

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NUMBER: 2019-11090

DIVISION: CIVIL

SCOTT DONALDSON husband of/and AMY DONALDSON
individually and o/b/o their late son SETH DONALDSON

VERSUS

SONESTA NOLA CORPORATION, AIRBNB PAYMENTS, INC.
d/b/a "AIRBNB," JESSIE MUSE, THE MUSE COMPANY, LLC,
CERTAIN UNDERWRITERS AT LLOYD'S, LONDON
AND ZURICH AMERICAN INSURANCE COMPANY

FILED
2019 OCT 22 AM 11:58
DISTRICT COURT

SECTION 12

FILED: _____

CHELSEY RICHARD NAPOLEON
CLERK, DEPUTY CLERK
402 CIVIL COURTS BUILDING

PETITION FOR DAMAGES
509 P.007-0000
NEW ORLEANS, LA 70112

The Petition of Scott Donaldson husband of/and Amy Donaldson, individually and
on behalf of their late son, Seth Donaldson, respectfully represents:

Receipt Date 10/22/2019 12:19:00 PM
Receipt # 198295
Cashier dolaccio
1. Register CDC Cash Register 1

Case Number 2019-11090

Your Petitioners to this cause of action are Scott Donaldson husband of/and Amy
Donaldson, both of whom are persons of the full age of majority, and residents and
domiciliaries of Henderson County, North Carolina.

Amount Received \$ 658.50
Over Payment \$ 0.00

Payment/Transaction List
Check # 3404 \$658.50

2.

Seth Donaldson, whose death forms the basis of this lawsuit, was at all times relevant
hereto, a resident and domiciliary of Orleans Parish, State of Louisiana.

Item	Charged	Paid	Bal
Petition for Damages	\$444.50	\$444.50	\$0.00
Building Fund Fee	\$0.50	\$0.50	\$0.00
3. Indigent Legal Fee	\$25.00	\$25.00	\$0.00
JSC	\$10.00	\$10.00	\$0.00
Supreme Court Proc essing Fee	\$25.50	\$25.50	\$0.00
Additional Defendant	\$10.00	\$10.00	\$0.00

That the Defendants to this cause of action are as follows:

- A. SONESTA NOLA CORPORATION, a business entity domiciled in Baltimore, Maryland, who was authorized to do and was doing business in Orleans Parish, State of Louisiana on, or about, prior to and since October 28, 2018;
- B. AIRBNB PAYMENTS, INC. d/b/a "AIRBNB," a foreign corporation domiciled in the State of Delaware who was authorized to and was doing business in Orleans Parish, State of Louisiana on or about, prior to and since October 28, 2018.
- C. JESSIE MUSE, a person of the full age of majority who, upon information and belief, is a resident and domiciliary of the City of New Orleans, State of Louisiana, on, or about, prior to and since October 28, 2018;

VERIFIED
10/23/19

- D. **THE MUSE COMPANY, LLC**, a domestic business entity who, upon information and belief, is a resident and domiciliary of the City of New Orleans, State of Louisiana, on, or about, prior to and since October 28, 2018;
- E. **CERTAIN UNDERWRITERS AT LLOYD’S, LONDON**, a foreign Insurance Corporation authorized to do and doing business in Orleans Parish, State of Louisiana on, or about, prior to and since October 28, 2018; and
- F. **ZURICH AMERICAN INSURANCE COMPANY**, a foreign Insurance Corporation authorized to do and doing business in Orleans Parish, State of Louisiana on, or about, prior to and since October 28, 2018.

2.

All of the aforementioned Defendants are bound jointly, severally and in solido unto your Petitioners, Scott Donaldson husband of/and Amy Donaldson, individually and on behalf of their late son, Seth Donaldson, in an amount fair and reasonable under the premises, together with legal interest thereon from date of judicial demand until paid, and for all costs of these proceedings, including attorney’s fees for the following reasons, to-wit:

3.

At all times pertinent hereto, Defendants, Certain Underwriters at Lloyd’s, London and Zurich American Insurance Company, had in full force and effect a policy of liability insurance which provided insurance coverage to Defendants, AirBnB Payments, Inc. d/b/a “Airbnb,” and Jessie Muse, for the acts and omissions made the basis of this lawsuit. The precise terms and numbers embodied in said policy or policies of insurance are incorporated herein by reference and are specifically pled as if set forth *in extenso*;

4.

