

GREGORY NIEWIADONSKI

NUMBER:

DIV:

VERSUS

19TH JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

**MARCELLUS K. GATES,
WARNER MUSIC GROUP
CORPORATION d/b/a ATLANTIC
RECORDS, & ABC INSURANCE
COMPANY**

STATE OF LOUISIANA

PETITION FOR DAMAGES

NOW INTO COURT, through undersigned counsel comes **GREGORY NIEWIADONSKI**, of the full age of majority and domiciled in East Baton Rouge Parish, State of Louisiana, who respectfully represent that:

1.

Made defendants herein are:

1. **MARCELLUS KEVIN GATES**, (“Gates”) an individual of the full age of majority, whose domiciliary address is known to be 758 Napoleon St. Baton Rouge, Louisiana 70802;
2. **WARNER MUSIC GROUP, CORPORATION, d/b/a ATLANTIC RECORDS** (“Atlantic”) a foreign corporation domiciled in Delaware doing business in Louisiana as Atlantic Records Inc.
3. **ABC INSURANCE COMPANY**, a domestic or foreign insurer authorized and doing business in Louisiana.

2.

Venue and jurisdiction are proper because the incident occurred in the Parish of East Baton Rouge, State of Louisiana, on or about October 30, 2021.

3.

The named Defendants are liable jointly, severally, and *in solido* unto Plaintiff for damages sustained by Plaintiff as will be shown at trial of this matter and described hereinafter, together with legal interest from the date of judicial demand until paid and for all costs of these proceedings.

4.

On or about October 30, 2021, petitioner Gregory Niewiadonski, was the driver of a 2021 BMW Model X, was travelling southbound on St. Ferdinand St.. in in the City of Baton Rouge, Louisiana.

5.

At the same date and time, a 2021 Lamborghini Urus owned and driven by defendant Gates, was at the westbound stop sign at the intersection of St. Ferdinand and France St.

6.

As Plaintiff was prudently, safely and lawfully driving, defendant Gates, suddenly and without warning, negligently and unlawfully attempted to cross St. Ferdinand St. and struck the Petitioner's vehicle causing Petitioner severe injuries.

7.

Defendant Gates had no insurance as it was cancelled for non-payment. It is alleged that at the time of said accident, Gates was on his way to play a concert at the River Center that night when the accident occurred. Plaintiff alleges that defendant Gates was in the course and scope of his employment with Atlantic at the time of the accident as he was travelling to a concert as a part of his employment with Atlantic. Therefore, defendants Gates, Atlantic, and ABC Insurance Company are liable in solido, severally and jointly for the negligence of the defendant Gates in the main, but not exclusively, of the following acts of omission and commissions, to-wit:

- a. Failure to yield to petitioner's vehicle while crossing an intersection;
- b. Failure to maintain control of the vehicle;
- c. Failure to see what he should have seen, and if he saw, failure to heed the same;
- d. Failure to take the last clear chance to avoid the accident;
- e. Failure to properly operate his vehicle;
- f. Failure to take what measures should have been taken to ensure the safety of others;
- g. Failure to brake;
- h. Failure to keep a proper lookout;
- i. Speeding;

- j. Use of a cellular device while driving;
- k. Disregarding traffic control device;
- l. Any and all other acts of negligence, strict liability and/or omission committed by defendant to be proven at the trial of this matter.

8.

Upon information and belief and therefore alleged, defendant Atlantic had in full force and effect a policy of liability insurance with ABC Insurance Company and is therefore solidarily liable for all damages sustained herein occasioned by the fault, negligence and/or strict liability of defendant Gates.

9.

As a result of the accident on October 30, 2021, petitioner Gregory Niewiadonski, sustained severe and painful personal injuries to the body as a whole including, but not limited to: neck, back, head, and ear. Plaintiff has suffered hearing damage as a result of the accident.

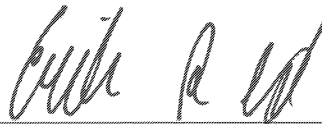
10.

Petitioner, Gregory Niewiadonski, is entitled to just compensation from all named defendants for his damages including, but not limited to:

- a. past medical expenses;
- b. future medical expenses;
- c. travel expenses;
- d. physical pain and suffering (past and future);
- e. mental pain and anguish (past and future);
- f. physical impairment and disfigurement;
- g. past lost wages
- h. future lost wages and earning capacity;
- i. loss of enjoyment of life;
- j. property damage to his vehicle;
- j. any and all other damages which shall be proven at trial.

WHEREFORE, plaintiff, Gregory Niewiadonski, prays that defendants, Marcellus K. Gates, Warner Music Group Inc. d/b/a Atlantic Records, and ABC Insurance Company be served with a copy of this petition and required to answer same within the delays provided by law, and that after all due proceedings be had, there be judgment in favor of Plaintiff, and against the Defendants named herein *in solido*, for such damages as are reasonable in the premises, together with legal interest thereon from date of judicial demand until paid, for all costs of these proceedings, and for all general and equitable relief as this Court deems fit.

Respectfully Submitted:
DEJEAN & NOLAND LAW OFFICE, L.L.C.



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PLEASE SERVE THE PETITION FOR DAMAGES ON:

Marcellus Kevin Gates
758 Napoleon St.
Baton Rouge, LA 70802

ABC Insurance Company (HOLD SERVICE)
Through their registered agent for service of process:
The Louisiana Secretary of State
8585 Archives Ave.
Baton Rouge, LA 70809

PLEASE PREPARE AND FORWARD LONG ARM SERVICE TO DEJEAN AND NOLAND LAW OFFICE FOR:

Warner Music Group Corp.
Through Their Registered Agent
National Registered Agents, Inc.
1209 Orange St.
Wilmington, DE 19801