

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO. 19-10819

DIVISION 9

2019 OCT 15 PM 12:07
DISTRICT COURT

FILED

ELIAS MEMBRENO,
RONAL ENRIQUE BORJAS RODAS AND MARIANO BONILLA

VS

1031 CANAL INVESTMENTS, LLC., CITADEL BUILDERS, HARRY SMITH
BAKER ARCHITECTS, HEASLIP ENGINEERING AND
MOSES ENGINEERS

FILED: _____
DEPUTY CLERK

PETITION

NOW INTO COURT, through undersigned counsel, come Petitioners, ELIAS MEMBRENO, RONAL ENRIQUE BORJAS RODAS AND MARIANO BONILLA who file their Petition against 1031 CANAL INVESTMENTS, LLC., CITADEL BUILDERS, HARRY SMITH BAKER ARCHITECTS, HEASLIP ENGINEERING AND MOSES ENGINEERS, and their insurers and in support thereof would show unto the Court the following:

PARTIES

I.

Parties named herein are as follows:

A. Named Petitioner herein are:

1. ELIAS MEMBRENO, a major domiciled in the Parish of Jefferson, State of Louisiana,
2. RONAL ENRIQUE BORJAS RODAS, a major domiciled in the Parish of Jefferson.
3. MARIANO BONILLA, a major domiciled in the Parish of Jefferson.

B. Named Defendants herein are:

1. 1031 CANAL INVESTMENTS, LLC, a limited liability company with its principal place of business located at 3516 Hessmer Avenue, Metairie, authorized to do and doing business under the laws of the State of Louisiana and within the jurisdiction of this Honorable

Court;

2. **CITADEL BUILDERS, LLC**, a limited liability company with its principal place of business located at 3516 Hessmer Avenue, Metairie, Louisiana, authorized to do and doing business under the laws of the State of Louisiana and within the jurisdiction of this Honorable Court;
3. **HARRY SMITH BAKER ARCHITECTS II, PLC**, a limited liability company with its principal place of business located at 189 Maple Ridge Drive, Metairie, Louisiana, authorized to do and doing business under the laws of the State of Louisiana and within the jurisdiction of this Honorable Court;
4. **HEASLIP ENGINEERING, LLC**, a limited liability company with its principal place of business located at 3500 N. Causeway Blvd., Metairie, Louisiana, authorized to do and doing business under the laws of the State of Louisiana and within the jurisdiction of this Honorable Court;
5. **MOSES ENGINEERS, Inc.** a corporation with its principal place of business located at 909 Poydras Street, New Orleans, Louisiana, authorized to do and doing business under the laws of the State of Louisiana and within the jurisdiction of this Honorable Court;
6. **ABC INSURANCE COMPANY**, (fictitiously named at this time) is the general liability insurance providing liability coverage for **1031 CANAL INVESTMENTS** and is authorized to do and doing business under the laws of the State of Louisiana and within the jurisdiction of this Honorable Court;
7. **DEF INSURANCE COMPANY**, (fictitiously named at this time) is the general liability insurance providing liability coverage for **CITADEL BUILDERS**, and is authorized to do and doing business under the laws of the State of Louisiana and within the jurisdiction of this Honorable Court;
8. **GHI INSURANCE COMPANY**, (fictitiously named at this time) is the general liability insurance providing liability coverage for **HARRY SMITH BAKER ARCHITECTS, LLC** and is authorized to do and doing business under the laws of the State of Louisiana and within the jurisdiction of this Honorable Court;
9. **JKL INSURANCE COMPANY**, (fictitiously named at this time) is the general liability insurance providing liability coverage for **HEASLIP ENGINEERING** and is authorized to do and doing business under the laws of the State of Louisiana and within the jurisdiction of this Honorable Court; and
10. **MNO INSURANCE COMPANY**, (fictitiously named at this time) is the general liability insurance providing liability coverage for **MOSES ENGINEERS** and is authorized to do and doing business under the laws of the State of Louisiana and within the jurisdiction of this Honorable Court.

JURISDICTION AND VENUE

II.

