STATE OF LOUISIANA, THROUGH
DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT

VERSUS 2015-352

COLLEGE CITY LEASING, LLC,
DANIEL SHACKLEFORD, AND
GREAT WEST CASULTY COMPANY

NUMBER_____ DIV.___

4th JUDICIAL DISTRICT COURT

PARISH OF MOREHOUSE

STATE OF LOUISIANA

AUG 31 9 53 AM '15
FILED & RECORDED
CLERK & RECORDER
MOREHOUSE PARISH, LA.

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. **COLLEGE CITY LEASING, LLC** (hereafter "College City"), 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 October 5, 2014;

II. **DANIEL SHACKLEFORD** (hereafter "Shackleford"), a major person domiciled in the City of Friedheim, State of Missouri, who was the driver of the motor vehicle in question on October 5, 2014; and

III. **GREAT WEST CASUALTY COMPANY** (hereafter "Great West"), a foreign corporation authorized to do and doing business in the State of Louisiana, who is the insurer of the motor vehicle in question on October 5, 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.

ASSIGNED TO SECTION 2

3.

On or about October 5, 2014, the motor vehicle "2013 Kenworth 18 Wheeler", VIN #: 1XKDP40X9DJ348515, that is owned by defendant COLLEGE CITY, operated by defendant SHACKLEFORD, and insured by defendant GREAT WEST, was traveling South on US 425, near the intersection of US 165 and US 425, attempted to cross the railroad crossing in this area, became stuck on the railroad tracks due to the lowboy trailer that was being towed, was struck by a train, in Morehouse Parish, and caused damage to, a portion of the Traffic Signal as well as debris clean up, with said signal 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 Traffic Signal, 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 Traffic Signal of the subject roadway.

6.

The accident and resulting damages was caused by the negligence of defendant SHACKLEFORD 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 SHACKLEFORD was employed by, or on a mission for defendant COLLEGE CITY, or in the alternative, was in charge of driving the motor vehicle involved in said accident with the authorization, permission, and consent of defendant COLLEGE CITY.

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, COLLEGE CITY LEASING, LLC, DANIEL SHACKLEFORD, and GREAT WEST CASUALTY 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
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:

VIA LONG ARM STATUE:

1. College City Leasing, LLC,
   Through its agent for service of process,
   Robert Taylor
   31485 Northfield Blvd. # 100
   Northfield, MN 55057

2. Daniel Shackleford
   510 County Road 425
   Friedheim, MO 63747

3. Great West Casulty Company,
   through its agent for service of process,
   Scott Wilson
   1100 West 29TH Street
   South Sioux City, NE 68776

A TRUE COPY
BY CLERK 4th DIST. COURT
EX-OFF RECORDER
MOREHOUSE PARISH, LA