DOTD
LOUISIANA DEPARTMENT OF TRANSPORTATION & DEVELOPMENT

Office of the General Counsel
PO Box 94245 | Baton Rouge, LA 70804-9245
ph: 225-242-4614| fx: 225-242-4690

Bobby Jindal, Governor
Sherri H. LeBas, P.E., Secretary

December 2, 2014

2014000197

CLERK OF COURT
TANGIPAHOA PARISH
P O BOX 667
AMITE, LA 70422

IN RE: STATE OF LOUISIANA, THROUGH THE DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
VS.
J.B.,JUSTICE & COMPANY, SECURANCE CORP AND TERRENCE DEWAYNE SMALL

Dear Sir:

Enclosed find the original and four (4) copies of a Petition on the above referenced matter to be filed on behalf of the Louisiana Department of Transportation and Development, State of Louisiana.

We request that two (2) petitions be prepared for long arm service and returned to the Department of Transportation and Development in the enclosed envelope.

Please have the extra copy certified and returned to this office, Louisiana Department of Transportation and Development, P. O. Box 94245, Baton Rouge, Louisiana 70804-9245, Attention to: Jacob Wilson, DOTD Attorney.

Thank you for your cooperation in this matter.

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Very truly yours,

JACOB WILSON
DOTD ATTORNEY
PH: (225)242-4614

STATE OF LOUISIANA, THROUGH DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT	NUMBER_____ DIV.___
	21st JUDICIAL DISTRICT COURT
VERSUS	PARISH OF TANGIPAHOA
J.B. JUSTICE & COMPANY, SECURANCE CORP., AND TERRENCE DEWAYNE SMALL	STATE OF LOUISIANA

PETITION

The petition of the State of Louisiana, through Department of Transportation & Development (hereafter referred to as "the Department"), 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. **J.B. JUSTICE & COMPANY** (hereafter "J.B. Justice"), a foreign corporation authorized to do and doing business in the State of Louisiana, and who was the owner of the motor vehicle "2007 Freightline Tractor" on January 4, 2014;

II. **SECURANCE CORP.** (hereafter "Securance"), a foreign corporation authorized to do and doing business in the State of Louisiana, who is the insurer of the motor vehicle "2007 Freightline Tractor" on January 4, 2014; and

III. **TERRENCE DEWAYNE SMALL** (hereafter "Small"), a major person who was the driver of the motor vehicle "2007 Freightline Tractor" on January 4, 2014.

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 date of judicial demand, until paid, and for all costs of these proceedings.

3.

On or about January 4, 2014, the motor vehicle "2007 Freightline Tractor", VIN #:

1FUJA6CV67LY60692, that is owned by defendant J.B. JUSTICE, operated by defendant SMALL, and insured by defendant SECURANCE, was driving North on I-55 (near milepost 27 and 1.5 miles North of LA 22) in the right lane in Tangipahoa Parish when SMALL drifted from the right lane to the left lane causing two other vehicles to leave the roadway as well as colliding with the guardrail in this area, and caused damage to, a portion of the guardrail, with said guardrail and its appurtenances being under the jurisdiction of the Department and owned by the State of Louisiana.

4.

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 bridges, including the subject structural damage to the Guardrail, at the location referred to above, are functions of your petitioner.

5.

As a result of the accident, the Department is required to repair the structural damage to the Guardrail at the location referred to above.

6.

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

1. In failing to keep a proper lookout;
2. In failing to keep proper control of said motor vehicle and failing to take the proper evasive action to avoid the resulting collision;
3. In failing to stop or slow the motor vehicle in time to avoid the resulting collision;
4. In operating said motor vehicle in a generally careless manner without due regard for the property of others; and
5. Any and all other acts and omissions which will be shown at the trial of this matter.

7.

Petitioner alleges on information and belief that at the time of the accident sued upon, defendant SMALL was employed by, or on a mission for defendant J.B. JUSTICE, or in the

alternative, was in charge of operating the motor vehicle ("2007 Freightline Tractor") involved in said accident with the authorization, permission, and consent of defendant J.B. JUSTICE. Petitioner also alleges on information and belief that at the time of the accident sued upon, defendant SECURANCE was the insurer of the "2007 Freightline Tractor" being operated by defendant SMALL.

8.

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.

9.

Petitioner alleges amicable demand has been made to no avail.

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 had, there be judgment herein in favor of petitioner, the DEPARTMENT, and against the defendants, J.B. JUSTICE & COMPANY, SECURANCE CORP., and TERRENCE DEWAYNE SMALL 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

LA BAR ROLL NO. 33433
1201 CAPITOL ACCESS ROAD,
ROOM N-337
BATON ROUGE, LA 70802
P. O. BOX 94245
BATON ROUGE, LA 70804-9245
PHONE: 225-242-4612
FACSIMILE: 225-242-4690
E-MAIL: Jacob.Wilson@LA.GOV

PLEASE SERVE:

VIA LONG ARM STATUTE

1. J.B. Justice & Company,
   through its agent for service of process,
   J. B. Justice
   4582 E. Kingwood Dr., Suite 297
   Kingwood, TX 77345

2. Terrence Dewayne Small
   901 Fortune Street
   Houston, TX 77088-6219

3. Securance Corp.,
   through its agent for service of process,
   Lawrence Daniels
   3100 S. Gessner, Suite 560
   Houston, TX 77063