

A. **Gulf Coast Pre-Stress, Inc.**, (hereinafter referred to as “Gulf Coast”) is a foreign corporation with a principal place of business in the State of Mississippi. At all times relevant herein, Gulf Coast was authorized and was engaged in regular, systematic and continuous business in the State of Louisiana.

B. **Volkert Construction Services, Inc.**, (hereinafter referred to as “Volkert”) is a foreign corporation with a principal place of business in the state of Alabama. At all times relevant herein, Vokert was authorized and was engaged in regular, systematic, and continuous business in the State of Louisiana.

C. **State of Louisiana through the Department of Transportation and Development** (hereinafter referred to as “LA DOTD”).

3.

The LA DOTD awarded Boh Bros Construction, L.L.C. (hereinafter referred to as “Boh Bros.”) the contract to construct a new Interstate 10 twin span bridge over Lake Pontchartrain, between New Orleans and Slidell. This new bridge (hereinafter referred to as “Bridge”) is currently being constructed approximately 300 feet east of the existing Interstate 10 bridge and approximately 30 feet above Lake Pontchartrain.

4.

The LA DOTD designed the Bridge, set the specifications for all the construction materials and individual component parts, and is administering the entire Bridge construction project.

5.

Gulf Coast was the manufacturer and supplier of concrete girders and support caps used in the construction of the Bridge.

6.

Volkert was the construction engineering and inspection service contractor to oversee the Bridge construction. Volkert reported to the LA DOTD and was specifically responsible for overseeing the work and workmanship of the project, including that done by Gulf Coast.

Volkert was responsible for inspecting the materials used in the Bridge construction project, including the girder beams and bridge caps and detecting any problems, flaws, or defects.

7.

Eric Troy Blackmon was employed by Boh Bros. Construction Company, L.L.C. as a foreman and was working on a portion of the Bridge located in Orleans Parish, State of Louisiana at the time of his death.

8.

The concrete girder upon which Eric Troy Blackmon was working at the time of his death and used in the construction of the Bridge was defective in design, manufacture, construction, installation, and testing.

9.

The safe and correct installation of girders requires they be connected to underlying cross members and properly secured to the surrounding bridge structure. This is necessary to maintain the stability of the girder and provide the workers with a reasonably safe environment, free from unreasonable hazards, within which to perform construction work.

10.

The girders used in this project contained holes that did not line up properly with the girder inserts used to tie the girders to the underlying cross members. All Defendants were aware of these problems.

11.

Defendants devised a plan to retrofit the girders to the cross members by drilling additional holes and inserting epoxy plugs in a diaphragm insert. This revised plan was an attempt to secure the girders and connect those girders and cross members together.

12.

Structural collapses are one of the leading causes of fatalities and injuries associated with the construction industry. Defendants knew or should have known that structural

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13.

Although Defendants knew, or should have known, that structural collapses are one of the leading causes of fatalities and injuries at construction sites, Defendants failed to design, engineer, manufacture, inspect, construct, install and test the girders in order to prevent structural failure and/or collapse, thereby causing death to Eric Troy Blackmon.

14.

The remedial measures taken by the Defendants in an attempt to secure the girders failed to remedy the problem and caused or contributed to cause the structural failure and collapse of the girder into Lake Pontchartrain.

15.

At the time of the accident at issue herein, Eric Troy Blackmon was obeying all applicable safety regulations and wearing a safety harness that tied him to the defective girder. Mr. Blackmon was standing on the girder working to install the overhang form that would eventually hold the decking in place for the roadway at the time of its failure.

16.

The girder beam supporting Eric Troy Blackmon failed along with remedial diaphragm inserts resulting in the girder beam rotating off the concrete support caps. This caused the girder beam and the ten (10) workers tethered to it, as well as all their equipment and supplies, to plunge into the lake below. After hitting the lake surface approximately thirty (30) feet below, the girder came to rest approximately ten (10) feet below the surface of Lake Pontchartrain.

17.

On or about 30 October 2008, as Eric Troy Blackmon was tethered to the girder, he was pulled under the girder during the girder's collapse and fall. He was trapped underwater

and unable to free himself. Mr. Blackmon ultimately drowned as he was pinned underwater, unable to free himself from the harness tethering him to the girder or from the rubble created from the collapse of the girder.

18.

