STATE OF LOUISIANA, THROUGH THE DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT	NUMBER _____ DIV. _____
	18th JUDICIAL DISTRICT COURT
VERSUS	PARISH OF POINTE COUPEE
CARLOS DAVILA NEAL, EAN HOLDINGS, LLC, AND UNITED SERVICES AUTOMOBILE ASSOCIATION	STATE OF LOUISIANA

PETITION

The petition of the State of Louisiana, through the Department of Transportation and 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. **CARLOS DAVILA NEAL** (hereafter "Neal"), a major person domiciled in Denham Springs, Louisiana, who was the operator of the subject vehicle on October 14, 2016; and
2. **EAN HOLDINGS, LLC** (hereafter "EAN"), a foreign corporation, who was the owner of the subject vehicle on October 14, 2016; and
3. **UNITED SERVICES AUTOMOBILE ASSOCATION** (hereafter "USAA"), a foreign insurer who was the insurance carrier of the subject vehicle on October 14, 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 the date of judicial demand, until paid, and for all costs of these proceedings.

3.

On or about October 14, 2016, defendant NEAL was operating a 2016 RAM 2500 pickup truck, Vehicle Identification Number 3C6TR5DT2GG323354, bearing Massachusetts commercial license plate number STP643, which was owned by defendant EAN and insured by defendant USAA (hereafter "Vehicle"), and was traveling east on U.S. Highway 190 in Pointe Coupee Parish.

4.

As defendant NEAL approached the intersection of US-190 and Isabel Lane, the Vehicle collided with the rear of a slower vehicle, and as a result of that collision, the guardrail at the said location was struck.

5.

Based on information and belief, defendant NEAL was employed by, an agent of, or otherwise on a mission for, defendant EAN, and/or was operating the Vehicle with the express permission of defendant EAN at the time of the above-described accident.

6.

This accident caused damage to the steel and wood guardrail at the said location, with said guardrail and its 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 guardrails, including the subject damage at the location referred to above, are functions of your petitioner.

8.

As a result of the accident, the guardrail at the said location required repair.

9.

The above-described crash and resulting damage were caused by the negligence of defendant NEAL 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, STATE OF LOUISIANA, THROUGH THE DEPARTMENT OF TRANSPORTATION AND DEVELOPMNET, and against the defendants, CARLOS DAVILA NEAL, EAN HOLDINGS, LLC and UNITED SERVICES AUTOMOBILE ASSOCIATION, 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: _____
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PLEASE SERVE:

1. EAN Holdings, LLC
   Through its Registered Agent:
   C T Corporation System
   3867 Plaza Tower Drive
   Baton Rouge, LA 70816

2. USAA
   Through its Registered Agent
   Corporation Service Company
   501 Louisiana Avenue
   Baton Rouge, LA 70802

3. Carlos D. Neal
   26047 Glenbrooke Drive
   Denham Springs, LA 70726