IN THE CHANCERY COURT OF THE STATE OF TENNESSEE
TWENTIETH JUDICIAL DISTRICT, DAVIDSON COUNTY

STATE OF TENNESSEE, ex rel. PAULA A. FLOWERS, Commissioner of Commerce and Insurance for the State of Tennessee,	§	
Petitioner	§	**No. 04-245-III**
v.	§	
TENNESSEE TRUCKING ASSOCIATION SELF INSURANCE GROUP TRUST, a Tennessee workers compensation self-insurance group; TRUCKING SERVICES, INC., a group; Tennessee corporation,	§	**Hearing Date Scheduled For May 25, 2004 9:00 a.m.**
Respondents	§	

FILED
2004 APR 23 PM 1:53
CLERK & MASTER
DAVIDSON CO. CHANCERY CT.
D.C.M.

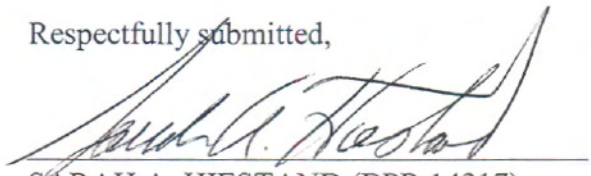
MOTION FOR ORDER APPROVING METHODOLOGY FOR ASSESSMENT OF MEMBERS OF RESPONDENT

COMES NOW, PAULA A. FLOWERS, Commissioner of Commerce and Insurance of the State of Tennessee and Liquidator ("Commissioner" or "Liquidator") of Tennessee Trucking Association Self Insurance Group Trust (the "Trust"), and respectfully moves this Court, pursuant to its Order of February 6, 2004, to Tenn. Code Ann. §§ 50-6-405 and 56-9-320 , to Tenn. Comp. Rules & Regs., Ch. 0780-1-54-.18, and to the organizing and contractual authority of the Trust to which the Commissioner succeeds as Liquidator, to enter its Order (1) approving the methodology used and to be used by the Liquidator for the assessment of the deficit(s) of the Trust, (2) finding the members of the Trust to be liable jointly and severally for said deficit(s), and (3) reserving certain issues and establishing certain determination procedures with respect to any assessment the amount of which is

disputed by an assessed member.

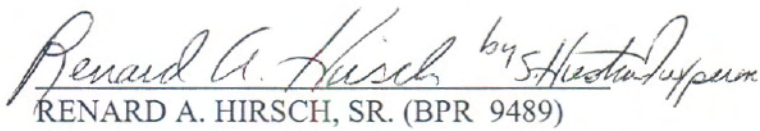
This Motion is supported by the attached Exhibits and Appendices and by the Liquidator's Memorandum of Law filed concurrently herewith, and upon the record and pleadings filed in this case.

Respectfully submitted,



SARAH A. HIESTAND (BPR 14217)
Senior Counsel, Financial Division
Attorney General's Office
P.O. Box 20207
Nashville, Tennessee 37202-0207
(615) 741-6035

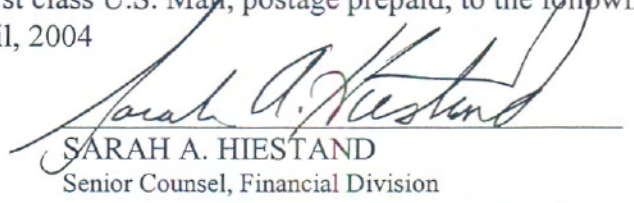
HUGH O. BROCK (BPR 22645)
Chief Counsel, Insolvency & Receivership
Tennessee Dept. of Commerce & Insurance
Counsel to Paula A. Flowers, Liquidator



RENARD A. HIRSCH, SR. (BPR 9489)
JULIAN W. BLACKSHEAR, JR. (BPR 4607)
SMITH, HIRSCH, BLACKSHEAR
& HARRIS, PLC
Suite B-105
One Vantage Way
Nashville, Tennessee 37228
615-242-5003
Special Counsel To Liquidator of Tennessee Trucking Association Self Insurance Group Trust

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Liquidator's Motion for Order Approving Methodology for Assessment, and the accompanying Memorandum of Law in Support of Liquidator's Motion has been sent by first class U.S. Mail, postage prepaid, to the following mailing and service list, this 23rd of April, 2004



SARAH A. HIESTAND
Senior Counsel, Financial Division

SERVICE LIST: Tennessee Trucking Association Self-Insurance Group Trust (TTA-SIGT)

