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NUMBER:

SEC. 23

PAMELA CASTLE COSTOK \$ 1030-  
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NOV 23 2009  
DEPUTY CLERK OF COURT  
MARCELLA BONNESEN, JOHN  
CHRISTNER TRUCKING, INC., and ACE  
AMERICAN INSURANCE COMPANY

19<sup>TH</sup> JUDICIAL DISTRICT COURT  
PARISH OF EAST BATON ROUGE  
STATE OF LOUISIANA

\*\*\*\*\*

PETITION FOR DAMAGES

\*\*\*\*\*

NOW INTO COURT, through undersigned counsel, comes plaintiff, PAMELA CASTLE, a person of the full age of majority, domiciled in the Parish of East Baton Rouge, State of Louisiana, who respectfully represents:

1.

Made defendants herein are:

1. **MARCELLA BONNESEN**, on information and belief, a person of the full age of majority domiciled in the County of Creek County, State of Oklahoma;
2. **JOHN CHRISTNER TRUCKING COMPANY, INC.**, upon information and belief, a business entity authorized to do and doing business in the State of Louisiana, whose agent for service of process is R. Jay McAtee, 607 Overholt, Sand Springs, Oklahoma 74063; and,
3. **ACE AMERICAN INSURANCE COMPANY**, a foreign insurance company authorized to do and doing business in the State of Louisiana, with its attorney for service of process being Robin M. Mountain, 6600 Campus Circle Drive East, Suite 300, Irving, Texas 75063-2732;

2.

On or about January 21, 2009, petitioner, PAMELA CASTLE was operating a 2003 Toyota Highlander owned by Louis Castle, Jr., traveling Westbound in the left turning lane on Anselmo Lane making a left turn onto Bluebonnet Boulevard in the Parish of East Baton Rouge, State of Louisiana.

3.

On the above mentioned date, MARCELLA BONNESEN, an employee of defendant, JOHN CHRISTNER TRUCKING, INC., was operating a 2009 FRHT Cab pulling a 2004 GDAN Commercial Trailer owned by JOHN CHRISTNER TRUCKING, INC., and was traveling Westbound in the center lane on Anselmo Lane making a left turn onto Bluebonnet Boulevard in the Parish of East Baton, State of Louisiana.

4.

Suddenly and without warning, MARCELLA BONNESEN, entered the Plaintiff's lane of travel and struck the right side of the Petitioner vehicle, causing injuries, damages, and losses complained of herein. The petitioner is free from any fault in this accident.

REC'D C.P.  
NOV 24 2009

EXHIBIT  
A

5.

Petitioner, **PAMELA CASTLE**, shows that the sole and proximate cause of the aforementioned accident and resulting injuries and damages sustained by the petitioner was the negligence and carelessness of the defendant, **MARCELLA BONNESEN**, whose acts consisted more particularly, but not exclusively, of the following:

- (a) Failure to maintain control of her vehicle;
- (b) Driving in a reckless and careless manner;
- (c) Failure to keep a proper lookout;
- (d) Failure to yield the right of way of traffic;
- (e) Violation of La. R.S. 32:101 and 32:104; and,
- (f) Any and all other acts of negligence to be proven at the trial on the merits.

6.

Petitioner, **PAMELA CASTLE**, shows that the sole and proximate cause of the aforementioned accident and resulting injuries and damages sustained by the petitioner was the negligence and carelessness of the defendant, **JOHN CHRISTNER TRUCKING, INC.**, whose acts consisted more particularly, but not exclusively, of the following:

- (a) Allowing an inexperienced and unsafe person to operate their respective vehicle;
- (b) Failing to properly instruct the driver of their vehicle as to the safe operation of same,
- (c) Respondeat superior;
- (d) Any and all other acts of negligence to be proven at the trial on the merits.

7.

As a result of the incident, petitioner, **PAMELA CASTLE**, suffered extremely painful and enduring personal injuries and damages including, but not limited to, injuries to her neck, back, head, legs and shoulders.

8.

