

Edgar Filing: COVENANT TRANSPORT INC - Form 10-Q/A

COVENANT TRANSPORT INC
Form 10-Q/A
October 31, 2003

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

FORM 10-Q/A

(Mark One)

QUARTERLY REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE
ACT OF 1934

For the quarterly period ended June 30, 2003

OR

TRANSITION REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE
ACT OF 1934

For the transition period from _____ to _____

Commission File Number 0-24960

COVENANT TRANSPORT, INC.

(Exact name of registrant as specified in its charter)

Nevada
(State or other jurisdiction of
incorporation or organization)

88-0320154
(I.R.S. Employer Identification No.)

400 Birmingham Hwy.
Chattanooga, TN
(Address of principal executive offices)

37419
(Zip Code)

423-821-1212
(Registrant's telephone number, including area code)

Indicate by check mark whether the registrant (1) has filed all reports required to be filed by Section 13 or 15(d) of the Securities Exchange Act of 1934 during the preceding 12 months (or for such shorter period that the registrant was required to file such reports), and (2) has been subject to such filing requirements for the past 90 days.

YES NO

Indicate by check mark whether the registrant is an accelerated filer (as defined in Rule 12b-2 of the Exchange Act).

YES NO

Indicate the number of shares outstanding of each of the issuer's classes of common stock, as of the latest practicable date (October 29, 2003).

Class A Common Stock, \$.01 par value: 12,265,525 shares
Class B Common Stock, \$.01 par value: 2,350,000 shares

EXPLANATORY NOTE

Covenant Transport, Inc. hereby amends and restates in its entirety Item 6 of its Quarterly Report on Form 10-Q for the quarterly period ended June 30, 2003, filed with the Securities and Exchange Commission on August 11, 2003. The sole purpose of this amendment is to attach Exhibit 10.4, which is filed herewith.

Item 6. Exhibits and Reports on Form 8-K
(a) Exhibits

Exhibit

| Number | Reference | Description |
|--------|-----------|--|
| 3.1 | (1) | Restated Articles of Incorporation |
| 3.2 | (1) | Amended Bylaws dated September 27, 1994. |
| 4.1 | (1) | Restated Articles of Incorporation |
| 4.2 | (1) | Amended Bylaws dated September 27, 1994. |
| 10.1 | (2) | Amendment No. 3 to Credit Agreement dated June 11, 2003, among Covenant Management, Inc., Covenant Transport, Inc., Bank of America, N.A., and financial institution which is a party to the Credit Agreement. |
| 10.2 | (3) | Covenant Transport, Inc. 2003 Incentive Stock Plan, filed as Appendix |
| 10.3 | (2) | Consolidating Amendment No. 1 to Loan Agreement effective May 2, 2003, Receivables Corp., Covenant Transport, Inc., Three Pillars Funding Corporation, SunTrust Capital Markets, Inc. (formerly SunTrust Equitable Securities Corporation) |
| 10.4 | # | Master Lease Agreement dated April 15, 2003, between Transport International, Inc., and Covenant Transport, Inc. |
| 31.1 | # | Certification of David R. Parker pursuant to Securities Exchange Act Rule 15d-14(a), as adopted pursuant to Section 302 of the Sarbanes-Oxley Act of 2002 |
| 31.2 | # | Certification of Joey B. Hogan pursuant to Securities Exchange Act Rule 15d-14(a), as adopted pursuant to Section 302 of the Sarbanes-Oxley Act of 2002 |
| 32 | (2) | Certification of David R. Parker and Joey B. Hogan pursuant to Securities Exchange Act Rules 13a-14(b) or 15d-14(b) and Section 1350 of Chapter 63 of the United States Code. |

References:

Previously filed as an exhibit to and incorporated by reference from:

- (1) Form S-1, Registration No. 33-82978, effective October 28, 1994.
- (2) Form 10-Q for the quarter ended June 30, 2003.
- (3) Schedule 14A, filed April 16, 2003.
- # Filed herewith.

- (b) A Form 8-K was filed on April 23, 2003 to report information regarding the Company announcing its first quarter financial and operating results.

SIGNATURE

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned thereunto duly authorized.

COVENANT TRANSPORT, INC.

Date: October 30, 2003 /s/ Joey B. Hogan

Edgar Filing: COVENANT TRANSPORT INC - Form 10-Q/A

Joey B. Hogan
Executive Vice President and Chief Financial Officer,
in his capacity as such and on behalf of the issuer.