STATE OF LOUISIANA, THROUGH
DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT

VERSUS

APPLE LOGISTICS, INCORPORATED,
CHRISTOPHER STRATTON, AND
UNITED SPECIALTY
INSURANCE COMPANY

NUMBER 257,157 DIV. "B"

9th JUDICIAL DISTRICT COURT

PARISH OF RAPIDES

STATE OF LOUISIANA

PETITION

The petition of the State of Louisiana, through Department of Transportation & Development (hereafter referred to as "DOTD"), created under and by virtue of the laws of the State of Louisiana, and domiciled in the City of Baton Rouge, Parish of East Baton Rouge, State of Louisiana, respectfully represents that:

1.

Made defendants herein are:

I. **APPLE LOGISTICS, INCORPORATED** (hereafter "Apple"), a foreign corporation domiciled in Greenwood, Indiana who was the owner of the subject vehicle on November 3, 2015;

II. **CHRISTOPHER STRATTON** (hereafter "Stratton"), a major person who is a resident of Columbus, Ohio and was the operator of the subject vehicle on November 3, 2015; and

III. **UNITED SPECIALTY INSURANCE COMPANY** (hereafter "United"), a foreign insurer, authorized to do, and doing business, in the State of Louisiana, who was the insurer of the subject vehicle on November 3, 2015.

2.

Petitioner shows that, based on information and belief, the above named defendants are justly and truly indebted, jointly and *in solido*, to your petitioner for such damages as are reasonable in the premises, together with legal interest thereon from the date of judicial demand, until paid, and for all costs of these proceedings.

3.

On or about November 3, 2015, defendant STRATTON was operating the motor vehicle "2015 Freightliner Tractor", VIN #: 3AKJGLD62FSGH6825, bearing Indiana apportioned license plate number 2299532, and towing a 2014 GTD box trailer bearing Indiana license plate number Z84485 (hereafter "tractor-trailer"). Said vehicle was owned by defendant APPLE and insured by defendant UNITED.

4.

The said tractor-trailer was travelling southbound on Interstate 49, approximately one-half (0.5) mile north of Louisiana Highway 181, in Rapides Parish, at which time it crossed the white fog line, struck the west guardrail of the bridge known as DOTD Structure Number 4550502952. The vehicle continued south across the bridge and then exited the roadway, coming to rest in the tree line southwest of Interstate 49.

5.

On information and belief, defendant STRATTON was employed by defendant Apple, and was within the course and scope of his employment, or otherwise on a mission for, defendant APPLE, at the time of the above-described accident.

6.

Approximately one hundred linear feet (100') of guardrail sustained damage in the above-described accident. Said guardrail is a necessary safety device, and as such, it required repair and/or replacement of damaged components in order to be returned to design specifications.

7.

Under the laws of the State of Louisiana, the construction, maintenance, and repair of the public state highways of the State of Louisiana, and the maintenance and repair of interstate bridges and appurtenances, including the subject guardrail damage at the location referred to above, are functions of your petitioner.

8.

The above-described accident and resulting damage were caused by the negligence of defendant STRATTON in the following particular, but not necessarily exclusive respects:

1. Failing to keep a proper lookout;
2. Failing to keep proper control of said vehicle and take the proper evasive action to avoid the resulting accident;
3. Failing to apply the brakes in time to avoid the resulting accident;
4. Operating said vehicle in a generally careless manner without due regard for the property of others; and
5. Any and all other acts and omissions which will be shown at trial of this matter.

9.

Under the provisions of La. R.S. 13:4521, petitioner herein is entitled to file and prosecute this suit without the payment of costs of Court in advance or as the same accrue and without the necessity of advancing costs, bond, or surety therefore.

10.

Petitioner alleges amicable demand has been made to no avail.

WHEREFORE, petitioner prays that:

1. A certified copy of the above and foregoing pleading be served upon the defendants and they be cited to appear and defend this lawsuit; and
2. After all legal delays have expired and due proceedings are had, there be judgment herein in favor of petitioner, STATE OF LOUISIANA, THROUGH DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT, and against the defendants, APPLE LOGISTICS, INCORPORATED, CHRISTOPHER STRATTON, AND UNITED SPECIALTY INSURANCE COMPANY, for such damages as are reasonable in the premises, together with legal interest thereon from the date of judicial demand, until paid, for all costs of these proceedings.

RESPECTFULLY SUBMITTED:

LOUISIANA DEPARTMENT OF
TRANSPORTATION & DEVELOPMENT
OFFICE OF THE GENERAL COUNSEL

BY: _____
Of Counsel

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PLEASE SERVE:

1. United Specialty Insurance Co.
   Through its Agent for Service of Process:
   Louisiana Secretary of State
   8585 Archives Ave.
   Baton Rouge, LA 70809

VIA LONG ARM STATUTE:

2. Apple Logistics, Inc.
   Through its Registered Agent:
   Harry Singh
   2893 Holiday Way
   Greenwood, IN 46143

3. Christopher Stratton
   63 Birch Pl.
   Columbus, OH 43217

FILED & RECORDED
ROBIN L. HAUTER
CLERK OF COURT
2016 OCT 26 AM 10:04
BY _____
DY CLERK & RECORDER
RAPIDES PARISH, LA.