

No. 07-73987

IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

OWNER-OPERATOR INDEPENDENT )  
DRIVERS ASSOCIATION, INC. )

Petitioner, )

vs. )

UNITED STATES DEPARTMENT OF )  
TRANSPORTATION; FEDERAL MOTOR )  
CARRIER SAFETY ADMINISTRATION; MARY )  
E. PETERS; Secretary of the U.S. Department of )  
Transportation; JOHN H. HILL, Administrator of )  
the Federal Motor Carrier Safety Administration; )  
and THE UNITED STATES, )

Respondents. )

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DECLARATION OF CATHERINE M. O'MARA

I, CATHERINE M. O'MARA, hereby declare and state as follows:

1. My name is Catherine M. O'Mara. I am a Paralegal at The Cullen Law Firm, PLLC. The statements made herein are based upon my personal knowledge and regard information obtained during the course of my official duties as a Paralegal at The Cullen Law Firm, PLLC.
2. Using DOT Numbers of Mexico-domiciled motor carriers listed in FMCSA notice published on October 17, 2007 (72 FR 58930) I performed individual

searches for Avomex Internacional SA DE CV,(DOT#: 1142107), G.C.C. Transporte, SA DE CV, (DOT#: 650155) and Trinity Industries De Mexico S. DE R L DE CV, (DOT#: 610385) in FMCSA's Safe-Stat Database found at the Internet url <http://ai.fmcsa.dot.gov/SafeStat/SafeStatMain.asp>

3. For each of these motor carriers, I called up all vehicle inspection reports dated September 21, 2006 to September 21, 2007 and saved images of those inspection reports that contained violations. I called up all driver inspection reports dated from September 21, 2006 to September 21, 2007, and saved the images of those driver inspections containing violations that did not appear under the vehicle inspection tab.
4. I performed a search on Fidepal S De RLIP DE CV, (DOT#: 975522). Without any date restriction, I performed the same searches and saved the inspections reports containing violations as described in paragraph 3 above.
5. I printed out all vehicle and driver inspections containing violations for each motor carrier I researched. Because this information was voluminous, I placed all data in chronological order, scanned them into a PDF format and provided them to Rick Craig at OOIDA.
6. I can verify that the inspection reports highlighted and attached to Rick Craig's declaration are the same that I provided him.

7. I created the chart attached as Exhibit 1 and entitled “Summary of Selected SafeStat Data.”
8. The number in the column entitled “Total Inspections with Violations” was calculated counting all inspection reports per motor carrier that contained either a driver or vehicle violation.
10. The number in the column entitled “Total Violations” was calculated by counting the total number of driver and vehicle violations contained in all of the inspection reports referenced in paragraph 8 above.
11. The number in the column entitled “Driver OOS Orders” was under the title “OOS Insp w/ OOS Viols” under the Driver Tab for each motor carrier referenced on the SafeStat Website. (i.e., url:  
  
<http://ai.volpe.dot.gov/SafeStat/DriverSEA.asp?ais=&dot=610385&WhichForm=start&PageN=OOSDetail>)
12. The number in the column entitled “Vehicle OOS Orders” was found under the title “OOS Insp w/ OOS Viols” under the Vehicle Tab for each motor carrier referenced on the SafeStat Website. (i.e., url:  
  
<http://ai.volpe.dot.gov/SafeStat/VehicleSEA.asp?ais=&dot=610385&WhichForm=start&PageN=OOSDetail>)
13. The number in the column entitled “No. of Power Units” came from the chart listed under the “Overview Tab” for each motor carrier referenced on the SafeStat Website.(i.e., url:

<http://ai.volpe.dot.gov/SafeStat/CarrierOverview.asp?DOT=610385&WhichForm=start>)

14. I calculated the number in the column entitled “No. of Violations per vehicle” by dividing the data contained under “Total Number of Violations” by the “No. of Violations per Vehicle.”

I DECLARE UNDER PENALTY OF PERJURY THAT THE  
FOREGOING IS TRUE AND CORRECT.

A handwritten signature in black ink, reading "Catherine M. O'Mara". The signature is written in a cursive style with a horizontal line underneath it.

Catherine M. O'Mara

Executed this 3rd day of December, 2007.

# EXHIBIT 1

## SUMMARY OF SELECTED SAFESTAT DATA

<b>Motor Carriers (Date Range of Data)</b>	<b>DOT #</b>	<b>Total Inspections w/ Violations</b>	<b>Total Violations</b>	<b>Driver OOS Orders</b>	<b>Vehicle OOS Orders</b>	<b>No of Power Units</b>	<b>No. of Violations per vehicle</b>
<b>Trinity Industries De Mexico S. DE R L DE CV</b> (9/21/2006-9/21/2007)	610385	604	1123	1	74	10	112.3
<b>GCC Transporte, SA DE CV</b> (9/21/2006-9/21/2007)	650155	445	372	n/a	42	13	28.6
<b>Fidepal S. DE R L DE IP Y CV</b> (1/9/2006-9/21/2007)	975522	5	11	5	0	1	11
<b>Avomex Internacional SA DE CV</b> (9/21/2006-9/21/2007)	1142107	172	206	0	15	5	41.2