This Court has jurisdiction pursuant to the Louisiana Code of Civil Procedure

Article 1, *et seq.* in as much as Defendants, **1031 CANAL INVESTMENTS, CITADEL BUILDERS, HARRY SMITH BAKER ARCHITECTS, HEASLIP ENGINEERING AND MOSES ENGINEERS**, committed acts within the State of Louisiana, which caused harm to Petitioner within the State of Louisiana.

Venue in this parish is proper pursuant to the Louisiana Code of Civil Procedure Article 41, *et seq.* because Orleans Parish is where the Defendants, **1031 CANAL INVESTMENTS, CITADEL BUILDERS, HARRY SMITH BAKER ARCHITECTS, HEASLIP ENGINEERING AND MOSES ENGINEERS** committed the wrongful conduct and offenses complained of, and/or where Petitioner sustained damages.

FACTS

III.

On 12 October 2019, your petitioners, **ELIAS MEMBRENO, RONAL ENRIQUE BORJAS RODAS and MARIANO BONILLA** were employed at the Hard Rock Hotel Construction site located at 1031 Canal Street in the City of New Orleans, Parish of Orleans.

IV.

At all times pertinent herein Defendants, **1031 CANAL INVESTMENTS, CITADEL BUILDERS, HARRY SMITH BAKER ARCHITECTS, HEASLIP ENGINEERING AND MOSES ENGINEERS** were the owners, developers, architects, designers, engineers and the construction company for the Hard Rock Hotel development which was under construction at the 1031 Canal Street location.

V.

At approximately 09:05 on 12 October 2019 the Petitioners, **ELIAS MEMBRENO, RONAL ENRIQUE BORJAS RODAS AND MARIANO BONILLA**, sustained serious injuries when the upper floors of the structure under construction collapsed.

VI.

Prior to the incident it was the responsibility of the Defendants, **1031 CANAL INVESTMENTS, CITADEL BUILDERS, HARRY SMITH BAKER ARCHITECTS,**

HEASLIP ENGINEERING AND MOSES ENGINEERS to ensure that the design and construction of the Hard Rock Hotel be done in a manner appropriate to the standards, regulations and local legal and permitting provisions of such projects.

VII.

As a direct result of the collapse Petitioners were caused to suffer injuries and damages requiring their undergoing medical treatment and procedures for their injuries and will be caused to undergo further such treatment and procedures in the future; they have also suffered severe physical pain and mental anguish, still so suffers and will so suffer in the future; they were caused to incur doctors' bills, hospital bills and other medical expenses in treatment of his injuries and they will be caused to incur such expenses in the future; he has been caused to lose time and wages from his employment and their ability to work and earn money in the future; has been irreparably impaired; and, their ability to engage in the usual activities of daily living has been impaired and will be impaired in the future.

CAUSE OF ACTION

LOUISIANA CIVIL CODE ARTICLE 2315

VIII.

The proximate cause of Petitioners' damages was the negligence of Defendants, **1031 CANAL INVESTMENTS, CITADEL BUILDERS, HARRY SMITH BAKER ARCHITECTS, HEASLIP ENGINEERING AND MOSES ENGINEERS** in the planning, operation, manning, and method of conducting the work at the site located at 1031 Canal Street, New Orleans, Louisiana.

IX.

At the time and place in question Defendants, **1031 CANAL INVESTMENTS, CITADEL BUILDERS, HARRY SMITH BAKER ARCHITECTS, HEASLIP ENGINEERING AND MOSES ENGINEERS**, were acting by and through its representatives, agents, servants and employees acting within the course and scope of their employment and whose acts and/or omissions constituted negligence and were a proximate cause of Petitioner's injuries and damages made the basis of this suit.

JURY DEMAND

XII.

In connection with these causes of action Petitioners are entitled to and requests trial by jury.

WHEREFORE, petitioners, **ELIAS MEMBRENO, RONAL ENRIQUE BORJAS RODAS AND MARIANO BONILLA** pray for judgment against Defendants, **1031 CANAL INVESTMENTS, CITADEL BUILDERS, HARRY SMITH BAKER ARCHITECTS, HEASLIP ENGINEERING AND MOSES ENGINEERS**, in an amount as may be due and proper in the premises, and for all costs and disbursements in this action for all general and equitable relief and for trial by jury.

Respectfully submitted,

MIKE BRANDNER INJURY ATTORNEYS



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Counsel for Petitioners

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MOSES ENGINEERS

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