STATE OF LOUISIANA, THROUGH
DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT

VERSUS

FLAT CREEK TRANSPORTATION,
LLC AND JAMES G. TINDELL

NUMBER 44605 DIV. A

5TH JUDICIAL DISTRICT COURT

PARISH OF RICHLAND

STATE OF LOUISIANA

FILED BY:
JUN 19 2015
Debra Morris
DEPUTY CLERK

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. **FLAT CREEK TRANSPORTATION, LLC** (hereafter "Flat Creek"), 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 19, 2014, and

II. **JAMES G. TINDELL** (hereafter "Tindell"), a major person who was the driver of the motor vehicle in question on July 19, 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 19, 2014, the motor vehicle that is owned by FLAT CREEK, and operated by defendant TINDELL, collided with, and caused damage to, a portion of the Guardrail and Concrete Bridge Rail that were located on I-20 westbound (Structure Number 4510700512) (Milepost 127.97), .51 miles East of the Ouachita Parish line and 4 miles East of LA 594, in Richland Parish, with said guardrail and concrete bridge rail 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 Guardrail and Concrete Bridge Rail, 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 Guardrail and Concrete Bridge Rail of the subject bridge.

6.

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

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, FLAT CREEK TRANSPORTATION, LLC and JAMES G. TINDELL 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:

VIA LONG ARM STATUTE:

1. Flat Creek Transportation, LLC,
   through its agent for service of process,
   Charles Patterson

21477 W State Highway 52
Kinston, AL 36453

2. James G. Tindell
502 Gillis St.
Brewton, AL 36426