

23RD JUDICIAL DISTRICT COURT, ASCENSION PARISH
STATE OF LOUISIANA

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CLERK OF COURT

2014 JUN 24 PM 1:03

NO. 110,380 DIVISION

DOCKET BY *m. L. Lichon*
D.Y. CLERK & RECORDER
ASCENSION PARISH, LA

██████████, PLAINTIFF

V.

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT OF/AND THE STATE
OF LOUISIANA, ██████████, AND PROGRESSIVE SECURITY INSURANCE
COMPANY, DEFENDANTS

FILED:

CLERK
DIVISION C

PETITION FOR DAMAGES

The petition of ██████████, a Louisiana resident domiciled in Ascension Parish,
respectfully represents:

I.

Named defendants herein are:

- a. *The State of Louisiana through/and the Department of Transportation and Development*, an Agency of the State of Louisiana;
- b. ██████████ an individual of the full age of majority domiciled in Ascension Parish; and
- c. *Progressive Security Insurance Company*, a foreign insurer authorized to do and doing business in this state.

II.

All defendants are indebted in solido to petitioner, with legal interest from judicial demand until finally paid, and for all costs for the following:

III.

Plaintiff, ██████████, on *October 19, 2013*, was riding as a passenger on a Harley Davidson motorcycle owned and operated by ██████████ near the intersection of *LA HWY 14 By-Pass (Veterans Memorial Drive)* and *LA HWY 14 (Charity Street)* in Abbeville, Louisiana.

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IV.

██████████ was driving the motorcycle westward, looking for Highway 343. He signaled to change to the inside left lane and began changing lanes. Then the motorcycle came into contact with loose gravel, causing it to slide and turn on its side. ██████████ were both ejected from the motorcycle.

V.

Because of the accident, ██████████ suffered serious injuries including, for example: broken ribs, two fractures in her left leg, and a fracture in her right arm. Treatments included multiple surgeries, physical therapy, and pain medication. For several months she missed work and sat in a wheelchair.

VI.

Following the accident, DOTD employees spent seven and one half (7.5) hours removing gravel/rocks from the area. The intersection has a history of collecting gravel and debris, and DOTD has a history of failing to remove hazardous debris from this part of roadway. For example, local residents and small business owners have observed numerous loose items, gravel, and a tire with steel belts protruding before. It took DOTD at least three (3) months to remove the dangerous tire.

VII.

The accident was caused by, inter alia, hazardous conditions and lack of proper maintenance and regular, thorough inspections by the State of Louisiana through the Department of Transportation and Development. Louisiana Highway 14 and Highway 14 By-Pass are owned, maintained, and controlled by the State of Louisiana through the DOTD.

VIII.

DOTD allegedly inspected the area on October 1 and 14, 2013, but failed to take any remedial action.

IX.

The acts of fault, negligence, gross and wanton negligence, and lack of skill by the State of Louisiana through the Department of Transportation and Development which contributed to the cause of the collision and the resulting damages to petitioner's vehicle, were as follows:

- a. Failing to keep the highway and adjacent area in a reasonably safe condition;
- b. Failing to clean debris and gravel from the highway in a timely manner; and
- c. Such other acts and omissions as will be shown on the trial, all of which were in contravention of the exercise of due care, prudence, and the laws of Louisiana which are specially pleaded as if and as though copied in extensor.

X.

Upon information and belief, the Harley Davidson motorcycle and [REDACTED] at all times pertinent hereto, were and are insured by a policy of insurance issued by *Progressive Security Insurance Company*. [REDACTED] is also a named insured. All lawful terms of the policy are hereby plead and incorporated by reference. The policy number is believed to be 32656494-8.

XI.

The acts of fault, negligence, gross and wanton negligence, and lack of skill by [REDACTED] which contributed to the cause of the collision and the resulting damages to petitioner's vehicle, were as follows:

- a. Failing to keep a proper lookout;
- b. Falling to have his motorcycle under control so as to keep it from turning over;
- c. Failing to steer his motorcycle properly so as to avoid turning over; and
- f. Such other acts and omissions as will be shown on the trial, all of which were in contravention of the exercise of due care, prudence, and the laws of Louisiana which are specially pleaded as if and as though copied in extensor.

XII.

As a result of the collision sued on, petitioner incurred damages as follows: debilitating physical injuries, loss of enjoyment of life/hedonic damages, medical bills, lost wages, and other damages to be established through discovery and presented in an amended petition and/or Pretrial Order.

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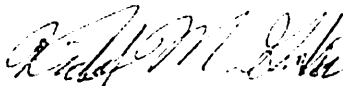
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XII.

Petitioner prays that due proceedings are held and a judgment is entered in favor of petitioner, [REDACTED], and against defendants, [REDACTED], *Progressive Security Insurance Company*, and State of Louisiana through the Department of Transportation and Development, jointly and in solido, for all damages as are reasonable in the premises, together with legal interest from judicial demand until finally paid, for all costs of these proceedings, and for any other and further legal and equitable relief as the court deems necessary and proper.

Respectfully submitted,



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Baton Rouge, LA 70806
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(888) 909-6892 Fax
ngraphia@nmglegal.com
Attorney for Petitioner

Please Serve:

1. State of Louisiana, through: Sheri LeBas Secretary, Louisiana Department of Transportation and Development 1201 Capitol Access Road Baton Rouge, LA 70802	3. <i>Progressive Security Insurance Company</i> <i>through its Registered Agent:</i> CT Corporation System 5615 Corporate Boulevard, Ste. 400B Baton Rouge, LA 70808
2. State of Louisiana, through: James D. "Buddy" Caldwell Louisiana Attorney General 1885 N. Third Street Baton Rouge, LA 70802	4. State of Louisiana, through: Office of Risk Management 1201 N. Third Street., Ste. 7-210 Baton Rouge, LA 70802

Please Withhold Service:

[REDACTED] (current address unknown)