FILED FOR RECORD
ST. JAMES PARISH, LA
2017 OCT 19 AM 11:52
CLERK OF COURT
BY:

STATE OF LOUISIANA, THROUGH DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

VERSUS

38378

BRANDON J. DICKERSON, JACK DOHENY COMPANIES, INC., AND THE TRAVELERS INDEMNITY COMPANY

NUMBER_____ DIV. B

23rd JUDICIAL DISTRICT COURT

PARISH OF ST. JAMES

STATE OF LOUISIANA

Fax Filed: Oct 12, 2017
Original Filed: Oct 19, 2017

Deputy Clerk

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. **BRANDON J. DICKERSON** (hereafter "Dickerson"), a major person domiciled in the City of Franklin, State of Louisiana, who was the operator of the subject vehicle on October 12, 2016; and

II. **JACK DOHENY COMPANIES, INC.** (hereafter "Doheny"), a foreign corporation domiciled in the City of Northville, State of Michigan, who was the owner of the subject vehicle on October 12, 2016; and

III. **THE TRAVELERS INDEMNITY COMPANY** (hereafter "Travelers"), a foreign insurer who was the insurer of the subject vehicle on October 12, 2016.

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 date of judicial demand, until paid, and for all costs of these proceedings.

3.

On or about October 12, 2016, defendant DICKERSON was operating a 2014 Kenworth

tractor with box van, VIN #: 1NKDL40X7EJ406189, bearing Michigan Apportioned license plate RB08071 (hereafter "Vehicle"), which was owned by defendant DOHENY, and insured by defendant TRAVELERS, at or near the Sunshine Bridge on Louisiana Highway 70.

4.

As defendant DICKERSON attempted to traverse the Sunshine Bridge, at or near LA-70 milepost 45.5 in the right-most westbound lane, the Vehicle's engine stalled, at which point the Vehicle came to a stop, began to roll backward down the Sunshine Bridge approach ramp, and subsequently struck the concrete bridge rail at the said location, and came to rest against the bridge rail.

5.

Based on information and belief, defendant DICKERSON was employed by, and agent of, or otherwise on a mission for, defendant DOHENY at the time of the above-described accident.

6

This accident caused damage to the concrete bridge rail and steel guardrail of the said bridge, known more specifically as DOTD Structure Number 4260200721, with said bridge rails and their appurtenances being under the jurisdiction of DOTD and owned by the State of Louisiana.

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 bridge rails, including the subject damage at the location referred to above, are functions of your petitioner.

8.

As a result of the accident, the bridge rails of the subject structure required repair.

9.

The above-described crash and resulting damage were caused by the negligence of defendant DICKERSON 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 violation of the laws of the State of Louisiana;

5. Operating said vehicle at a speed unsafe for the conditions at hand;

6. Operating said vehicle in a generally unsafe and careless manner without due regard for the property of others; and

7. Any and all other acts and omissions which will be shown at 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.

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, DOTD, and against the defendants, BRANDON J. DICKERSON, JACK DOHENY COMPANIES, INC., and THE TRAVELERS INDEMNITY COMPANY, 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

BY: _____
OF COUNSEL
JACOB K. WILSON
ATTORNEY FOR STATE, DOTD
LA BAR ROLL NO. 33433
1201 CAPITOL ACCESS ROAD,
ROOM N-328
BATON ROUGE, LA 70802
P. O. BOX 94245
BATON ROUGE, LA 70804-9245
PHONE: 225-242-4610
FACSIMILE: 225-242-4690
E-MAIL: jacob.wilson@la.gov

PLEASE SERVE:

1. Jack Doheny Companies, Inc.
   Through its agent for service of process:
   C. T. Corporation System
   3867 Plaza Tower Drive
   Baton Rouge, LA 70816

2. The Travelers Indemnity Company
   Through its agent for service of process,
   State of Louisiana Secretary of State

PLEASE WITHOLD SERVICE AT THIS TIME:

1. Brandon J. Dickerson