STATE OF LOUISIANA, THROUGH
DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT

VERSUS

DESIGN TRANSPORTATION SERVICES
INC.

NUMBER 20150465 DIV. D

15TH JUDICIAL DISTRICT COURT

PARISH OF ACADIA

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:

1. **DESIGN TRANSPORTATION SERVICES INC.** (hereafter "Design Transportation"), a foreign corporation authorized to do and doing business in the State of Louisiana, and who was the owner of the motor vehicle in question on July 09, 2014.

2.

Petitioner shows that, based on information and belief, the above named defendant is 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 July 09, 2014, the motor vehicle that is owned by defendant DESIGN TRANSPORTATION, and operated by Vernon O. Scales, who was killed in this accident, ran off I-10 westbound (milepost 77.1) to the left of the road, traveled through the median, struck another vehicle head-on, engulfing both vehicles in flames, and caused damage to, a portion of the roadway, approximately 0.9 miles East of LA 91 in Acadia Parish, with said roadway 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 roads, including the subject structural damage to the roadway, 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 roadway surface of the subject highway.

6.

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

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 defendant 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 defendant, DESIGN TRANSPORTATION SERVICES 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-337
BATON ROUGE, LA 70802
P.O. BOX 94245
BATON ROUGE, LA 70804-9245
PHONE: 225-242-466412
FACSIMILE: 225-242-4690
E-MAIL: Jacob.Wilson@LA.GOV

PLEASE SERVE:

VIA LONG ARM STATUTE:

1. Design Transportation Services Inc.,
Through its agent for service of process,
Shane R. McBee,
3818 Irving Blvd., Bldg. #2
Dallas, TX 75247

2015 OCT 13 AM 9 50
CLERK OF COURT
CROWLEY, LA

FILED 05-18-2015
DEPUTY CLERK OF COURT
CROWLEY, ACADIA PARISH, LA.
A TRUE COPY - ATTEST