That Certain Underwriters at Lloyd’s, London and Zurich American Insurance Company are made Defendants herein directly pursuant to the provisions of LSA-R.S. 22:1269, *et seq.*

5.

At all times relevant hereto, Petitioners, Scott Donaldson and Amy Donaldson, were, and currently are, lawfully married.

6.

Petitioners, Scott Donaldson and Amy Donaldson, are the biological parents of their late son Seth Donaldson. Scott Donaldson and Amy Donaldson did not ever abandon Seth Donaldson.

7.

Seth Donaldson was never married, nor did he have any children. Seth Donaldson did not adopt anyone, nor was he ever adopted.

8.

At all times relevant hereto, Defendant, Sonesta Nola Corporation (periodically hereinafter "Sonesta") is the owner and operator of the Saratoga Building, an apartment building located at the municipal address 212 Loyola Avenue, New Orleans, Louisiana 70112.

9.

Upon information and belief, at all times relevant hereto, Defendants, Jessie Muse and/or The Muse Company, LLC, was a lessee of Unit No. 1201 located inside the Saratoga Building. Defendant, Sonesta, was the lessor of said Unit 1201.

10.

Upon information and belief, at all times relevant hereto, the lease between Defendants, Sonesta and Jesse Muse and/or the Muse Company, LLC, granted Jessie Muse and/or the Muse Company, LLC, the authority collect monies from third party individuals who desired to rent, or purchase the right to use and/or spend the night inside, Unit No. 1201 of the Saratoga Building.

11.

Defendant, Airbnb, is an online broker that profits from advertising, arranging, or offering lodging, to members of the general public. The properties offered to the general public by Airbnb are privately owned, or leased, by private individuals or entities.

12.

Upon information and belief, at all times relevant hereto, Defendants, Jesse Muse and/or The Muse Company, LLC, used Airbnb to advertise, sell, rent, or otherwise broker the use of Unit No. 1201 of the Saratoga Building.

13.

Upon information and belief, at all times relevant hereto, Defendant, Sonesta, had actual and/or constructive knowledge of Defendant, Jesse Muse and/or The Muse Company, LLC, using the services of Defendant, Airbnb, to advertise, sell, rent, or otherwise profit from the use of Unit No. 1201 of the Saratoga Building.

14.

Alternatively, at all times relevant hereto, Defendant, Sonesta, individually, or through one of its agents and/or employees, used the services of Defendant, Airbnb, to rent or otherwise profit from the use of Unit No. 1201 of the Saratoga Building.

15.

At all times relevant hereto, Defendants, Sonesta and/or Jesse Muse and/or The Muse Company, LLC, used the services of Defendant, Airbnb, to rent and/or sell overnight stays or other lodging inside the Saratoga Building to members of the general public.

16.

At all times relevant hereto, Defendant, Sonesta, had actual and/or constructive knowledge that multiple units inside the Saratoga Building were being advertised and made available to the general public for overnight stays, or extended lodging, via the Airbnb online platform.

17.

At all times relevant hereto, Defendant, Sonesta, had actual and/or constructive knowledge that Defendant, Jesse Muse and/or The Muse Company, LLC, used Airbnb to advertise, rent and/or sell overnight stays, or extended lodging, inside Unit No. 1201 of the Saratoga Building to members of the general public.

18.

At all times relevant hereto, Defendant, Sonesta, was operating the Saratoga Building in virtually the same manner as a hotel.

19.

Unit 1201 is located on the twelfth (12th) floor of the Saratoga Building.

20.

On October 28, 2018, Seth Donaldson fell to his death after going through an inoperable (not able to be opened and closed) exterior window of Unit No. 1201 of the Saratoga Building (periodically hereinafter referred to as “the window at issue.”)

21.

Upon information and belief, at all times relevant hereto, the non-operable window at issue herein was a single pane of annealed, sheet, or plate glass.

22.

The glass installed in the window through which Seth Donaldson fell to his death was not suitable for its intended use.

23.

A window suitable for use in a commercial high-rise apartment building that makes rooms available for rent to members of the general public and/or a high-rise building that is being used and/or operated as a hotel, such as the Saratoga Building, should be capable of withstanding an impact from the body of a one hundred and forty-four pound (144 lb.) individual, such as Seth Donaldson.

24.

The window at issue was not subjected to multiple or repeated impacts by Seth Donaldson before the window failed.

25.

