

CITATION

RIECKE DEVELOPMENT &
CONSTRUCTION COMPANY INC., ET AL
(Plaintiff)

NUMBER C614449 SECTION 22
19th JUDICIAL DISTRICT COURT

vs.

PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

NEW YORK LIFE INSURANCE COMPANY
(Defendant)

TO: NEW YORK LIFE INSURANCE COMPANY
THROUGH THEIR AGENT FOR SERVICE OF PROCESS:
SECRETARY OF STATE

SERVED ON
TOM SCHEDLER

AUG 20 2012

SECRETARY OF STATE
COMMERCIAL DIVISION

GREETINGS:

Attached to this citation is a certified copy of the petition*. The petition tells you what you are being sued for.

You must EITHER do what the petition asks OR, within fifteen (15) days after you have received these documents, you must file an answer or other legal pleading in the office of the Clerk of Court at 300 North Boulevard, Baton Rouge, Louisiana.

If you do not do what the petition asks, or if you do not file an answer or legal pleading within fifteen (15) days, a judgment may be rendered against you without further notice.

This citation was issued by the Clerk of Court for East Baton Rouge Parish on 15-AUG-2012.



Berita Gray
Deputy Clerk of Court for
Doug Welborn, Clerk of Court

Requesting Attorney: DAVID MICHAEL VAUGHN

Also attached are the following documents:
PETITION FOR BREACH OF CONTRACT

SERVICE INFORMATION:

Received on the _____ day of _____, 20____ and on the _____ day of _____, 20____, served on the above named party as follows:

SECRETARY OF STATE: By tendering same to the within named, by handing same to _____.

DUE AND DILIGENT: After diligent search and inquiry, was unable to find the within named _____ or his domicile, or anyone legally authorized to represent him.

RETURNED: Parish of East Baton Rouge, this _____ day of _____, 20____.

SERVICE: \$ _____
MILEAGE: \$ _____
TOTAL: \$ _____

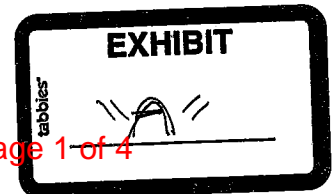
Deputy Sheriff
Parish of East Baton Rouge

CITATION - 2424

RECEIVED
AUG 17 2012
EAST BATON ROUGE



EBR1453319



Page 1 of 3
SEC. 22

RIECKE DEVELOPMENT AND
CONSTRUCTION CO., INC. AND
SECO GROUP, LLC

1014449
SUIT NO.:
495-
4937
2012
MB
DEPUTY CLERK OF COURT

SECTION:
19TH JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

VERSUS

NEW YORK LIFE INSURANCE
COMPANY

PETITION FOR BREACH OF CONTRACT AND DECLARATORY JUDGMENT

NOW COMES RIECKE DEVELOPMENT AND CONSTRUCTION CO., INC., AND
SECO GROUP, LLC (formerly known as SOUTHERN LOUISIANA WATER & SEWERAGE
CO., L.L.C.), which file this Petition, and allege the following:

1.

PLAINTIFFS

Riecke Development and Construction Co., Inc., ("Riecke") is a domestic corporation
with its principal place of business in St. Tammany Parish, Louisiana. SECO Group, LLC
("SECO"), is a domestic limited liability company with its principal place of business in St.
Tammany Parish.

2.

DEFENDANT

Made defendant herein is NEW YORK LIFE INSURANCE COMPANY ("New York
Life" or "Defendant"), a foreign insurance company domiciled in Delaware, who can be served
through its registered agent for service of process, Louisiana Secretary of State.

3.

VENUE

Venue is proper in East Baton Rouge Parish pursuant to La. C.C.P. art. 42(7) which
mandates venue in East Baton Rouge Parish for any foreign insurer.

4.

FACTS

On March 19, 2007, defendant issued four policies of life insurance, insuring the life of
Bruce Cucchiara, totaling \$5,000,000.00. Three of the policies were in the face amount of
\$1,000,000 each. Each of these three policies were owned by Riecke and named Riecke as the
beneficiary, specifically policy numbers 48 727 608, 48 727 568, and 48 727 525.

EBR1431347

Laughn & Associates, LLC
Attorneys at Law
8460 Bluebonnet Blvd.
Suite B
Baton Rouge, LA 70810



Certified True and
Correct Copy
eCertID: 000044447

Deita Gray
East Baton Rouge Parish
Deputy Clerk of Court

REC'D C.P.

