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Bobby Jindal, Governor
Sherri H. LeBes, P.E., Secretary

August 26, 2015

2014001095

CLERK OF COURT
EAST BATON ROUGE PARISH
P O BOX 1991
BATON ROUGE, LA 70821-1991

RE: STATE OF LOUISIANA, THROUGH
THE DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT
VS. NO:
LATONYA W. DRAKE, MATTHEW D. MOORE AND
NATIONAL FIRE & MAIRNE INSURANCE COMPANY

Dear Sir:

Enclosed find original and four (4) copies of a Petition on the above referenced matter on behalf of the Louisiana Department of Transportation and Development, State of Louisiana. We request that service be made on defendants as indicated on petition.

Please have one (1) copy certified and returned to this office, Louisiana Department of Transportation and Development, P. O. Box 94245, Baton Rouge, Louisiana 70804-9245, Attention to: JACOB WILSON.

Thank you for your cooperation in this matter.

Very truly yours,



JACOB WILSON
DOTD ATTORNEY
PH: (225) 242-4614

JW/dlb
Enclosures:

STATE OF LOUISIANA, THROUGH
DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT

VERSUS

LATONYA W. DRAKE, MATTHEW
D. MOORE, AND NATIONAL FIRE &
MARINE INSURANCE COMPANY

NUMBER _____ DIV. ____

19th JUDICIAL DISTRICT COURT

PARISH OF EAST BATON
ROUGE

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. **LATONYA W. DRAKE** (hereafter "Drake"), a major person domiciled in the City of Zachary, State of Louisiana, who was the owner of the motor vehicle in question on September 16, 2014;
- II. **MATTHEW D. MOORE** (hereafter "Moore"), a major person domiciled in the City of Wilson, State of Louisiana, who was the driver of the motor vehicle in question on September 16, 2014; and
- III. **NATIONAL FIRE & MARINE INSURANCE COMPANY** (hereafter "National Fire"), 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 September 16, 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 September 16, 2014, the motor vehicle "1996 Freightline Dumptruck", VIN #: 1FVX6WYB9TH801672, that is owned by defendant DRAKE, operated by defendant MOORE, and insured by defendant NATIONAL FIRE, was traveling North on I-110, approximately 1000 feet South of LA 19, in East Baton Rouge Parish, when MOORE had a "blow out", struck another vehicle, and then collided with the concrete guard rail in this area, and caused damage to, a portion of the guard rail, with said guard 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 Concrete Guard Rail, 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 Concrete Guard Rail of the subject roadway.

6.

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

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, LATONYA W. DRAKE, MATTHEW D. MOORE, and NATIONAL FIRE & MARINE INSURANCE COMPANY 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,
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BATON ROUGE, LA 70804-9245
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E-MAIL: Jacob.Wilson@LA.GOV

PLEASE SERVE:

1. Latonya W. Drake
1173 Old Barnwood Ave.
Zachary, LA 70791
2. Matthew D. Moore
6524 Main St.
Wilson, LA 70789

VIA LONG ARM STATUE:

3. National Fire & Marine Insurance Company,
through its agent for service of process,
Donald F. Wurster
3024 Harney St.
Omaha, NE 68131