FILED
JUL 28 2015
TORI HAYES
DEPUTY CLERK OF COURT

586,429-B

STATE OF LOUISIANA, THROUGH DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

VERSUS

ERIC R. DAVIDSON, ROBERT L. LANE, AND AMERICAN HALLMARK GENERAL AGENCY, INC.

NUMBER_____ DIV.___

1st JUDICIAL DISTRICT COURT

PARISH OF CADDO

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. **ERIC R. DAVIDSON** (hereafter "Davidson"), a major person domiciled in the City of Bethany, State of Louisiana, who was the owner of the motor vehicle in question on July 29, 2014;

II. **ROBERT L. LANE** (hereafter "Lane"), a major person domiciled in the City of Shreveport, State of Louisiana, who was the driver of the motor vehicle in question on July 29, 2014; and

III. **AMERICAN HALLMARK GENERAL AGENCY, INC.** (hereafter "American Hallmark"), 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 July 29, 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 July 29, 2014, the motor vehicle "1995 Mack Dump Truck", VIN #: 1M2P264Y95M018306, that is owned by defendant DAVIDSON, operated by defendant LANE, and insured by defendant AMERICAN HALLMARK, was traveling Westbound on I-20 in the left lane, near Mile Marker 7.7, in Caddo Parish, when LANE had the back of the dump truck in the up position and struck the pedestrian bridge in this area of I-20, and caused major structural damage to the pedestrian bridge, 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 Pedestrian Bridge, 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 subject Pedestrian Bridge at said location.

6.

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

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, ERIC R. DAVIDSON, ROBERT L. LANE, and AMERICAN HALLMARK GENERAL AGENCY, 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

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PLEASE SERVE:

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2. Robert L. Lane
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VIA LONG ARM SERVICE:

1. American Hallmark General Agency, Inc.,
   through its agent for service of process,
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   777 Main Street, Suite 1000
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