AUG 08 2012

Generated Date:
8/14/2012 2:58 PM

Alteration and subsequent re-filing of this certified copy may violate La. R.S. 14:132, 133, and/or RPC Rule 3.3(a)(3).

5.

The fourth policy, number 48 727 348, was issued on March 19, 2007, in the face amount of \$2,000,000.00, insuring the life of Bruce Cucchiara, owned by and designating the beneficiary as Southern Louisiana Water & Sewerage Co., LLC, now known as SECO.

6.

On April 24, 2012, Bruce Cucchiara died.

7.

On May 22, 2012, the New York Life insurance agent which placed the above described insurance policies, Philbert "PJ" Demarie, III, forwarded to New York Life the appropriate claim forms on behalf of Riecke and SECO, including proper proofs of loss and the death certificate of Bruce Cucchiara, all of which New York Life has admitted receiving on May 24, 2012.

8.

Pursuant to La. R.S. 22:1811, all death claims "shall be settled by the insurer within 60 days after the date of receipt of due proof of death . . ." New York Life has failed to pay any policy benefits to Riecke or SECO as required by contract and by law, and thus is in breach of contract.

9.

Defendant is justly and truly indebted to Riecke in the amount of THREE MILLION AND 00/100 (\$3,000,000.00) DOLLARS, and Defendant is justly and truly indebted to SECO in the amount of TWO MILLION AND 00/100 (\$2,000,000.00) DOLLARS together with legal interest from judicial demand until paid, penalty interest provided by law and by contract, and for reasonable attorney's fees and all costs of these proceedings.

10.

New York Life has indicated that it is waiting for the police investigation of Bruce Cucchiara to be concluded by the New Orleans Police Department, but there are no facts supporting any reasonable conclusion that Riecke or SECO or any of their authorized agents or employees were involved in the death of Cucchiara. As such, New York Life has no reasonable basis to delay payment to Plaintiffs under its life insurance contracts.

11.

Plaintiffs request a trial by jury.

Vaughn & Associates, LLC
Attorneys at Law
8460 Bluebonnet Blvd.
Suite B
Baton Rouge, LA 70810



Certified True and
Correct Copy
eCertID: 000044447

Debra Gray
East Baton Rouge Parish
Deputy Clerk of Court

Generated Date:
8/14/2012 2:58 PM

Alteration and subsequent re-filing of this certified copy may violate La. R.S. 14:132, 133, and/or RPC Rule 3.3(a)(3).

WHEREFORE, Plaintiffs pray that Defendant be cited to appear and answer this demand and after due proceedings had, that Riecke Development and Construction Co., Inc., have judgment against Defendant in the amount of \$3,000,000.00, that SECO Group, LLC, have judgment against Defendant in the amount of \$2,000,000.00, and that both Plaintiffs have judgment against Defendant for contractual and legal penalty interest, together with reasonable attorney's fees, legal interest from the date of judicial demand, and all costs of court; and further, Plaintiffs pray that the Court declare that there is evidence proven by a preponderance of evidence that Riecke Development and Construction Co., Inc., or SECO Group, LLC, or their agents or employees were involved in the death of Bruce Cucchiara which would allow New York Life to escape payment of the face value of the policies at issue.

By Attorneys:

David M. Vaughn

David M. Vaughn, Bar No. 08807
VAUGHN & ASSOCIATES, LLC
8480 Bluebonnet Blvd., Suite B
Baton Rouge, LA 70810
225.769.1320
Facsimile: 225.769-1115
Email: david@lalawfirm.net

AND

Michael S. Walsh

Michael S. Walsh, Bar No. 8500
LEE AND WALSH
257 Maxmilian Street
Baton Rouge, LA 70802
(225) 344-0474
Michael@leeandwalsh.com

Attorneys for Riecke Development and Construction Co., Inc., and SECO Group, LLC

FILED
EAST BATON ROUGE PARISH, LA

2012 AUG -7 PM 1:42

Julia Gray
DEPUTY CLERK OF COURT

Please serve:

New York Life Insurance Company
Through its registered agent
Louisiana Secretary of State
8585 Archives Avenue
Baton Rouge, Louisiana 70809

Vaughn & Associates, LLC
Attorneys at Law
8480 Bluebonnet Blvd.
Suite B
Baton Rouge, LA 70810



Certified True and
Correct Copy
eCertID: 000044447

Beita Gray
East Baton Rouge Parish
Deputy Clerk of Court

Generated Date:
8/14/2012 2:58 PM

Alteration and subsequent re-filing of this certified copy may violate La. R.S. 14:132, 133, and/or RPC Rule 3.3(a)(3).