Counsel to Liquidator

Renard A. Hirsch, Sr.
Julian W. Blackshear, Jr.
Smith, Hirsch, Blackshear & Harris, PLC
The Nashville House
One Vantage Way, Suite B-105
Nashville, TN 37228
615-242-5003 fax 615-244-5031

TTA-SIGT MEMBERS

John C. Lyell, II
The Tower, Suite 2704
611 Commerce Street
Nashville, TN 37203
615-255-0033 fax 615-248-1971

Counsel to Venture Express, Inc.
Builders Transportation Company, LLC
First Express

David L. Buuck, Esq.
P.O. Box 9305
Knoxville, TN 37940
865-671-3310 fax 865-573-6132
-and-
Andrea McKellar, Esq. (Of Counsel)
AmSouth Center
315 Deaderick St., Suite 2700
Nashville, TN 37238
615-742-7829 fax 615-742-0411

Counsel to Christenberry Trucking and Farm, Inc.

Lisa A. Houston, Esq.
Spragins, Barnett, Cobb & Butler,PLC
312 E. LaFayette St.
P.O. Box 2004
Jackson, TN 38302-2004
731-424-0461

Counsel to PDQ Warehouse & Distribution, Inc.

Roland M. Lowell, Esq.
Bruce, Weathers, Corley & Lyle

315 Deaderick Street, Suite 2075
Nashville, TN 37238
(615) 255-0540

Counsel to Western Express, Inc. (Merged w/Pro-Line Carriers, Inc.) McCool Brothers, Inc.; Specialized Transportation Service, Inc.; Empire Express, Inc.; DCI Transportation, LLC.

Christopher W. Cardwell, Esq.
Mary Beth Hagan, Esq.
Gullett, Sanford, Robinson & Martin, PLLC
315 Deaderick Street, 11th Floor
P. O. Box 198888
Nashville, TN 37219-8888
(615) 244-4994

Counsel to Roane Transportation Services, LLC and PrintCo Enterprises, Inc.

Henry E. Seaton, Esq.
Seaton & Husk, L.P.
2240 Gallows Road
Vienna, VA 22182
703-573-0700 fax 703-573-9786

Counsel to Factory & Steel Transportation, Inc. d/b/a Fastrans Libby LLC, Sharp Transport, Inc., South East Carriers, and Stephens Carriers, Inc.

Robert N. Chambers, President
East-West Motor Freight, Inc.
c/o Terry Abernathy, Esq.
115 S. Second Street
P. O. Box 441
Selmer, TN 38375-0441
731-645-6163

Counsel to East-West Motor Freight, Inc.

Bruce Kahn, Esq.
Apperson Crump
6000 Poplar Avenue
Memphis, TN 38119
901-756-6300 fax 901-757-1296

Counsel for Brown Trucking

William H. Shackelford, Jr., Esq.
Suite B, 2273 N. Highland Avenue
Jackson, TN 38305
731-664-9977 fax 731-664-9484

Counsel for West Tennessee Express, Inc.; WTX, LLC

Skyline Transportation, Inc.
131 W. Quincy Ave.
Knoxville, TN 37917

Jennings Farm, Inc.
840 Weakley Creek Rd.
Lawrenceburg, TN 38464

K & K Trucking, Inc.
147 Transport Dr.
Gordonsville, TN 38563

Rife Transport, LLC
8017 Rutledge Pk
Knoxville, TN 37924

T A G Transport, Inc.
H. Jack Pope, VP
2818 Roane St. Hwy.
Harriman, TN 37748

John R. Reed, Inc.
75 Currie Rd.
Dyer, TN 38330

Rainwater Transport
President Jerry T. Rainwater
1867 Jacksboro Pike
LaFollette, TN 37766

O M F Trucking/Cancelled
125 Cannery Rd
Whitesburg, TN 37891

Tennessee Trucking, Inc., et al
P. O. Box 100986
Nashville, TN 37224

Priority Logistics, Inc. & GPW, Inc.
Gilbert P. Wheeler
15044 Hotchkiss Valley Rd., East
Loudon, TN 37774-6062

Fleeman Transport, Inc.
215 International Drive
Lawrenceburg, TN 38464

T&L Transportation Services, Inc.
AGENT:The Baxter Agency
Mr. Ken Spruell
P. O. Box 8725
Dothan, AL 36304

Everhart Transportation, Inc.
Attn. Mr. Clive E. Everhart
624 Midway Road
Midway, TN 37809

