2015 11371

STATE OF LOUISIANA, THROUGH
DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT

VERSUS

JAMES M. FIRESTONE

NUMBER_____ DIV. I

22ND JUDICIAL DISTRICT COURT

PARISH OF ST. TAMMANY

STATE OF LOUISIANA

FILED
APR 06 2015
MALISE PRIETO- CLERK
Deputy JENNIFER TAYLOR

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 defendant herein is:

I. **JAMES M. FIRESTONE** (hereafter "Firestone"), a major person who was the owner and operator of the vehicle in question on April 24, 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 April 24, 2014, the motor vehicle that is owned and operated by defendant FIRESTONE, collided with, and caused damage to, a portion of the Movable Bridge Gates that were on Old US 90 westbound (Structure Number 0060800001) at the State Line of Mississippi and Louisiana in St. Tammany Parish, with said gates 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 Movable Bridge Gate, 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 Moveable Bridge Gate of the subject bridge.

6.

The accident and resulting damages were caused by the negligence of defendant FIRESTONE 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.

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 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 defendant, JAMES M. FIRESTONE 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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A TRUE COPY
By Clerk, 22nd Jud. Dist. Court
ST. TAMMANY PARISH, LA.

PLEASE SERVE:

1. James M. Firestone
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