

\_\_\_\_\_  
VS  
\_\_\_\_\_  
: \_\_\_\_\_ JUDICIAL DISTRICT COURT  
: PARISH OF \_\_\_\_\_, LOUISIANA  
: DOCKET NO. \_\_\_\_\_

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**AFFIDAVIT OF MATERIAL FACTS**

BEFORE ME, Notary Public, personally came and appeared, \_\_\_\_\_, who being of majority age, did depose and state as follows based on his own personal knowledge and belief:

1.

Plaintiff stipulates to the material facts of the Defendant=s Statement of Uncontested Material Facts in Paragraphs 1 through 14.

15.

When I approached \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and told \_\_\_\_\_ that I was terminating my contract at the close of business on \_\_\_\_\_, 20\_\_\_\_, I asked him to help make the transition out as smooth as it was coming in. I also told \_\_\_\_\_ that I had a friend, \_\_\_\_\_, who wanted to try for my route. I asked \_\_\_\_\_ when he would be able to meet with him to get the paperwork started. I wanted to check with \_\_\_\_\_ first to see when he would be in the office so \_\_\_\_\_ wouldn=t miss a day of work for nothing.

\_\_\_\_\_ told me that he was only hiring temporary drivers, and he already had someone in mind for the job. I asked if it was \_\_\_\_\_ or \_\_\_\_\_. \_\_\_\_\_ just laughed and basically said they couldn=t handle the job. \_\_\_\_\_ said \_\_\_\_\_ would be the one to get the position. When \_\_\_\_\_ didn=t entertain \_\_\_\_\_=s name, I knew his mind was made up.

16.

\_\_\_\_\_ did not tell me about any escrow deposit that would be lost. I was concerned about fulfilling my agreement, he suggested \_\_\_\_\_.

17.

\_\_\_\_\_ told me he needed a written notice of termination, at which time I provided one. \_\_\_\_\_ told me that the notice was dated wrong and that \_\_\_\_\_ had pre-formatted notices with only the date and signature left to complete. \_\_\_\_\_ told me to back date the letter to fit the correct time frame.

18.

\_\_\_\_\_ told me that \_\_\_\_\_ would work that last two weeks of the 30 day notice. It would be like I was on a vacation.

19.

\_\_\_\_\_ and \_\_\_\_\_ were two temporary drivers along with \_\_\_\_\_. They had much more time and experience than \_\_\_\_\_. They have both driven for me independently before.

20.

The arrangement between \_\_\_\_\_ and me existed only because \_\_\_\_\_ didn't allow me to put anyone else in.

21.

\_\_\_\_\_ approached me and stated that after talking with \_\_\_\_\_, it was believed that I was asking too much for the price of selling his truck. \_\_\_\_\_ suggested that I lower the selling price of the truck.

22.

I asked \_\_\_\_\_ if there was a problem with the agreement. \_\_\_\_\_ replied ANo.® The next day \_\_\_\_\_ approached me and stated that I was asking too much for the truck.

23.

\_\_\_\_\_ told me to submit a second termination letter because \_\_\_\_\_ had pre-formatted letters.

24.

I arrived at the \_\_\_\_\_ terminal in \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_, about \_\_\_\_ o'clock \_\_\_\_m. and spoke to \_\_\_\_\_, \_\_\_\_\_, and other contractors. I asked \_\_\_\_\_ if everything was okay and if it was still a go for \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_ replied AYes® and that he was going to take a drug test right now. Before leaving, I left my pager number along with the other contact numbers that were on file with \_\_\_\_\_.

25.

From \_\_\_\_\_, 20\_\_\_\_ through \_\_\_\_\_, 20\_\_\_\_, I was not aware of \_\_\_\_\_'s abandonment. On the evening of \_\_\_\_\_, 20\_\_\_\_ when I found out that \_\_\_\_\_ had quit from my brother, \_\_\_\_\_, who worked part

time, I went to the office to talk with \_\_\_\_\_ and was informed that he was at home. I called \_\_\_\_\_ from the terminal and asked what happened. \_\_\_\_\_ told me that \_\_\_\_\_ didn't return to work on the date of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_ also told me that he wanted to contact him but didn't know how and that a temp was doing the route and I was still going to receive payment of the work.

26.

\_\_\_\_\_ initiated the agreement between \_\_\_\_\_ and me by not giving \_\_\_\_\_ the opportunity to apply for the route and by not considering \_\_\_\_\_ or \_\_\_\_\_, who had more time and experience. \_\_\_\_\_ also stated that I could not sell my route because I wasn't working the full 30 days of the notice. I could only sell my truck. On the evening of \_\_\_\_\_, 20\_\_\_\_, I asked \_\_\_\_\_ if I could, in fact, sell my route and truck and \_\_\_\_\_ said AYes, who told you that you couldn't?@ I replied A\_\_\_\_\_.@

I swear that the above and foregoing is true.

SWORN TO AND SUBSCRIBED before me, Notary Public, this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
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\_\_\_\_\_  
NOTARY PUBLIC  
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