FILED AND RECORDED
BOSSIER PARISH, LA

2015 JUL 31 P 2:30

CLERK & EX-OFFICIO RECORDER

STATE OF LOUISIANA, THROUGH DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

VERSUS

GLENDA S. ALLEN, MELISSA L. HARRIS, AND FARM BUREAU INSURANCE

NUMBER 147728 DIV. C

26th JUDICIAL DISTRICT COURT

PARISH OF BOSSIER

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. **GLENDA S. ALLEN** (hereafter "Allen"), a major person domiciled in the City of Springhill, State of Louisiana, who was the owner of the motor vehicle in question on July 31, 2014;

II. **MELISSA L. HARRIS** (hereafter "Harris"), a major person domiciled in the City of Shreveport, State of Louisiana, who was the driver of the motor vehicle in question on July 31, 2014; and

III. **FARM BUREAU INSURANCE** (hereafter "Farm Bureau"), 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 31, 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.

FILED

JUL 30 2015
CHELSEA P. HAMITER

DEPUTY CLERK
26TH JUDICIAL DISTRICT COURT
BOSSIER PARISH, LOUISIANA

3.

On or about July 31, 2014, the motor vehicle "2011 Nissan Altima", VIN #: 1N4AL21EX7N480990, that is owned by defendant ALLEN, operated by defendant HARRIS, and insured by defendant FARM BUREAU, was traveling Eastbound on I-20 in the right lane, near Mile Post 35.4 (1.5 miles East of LA 157), in Bossier Parish, when HARRIS lost control of the vehicle, left the roadway, and impacted the cable barrier in the median in this area of I-20, and caused major structural damage to the Cable Barrier, with said barrier 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 barriers, including the subject structural damage to the Cable Barrier, 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 Cable Barrier at said location.

6.

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

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, GLENDA S. ALLEN, MELISSA L. HARRIS, and FARM BUREAU INSURANCE 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:

1. Glenda S. Allen
   1205 Third St.
   Springhill, LA 71075

2. Melissa L. Harris
   300 Williams St.
   Springhill, LA 71075

3. Farm Bureau Insurance,
   through its agent for service of process,
   Secretary of State, State of Louisiana