United Petroleum Carriers, LLC
491 New Hope Rd
Cleveland, TN 37323

Payne Trucking, Inc.
1219 Golf Course Rd
Newport, TN 37821

Ocoee River Transport, Inc.
Wanda Winters, President
P. O. Box 3663
Cleveland, TN 37320

USA Motor Express, Inc.
William R. Mahan, VP Risk Mgmt.
4050 Helton Drive
Florence, AL 35630
(256) 718-3522 fax 256-718-3455

Rollout Express, Inc.
2255 Hwy 70 E
Jackson, TN 38305

Smith Trucking, Inc. &
Livingston Ready-Mix
1154 Bradford Hicks Dr.
Livingston, TN 38570

FirstChoice Express
1351 Old Kentucky Road, Suite E
Cookeville, TN 38501

Driver Power, Inc.,
Driver Power Management, Inc.
200 Hill Avenue, Suite 5
Nashville, TN 37224

T J Harrill Trucking, LLC
P. O. Box 9
Madisonville, TN 37354

Bentex Services, Inc.
3020 Seaboard Drive
Nashville, TN 37222

Fineline Carriers, Inc.
1031 Tennessee Blvd
Lebanon, TN 37087

Wooten Transports, Inc.
153 Gaston Ave
Memphis, TN 38101

Case Enterprises, Inc.
P.O. Box 629
Athens, TN 37371-0629

Steve's Trucking, Inc.
680 Hope Street
Covington, TN 38019

Ozburn-Hessey Moving

& Storage, Inc.
1812 Blue Springs Ct.
Franklin, TN 37069-6934

Members Joining in 2003

Shore Trucking, Inc.
3501 Central Park Blvd.
Louisville, TN 37777

Shore Tank Lines, Inc.
3501 Central Park Blvd.
Louisville, TN 37777

Schrader Trucking, Inc.
10255 Kingston Pike
Knoxville, TN 37922

Other notice parties:

Trucking Services, Inc.
Christopher Burress, President
4531 Trousdale Drive
Nashville, TN 37204
615-777-2882 fax 777-2024

CCMSI/ formerly MSUSA, LLC
4621 W. Napoleon Ave., Suite 310
Metairie, LA 70001
fax 504-888-9555

CCMSI
Janet Bowman, Account Executive
Lora Price, Team Leader
402 BNA Drive
Nashville, TN 37217
615-361-5511 fax 615-361-3277

Brentwood Services, Inc.
P. O. Box 1125
Brentwood, TN 37024-1125
Contact: G. Everett Sinor, Esq.
615-263-1300 fax 615-263-1301

Tennessee Trucking Association
Dale Allen, Esq.
Colbert & Winstead
1812 Broadway
Nashville, TN 37203
615-321-0555 fax 321-9555

Dan H. Elrod, Esq.
Miller & Martin LLP
1200 One Nashville Place

150 Fourth Avenue North
Nashville, TN 37219-2433
fax 615-256-8197 *Former Counsel to TTA-SIGT*

PLEASE NOTE BANKRUPT MEMBERS WHO ASSERT BK STAY IN OPPOSITION TO RECEIVING PLEADINGS; **NO MAILING IS BEING MADE TO:**

ServiceWay Motor Freight, Inc., in liquidation

U.S. Bankruptcy Court, E.D.Tn., N.Div.Knoxville
Case No. 02-33349, (Ch. 7)

Chapter 7 Bankruptcy Trustee
William T. Hendon
P.O. Box 23228
Knoxville, TN 37933-1228

Mike Ewell, Esq.
Frantz, McConnell & Seymour, LLP
550 W. Main Street, Suite 500
P.O. Box 39
Knoxville, TN 37901
865-546-9321 fax 865-637-5249 *Counsel for Chapter 7 Trustee, Serviceway Motor Freight, Inc.*

Kindrick Trucking, Inc., Debtor in Possession
2818 Roane St. Hwy.
Harriman, TN 37748

U.S. Bankruptcy Court, E.D. Tenn. 02-35482
In re: Kindrick Trucking Company, Debtor

Lynn Tarpy
2100 Riverview Tower
900 S. Gay Street
Knoxville, TN 37902
(865) 525-7313 *Counsel for Debtor in Possession, Kindrick Trucking, Inc.*

Patricia Foster
United States Trustee
Suite 114
800 Market Street
Knoxville, TN 37902
(865) 545-4324