STATE OF LOUISIANA, THROUGH
DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT

VERSUS

TOTAL MARINE LOGISTICS, L.L.C.,
FLOYD BADEAUX

NUMBER 126380 DIV.___

17TH JUDICIAL DISTRICT COURT

PARISH OF LAFOURCHE

STATE OF LOUISIANA

DIVISION B

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. **TOTAL MARINE LOGISTICS, L.L.C.** (hereafter "Total Marine"), a corporation authorized to do and doing business in the State of Louisiana, and who was the owner of the motor vessel "Bayou Lady" on December 7, 2013; and

II. **FLOYD BADEAUX** (hereafter "Badeaux"), a major person who was the boat captain of the motor vessel "Bayou Lady" on December 7, 2013.

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 7, 2013, the motor vessel "Bayou Lady", said vessel being owned by defendant TOTAL MARINE, and operated and piloted by defendant BADEAUX, allided with, and caused damage to, a portion of the South Pier and Apron Structure of the Bayou Blue Pontoon Bridge over the Intracoastal Waterway located on LA 316 in Lafourche Parish. Said bridge is further identified as being structure number 4120200381, with said bridge 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 South Pier and Apron Structure, at the location referred to above, are functions of your petitioner.

5.

As a result of the accident, the Department was required to repair the South Pier and Apron Structure system of the subject bridge.

6.

The accident and resulting damages were caused by the negligence of defendant BADEAUX 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 vessel and failing to take the proper evasive action to avoid the resulting collision;
3. In failing to stop or slow the motor vessel in time to avoid the resulting allision;
4. In operating said motor vessel 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 BADEAUX was employed by, or on a mission for defendant TOTAL MARINE, or in the alternative, was in charge of piloting the motor vessel involved in said accident with the authorization, permission, and consent of defendant TOTAL MARINE.

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, TOTAL MARINE LOGISTICS, L.L.C. and FLOYD BADEAUX 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. Total Marine Logistics, L.L.C.,
   through its agent for service of process,
   Berthney N. Barrois, III
   4005 Bayou Oaks Dr.
   Harvey, LA 70058

2. Floyd Badeaux,
   through his employer of record,
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   Harvey, LA 70058

FILED

NOV 25 2014

CLERK OF COURT

A TRUE COPY
Clerk of Court's Office
Thibodaux, La. Dec 2, 2014

Clerk of Court