

16TH JUDICIAL DISTRICT COURT

PARISH OF ST. MARY

STATE OF LOUISIANA

RUSSELL CHARLES

VERSUS

DOCKET NO.: 119392 "G"

**STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY AND LOUISIANA
FARM BUREAU INSURANCE COMPANY**

PETITION FOR DAMAGES

NOW INTO COURT, through undersigned counsel, comes Russell Charles, a person of the full age of majority and resident of the City of Youngsville, Parish of Lafayette, State of Louisiana who respectfully represents:

1.

Made Defendants herein are:

- a) **STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY**, upon information and belief, a foreign insurance company authorized to do and doing business, at all times relevant, within the State of Louisiana, which provided uninsured/underinsured motorist coverage to Russell Charles; and
- b) **LOUISIANA FARM BUREAU INSURANCE COMPANY**, upon information and belief, a foreign insurance company authorized to do and doing business, at all times relevant, within the State of Louisiana, which provided insurance coverage to the vehicle owned by Lanie Farms, Inc. and operated by Russell Charles.

2.

Defendants are indebted, jointly, severally, and *in solido*, for the following:

On or about the 17th day of November, 2007, plaintiff, Russell Charles, was driving a cane truck owned by Lanie Farms, Inc., and was traveling south on LA 318 in St. Mary Parish, when Dwayne A. Benoit, who was traveling north on LA 318, crossed the centerline of traffic.

3.

After crossing the centerline of traffic, Dwayne A. Benoit, struck an outside tire on the left side first drive axle of plaintiff's vehicle, then struck an outside tire on the left side second drive axle of plaintiff's vehicle, then struck the entire left side of plaintiff's vehicle, while Mr. Benoit was continuing to travel north. Dwayne A. Benoit then struck an auxiliary axle on the

left side of plaintiff's vehicle and struck the left side of the first axle of plaintiff's vehicle, causing Mr. Benoit's vehicle to rotate counterclockwise and come to rest partially in the north lane and partially in the south lane facing southwest.

4.

As a result of Dwayne A. Benoit striking plaintiff's vehicle, the rear portion of plaintiff's vehicle was forced off of the road by the right impact and came to rest partially in the north lane, partially in the south lane, and partially on the west shoulder facing southeast.

5.

As a result of the collision, Russell Charles was injured, including but not limited to injuries to his back, shoulder, and knee, for which he is due damages as follows:

- a) Pain and suffering; past, present and future, in an amount reasonable in the premises;
- b) Mental anguish and anxiety; past, present and future, in an amount reasonable in the premises;
- c) Medical bills and expenses; past, present and future, in an amount reasonable in the premises;
- d) Residual physical and mental impairment; past, present and future, in an amount reasonable in the premises;
- e) Disability and/or disfigurement; past, present and future, in an amount reasonable in the premises;
- f) Loss of wages and employment; and
- g) Loss of enjoyment of life and other hedonic damages past, present and future, in an amount reasonable in the premises.

6.

The collision was a direct result of the negligence of Dwayne A. Benoit in the following non-exclusive, particulars:

- a) Failure to keep a proper lookout;
- b) Failure to maintain control of his vehicle;
- c) Crossing the centerline of travel;
- d) Careless operation of a vehicle;
- e) Inattentiveness; and
- f) Failure to stay awake and alert while driving a vehicle.

7.

State Farm Mutual Automobile Insurance Company, as the uninsured/underinsured motorist carrier for Russell Charles, is liable to its insured, Russell Charles, for any and all damages in excess of the amount of insurance coverage had by Dwayne A. Benoit.

8.

Upon information and belief, Lanie Farms, Inc. had uninsured/underinsured motorist coverage with Louisiana Farm Bureau Insurance Company for its cane truck, on the date of the accident made subject of this suit.

9.

Louisiana Farm Bureau Insurance Company, as the uninsured/underinsured motorist carrier for Lanie Farms, Inc., is liable to Russell Charles for any and all damages in excess of the amount of insurance coverage had by Dwayne A. Benoit.

WHEREFORE, plaintiff, Russell Charles, prays that this petition be filed and that defendants, State Farm Mutual Automobile Insurance Company and Louisiana Farm Bureau Insurance Company, be duly cited and served with a copy of same and, that after legal delays and due proceedings had there be judgment in favor of plaintiff and against defendants for a full and true sum of an amount reasonable in the premises to be proven at the trial on the merits of this matter, together with legal interest from date of judicial demand until paid, and for all costs of these proceedings and all other just and equitable relief.

Respectfully submitted:

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LAUREN K. LEDET (30595)
Attorneys for Plaintiff

PLEASE SERVE:

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY

Through its agent for service of process:

Louisiana Secretary of State

8585 Archives Avenue

Baton Rouge, LA 70809

LOUISIANA FARM BUREAU CASUALTY INSURANCE COMPANY

Through its agent for service of process:

Bob Warner, Jr., Ann M. Metrailler and Wynne Jacobs

9516 Airline Highway

Baton Rouge, La 70815

16TH JUDICIAL DISTRICT COURT

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**STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY AND LOUISIANA
FARM BUREAU INSURANCE COMPANY**

**REQUEST FOR NOTICE OF THE RENDITION
OF ALL INTERLOCUTORY ORDERS OR JUDGMENTS**

TO: St. Mary Parish Clerk of Court
16th Judicial District Court
Post Officer Drawer 1231
Franklin, LA 70538

Formal request is hereby made for written notice within ten (10) days in advance of any date fixed for the rendition of all interlocutory orders or judgments, as well as notice of hearings and/or trials (whether on merits or otherwise), in the above numbered and entitled cause, as provided in the Louisiana Code of Civil Procedure, particularly Articles 1571, 1572, 1913, 1914.

Respectfully submitted:

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