[DATE]

Via Certified Mail –Return ReceiptRequested

(NAME AND ADDRESS OF COMPANY)

Re: Our Client:
    Date of Loss:

FORMAL REQUEST TO PRESERVE ALL EVIDENCE
RELATING TO COLLISION

Dear Sir or Madam:

This firm represents the Estate of [NAME], who was killed during a collision on the above-referenced date. This letter is to formally request preservation of all evidence relevant to this collision. This letter is also a formal request that you preserve and not alter any equipment that was involved in the collision, documents, video or audio recordings, computer data, or other evidence relating to the crash that are currently in your possession or the possession of your employee/or agent.

Failure to properly secure and preserve these important pieces of evidence may give raise to a legal presumption that the evidence would have been harmful to your side of the case. The destruction, alteration, or loss of any relevant evidence may constitute spoliation under applicable law. If you fail to preserve and maintain evidence relevant to the collision, we will seek sanctions available under the law.

Our request to preserve evidence includes, but is not limited to the following documents:

1. The tractor and trailer involved in this collision.

2. All copies of [NAME] daily logs for the day of the collision, and for the six-month period preceding the collision, together with all material required by 49 C.F.R. 396.8 and 395.15 for the driver involved in the above matter.

3. All existing driver/vehicle inspection reports required under 49 C.F.R. 396.11 for the vehicles involved in the collision.
4. All existing daily inspection reports for the tractor and trailer involved in this collision.

5. All existing maintenance, inspection and repair records or work orders on the tractor and trailer involved in the above collision.

6. All annual inspection reports for the tractor and trailer involved in the above collision covering the date of the collision;

7. [NAME] complete driver’s qualification file, as required by 49 C.F.R. 391-51, including, but not limited to:
   a. Application for employment;
   b. Inquiries into driver’s employment history;
   c. Responses to inquiries into driver’s employment history;
   d. Driver’s employment history;
   e. CDL License;
   f. Driver’s Certification of Prior Traffic Violations;
   g. Driver’s Certification of Prior Collisions;
   h. Pre-employment MVR;
   i. Annual MVR for last two years;
   j. Annual review of driver history;
   k. Certification of road test;
   l. Medical examiner’s certificates for last two years;
   m. Drug testing records;
   n. HAZMAT or other training documents;

8. Photographs, videos, computer generated media, or other recordings of the interior and exterior of the vehicles involved in this collision, the collision scene, the occurrence, or relating to any equipment or things originally located at or near the site of the occurrence;

9. The driver’s pre-employment, random, and post-collision alcohol and drug testing results;

10. Any lease contracts or agreements covering the driver or the tractor or trailer involved in this collision;
11. Any interchange agreements regarding the tractor or trailer involved in this collision;

12. Any data and/or printout from on-board recording devices, including, but not limited to the ECM (electronic control module), or any on-board computer, tachograph, trip monitor, trip recorder, trip master or other recording or tracking device for the day of the collision and the six-month period preceding the collision for the equipment involved in this collision;

13. Any post-collision maintenance, inspection, or repair records or invoiced in regard to the tractor and trailer involved in the above collision;

14. Any weight tickets, fuel receipts, hotel bills, or other records of expenses, regardless of type, regarding the driver or the tractor or trailer involved in this collision for the day of the collision and the thirty (30) day period preceding the collision;

15. Any trip reports, dispatch records, trip envelopes regarding the driver or the tractor or trailer involved in this collision for the date of the collision and the thirty (30) day period preceding this collision.

16. Any e-mails, electronic messages, letters, memos, or other documents concerning this collision;

17. The collision register maintained by the motor carrier as required by federal law for the one (1) year period preceding this collision;

18. Any drivers’ manuals, guidelines, rules or regulations given to drivers such as the one involved in this collision;

19. Any reports, memos, notes, logs or other documents evidencing complaints about the driver in the above collision;

20. Any DOT reports, memos, notes or correspondence concerning the driver or the tractor or trailer involved in this collision;

21. Any downloadable computer data from the tractor’s computer system to include but not be limited to Electronic Control Modules, Event Data Recorders, Easton VORAD collision warning system; and other similar systems;
22. The pre-trip inspection report completed by the driver for the trip involved in this collision;

23. All OmniTRAC, Qualcomm, NVPc, PTRACS, OmniExpress, TruckMail, TrailerTRACS, SensorTRACS, JTRACS, and other similar systems data for the six (6) months prior to the collision for this driver and truck. You are hereby notified that you are required to place your supplier of the above system, as your agent, on notice that it is to save this data.

24. All settlement sheets and expense sheets for the truck driver pertaining to trips taken for the day of the collision and thirty (30) days prior to the collision;

25. Cargo pickup or delivery orders prepared by motor carriers, brokers, shippers, receivers, driver, or other persons, or organizations for thirty (30) days prior to the date of the collision as well as the day of the collision;

26. All documents pertaining to the ownership of the tractor and the trailer involved in this crash, including but not limited to title and registration documents;

27. Accounting records, cargo transportation bills and subsequent payments or other records indicating billings for transportation or subsequent payment for the transportation of cargo, with both the front and back of cancelled checks for cargo transported by the driver and/or truck involved in the collision for thirty (30) days prior to the date of the collision, as well as the day of the collision;

28. Any other items associated in any way with the wreck, documents, database, or other piece of evidence concerning or reflecting upon the driver, the collision, the tractor, trailer, or the truck;

29. [COMPANY NAME] entire personnel file on [DRIVER NAME];

30. Any and all communications via CB radio, mobile or satellite communication systems, e-mail, cellular phone, pager or other cab communication device to include the bills for the devices for the seven (7) days before, the day of, and the two (2) days after the collision;

31. Any and all computer, electronic, or e-mail messages of any type created in the seven (7) days prior to the collision and the first forty-eight (48) hours immediately after the collision, by and between the defendant and any agents or third parties, as well as any computer message, which relate to this particular
incident, whether generated or received by you or your agents. We require you to put any vendor which hosts or stores this data for you on notice of the need to preserve this data;

32. If not previously listed, all documents required by Federal Motor Carrier Safety Regulation 395.8, specifically those items identified in the Department of Transportation’s interpretation of the regulation;

33. All documents identifying the insurer of the trailer involved in the crash, including but not limited to all documents naming the insurance company and policy number on such trailer;

34. All documents identifying any freight broker that was involved in making arrangements for transportation of the freight that was in the trailer at the time of the crash.

To assure that all documents relevant to this collision are preserved, please immediately forward this letter to all persons and entities with custodial responsibility for the items referred to in this letter and any other items that may be relevant to this collision.

If you have any questions with respect to any of our requests in this letter, please feel free to contact me so that we may better aid you in your preservation of the evidence. Thanks for your cooperation in this matter and we look forward to working with you and your counsel in the future.

Very Truly Yours,

DANIEL A. RAYFIELD

DAR/dh
cc: