol Testing
  - i. Accident Register
  - j. Bills of Lading, Weight Tickets, Hotel Receipts
  - k. Policy and Procedure Manuals
  - l. Training Documents
2. Take the Safety Director's Deposition

### **E. Trucking Experts: What Issues are in My Case?**

1. Industry Standards and Common Practices
2. Operation of Commercial Vehicles
3. Driver Fatigue/ Driver's Logs

4. Compliance with Federal Regulations
5. Negligent Hiring and Retention
6. Inadequate Maintenance or Repairs
7. Defective Parts or Mechanical Failures