STATE OF LOUISIANA, THROUGH DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT	NUMBER_____ DIV.___
	18th JUDICIAL DISTRICT COURT
VERSUS	PARISH OF WEST BATON ROUGE
JOHN N. KINUTHIA, MERIDA EXP, LLC, AND CANAL INSURANCE COMPANY	STATE OF LOUISIANA

PETITION

The petition of the State of Louisiana, through Department of Transportation & 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:

I. **JOHN N. KINUTHIA** (hereafter "Kinuthia"), a major person domiciled in the City of Birmingham, State of Alabama, who was the driver of the motor vehicle in question on December 29, 2014,

II. **MERIDA EXP, LLC** (hereafter "Merida"), a foreign corporation authorized to do and doing business in the State of Louisiana, who was the owner of the motor vehicle in question on December 29, 2014; and

III. **CANAL INSURANCE COMPANY** (hereafter "Canal"), a foreign insurer authorized to do and doing business in the State of Louisiana, who was the insurer of the motor vehicle in question on December 29, 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 December 29, 2014, the motor vehicle "2005 Volvo Truck", VIN #: 4V4NC9TH75N394601, that is owned by defendant MERIDA, insured by defendant CANAL, and operated by KINUTHIA, was traveling West on I-10, at or near Mile Marker 144, just East of LA 77, in West Baton Rouge Parish, when the vehicle that KINUTHIA was driving caught fire for reasons unknown, and caused damage to the roadway at said location. This accident caused damage to a portion of the roadway, with said Roadway 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 roadways, including the subject structural damage to the Roadway, at the location referred to above, are functions of your petitioner.

5.

As a result of the accident, DOTD is required to repair the structural damage to the Roadway of the subject roadway.

6.

Petitioner alleges on information and belief that at the time of the accident sued upon, defendant KINUTHIA was employed by, or on a mission for defendant MERIDA, or in the alternative, was in charge of driving the motor vehicle involved in said accident with the authorization, permission, and consent of defendant MERIDA.

7.

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.

8.

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, DOTD, and against the defendants, JOHN N. KINUTHIA, MERIDA EXP, LLC, and CANAL 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. Canal Insurance Company
Through its Agent for Service of Process,
The Louisiana Secretary of State
8585 Archives Ave.
Baton Rouge, LA 70809

VIA LONG ARM STATUTE:

2. John N. Kinuthia
1508 Xavier St.
Birmingham, AL 35224-1260

3. Merida Exp, L.L.C.,
Through its Agent for Service of Process,
Emmanuel Mollel
2420 5th St. NW
Birmingham, AL 35215