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| STATE OF LOUISIANA, THROUGH DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT | NUMBER 127394 DIV. E |
| | 16th JUDICIAL DISTRICT COURT |
| VERSUS | PARISH OF IBERIA |
| THERESA MEYERS PROVOST, AFFIRMATIVE CASUALTY INSURANCE COMPANY, AND USAGENCIES, INCORPORATED | 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. **THERESA MEYERS PROVOST** (hereafter "Provost"), a major person domiciled in the City of Jeancrette, State of Louisiana, who was the owner of the motor vehicle in question on January 22, 2015;

II. **AFFIRMATIVE CASUALTY INSURANCE COMPANY** (hereafter "Affirmative"), a Louisiana insurer authorized to do and doing business in the State of Louisiana, who was the insurer of the motor vehicle in question on January 22, 2015; and

III. **USAGENCIES, INC.** (hereafter "USAgencies"), 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 22, 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.

3.

On or about January 22, 2015, the motor vehicle "2008 Kia Rio", VIN #: KNADE123986331925, that is owned by defendant PROVOST, and operated by an unknown driver, was traveling South on LA 85, at or near Milepost 2.0 (near the intersection of LA 85 and S. College Rd.) and 2.0 Miles East of LA 83, in Iberia Parish, when the unknown driver and an unknown passenger were traveling at a high rate of speed, left the roadway to the right, hit the guardrail on LA 85 at S. College Rd., crashed into the canal at said location, and then left the scene.

4.

This accident caused damage to a portion of the guard rail ("Guard Rail"), with said Guard Rail and its appurtenances being under the jurisdiction of DOTD and owned by the State of Louisiana.

5.

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 guard rails, including the subject structural damage to the Guard Rail, at the location referred to above, are functions of your petitioner.

6.

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

7.

Petitioner avers on information and belief that at the time of the accident sued upon, defendant UNKNOWN AT THIS TIME, who was operating the vehicle at the time of the accident, was employed by, or on a mission for defendant PROVOST, or in the alternative, was in charge of driving the motor vehicle involved in said accident with the authorization, permission, and consent of defendant PROVOST.

8.

Petitioner avers on information and belief that at the time of the accident, the said vehicle, owned by defendant PROVOST, was insured by defendant USAGENCIES and/or defendant AFFIRMATIVE pursuant to motor vehicle insurance policy number 6349533.

9.

The accident and resulting damages were caused by the negligence of the said vehicle's operator 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 proper evasive action to avoid a 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.

10.

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.

11.

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, THERESA

MEYERS PROVOST, AFFIRMATIVE CASUALTY INSURANCE COMPANY and USAGENCIES, INC., 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-328
BATON ROUGE, LA 70802
P. O. BOX 94245
BATON ROUGE, LA 70804-9245
PHONE: 225-242-4610
FACSIMILE: 225-242-4690
E-MAIL: Jacob.Wilson@LA.GOV

**PLEASE SERVE:**

1. Theresa Meyers Provost
   409 Domingue St.
   Jeanerette, LA 70544

2. Affirmative Casualty Insurance Company,
   through its agent for service of process:
   Joseph G. Fisher
   7163 Florida Blvd.
   Baton Rouge, LA 70806

3. USAgencies, Inc.,
   through its agent for service of process:
   The Louisiana Secretary of State*

***Please mark this citation as "exempt" under La. R.S. 13:4521.**

Filed Dec 7, 2015
Signed: Phyllis D. Nelson, Dty. Clk.
A TRUE COPY

ATTEST: Phyllis D. Nelson
Dty. Clerk of Court
Iberia Parish, La