

**FAX FILED**

**ON: 7/6/18**

STATE OF LOUISIANA, THROUGH  
THE DEPARTMENT OF TRANSPORTATION  
AND DEVELOPMENT

VERSUS

JAMES DAVID MANCHESTER  
AND  
HUDSON INSURANCE COMPANY

NUMBER 086944 DIV. A

16th JUDICIAL DISTRICT COURT

PARISH OF ST. MARTIN

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. **JAMES DAVID MANCHESTER** (hereafter "Manchester"), a major person domiciled in Destrehan, Louisiana, who was the driver of the subject vehicle on July 8, 2017; and
2. **HUDSON INSURANCE COMPANY** (hereafter "Hudson"), a foreign insurer authorized to do, and doing, business in the State of Louisiana, who was the insurance carrier of the subject vehicle on July 8, 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 July 8, 2017, defendant MANCHESTER was operating a 2015 Peterbilt tractor truck, Vehicle Identification Number 1NPXDP9XXFD285392, bearing California license plate number WP77716, towing a 2015

Cottrell auto transporter trailer, bearing Pennsylvania license plate number 4PJ1647 (hereafter collectively “Vehicle 1”), and traveling eastbound on Interstate 10 in St. Martin Parish, Louisiana.

4.

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

5.

Based upon information and belief, Vehicle 1 was, at all times relevant to this matter, insured by defendant HUDSON under Policy Number HMU200078.

6.

Based upon information and belief, on the said date, as defendant MANCHESTER was operating the Vehicle 1 at or near Interstate 10 East Milepost 117.0, near the town of Henderson, LA, traveling in the right or outer lane of the highway, Vehicle 1 struck the rear of another tractor-trailer (hereafter “Vehicle 2”), at which point Vehicle 1 continued eastbound, striking the bridge rail on both sides of the highway several times, before finally coming to rest on top of the left bridge rail.

7.

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

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

9.

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

10.

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

11.

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, JAMES DAVID MANCHESTER and HUDSON 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

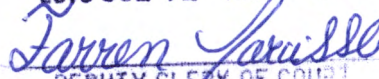
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**PLEASE SERVE:**

1. Hudson Insurance Company  
Through its Agent for Service of Process:  
Louisiana Secretary of State  
8585 Archives Avenue  
Baton Rouge, LA 70809
2. James David Manchester  
7 Oakland Drive  
Destrehan, LA 70047

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