Upon information and belief, at all times relevant hereto, the window at issue herein did not meet the applicable building and safety codes, and/or industry codes and/or industry standards that were in effect and which were applicable to the Saratoga Building.

26.

At all times relevant hereto, Defendants, Sonesta and/or Jessie Muse and/or The Muse Company, LLC, were responsible for the maintenance, upkeep and furnishing of Unit 1201 of the Saratoga Building, including keeping the exterior window in place and in tact.

27.

Upon information and belief, prior to the incident forming the basis of this litigation, Defendants, Sonesta and/or Jessie Muse and/or The Muse Company, LLC, performed maintenance to, or inside, Unit 1201 of the Saratoga Building, including the window at issue herein.

28.

The glass installed in the window of Unit 1201 of the Saratoga Building through which Seth Donaldson fell to his death presented an unreasonable risk of harm.

29.

Defendant, Sonesta, and/or its parent company or affiliates, own and/or operate multiple hotel facilities in the City of New Orleans, as well as other cities in the United States of America.

30.

As the owner/operator of multiple hotel facilities, Defendant, Sonesta, has superior and/or sophisticated and/or advanced knowledge of the hazards posed by the installation and use of single pane annealed glass in exterior windows in high-rise buildings that are intended for rent to members of the general public.

31.

At all times relevant hereto, Defendants, Sonesta and Jessie Muse and/or The Muse Company, LLC, had actual and/or constructive knowledge that the glass installed in the window at issue presented an unreasonable risk of harm, which harm was reasonably foreseeable to Defendants, Sonesta and/or Jessie Muse and/or The Muse Company, LLC, prior to the incident which forms the basis of this litigation.

32.

At all times relevant hereto, the bottom of the window at issue herein was located approximately three-feet, three-inches, (3' 3") from the floor of Unit 1201 of the Saratoga Building.

33.

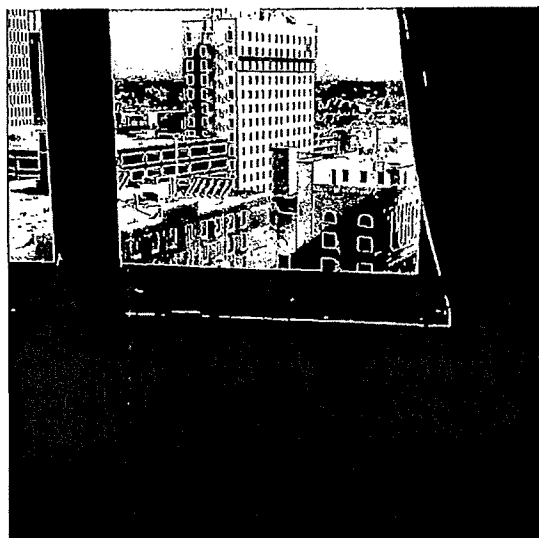
As the owner/operator of multiple hotel facilities, Defendant, Sonesta, has superior and/or sophisticated and/or advanced knowledge of the hazards posed by situating furniture, such as a couch, directly below and in front of exterior windows in high-rise buildings that are intended for rent to members of the general public.

34.

At the time of the incident complained of herein, a couch was situated directly below and in front of the exterior window of Unit 1201 of the Saratoga Building through which Seth Donaldson fell to his death.

35.

The image below was captured within hours of the incident which forms the basis of this litigation and depicts the couch located directly in front of and below the window of Unit 1201 of the Saratoga Building through which Seth Donaldson fell to his death:



36.

The couch situated directly in front of and below the window at issue herein, as is depicted in the photograph above, served as a “step” or “platform” that made the incident which forms the basis of this suit more likely to occur, as it caused an individual, such as Seth Donaldson, to be in a physical position that made falling through the window more likely to occur than if the couch were not situated directly in front of and below the window.

37.

At all times relevant hereto, Defendants, Sonesta and/or Jessie Muse and/or The Muse Company, LLC, knew or should have known that a couch was situated directly below and in front of the window at issue.

38.

The location of the couch in relation to the window at issue herein posed an unreasonable risk of harm, as it was reasonably foreseeable that individuals inside Unit 1201 of the Saratoga Building were more likely to fall through the window with the couch located directly below and in front of the window at issue.

39.

At all times relevant hereto, Defendants, Sonesta and/or Jessie Muse and/or The Muse Company, LLC, had actual and/or constructive knowledge that the location of the couch in relation to the window at issue herein posed an unreasonable risk of harm.

