STATE OF LOUISIANA, THROUGH
DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT

VERSUS

JACOBE D. KATELY, JOSEPH JONES,
AND GEICO

NUMBER 2016-0039 DIV. "B"

14th JUDICIAL DISTRICT COURT

PARISH OF CALCASIEU

STATE OF LOUISIANA

2016 JAN -6 PM 3:35

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. **JACOBE D. KATELY** (hereafter "Kately"), a major person domiciled in the City of Lake Charles, State of Louisiana, who was the driver of the motor vehicle in question on January 6, 2015,

II. **JOSEPH JONES** (hereafter "Jones"), a major person domiciled in the City of Sulphur, State of Louisiana, who was the owner of the motor vehicle in question on January 6, 2015; and

III. **GEICO** (hereafter "Geico"), a foreign corporation authorized to do and doing business in the State of Louisiana, who was the insurer of the motor vehicle in question on January 6, 2015.

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.

FAX FILED 1-5-16

Joan Didier
Deputy Clerk of Court
Calcasieu Parish, Louisiana

3.

On or about January 6, 2015, the motor vehicle "1993 Buick Riviera", VIN #: 1G4EZ13L6PU401638, that is owned by defendant JONES, insured by defendant GEICO, and operated by KATELY, was traveling West on I-210, at or near Mile Marker 4, in Calcasieu Parish, when the vehicle that KATELY was driving experienced a blow out of the rear driver side tire, hit another vehicle, and caused damage to the guardrail at said location. This accident 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 guardrails, 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 of the subject roadway.

6.

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

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, the DEPARTMENT, and against the defendants, JOSEPH JONES, JACOBE D. KATELY, and GEICO, 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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1. Jacobe D. Kately
   1412 6th Ave.
   Lake Charles, LA 70601-4712

2. Joseph Jones
   5014 Hawthorne St.
   Sulphur, LA 70663-4212

3. Geico,
   Through its agent for service of process,
   C.T. Corporation System,
   3867 Plaza Tower Dr.
   Baton Rouge, LA 70816