STATE OF LOUISIANA, THROUGH
DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT

VERSUS

DELOACH MARINE SERVICES, L.L.C.,
AND MICHEAL CONNELLA

NUMBER 74792 DIV. C

18TH JUDICIAL DISTRICT COURT

PARISH OF IBERVILLE

STATE OF LOUISIANA

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. **DELOACH MARINE SERVICES, L.L.C.** (hereafter "Deloach Marine"), a corporation authorized to do and doing business in the State of Louisiana, and who was the owner of the motor vessel "Bill Miller" on May 28, 2014; and

II. **MICHEAL CONNELLA** (hereafter "Connella"), a major person who was the boat captain of the motor vessel "Bill Miller" on May 28, 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 May 28, 2014, the motor vessel "Bill Miller", said vessel being owned by defendant DELOACH MARINE, and operated and piloted by defendant CONNELLA, allided with, and caused damage to, a portion of the Northwest Fender System of the Gross Tete Bridge over Bayou Grosse Tete located on LA 77 in Iberville Parish. Said bridge is further identified as being structure number 2190107251, 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 Northwest Fender System, 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 Northwest Fender System of the subject bridge.

6.

The accident and resulting damages were caused by the negligence of defendant CONNELLA 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 CONNELLA was employed by, or on a mission for defendant DELOACH 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 DELOACH 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.

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, DELOACH MARINE SERVICES, L.L.C. and MICHEAL CONNELLA 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. Deloach Marine Services, L.L.C.,
through its agent for service of process,
Z. David Deloach,
10119 Tunica Trace Drive
St. Francisville, LA 70775

FILED

2015 MAY 15 A 11: 28

BY CLERK-EX OFFICIO
IBERVILLE, LOUISIANA

2. Micheal Connella,
through his employer of record,
420 Court Street
Port Allen, LA 70767