FAX FILED
JAN 1 2 2016

FILED JAN 1 3 2016
s/HEATHER MUSE
DY. CLERK OF COURT

STATE OF LOUISIANA, THROUGH DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

VERSUS

AMBROS FORMAN II

NUMBER 2016-0000128 DIV. C

21st JUDICIAL DISTRICT COURT

PARISH OF TANGIPAHOA

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:

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1.

Made defendants herein are:

I. **AMBROS FORMAN II** (hereafter "Forman"), a major person domiciled in the City of Church Point, Parish of Acadia, State of Louisiana, who was the owner of the motor vehicle in question on January 14, 2015;

2.

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

3.

On or about January 14, 2015, the motor vehicle "2010 Ford 6000", VIN #: 1FTFW1CVXAFB45342, bearing Louisiana license plate X785604 (hereafter "Vehicle"), that was owned and operated by defendant FORMAN, was traveling north on LA Highway 51 North near the intersection of LA 51N and St. Patricks Blvd in the City of Ponchatoula, Parish of Tangipahoa, when the Vehicle passed another vehicle in a No Passing Zone at a high rate of speed and left the roadway, where the Vehicle impacted the guardrail on the east side of LA 51, it then impacted the west guardrail, became airborne, cartwheeled, impacted the east guardrail a

second time, impacted the west guardrail a second time and subsequently came to rest at or near the parking lot of an adjacent business.

4.

This accident caused damage to a portion of the guard rail ("Guard Rail"), with said Guard Rail and its appurtenances being under the jurisdiction of DOTD and owned by the State of Louisiana.

5.

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 guard rails, including the subject structural damage to the Guard Rail, at the location referred to above, are functions of your petitioner.

6.

As a result of the accident, DOTD was required to repair the structural damage to the Guard Rail of the subject roadway.

7.

The accident and resulting damages were caused by the negligence of defendant FORMAN in the following particular, but not necessarily exclusive respects:

1. In failing to keep a proper lookout;
2. In failing to keep proper control of said motor vehicle and failing to take proper evasive action to avoid a collision;
3. In failing to stop or slow the motor vehicle in time to avoid the resulting collision;
4. In operating said motor 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 the trial of this matter.

10.

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.

11.

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 had, there be judgment herein in favor of petitioner, DOTD, and against the defendant, AMBROS FORMAN II, for such damages as are reasonable in the premises, together with legal interest thereon from date of judicial demand, until paid, for all costs of these proceedings.

RESPECTFULLY SUBMITTED:

LOUISIANA DEPARTMENT OF
TRANSPORTATION & DEVELOPMENT
OFFICE OF THE GENERAL COUNSEL

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