BEFORE THE
GEORGIA PUBLIC SERVICE COMMISSION

Sandersville Railroad Company Hancock County, Georgia **In re: Sandersville Railroad Company's Petition for Approval to Acquire Real Estate by Condemnation**	Docket No.: 45045

OBJECTIONS TO AND MOTION TO STRIKE PRE-FILED DIRECT AND REBUTTAL TESTIMONY OF ARNIE PITTMAN

on behalf of the Property Owner Respondents

October 16, 2023

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"In administrative hearings, the rules of evidence as applied in the trial of nonjury civil actions shall be followed, subject to special statutory rules or agency rules as authorized by law." O.C.G.A § 24-1-2(4). Pursuant to the Georgia Code of Evidence, O.C.G.A §§ 24-1-1 *et seq.*, Property Owner Respondents[1] hereby object to and move to strike the Pre-Filed Direct and Rebuttal Testimony of Arnie Pittman, set forth below, for the reasons stated:

Direct Testimony

Page Start	Line Start	Page End	Line End	Objection
4	10	5	4	Nonresponsive, Speculation

Rebuttal Testimony

Page Start	Line Start	Page End	Line End	Objection
1	14	2	19	Form, Speculation
2	15	2	22	Leading the Witness

Mr. Pittman is the President of Pittman Construction Company. Test. 2:4–5. Mr. Pittman's direct testimony describes how Pittman Construction will allegedly use the Hanson Spur. Test. 4:10–5:4. Mr. Pittman's rebuttal testimony discusses allegedly "why it is not viable for Pittman Construction" to transload liquid asphalt via trucks to Pittman's Sparta facility. Reb. Test. 1:14–2:19. Property Owner Respondents object to and move to strike Mr. Pittman's testimony on the bases of form, speculation, non-responsiveness and improperly leading the witness. Property Owner Respondents also object to Mr. Pittman testifying as part of any "panel" including one consisting of Jeff Custer, Scott Dickson, and Cale Veal. Group testimony would violate

[1] Robert Donald Garrett, Sr., and Sarah Veazey Garrett; William Blaine Smith and Helen Diane Smith; Marvin Smith, Jr., and Patricia Smith; Leo John Briggs and Georgia Ann Briggs; Joel Bradford Reed and Kathy Lynn Reed; Donna N. Garrett; Herus Ellison Garrett; Sally G. Wells; Verne Kennedy Hollis; and Thomas Ahmad Lee.

Respondents' due process rights under the U.S. and Georgia constitutions, as well as O.C.G.A. § 24-6-602, because it would prevent fair and full cross examination into the witnesses' individual and personal knowledge, experience, and bases for their opinions. Finally, Property Owner Respondents object to and move to strike the entirety of Mr. Pittman's testimony on the grounds that Property Owner Respondents were not allowed to depose him before the November 27, 2023 hearing in this matter. *See* O.C.G.A. § 50-13-13(a)(6) (providing for "the taking of testimony by deposition").

Form

The question "What is the purpose of your rebuttal testimony?" asks for a narrative. Reb. Test. 1:14.

Non-Responsive

Mr. Pittman's answer to the question "How will Pittman Construction use the Hanson Spur?", is nonresponsive to the question asked, veering into matters of Pittman Construction's putative investments, tax revenue to Hancock County, jobs, and truck traffic. Test 4:16–5:4.

Speculation

A "witness's testimony in the form of opinions or inferences shall be limited to those opinions or inferences which are [r]ationally based on the perception of the witness." O.C.G.A. § 24-7-701. Mr. Pittman speculates about the benefits that the Hanson Spur will bring to Pittman Construction. Test. 4:10–5:4. Mr. Pittman also speculates about what Pittman Construction will "likely" do, such as investing "in equipment on site" and "expand[ing] [Pittman Construction's] employment base, creating jobs for local residents." Test. 4:16–21. Mr. Pittman provides no evidence that his testimony about the Hanson Spur is based on anything except what representatives of Sandersville have told him. In his rebuttal testimony, Mr. Pittman speculates about why it is not viable to transload liquid asphalt via truck to Pittman Construction's Sparta

facility. Reb. Test. 1:14–2:19. Mr. Pittman has offered no evidence, such as contracts, that Pittman Construction will even use the Hanson Spur at all.

Leading the Witness

"Leading questions shall not be used on the direct examination of a witness[.]" O.C.G.A. § 24-6-611. The question, "So, you would not expect to engage in long-term business relations with Sandersville Railroad if the railroad could not offer you direct switching services at your Sparta plant?," is a leading question, and the answer should be stricken. Reb. Test. 2:15–19.

Property Owner Respondents respectfully request that the entirety of Mr. Pittman's testimony be stricken or, in the alternative, those portions described in the chart on page 2. If Mr. Pittman's testimony is not stricken, Property Owner Respondents respectfully request that the Hearing Officer give such testimony little weight. Property Owner Respondents reserve all other objections to Mr. Pittman's testimony pending the hearing and cross-examination.

Respectfully submitted, this 16th day of October, 2023.

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CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of October, 2023, a copy of the foregoing *Objections to and Motion to Strike Pre-Filed Direct and Rebuttal Testimony of Arnie Pittman* has been served via electronic mail and U.S. First-Class Mail on the following pursuant to GA. COMP. R. & REGS. 515-16-16-.02; 515-2-1-.04(4)(b), (3):

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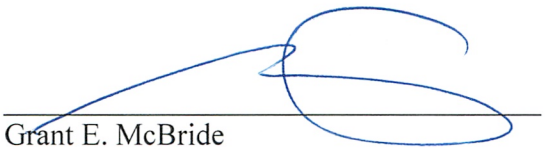
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DATED this 16th day of October, 2023.



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