

24th JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. *0220-291*

HP
FILED FOR RECORD
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PARISH OF JEFFERSON
DEPUTY CLERK
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DIV. C

RONALD MINEO, GARRET MINEO, JOHN MINEO JR. and KARL MINEO
INDIVIDUALLY AND ON BEHALF OF THEIR DECEASED FATHER, JOHN MINEO SR.

VERSUS

CHATEAU LIVING CENTER, L.L.C. and ABC INSURANCE COMPANY

FILED: _____
DEPUTY CLERK

PETITION FOR DAMAGES

I.

Made petitioners are:

- A. RONALD MINEO (R. MINEO), a person of the full age of majority, domiciled in the Parish of Jefferson, State of Louisiana
- B. GARRET MINEO (G. MINEO), a person of the full age of majority, domiciled in the Parish of Jefferson, State of Louisiana
- C. JOHN MINEO, JR., (J. MINEO) a person of the full age of majority, domiciled in the Parish of Jefferson, State of Louisiana.
- D. KARL MINEO (K. MINEO), a person of the full age of majority, domiciled in the State of Arizona.

II.

Petitioners are the major children of JOHN MINEO, SR who died on August 30, 2005.

III.

Defendant, CHATEAU LIVING CENTER, L.L.C. (CHATEAU), is a domestic limited liability company domiciled in the Parish of Jefferson, State of Louisiana.

IV.

The defendant, ABC INSURANCE COMPANY (ABC) is, on information and belief, a foreign insurance company authorized to do and doing business in the Parish of Jefferson, State of Louisiana.

V.

At all material times, JOHN MINEO, SR. was a resident of CHATEAU LIVING CENTER located at 716 Vilage Road, Kenner, La 70065 in the Parish of Jefferson, State of Louisiana.

VI.

On information and belief, CHATEAU LIVING CENTER is owned and operated by CHATEAU LIVING CENTER, L.L.C..

VII.

On Friday, August 26, 2005, while JOHN MINEO, SR. was residing at Chateau Living Center, Category 2 Hurricane Katrina was located in the Gulf of Mexico and Louisiana Governor Kathleen Blanco declared a state of emergency for the State of Louisiana.

VIII.

On Saturday, August 27, 2005 at 4:00 a.m., the National Oceanic & Atmospheric Administration (NOAA) declared that Hurricane Katrina was a Category Three major hurricane with 115 mile per hour winds and that projected landfall was New Orleans. United States President George W. Bush declared a "State of emergency" in Louisiana.

IX.

By 4:00 p.m. on Saturday, August 27, 2005 Louisiana state police began activating the

Louisiana contraflow plan allowing traffic to use both sides of Interstates 55, 59 and 10 to evacuate to the North.

X.

At 10:00 p.m. on Saturday, August 27, 2005, NOAA declared a hurricane warning for the north central Gulf Coast forecasting storm surge flooding 15 - 20 feet above normal tide levels and locally as high as 25 feet.

XI.

At 1:00 a.m. on Sunday, August 28, 2005 Hurricane Katrina was upgraded to a Category 4 hurricane, with sustained winds of 145 miles per hour with hurricane force winds extending 70 miles from the eye.

XII.

At 7:00 a.m. on Sunday August 28, 2005 NOAA announced that Hurricane Katrina was a "potentially catastrophic" Category Five hurricane with Southeast Louisiana as the projected landfall.

XIII.

At 10:11 a.m. on Sunday August 28, 2005 NOAA's national weather service projected "devastating damage" and issued an urgent weather message enumerating the devastating damage expected from Hurricane Katrina.

XIV.

At 4:00 p.m. on Sunday August 28, 2005 NOAA reported that Hurricane Katrina had sustained winds of 165 mph and projected landfall as a Category Four of Five. Hurricane force winds

then extended 105 miles from the eye of the storm. The forecast was storm surge flooding 18 - 20 feet above normal tide levels and locally as high as 28 feet.

