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24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA



DIVISION

NO. 725.300

ALISON SUGGS, SR.

VERSUS

ALICE F. ESTILL, and
DANIEL G. ABEL

FILE FOR RECORD
2013 MAR 28 PM 3:13
DEPUTY CLERK
PARISH OF JEFFERSON, LA

FILED: _____

DEPUTY CLERK

PETITION FOR DAMAGES

TO THE HONORABLE JUDGES OF THE TWENTY- FOURTH JUDICIAL COURT, SITTING IN AND FOR THE PARISH OF JEFFERSON, STATE OF LOUISIANA:

I.

Alison Suggs, Sr. is competent adult and resident of the Parish of Livingston, State of Louisiana.

II.

Named as defendants herein are:

(A) Alice F. Estill, a competent adult who resides of the Parish of Livingston, State of Louisiana. At all times relevant herein, said defendant is an attorney licensed to practice law in the State of Louisiana with an office registered with the Louisiana Bar Association at 601 Napoleon St., in Baton Rouge, LA.

(B) Daniel G. Abel, a competent adult and resident of the Parish of Jefferson, State of Louisiana. At all times relevant herein, said defendant is an attorney licensed to practice law in the State of Louisiana with an office registered with the Louisiana Bar Association at 2421 Clearview Parkway, Suite 106, in Metairie, LA.

III.

On or about the 15th day of November 2007, plaintiff was arrested in Lafayette Parish based on a warrant issued by the 22nd Judicial District Court in St. Tammany Parish pursuant to an affidavit and/or request of the St. Tammany Parish Sheriff's

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Office. As a result of the arrest, plaintiff was incarcerated in the Lafayette Parish Jail, after which he was transferred to the St. Tammany Parish Jail where he remained there until he was released on a surety bond.

IV.

Plaintiff was charged with two counts of writing "bad checks" - theft by fraud. The charges were subsequently refused. The criminal violations referenced above were the result of two worthless checks issued by Alison Suggs, Jr. to George W. Stokes. The arrest warrant was negligently issued and secured in the name of Alison Suggs, Sr. Plaintiff did not reside with his son and had little contact with him.

V.

Plaintiff retained Alice F. Estill to investigate and initiate civil litigation against the parties responsible for the negligent issuance of the arrest warrant. At the time he engaged her services with reference to this matter, Ms. Estill was already representing plaintiff in an unrelated civil matter. In fact, she was present when Alison Suggs, Sr. was arrested and she witnessed his arrest.

VI.

Ms. Estill's representation of the plaintiff regarding the civil litigation regarding the aforementioned inappropriate arrest and incarceration commenced within several weeks of the plaintiff's arrest. However, Ms. Estill did not file a damage suit until November 14, 2008, the last day on which to suit could be filed before the accrual of liberative prescription. When she did so, she named the St. Tammany Parish Sheriff as the sole defendant. The law suit bears Civil Proceeding No. 2008-16049 on the docket of the 22nd Judicial District Court for the Parish of St. Tammany.

VII.

The defendant, Daniel G. Abel, represented plaintiff during phases of the criminal law proceeding that was eventually dropped. Plaintiff's recollection is that this defendant took over the handling of the aforementioned civil proceeding in St. Tammany Parish in 2011. Despite assuming responsibility for handling plaintiff's case, the defendant, Daniel G. Abel, never formally enrolled as counsel of record, and Alice F. Estill did not formally withdraw as council of record until on or about March 30, 2012.

VIII.

On the 28th day of March, 2012, the 22nd Judicial District Court for the Parish of St. Tammany dismissed plaintiff's lawsuit in proceeding No. 2008-16049 for non - action of three years pursuant to article 561 of the Louisiana Code of Civil Procedure. This dismissal was obtained by the defendant prior to Alice F. Estill's withdrawal as council of record for plaintiff.

X.

Petitioner did not learn of the aforementioned final dismissal from either one of his attorneys. He obtained this information on his own on April 24, 2012 by telephoning the office of the St. Tammany Parish Clerk of Court. He took this action after the defendant, Daniel Abel, failed to return numerous phone calls. At the time that the plaintiff spoke with a deputy clerk of court in the office of the Clerk of Court, he also was informed that Alice F. Estill had withdrawn as plaintiff's attorney of record by virtue of a Motion to Withdraw as Counsel of Record filed on March 30, 2012. The Order granting her leave to withdraw as counsel of record was signed on April 4, 2012.

XI.

Plaintiff is entitled to damages as are reasonable under the premisses against the defendants, Alice F. Estill and Daniel G. Abel in solido for the negligent investigation of his civil claim, the negligent prosecution of the civil claim, and the negligent failure to take appropriate steps to avoid dismissal based on three years non - action. The damages should be equal to those damages to which he would have been entitled in a civil proceeding against the parties negligently responsible for his arrest.

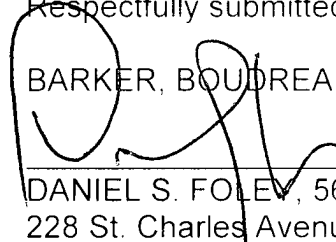
XII.

Plaintiff represents that his damages are less than \$50,000.00, exclusive of interest and costs.

WHEREFORE, Petitioner prays that the Defendants be served with a certified copy of this petition and duly cited to appear and answer same within the delays allowed by law on penalty of default, and after all due delays and legal proceedings are conducted, there be judgment herein in favor of Petitioner and against the Defendants Alice F. Estill and Daniel G. Abel in an amount that is reasonable for the injuries

sustained by Petitioner as damages, together with legal interest from date of judicial demand and for all costs of these proceedings.

Respectfully submitted,



BARKER, BOUDREAUX, LAMY & FOLEY

DANIEL S. FOLEY, 5632
228 St. Charles Avenue, Suite 1110
New Orleans, Louisiana 70130
(504) 586-9395
Attorney for Alison Suggs, Sr.

PLEASE SERVE:
PERSONAL SERVICE ONLY

ALICE F. ESTILL
601 Napoleon St.
Baton Rouge, LA 70802

DANIEL G. ABEL
2421 Clearview Parkway
Legal Department, Suite 106
Metairie, LA 70001

CK#47490
ABR.