

19<sup>TH</sup> JUDICIAL DISTRICT COURT  
EAST BATON ROUGE PARISH  
STATE OF LOUISIANA

NUMBER: \_\_\_\_\_

DIVISION: \_\_\_\_

LOUISIANA DEPARTMENT OF  
TRANSPORTATION & DEVELOPMENT  
VS

ROBERT WILLIAM HENSON, RTF EXPRESS, LLC AND  
INDEMNITY INSURANCE COMPANY OF NORTH AMERICA

FILED: \_\_\_\_\_

\_\_\_\_\_DY CLERK

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PETITION

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The Louisiana, Department of Transportation and Development respectfully represents:

**1.**

Made defendants herein are:

- A. **Robert William Henson**, (“Henson”) a natural person of the full age of majority that can be served at 440 Shorty Hill Rd., Springdale, AR 72764;
- B. **RTF Express, LLC** (“RTF”), a foreign Limited liability Company that can be served through F. A. Courtney, Jr. at 220 W. Maple Ridge Dr., Metairie, LA 70001 ; and,
- C. **Indemnity Insurance Company of North America**, (“Indemnity”) a foreign insurer conducting business in Louisiana that can be served through the Louisiana Secretary of State at 8585 Archives Avenue, Baton Rouge, Louisiana 70809,

who are justly and truly indebted unto the plaintiff for the following:

**2.**

Plaintiff is responsible for the administration, construction, improvement, maintenance, and repair of public transportation systems, traffic control devices, bridges, overpasses traffic barriers and guardrails under La. R. S. 48:11, and 36:501 et seq.

**3.**

Plaintiff is entitled to file and prosecute this suit without the payment of court costs in advance or as the same accrue under La. RS. 13:4521.

**4.**

Plaintiff owns a traffic signal sign, support pole and traffic signal components damaged in a two vehicle accident on November 28, 2022, while Henson was operating a 2017 Peterbilt, VIN

#: 1XPBEDP9X6HD415896 on US Highway 65 in East Carroll Parish, Louisiana.

**5.**

The accident and resulting damages were caused by the sole fault of Henson which included:

- a) failing to keep a proper lookout;
- b) failing to keep proper control of said motor vehicle
- c) failing to take the proper evasive action to avoid the resulting collision;
- d) failing to maintain the vehicle as required for safe operation;
- e) failing to slow or stop the motor vehicle in time to avoid the resulting collision;
- f) operating the motor vehicle in a careless manner; and,
- g) all other acts and omissions shown at the trial of this matter.

**6.**

Henson was insured under a policy of liability insurance issued by indemnity, Policy Number MMTH25549090 that provides coverage for plaintiff's damages.

**7.**

Henson was in the course and scope of his employment with RTF when the accident occurred.

**8.**

Venue is proper under Louisiana Code of Civil Procedure article 42(7), La. R. S. 13:3203 & 22:1269(B) (1).

**WHEREFORE**, The State of Louisiana, Department of Transportation and Development prays that after due proceedings are had, for entry of the judgment in its favor and against defendants, Robert William Henson, RTF express, LLC and Indemnity Insurance Company of North America, finding them jointly and solidarily liable unto the Plaintiff for all damages allowed by law.

Plaintiff further prays for all other relief that is appropriate under the premises considered.

Respectfully Submitted,

**LOUISIANA DEPARTMENT OF  
TRANSPORTATION AND DEVELOPMENT**



Digitally signed by 00347831  
DN: cn=00347831  
Date: 2023.10.26 08:37:53

**James L. Maughan (Bar No. 24841)**

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**PLEASE SERVE:**

**Robert William Henson  
Under LA. R. S. 13:3201  
440 Shorty Hill Rd.  
Springdale, AR 72764**

**RTF Express, LLC  
Through its registered agent  
F A Courtney Jr  
220 W. Maple Ridge Dr.  
Metairie, LA 70001**

**Indemnity Insurance Company of North America  
Through the Louisiana Secretary of State  
8585 Archives Avenue  
Baton Rouge, Louisiana 70809**

**LOUISIANA CIVIL CASE REPORTING**  
**Civil Case Cover Sheet - LA. R.S. 13:4688 and**

**Part G, §13, Louisiana Supreme Court General Administrative Rules**

This civil case cover sheet shall be completed by counsel for the petitioner, counsel's authorized representative, or by the self-represented litigant (if not represented by counsel) and submitted with the original petition filed with the court. The information should be the best available at the time of filing. This information does not constitute a discovery request, response or supplementation, and is not admissible at trial.

**Suit Caption:**

St. of La. DOTD

vs. Robert Henson, RTF Express & Indem.

**Court:** 19TH JDC

**Docket Number:** \_\_\_\_\_

**Parish of Filing:** East Baton Rouge

**Filing Date:** 10/26/23

**Name of Lead Petitioner's Attorney:** James L. Maughan

**Name of Self-Represented Litigant:** N/A

**Number of named petitioners:** 1

**Number of named defendants:** 3

**Type of Lawsuit: Please check the categories which most appropriately apply to this suit (no more than 3 categories should be checked):**

- |   |   |
|---|---|
| <input type="checkbox"/> Auto: Personal Injury          | <input checked="" type="checkbox"/> Auto: Property Damage |
| <input type="checkbox"/> Auto: Wrongful Death           | <input type="checkbox"/> Auto: Uninsured Motorist         |
| <input type="checkbox"/> Asbestos: Property Damage      | <input type="checkbox"/> Asbestos: Personal Injury/Death  |
| <input type="checkbox"/> Product Liability              | <input type="checkbox"/> Premise Liability                |
| <input type="checkbox"/> Intentional Bodily Injury      | <input type="checkbox"/> Intentional Property Damage      |
| <input type="checkbox"/> Intentional Wrongful Death     | <input type="checkbox"/> Unfair Business Practice         |
| <input type="checkbox"/> Business Tort                  | <input type="checkbox"/> Fraud                            |
| <input type="checkbox"/> Defamation                     | <input type="checkbox"/> Professional Negligence          |
| <input type="checkbox"/> Environmental Tort             | <input type="checkbox"/> Medical Malpractice              |
| <input type="checkbox"/> Intellectual Property          | <input type="checkbox"/> Toxic Tort                       |
| <input type="checkbox"/> Legal Malpractice              | <input type="checkbox"/> Other Tort (describe below)      |
| <input type="checkbox"/> Other Professional Malpractice | <input type="checkbox"/> Redhibition                      |
| <input type="checkbox"/> Maritime                       | <input type="checkbox"/> Class action (nature of case)    |
| <input type="checkbox"/> Wrongful Death                 |   |
| <input type="checkbox"/> General Negligence             |   |

**Please briefly describe the nature of the litigation in one sentence of additional detail:**

Auto accident property damage claim

Following the completion of this form by counsel, counsel's representative, or by the self-represented litigant, this document will be submitted to the Office of the Judicial Administrator, Supreme Court of Louisiana, by the Clerk of Court.

Name, address and contact information of person completing form:

Name James L. Maughan

Signature *James L. Maughan*

Digitally signed by 00347831  
DN: cn=00347831  
Date: 2023.10.26 08:36:36 -05'00'

Address 1201 Capitol Access Road, Baton Rouge, LA 70802

Phone number: 225-242-4611

E-mail address: james.maughan@la.gov