Defendants' actions and/or inactions were careless, reckless, negligent, and wanton, in the following non-exclusive particulars:

- a. failure to provide a safe place in which to work;
- b. failure to design safe and structurally sound bridge components;
- c. failure to manufacture safe and structurally sound bridge components;
- d. failure to adequately inspect the bridge and its component parts for hazardous conditions;
- e. failing to coordinate with other entities and subcontractors;
- f. failing to adequately plan, plot and supervise the construction work;
- g. failing to properly train and supervise their employees;
- h. failing to hire competent employees, safety inspectors, contractors and subcontractors;
- i. failing to warn all construction workers of the dangerous and unsafe conditions then and there existing upon the construction site premises;
- j. failing to comply with and violating federal and state statutes, local ordinances, and all other rules, enactments, or regulations applicable, or in effect, be they administrative, industry-wide or otherwise pertaining to the performance of construction work;
- k. failing to perform and furnish construction and engineering services and materials in conformity with the standard of care then and there prevailing in the construction and engineering industry;
- l. performing and furnishing construction and engineering services and materials in a wholly inadequate and negligent manner;
- m. failing to require and assure the proper support of the girder during the construction process;
- n. performing, designing, and construction remedial measures on the girders in an attempt to secure the girders;

- o. exposing workers to unreasonable danger;
- p. utilizing inadequate materials;
- q. utilizing improper inspection, design, engineering, approval, and construction methods in the design and remedial changes to the bridge and bridge components, including the girders;
- r. failure to test or investigate the design of the girders or the remedial measures taken to secure they were appropriate for the use intended;
- s. sacrificing safety for profits in the design, manufacture, remediation, inspection, approval, and construction of the bridge and bridge components.

19.

As a result of the actions and/or inactions of Defendants, Eric Troy Blackmon suffered horrific fear and fright during this entire incident, from the collapse of the girder, from his fall into the lake, and from being trapped underwater until his death.

20.

As a result of the actions and/or inactions of Defendants, Eric Troy Blackmon suffered severe physical injury as he fell approximately thirty (30) feet to the water surface and was pulled another ten (10) feet below. Mr. Blackmon suffered injuries as he was restrained to and pinned down by the girder and rubble. Mr. Blackmon eventually suffocated by drowning.

21.

The aforementioned accident, injury, and death of Eric Troy Blackmon was not caused or contributed to by any fault or want of care on the part of the deceased.

22.

Upon information and belief, plaintiff Juanita Ann Craig was the legal spouse of the deceased, Eric Troy Blackmon, pursuant to the common law of the State of Alabama and as a result of that union, one child was born, as follows:

- a. Brittany Diane Craig (a minor).

23.

Plaintiff, Juanita Ann Craig, on behalf of Eric Troy Blackmon, seeks recovery of damages sustained by him as a result of this incident as follows:

- a. Physical and mental pain and suffering.

24.

Plaintiff, Juanita Ann Craig, individually and on behalf of her minor child, Brittany Diane Craig, suffered damages as a result of this incident as follows:

- a. loss of love, affection and companionship;
- b. loss of nurture and guidance;
- c. loss of services;
- d. loss of society and consortium;
- e. loss of past, present and future support;
- f. funeral expenses; and
- g. loss of inheritance.

25.

JURY DEMAND

Plaintiff demands a trial by jury on all issues in this case.

WHEREFORE, petitioner **Juanita Ann Craig**, individually and as personal representative of **Eric Troy Blackmon** and on behalf of her minor child minor **Brittany Diane Craig**, pray for judgment against Defendants as follows:

1. In favor of Plaintiff **Juanita Ann Craig**, individually and as personal representative of **Eric Troy Blackmon**, and on behalf of her minor child, **Brittany Diane Craig**, such general and special damages in such amount as may be deemed appropriate under the circumstances;
2. For legal interest on all of the amounts prayed for above from the date of judicial demand until paid;

3. For all general and equitable relief as the circumstances may warrant; and
4. For all taxable costs herein.

Respectfully submitted,

MICHAEL J. MESTAYER, A PLC

By:

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Counsel for Plaintiffs, Juanita Ann Craig,
individually and as personal representative of
ERIC TROY BLACKMON, and on behalf of
her minor child, BRITTANY DIANE CRAIG

PLEASE SERVE:

1. **GULF COAST PRE-STRESS, INC.**
through its registered agent for service of process:
C T Corporation System
5615 Corporate Boulevard
Suite 400B
Baton Rouge, LA 70808
2. **VOLKERT CONSTRUCTION SERVICES, INC.**
through its registered agent for service of process:
C T Corporation System
5615 Corporate Boulevard
Suite 400B
Baton Rouge, LA 70808
3. **STATE OF LOUISIANA,
DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT**
Attention: Mr. Johnny B. Bradbury, Secretary
1201 Capitol Access Road
Baton Rouge, LA 70802
4. **STATE OF LOUISIANA, OFFICE OF RISK MANAGEMENT**
Mr. J. S. "Bud" Thompson, Jr.
1201 N. Third Street
Suite G-192
Baton Rouge, LA 70802

5. **STATE OF LOUISIANA, ATTORNEY GENERAL
CIVIL DIVISION**
1885 N. Third Street
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