XV.

At 6:10 a.m. on Monday August 29, 2005 Katrina made initial landfall on the Louisiana coastline passing over New Orleans and Jefferson Parish at approximately 9:00 a.m. causing substantial flooding and power outages.

XVI.

Despite the systematic warnings and incredible intensity of Hurricane Katrina, CHATEAU failed to evacuate JOHN MINEO, SR. to a safe location.

XVII.

Consequently, JOHN MINEO, SR. a bedridden resident, was forced to remain in Jefferson Parish at Chateau Living Center as Hurricane Katrina's incredible wind and rains covered the area.

XVIII.

Chateau Living Center was without power and had sustained flooding. JOHN MINEO, SR. was forced to remain in a building without air condition, clean water or staffing for approximately 24 hours until his death on August 30, 2005 at 10:00 a.m.

XIX.

Petitioners aver that the defendant, CHATEAU, was under a legal duty to ensure that JOHN MINEO SR. was kept safe during Hurricane Katrina, including but not limited to evacuating JOHN MINEO SR. to a safe location.

XX.

This legal duty was designed to protect petitioners, and those similarly situated, from this type of harm, arising in this manner.

XXI.

Petitioners further represent that defendant, CHATEAU, breached its legal duty which such breach was the legal cause and cause in fact of the injuries sustained by petitioners, and further, the sole and proximate cause of petitioner's damages without any comparative negligence on the part of your petitioners.

XXII.

At all pertinent time hereto, and on information and belief, the defendant, ABC, had in full force and effect a policy of liability insurance which was issued in favor of CHATEAU, which provided insurance coverage against the risk of loss arising from the actions/inactions of CHATEAU which is the subject of this suit, and which insures to the benefit of petitioners, and others similarly situated, arising from the events described herein, and as such, ABC is made a direct defendant pursuant to the Louisiana Direct Action Statute.

XXIII.

As a result of the foregoing, your petitioners, RONALD MINEO, GARRET MINEO, JOHN MINEO JR. and KARL MINEO have been caused and sustained the following damages more particularly, though not exclusively described as follows:

- a. Injuries sustained by JOHN MINEO, SR., including pain and suffering until the time of death REASONABLE

b. RONALD MINEO, GARRET MINEO and JOHN MINEO JR.

past, present and future emotional and mental anguish as the
result of the wrongful death of their father, including but not
limited to, loss of service, society and companionship of
their father

REASONABLE

XXIV.

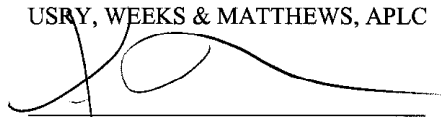
WHEREFORE, petitioners RONALD MINEO, GARRET MINEO, JOHN MINEO JR., and
KARL MINEO pray that:

- a. The defendants herein, CHATEAU LIVING CENTER L.L.C. and ABC INSURANCE
COMPANY be duly cited and served with a copy of this Petition and be required to answer
same in accordance with law;
- b. After due delays and proceedings had, there be judgement herein in favor of petitioners,
RONALD MINEO, GARRET MINEO, JOHN MINEO JR., and KARL MINEO
individually and on behalf of their deceased father, JOHN MINEO SR., and against
defendants herein, CHATEAU LIVING CENTER L.L.C. and ABC INSURANCE
COMPANY, jointly , severally and in solido for any and all damages necessary and
appropriate in the premises, along with judicial interest from the date of judicial demand, and
all costs of these proceedings.

c. For all general and equitable relief.

Respectfully submitted,

USRY, WEEKS & MATTHEWS, APLC



TIMOTHY R. RICHARDSON (#27625)
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**PLEASE SERVE PETITION AND
FIRST SET OF DISCOVERY UPON**

CHATEAU LIVING CENTER L.L.C.
through its registered agent
Jacob L. Karno
139 Enterprise Blvd.
Gretna, La 70056