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STATE OF LOUISIANA, THROUGH
DEPARTMENT OF TRANSPORTATION
t Assistance Act of 19th JUDICIAL DISTRICT COURT

NUMBER 2018-4327 DIV. G

VERSUS

PARISH OF CALCASIEU

EAGLE US 2, LLC,
AXIALL CORPORATION,
AND
WESTLAKE CHEMICAL CORPORATION

STATE OF LOUISIANA

FILED 10.12.18
s/Scott Ulverton
Deputy Clerk of Court
Calcasieu Parish, Louisiana

PETITION

The petition of the State of Louisiana, through the Department of Transportation and Development (hereafter, "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. **EAGLE US 2, LLC** (hereafter, "EAGLE"), a foreign limited liability company domiciled in Houston, Texas, that is authorized to do, and doing, business in the State of Louisiana;

II. **AXIALL CORPORATION** (hereafter, "AXIALL"), a foreign corporation domiciled in Houston, Texas, that is authorized to do, and doing, business in the State of Louisiana; and

III. **WESTLAKE CHEMICAL CORPORATION** (hereafter, "WESTLAKE"), a foreign corporation domiciled in Houston, Texas, that is authorized to do, and doing, business in the State of Louisiana.

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 13, 2017, defendant EAGLE was conducting directional boring

operations in the subsurface soil beneath Interstate 210 (hereafter, "I-210"), at a location just south of the westernmost interchange of I-210 and I-10, in Calcasieu Parish.

4.

Defendant EAGLE was performing work at the said location, pursuant to DOTD Utility Permit Number 07013069, which was granted for the express purpose of installing a steam line and casing that would transit under both the eastbound and westbound travel lanes of I-210 at the said location.

5.

Based upon information and belief, EAGLE is a wholly-owned subsidiary of AXIALL and was performing work at the request of, and under the authorization and supervision of AXIALL.

6.

Based upon information and belief, AXIALL is a wholly-owned subsidiary of WESTLAKE.

7.

Based upon information and belief, on or about the aforementioned date, as EAGLE conducted its boring operation, fluid displaced by, produced by, or utilized in, the boring operation seeped into the soil directly beneath and around the travel lanes of I-210.

8.

The fluid moved with such force and/or volume that the roadbed, pavement surface, and unpaved right-of-way of I-210, in the vicinity of the boring activity, sustained substantial damage. That damage was to multiple roadway components, including, but not limited to, the road base, pavement, striping, and surrounding soil.

9.

The public state highways of the State of Louisiana, including the subject roadway and its appurtenances, are under the jurisdiction of DOTD and owned by the State of Louisiana. And under the laws of the State of Louisiana, the construction, maintenance, and repair of the public state highways of the State of Louisiana, including the subject damage at the location referred to above, are functions of your petitioner.

10.

As a result of the above-described fluid seepage and resulting erosion, the roadbed, pavement surface, and unpaved right-of-way at the said location required repairs in order to make the roadway passable, structurally sound, and safe for the motoring public.

11.

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

i. In failing to properly evaluate the subsurface soil, prior to commencing boring operations;

ii. In failing to properly maintain, monitor, and keep control of, dangerous equipment, so as to prevent damage to adjacent property;

iii. In operating said equipment in a generally careless manner, without due regard for the property of others; and

iv. Any and all other acts and omissions which will be shown at the trial of this matter.

12.

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 defendant and he 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 defendant, TAURIAN K. PRUDHOMME, 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 and Development, Office of the General Counsel

BY: _____
OF COUNSEL

Jacob K. Wilson
Attorney for State of LA, DOTD
LA Bar Roll No. 33433
1201 Capitol Access Road, Rm. N-328
Baton Rouge, LA 70802
P: 225-242-4610
F: 225-242-4690
Email: jacob.wilson@la.gov

PLEASE SERVE:

1. Eagle US 2, LLC
   Through its Registered Agent:
   C T Corporation System
   3867 Plaza Tower Drive
   Baton Rouge, LA 70816

2. Axiall Corporation
   Through its Registered Agent:
   C T Corporation System
   3867 Plaza Tower Drive
   Baton Rouge, LA 70816

3. Westlake Chemical Corporation
   Through its Registered Agent:
   C T Corporation System
   3867 Plaza Tower Drive
   Baton Rouge, LA 70816