

STATE OF LOUISIANA, THROUGH  
THE DEPARTMENT OF TRANSPORTATION  
AND DEVELOPMENT

VERSUS

GLENN J. ROBICHAUX, JR.  
GAUBERT OIL COMPANY, INC., AND  
HDI GLOBAL INSURANCE COMPANY

NUMBER 84,443 DIV. D JUDGE W. LAUREN LEMMON

29th JUDICIAL DISTRICT COURT

PARISH OF ST. CHARLES

STATE OF LOUISIANA

2018 APR 12 AM 10:45  
CLERK OF COURT  
ST. CHARLES PARISH, LA  
ALL FOR RECORD

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. **GLENN J. ROBICHAUX, JR.** (hereafter "Robichaux"), a major person domiciled in Ghens, Louisiana, who was the driver of the subject vehicle on April 13, 2017;
2. **GAUBERT OIL COMPANY, INC.** (hereafter "Gaubert"), a Louisiana corporation domiciled in Thibodaux, Louisiana, which was the owner of the subject vehicle on April 13, 2017; and
3. **HDI GLOBAL INSURANCE COMPANY** (hereafter "HDI"), a foreign insurer who was the insurance carrier of the subject vehicle on April 13, 2017.

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.

Based upon information and belief, on or about April 13, 2017, defendant ROBICHAUX

was operating a 2013 Kenworth T-800 tractor truck, Vehicle Identification Number 1XKDD49X8DJ359985, bearing Louisiana license plate number B908664, towing a 2013 Heil tank trailer, bearing Louisiana license plate number L138375 (hereafter collectively "Vehicle 1"), transporting a cargo of gasoline fuel, and traveling southbound on Interstate 310 in St. Charles Parish, Louisiana.

4.

Based upon information and belief, Vehicle 1 was, at all times relevant to this matter, owned by defendant GAUBERT.

5.

Based upon information and belief, Vehicle 1 was, at all times relevant to this matter, insured by defendant HDI under Policy Number EAGCD000179717.

6.

Based upon information and belief, on or about April 13, 2017, as defendant ROBICHAUX was operating the said Vehicle 1 at or near Interstate 310 South Milepost 9.0, traveling in the right or outer lane of the highway, Vehicle 1 struck the rear of another truck (hereafter "Vehicle 2"), at which point Vehicle 1 broke into multiple pieces and its cargo of fuel ignited and burned.

7.

Based upon information and belief, defendant ROBICHAUX was employed by, an agent of, or otherwise on a mission for, defendant GAUBERT, and/or was operating the said Vehicle 1 with the express permission of defendant GAUBERT at the time of the above-described accident.

8.

This accident and the subsequent fire caused damage to the roadway at the above-described location, with said roadway and its appurtenances being under the jurisdiction of DOTD and owned by the State of Louisiana.

9.

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.

10.

As a result of the above-described accident, the roadway at the said location required repairs, including site cleanup and repairs to the median, pavement, and striping.

11.

The above-described crash and resulting damage were caused by the negligence of defendant ROBICHAUX 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.

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 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 DEVELOPMENT, and against the defendants, GLENN J. ROBICHAUX, JR., GAUBERT OIL COMPANY,

INC., and HDI GLOBAL INSURANCE 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  
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E-MAIL: [Jacob.Wilson@LA.GOV](mailto:Jacob.Wilson@LA.GOV)

**PLEASE SERVE:**

1. HDI Global Insurance Company  
Through its Agent for Service of Process:  
Louisiana Secretary of State  
8585 Archives Avenue  
Baton Rouge, LA 70809
2. Glenn J. Robichaux  
1706 Highway 654, Lot 1  
Gheens, LA 70355
3. Gaubert Oil Company, Inc.  
1201 St. Patrick Hwy.  
Thibodaux, LA 70301

**CERTIFICATE OF THE CLERK**

I hereby certify that a copy of the foregoing motion  
and/or order has been mailed to all counsel of record

12<sup>th</sup> day of April 20 18  
By Cynthia M. Llane  
Largo-Marin  
Clerk of Court

J. Wilson  
+  
(3) services



**LOUISIANA CIVIL CASE REPORTING**  
**Civil Case Cover Sheet - LA. R.S. 13:4688 and**  
**Part G, §13, Louisiana Supreme Court General Administrative Rules**

This civil case cover sheet shall be completed by counsel for the petitioner, counsel's authorized representative, or by the self-represented litigant (if not represented by counsel) and submitted with the original petition filed with the court. The information should be the best available at the time of filing. This information does not constitute a discovery request, response or supplementation, and is not admissible at trial.

Suit Caption:

vs.

Court: \_\_\_\_\_ Docket Number: \_\_\_\_\_

Parish of Filing: \_\_\_\_\_ Filing Date: \_\_\_\_\_

Name of Lead Petitioner's Attorney: \_\_\_\_\_

Name of Self-Represented Litigant: \_\_\_\_\_

Number of named petitioners: \_\_\_\_\_ Number of named defendants: \_\_\_\_\_

Type of Lawsuit: Please check the categories which most appropriately apply to this suit (no more than 3 categories should be checked):

- |   |  |
|---|--|
| <input type="checkbox"/> Auto: Personal Injury          | <input type="checkbox"/> Auto: Property Damage           |
| <input type="checkbox"/> Auto: Wrongful Death           | <input type="checkbox"/> Auto: Uninsured Motorist        |
| <input type="checkbox"/> Asbestos: Property Damage      | <input type="checkbox"/> Asbestos: Personal Injury/Death |
| <input type="checkbox"/> Product Liability              | <input type="checkbox"/> Premise Liability               |
| <input type="checkbox"/> Intentional Bodily Injury      | <input type="checkbox"/> Intentional Property Damage     |
| <input type="checkbox"/> Intentional Wrongful Death     | <input type="checkbox"/> Unfair Business Practice        |
| <input type="checkbox"/> Business Tort                  | <input type="checkbox"/> Fraud                           |
| <input type="checkbox"/> Defamation                     | <input type="checkbox"/> Professional Negligence         |
| <input type="checkbox"/> Environmental Tort             | <input type="checkbox"/> Medical Malpractice             |
| <input type="checkbox"/> Intellectual Property          | <input type="checkbox"/> Toxic Tort                      |
| <input type="checkbox"/> Legal Malpractice              | <input type="checkbox"/> Other Tort (describe below)     |
| <input type="checkbox"/> Other Professional Malpractice | <input type="checkbox"/> Redhibition                     |
| <input type="checkbox"/> Maritime                       | <input type="checkbox"/> Class action (nature of case)   |
| <input type="checkbox"/> Wrongful Death                 |  |
| <input type="checkbox"/> General Negligence             |  |

Please briefly describe the nature of the litigation in one sentence of additional detail:

Following the completion of this form by counsel, counsel's representative, or by the self-represented litigant, this document will be submitted to the Office of the Judicial Administrator, Supreme Court of Louisiana, by the Clerk of Court.

Name, address and contact information of person completing form:

Name \_\_\_\_\_ Signature \_\_\_\_\_

Address \_\_\_\_\_

Phone number: \_\_\_\_\_ E-mail address: \_\_\_\_\_