

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF MARLBORO )  
  
Tiffany Provence, as Personal Representative )  
for the Estate of E.P., a deceased minor, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
Contract Transportation Systems Co., Hector )  
Rodriguez, and D.P., a minor, )  
 )  
Defendants. )

IN THE COURT OF COMMON PLEAS  
FOURTH JUDICIAL CIRCUIT

C/A No. 2019-CP-34-00331

**ORDER**

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF MARLBORO )  
  
Felisha Bailey, Individually and as Parent and )  
Natural Guardian of K.B., )  
a minor, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
Contract Transportation Systems Co., Hector )  
Rodriguez, and D.P., a minor, )  
 )  
Defendants. )

IN THE COURT OF COMMON PLEAS  
FOURTH JUDICIAL CIRCUIT

C/A No. 2019-CP-34-00332

**RECEIVED**  
**DEC 02 2021**  
**SC Court of Appeals**

These cases, which have been designated complex, came before the Court on August 31, 2021, for a hearing on the following motions:

- Plaintiffs' Motion for Rule to Show Cause (filed 10/16/2020);
- Plaintiffs' Motion to Compel Rule 34 Inspection (filed 4/19/2021);
- Plaintiffs' Motion to Compel Discovery Responses (filed 5/5/2021);
- Defendant/Cross-Claimant D.P.'s Motion to Compel Discovery Responses (filed 5/13/2021);

Plaintiffs' Motion for Status Conference, Scheduling Order, and Date Certain Trial (filed 7/8/2021); and

Defendant Contract Transportation Systems Co.'s Motion for Protective Order (filed 8/30/2021).

The Court addresses Defendant/Cross-Claimant D.P.'s motion and the scheduling related requests via separate Order. On the other motions, the Court rules as follows:

**1. Redacted Documents**

As to the redacted documents discussed and reviewed by the Court at the hearing, the Court hereby orders Defendant Contract Transportation System Co. ("CTS) to produce the documents in unredacted form within fifteen (15) days after entry of this Order.

**2. SafetyDirect and PeopleNet Portals**

Defendant CTS shall make its SafetyDirect and PeopleNet portals accessible to Plaintiffs' counsel and/or experts for digital inspection within thirty days after entry of this Order. Defendants shall allow Plaintiffs' counsel/experts unfettered administrative access to these two fleet-management software systems so they have a full and fair opportunity to review the information, location, and settings that are available to CTS for monitoring, supervising, and training its drivers.

The Court understands that Defendant CTS admits that sixty of the ninety days' worth of the data ordered to be produced has already been deleted and not preserved. Plaintiffs shall be afforded the opportunity to determine what data was available for preservation after the subject incident occurred. Plaintiffs' counsel/experts shall be given access to the configuration settings in both PeopleNet and SafetyDirect in order to investigate and document the archive features and other settings that would be relevant to the issues related to the deletion of the missing data from these platforms. This Order shall not be interpreted to indicate how this Court might rule on any request for a spoliation-of-evidence charge or any motion regarding spoliation.

Further, Plaintiffs shall be permitted to conduct their inspection without limitations or restrictions on where they navigate in these software platforms. Based on the redacted documents provided to the Court, it appears that other drivers who are in violation of various compliance rules are set forth on lists with Defendant Hector Rodriguez. Plaintiffs are entitled to investigate and discover these lists as this information of the violation history of other drivers is relevant to the direct negligence claims against CTS of negligent entrustment, supervision, and retention.

The terms of the previously entered Confidentiality Agreement, including the provisions on the destruction or return of information at the close of this litigation, shall apply to these inspections.

**3. Plaintiffs' Interrogatory No. 3**

Within fifteen days after entry of this Order, Defendant CTS shall supplement Interrogatory No. 3 in full and disclose the caption for the Bradenton County, Florida, case involving CTS.

**4. Plaintiffs' Supplemental Interrogatory No. 5**

Within fifteen days after entry of this Order, Defendant CTS shall fully respond to Plaintiffs' Supplemental Interrogatory No. 5 and provide the names of the former employees who were terminated for safety-related issues within the five years prior to the wreck.

**5. Plaintiffs' Supplemental Interrogatory No. 10**

Within fifteen days after entry of this Order, Defendant CTS shall fully respond to Plaintiffs' Supplemental Interrogatory No. 10 and provide the contact information for the former Safety Manager.

AND IT IS SO ORDERED.

\*\*\*ELECTRONIC SIGNATURE PAGE FOLLOWS\*\*\*



Marlboro Common Pleas

**Case Caption:** Tiffany Provence , plaintiff, et al VS Contract Transportation  
Systems Co. , defendant, et al  
**Case Number:** 2019CP3400331  
**Type:** Order/Compel

So Ordered

s/Roger E. Henderson 2754