

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

ALLEN GOREE, III and JOEY GOREE	*	CIVIL ACTION NO:
	*	
VERSUS	*	
	*	JUDGE:
ANTHONY STIGGERS, ROBERT	*	
HEATH TRUCKING, INC., and GREAT	*	MAGISTRATE JUDGE:
WEST CASUALTY COMPANY	*	

COMPLAINT FOR DAMAGES

NOW INTO COURT, through undersigned counsel, come ALLEN GOREE, III and JOEY GOREE, who bring this action for damages against defendants, Anthony Stiggers, Robert Heath Trucking, Inc. and Great West Casualty Company, and who allege and state the following:

PARTIES

1. Petitioners, Allen Goree, III, and Joey Goree are persons of the full age of majority and domiciliaries of West Baton Rouge Parish, State of Louisiana.
2. At all pertinent times, petitioners were domiciled in Port Allen, Louisiana and were citizens of West Baton Rouge Parish in the State of Louisiana, which is located within the district of the United States District Court for the Middle District of Louisiana.
3. Defendant, Anthony Stiggers is, upon information and belief, a person of the full age of majority and domiciliary of Los Angeles County, State of California.
4. Robert Heath Trucking, Inc. is a corporation organized and existing under the laws of the State of Texas with its principal place of business in the State of Texas.
5. Upon information and belief, Robert Heath Trucking, Inc. regularly conducts business within the State of Louisiana and within the Middle District of Louisiana.
6. Great West Casualty Company is a foreign insurance company authorized to do and doing business in the State of Louisiana and within the Middle District of Louisiana.

JURISDICTION

7. The jurisdiction of this Honorable Court is invoked Pursuant to 28 USC § 1332 as full diversity of citizenship exists among the parties. Furthermore, the amount in controversy is greater than seventy five thousand (\$75,000.00) dollars, exclusive of interest and costs. Additionally, a significant part of the omissions giving rise to the Petitioners' claims happened within the United States District Court for the Middle District of Louisiana and Defendants are subject to personal jurisdiction in this district.

VENUE

8. Venue is proper pursuant to 28 USC § 1391 (b)(D)(2), because petitioners reside in this district, the accident occurred in this district, specifically in Walker, Louisiana, and the Defendants are foreign persons who reside in other states.

STATEMENT OF THE CASE

9. On or about April 6, 2018, petitioner, Allen Goree, III was a guest passenger in a 2006 Chevrolet Silverado being driven by Hubert Jones westbound on Interstate 12, in the Parish of Livingston, State of Louisiana. Suddenly and without warning, their vehicle was truck in the rear by a 2013 Volvo VN VNL being driven by Anthony Stiggers.

10. Anthony Stiggers was negligent, more particularly, but not exclusively in:
- a. Failure to maintain a proper lookout;
 - b. Failure to maintain proper control of his vehicle;
 - c. Failure to operate his vehicle in an attentive manner;
 - d. Failure to see what he should have seen and hear what he should have heard;
 - e. Causing his vehicle to strike the vehicle in which Allen Goree, III was a guest passenger;
 - f. Failing to exercise the required degree of care commensurate with the existing situation including, but not limited to, driving too fast; and

- g. Other acts of negligence which will be learned in discovery and/or shown at trial in this matter.

11. Upon information and belief, at all relevant times, the 18-wheeler was owned by and in the custody and garde of Robert Heath Trucking, Inc. Further, upon information and belief, Anthony Stiggers was an authorized agent of Robert Heath Trucking, Inc., and performing work-related duties at the time the accident occurred.

12. Petitioners allege defendant Robert Heath Trucking, Inc. was negligent, and said negligence was a cause of the injuries to Allen Goree, III, more particularly, but not exclusively in:

- a. *Respondeat superior* for the negligence of its agents and employees, including for the actions of Anthony Stiggers;
- b. Failing to properly train and/or supervise its agents and employees in general, and in particular Anthony Stiggers;
- c. Failing to institute and ensure that proper policies and procedures were followed in the services provided by its agents and employees in general, and in particular Anthony Stiggers; and
- d. Other acts of negligence which will be learned in discovery and/or shown at trial in this matter.

13. Petitioners specifically invoke the doctrine *res ipsa loquitur* against defendants cited herein, in that the injuries to petitioners were caused by an untoward event which is inexplicable without resort to the presumption of negligence on the part of Anthony Stiggers and Robert Heath Trucking, Inc., individually and by and through its authorized agent, Anthony Stiggers.

14. At the time of the collision sued on herein, petitioners allege upon information and belief, there was in full force and effect one or more policies of public motor vehicle liability insurance issued by defendant, Great West Casualty Company, to and in favor of defendant,

Anthony Stiggers and/or Robert Heath Trucking, Inc., which affords coverage for liability of the nature asserted herein against said defendant(s), and which insurance insures to the benefit of petitioners under the provisions of the Louisiana Direct Action Statute, LA. R.S. 22:655, thereby entitling petitioners to maintain this direct action against said defendant insurer and thereby rendering said defendant insurer liable, *in solido*, with defendant(s), Anthony Stiggers and/or Robert Heath Trucking, Inc.

15. For the reasons enumerated above, the named defendants are liable jointly and *in solido* to petitioners for such damages as are reasonable in the premises, together with legal interest from date of judicial demand until paid, and for all costs of these proceedings.

DAMAGES

16. As a result of this accident, petitioner, Allen Goree, III's trailer and construction equipment, specifically but not exclusively a bobcat which was being transported at the time, were severely damaged. In addition, he suffered, specifically but not exclusively, headaches, neck pain, shoulder pain, back pain, a concussion, and brain injury.

17. Allen Goree, III's damages include, physical pain and suffering (past, present and future), mental anguish and emotional distress (past, present and future), loss of enjoyment of life (past, present and future), loss of income and earning capacity (past, present and future), medical expenses (past, present and future), disability, scarring, and property damage.

18. Joey Goree is the lawful spouse of Allen Goree, III and has suffered a loss in watching the pain and suffering of her husband and a loss of consortium, including loss of society, services, support, anguish and destruction to all of the usual enjoyments of her marital relationship with Allen Goree, III, such losses entitling Joey Goree to recovery of such damages as are reasonable under the circumstances.

19. As a result of these injuries, petitioners request such damages as are reasonable under the circumstances.

PRAYER FOR RELIEF

WHEREFORE, petitioners, Allen Goree, III and Joey Goree, pray that defendants, Anthony Stiggers, Robert Heath Trucking, Inc. and Great West Casualty Company be duly cited and served with a copy of this complaint and cited to appear and answer same, and that after all legal delay and due proceedings are had, there be judgment rendered in favor of petitioners and against defendants, jointly and *in solido*, for such damages as are reasonable in the premises, together with legal interest herein from the date of judicial demand until paid and for all cost of these proceedings.

Respectfully submitted:

/s/ Rick A. Caballero

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