

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION**

**IN RE:  
LOUISIANA SAFETY ASSOCIATION  
OF TIMBERMEN - SELF INSURED FUND  
DEBTOR**

**CASE NO. 15-81004**

**CHAPTER 7**

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**LOUISIANA SAFETY ASSOCIATION OF  
TIMBERMEN – SELF INSURED FUND**

**ADVERSARY PROCEEDING  
No. \_\_\_\_\_**

**Versus**

**ASCENSION READY MIX, INC.,  
O’NEALGAS, INC.,  
E.A. HINTON WELL SERVICING INC., and  
ALFORD MOTORS, INC.  
(On behalf of themselves  
and others similarly situated)**

**CLASS ACTION COMPLAINT**

COMES NOW LOUISIANA SAFETY ASSOCIATION OF TIMBERMEN – SELF INSURED FUND (“**Debtor**”), through undersigned counsel, and files this Class Action Complaint as follows:

**Jurisdiction and Venue**

1.

The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2).

2.

Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

## Defendant Class

3.

The defendants herein are a class of defendants comprised of all fund members of Debtor who held such fund membership between May 29, 1998 through September 11, 2015, to be represented by ASCENSION READY MIX, INC. (“**Ready Mix**”), O’NEALGAS, INC. (“**Nealgas**”), E.A. HINTON WELL SERVICING INC. (“**Hinton**”), and ALFORD MOTORS, INC. (“**Alford**”), as class representatives.

## Background

4.

The Debtor is a self-insurance fund for workers compensation formed pursuant to La. R.S. 23:1195, *et seq.*

5.

On September 11, 2015, the Debtor commenced this case by filing a voluntary petition for relief (“**Petition**”) under Chapter 7 of the United States Bankruptcy Code.

6.

At the time of the filing, the Debtor had unpaid liabilities for workers compensation benefits in excess of \$40,000,000.

7.

Section 1196(F) of Title 23 of the Louisiana Revised Statutes provides, “A fund member shall be liable in solido for liabilities of the fund incurred by the fund after the inception of the fund year in which the employer becomes a member of the fund.”

## The Class

8.

During all times relevant to this action, the Debtor had over 4,000 members, most of which are domiciled in the State of Louisiana, but all of whom did business and had workers within the State of Louisiana. Clearly, the joinder of all members of the class is impracticable.

9.

There are questions of law and fact common to the class. All members of the class are or were members of the Debtor, and each member of the class has the same basic liability as each other member of the class.

10.

The claims against and any defenses of Ready Mix, Nealgas, Hinton, and Alford, are typical of, if not identical to, the claims and any defenses of the class.

11.

Ready Mix, Nealgas, Hinton, and Alford are substantial parties who, as class representatives, will fairly and adequately protect the interests of the class.

### **Claim Against Class**

12.

As members of the Debtor, each member of the class is liable *in solido* for the liabilities of the Debtor as of the date the Petition was filed.

### **Prayer for Relief**

WHEREFORE, the Debtor prays for relief and judgment as follows:

- A. Determining that this action is a proper class-action;
- B. Certifying the defendant class consisting of all fund members of Debtor who held such fund membership between May 29, 1998 through September 11, 2015, other than those persons or entities with whom the Trustee for the Debtor has already reached settlements
- C. Designating Ready Mix, Nealgas, Hinton, and Alford as class representatives pursuant to Rule 7023 of the United States Bankruptcy Rules and designating class counsel for the class;
- D. For a money judgment against the class and each member of the class in the full amount of all of the liabilities of the Debtor as of the date the Petition was filed;

- E. Including in the judgment against the class and each class member of the reasonable costs and expenses incurred in this action, including any counsel fees and expert witness fees, all at the cost of the class; and
- F. For such other and further relief as the court may deem just and proper.

Respectfully submitted,

BLANCHARD, WALKER, O'QUIN & ROBERTS  
(A Professional Law Corporation)

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