

RANDAL WHITE and  
REBECCA T. WHITE

15<sup>th</sup> JUDICIAL DISTRICT COURT

VERSUS

NUMBER:

WAL-MART STORES, INC.

VERMILION PARISH, LOUISIANA

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PETITION FOR DAMAGES

The petition of **RANDAL WHITE and REBECCA T. WHITE**, married persons and are domiciliaries of Vermilion Parish, Louisiana, with respect states that:

1.

Made defendants to this lawsuit are **WAL-MART STORES, INC.**, a foreign corporation licenced to do and doing business in the State of Louisiana; which defendant is truly and justly ended unto petitioners for the full amount of their damages for the following reasons:

2.

On or about October 11, 2008, petitioner, **REBECCA T. WHITE** went to the defendant's store in Abbeville, Louisiana which is in Vermilion Parish, Louisiana to shop.

3.

After about (30) thirty minutes of shopping, with petitioners shopping cart full of items she was going to purchase, suddenly and without warning a large wild nutria came from behind the coke rack and ran straight towards petitioner.

4.

Petitioner fearing for her safety pulled her shopping cart towards her to protect her from the large vicious looking rat and in doing so the cart rolled over her left foot causing her to stumble and causing her to suffer from the injuries complained of herein.

5.

The defendant's employees came running to assist petitioner making light of the incident and telling petitioner that they could see that she had an encounter with "Norman" a name the employees had given to the rat.

6.

The incident was extremely stressful and as petitioner attempted to leave the store, she suffered from an anxiety or panic attack requiring her to be transported by an ambulance to Abbeville General Hospital for treatment.

7.

Upon information and belief, the rat had been running loose in defendant's store for days and other shoppers had encounters with it before petitioner's encounter.

8.

The actions complained of herein were caused solely by the negligence of the defendant and its employees and was not contributed to in any way by any action or inaction of petitioner, which negligence includes:

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- a. Failure to warn petitioner of the existence of the nutria in the store prior to her entering the premises.
- b. Failure to take all appropriate steps to protect petitioner from coming into contact with the nutria.
- c. Failure to warn petitioner prior to her entering the store that she does so at her own risk due to the presence of a wild animal loose in the store.
- d. Failure to advise petitioner prior to her entry into the store that the defendant could not guarantee her safety while shopping due to the existence of a wild animal loose in the store.
- e. Failure to take all necessary steps to capture or kill the nutria prior to petitioner's entry into the store.
- f. Failure to do what it should have done and seen what it should have seen under the circumstances.

9.

As a result of the actions complained of above, petitioner, **REBECCA T. WHITE** suffered the following damages:

- a. Pain, suffering and mental anguish.
- b. Fear of being bitten by a wild animal causing a panic attack.
- c. Painful disabling injuries to her back and foot.
- d. Interference with her daily activities.
- e. Medical expenses past, present and future.

10.

As a result of the actions complained of herein, petitioner **RANDAL WHITE** has suffered damages in the form of a loss of consortium for which he is entitled to be justly compensated.

11.

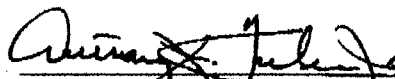
Petitioners request and are entitled to a trial by a jury on all issues involved in this suit.

WHEREFORE, petitioner prays that the defendants be served with a copy of this petition and duly cited to appear and answer same and that after the lapse of legal delays and due proceedings had, there be judgment herein in favor of petitioners, **RANDAL WHITE and REBECCA T. WHITE**, and against the defendant, **WAL-MART STORES, INC.**, for the full amount of their damages, together with legal interest from the date of judicial demand until paid and for all costs of these proceedings.

Petitioners further pray for a trial by jury on all issues involved herein.

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