EXEMPT

2016-14420 C

STATE OF LOUISIANA, THROUGH DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

VERSUS

DANIEL A. COY, SHARYN K. COY, AND AUTOMOBILE CLUB INTER-INSURANCE EXCHANGE

NUMBER _____ DIV. ____

22ND JUDICIAL DISTRICT COURT

PARISH OF ST. TAMMANY

STATE OF LOUISIANA

FILED

OCT 27 2016

DEPUTY

MELISSA R. HENRY - 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:

1. **DANIEL A. COY** (hereafter "D. Coy"), a major person who is domiciled in Gulfport, Mississippi, and was the operator of the subject vehicle on November 3, 2015;
2. **SHARON K. COY** (hereafter "S. Coy"), a major person who is domiciled in Gulfport, Mississippi, and was the owner of the subject vehicle on November 3, 2015; and
3. **AUTOMOBILE CLUB INTER-INSURANCE EXCHANGE** (hereafter "Automobile Club"), 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.

ST. TAMMANY PARISH
STATE OF LOUISIANA
FILED FOR RECORD
2016 OCT 27 A 10:46
MELISSA R. HENRY
CLERK OF COURT

FAX FILED
10/20/16

3.

On or about November 3, 2015, defendant D. COY was operating the motor vehicle "1999 Chevrolet Silverado", Vehicle Identification Number 1GCEK19T1XE196742, bearing Mississippi Private license plate number HJ1766. Said vehicle was owned by defendant S. COY and insured by defendant AUTOMOBILE CLUB.

4.

On information and belief, the said vehicle, driven by defendant D. COY, was traveling west on Interstate 10, approximately four (4) miles east of Interstate 12, near milepost 272.4, at the Middle Pearl River Bridge, at which time it attempted to pass two tractor-trailers on the right or north shoulder of I-10 and impacted a guardrail, setting off a chain of events wherein the said vehicle collided with one tractor trailer in the right lane of I-10, which caused that tractor trailer to collide with a second tractor-trailer. The first tractor-trailer, referred to as "Vehicle 2" in Louisiana Uniform Motor Vehicle Crash Report number 20150045105, sustained substantial damage, and the second tractor-trailer, referred to as "Vehicle 3" in the same crash report, subsequently impacted the left or south guardrail of the Middle Pearl River Bridge, slid along that guardrail, and eventually fell over the same guardrail, coming to rest in the water below the bridge.

5.

Immediately following the above-described events, defendant D. COY failed to stop his vehicle and instead unlawfully fled the scene west on Interstate 10.

6.

On information and belief, defendant D. COY was employed by, or otherwise on a mission for, defendant S. COY at the time of the above-described crash.

7.

As a result of this crash, portions of the protective metal and concrete bridge rail required repair and/or replacement.

8.

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 bridge rail damage at the location referred to above, are functions of your petitioner.

9.

The above-described accident and resulting damage were caused by the negligence of defendant D. COY 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.

11.

Petitioner alleges amicable demand has been made to no avail.

WHEREFORE, petitioner prays that:

1. A certified copy of the above and foregoing petition 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, DANIEL A. COY, SHARYN K. COY, and AUTOMOBILE CLUB INTER-INSURANCE EXCHANGE, 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. Automobile Club Inter-Insurance Exchange
   Through its agent for Service of Process:
   Louisiana Secretary of State
   8585 Archives Lane
   Baton Rouge, LA 70809

PLEASE SERVE VIA LONG ARM STATUTE:

1. Daniel A. Coy
   13199 Sheldon Street
   Gulfport, MS 39503

2. Sharyn K. Coy
   14069 Fox Hill Drive
   Gulfport, MS 39503