Petitioner, **PAMELA CASTLE**, itemizes the damages which she is entitled to recover from the defendants, jointly and in solido, as follows:

- (a) Medical expenses past, present and future;
- (b) Physical pain and suffering past, present and future;
- (c) Residual disability past, present and future;
- (d) Permanent disability, present and future;

- (e) Mental anguish and emotional distress past, present and future;
- (f) Lost Wages past, present and future;
- (g) Impairment to earning capacity;
- (h) Loss of the Enjoyment of Life; and
- (i) Any and all other damages which may be shown at a trial hereof.

9.

Petitioner, **PAMELA CASTLE**, shows that, at all times pertinent hereto, the defendant, **MARCELLA BONNESEN**, was working within the course and scope of her employment with **JOHN CHRISTNER TRUCKING, INC.** Therefore, petitioner specifically pleads the doctrines of respondeat superior and vicarious liability.

10.

Upon information and belief, there was a policy of insurance in full force and in effect on the 2009 FRHT Truck owned by **JOHN CHRISTNER TRUCKING, INC.**, with **ACE AMERICAN INSURANCE COMPANY**, policy #LMTH 08248552 Thus, **ACE AMERICAN INSURANCE COMPANY** is a proper party defendant.

**WHEREFORE**, plaintiff, **PAMELA CASTLE** prays that defendants, **MARCELLA BONNESEN, JOHN CHRISTNER TRUCKING, INC., and ACE AMERICAN INSURANCE COMPANY** be served with this petition, and after being duly cited to appear and answer same and the expiration of all legal delays and due proceedings are had, that there be judgment rendered herein in favor of plaintiff, **PAMELA CASTLE**, and against defendants, **MARCELLA BONNESEN, JOHN CHRISTNER TRUCKING, INC., and ACE AMERICAN INSURANCE COMPANY** jointly and in solido, for such damages as are reasonable in the premises, together with legal interest from the date of judicial demand until paid, all costs of these proceedings, and such equitable relief to which plaintiff may be entitled.

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 COURT CLERK'S OFFICE  
 BATON ROUGE, LA. 70802  
 DOUG WELBORN  
 CLERK OF COURTS & PARISH

CERTIFIED TRUE COPY

FEB 09 2010

*Douglas Bourgoin*  
 DEPUTY CLERK OF COURT

Respectfully submitted:

J. RODNEY MESSINA  
 (A PROFESSIONAL LAW CORPORATION)  
 256 East Boulevard  
 Baton Rouge, La. 70802  
 Telephone: (225) 343-9422

By: *J. Rodney Messina*  
 J. RODNEY MESSINA (#20961)

912022 153003

**PLEASE SERVE:**

**MARCELLA BONNESEN**  
(Through Louisiana Longarm Statute)  
19007 West Highway 33  
Sapulpa, Oklahoma 74066

**JOHN CHRISTNER TRUCKING, INC.**  
(Through Louisiana Longarm Statute)  
Through their Agent For Service of Process:  
R. Jay McAtee  
607 Overholt  
Sand Spings, Oklahoma 74063

**ACE AMERICAN INSURANCE COMPANY**  
(Through Louisiana Longarm Statute)  
Through their Agent For Service of Process:  
Robin M. Mountain  
6600 Campus Circle Drive East  
Suite 300  
Irving, Texas 75063-2732

VERIFICATION

STATE OF LOUISIANA

PARISH OF BATON ROUGE

BEFORE ME, notary public, personally came and appeared:

**PAMELA CASTLE**

who, being duly deposed and sworn, affirms that she has read the foregoing Petition and that all of the above allegations are true and correct to the best of her knowledge, information and belief.

*Pamela Castle*  
PAMELA CASTLE

Sworn and subscribed before me this 20<sup>th</sup> day of November, 2009.

*[Signature]*  
NOTARY PUBLIC  
(Notary #33651)

DEPUTY CLERK OF COURT  
231130

2009 NOV 23 PM 4:06  
*[Signature]*  
DOUG WELBURN  
CLERK OF COURT FOR PARISH

CERTIFIED  
TRUE COPY

FEB 09 2010

*[Signature]*  
DEPUTY CLERK OF COURT