40.

At the time of the incident forming the basis of this suit, no warnings were posted that would alert individuals, such as Seth Donaldson, of the dangerous condition presented by the window at issue.

41.

The conditions described hereinabove presented an unreasonable risk of harm to persons inside Unit 1201 of the Saratoga Building including Petitioners’ son, Seth Donaldson.

42.

At all times relevant hereto, Defendant, Airbnb, warranted that the properties which it advertised for rent to members of the general public, including Unit 1201 of the Saratoga Building, were free from defects and/or unreasonably dangerous conditions.

43.

At all times relevant hereto, Defendant, Airbnb, knew, or should have known, that defects and/or unreasonably dangerous conditions existed in Unit 1201 of the Saratoga Building.

44.

In spite of its actual and/or constructive knowledge of the unreasonably dangerous condition posed by the window at issue, Defendant, Airbnb, advertised, booked, and rented Unit 1201 of the Saratoga Building to the general public.

45.

Seth Donaldson would not have been inside Unit 1201 of the Saratoga Building at the time of the incident complained of herein but for the fact that the Airbnb online platform was used to advertise, book, and rent Unit 1201 of the Saratoga Building.

46.

The acts and/or omissions of Defendants, Sonesta, Airbnb and/or Jessie Muse and/or The Muse Company, LLC, are the sole and proximate cause of the injuries and damages complained of herein.

47.

Defendants, Sonesta, Airbnb and/or Jessie Muse and/or The Muse Company, LLC, failed to properly inspect and/or maintain the window at issue, as the use of single pane annealed glass in an exterior window in a high rise building, with a couch situated directly below and in front of said window is an unreasonably dangerous condition that, through the exercise of reasonable care and diligence, could and should have discovered and corrected, thereby preventing the damages complained of herein.

48.

Petitioners, Scott Donaldson husband of/and Amy Donaldson, specifically plead that the incident and resulting injuries made the basis of this suit were caused by the negligence, carelessness and the strict liability of Defendants, Sonesta and/or Jessie Muse and/or The Muse Company, LLC, and Louisiana Civil Code Articles 2315, 2316, 2317, 2317.1 and 2320 are specifically pled herein as if set out *in extenso*.

49.

The sole and proximate cause of the incident complained of herein and the wrongful death of Seth Donaldson, as a result thereof, was the gross and wanton negligence, carelessness and recklessness of Defendants, Sonesta and/or Airbnb and/or Jessie Muse and/or The Muse Company, LLC, in the following non-exclusive particulars, to-wit:

- a) Situating a couch directly below and in front of an exterior window of a high rise building that is constructed with a single annealed glass window pane;
- b) Failing to adequately maintain the window at issue;
- c) Advertising, or otherwise warranting that Unit 1201 of the Saratoga Building was safe, when, in fact, the window at issue presented an unreasonable risk of harm to individuals inside Unit 1201 of the Saratoga Building;
- d) Creating and/or having actual and/or constructive knowledge of a condition which presented an unreasonable risk of harm, which was reasonably foreseeable prior to the wrongful death of Seth Donaldson;
- e) Failing to exercise due care;
- f) Negligently allowing an unreasonably dangerous condition to exist; and
- g) Any and all other acts of negligence which shall be proven at the trial of this cause, all of which are in violation and contravention of the exercise of due care and prudence and the laws of the State of Louisiana and Orleans Parish, which are specifically incorporated herein as though set forth herein *in extenso*.

50.

The acts and omissions of Defendants, Sonesta, Airbnb and/or Jessie Muse and/or The Muse Company, LLC, complained of herein caused the wrongful death of Petitioners' son, Seth Donaldson.

51.

After exiting the window at issue, but prior to the moment of his death, Seth Donaldson experienced physical pain and suffering and an extreme, virtually unimaginable, amount of fear, and mental anguish.

52.

Petitioners, Scott Donaldson husband of/and Amy Donaldson, expressly plead their right to, and herein do, plead the Survival action articulated by Louisiana Civil Code article 2315.1, as Petitioners' son, Seth Donaldson, was injured and subsequently died as a direct result of the acts and omissions of the named Defendants.

53.

Petitioners, Scott Donaldson husband of/and Amy Donaldson, expressly plead their right to recover damages from the named Defendants for the wrongful death of their son, Seth Donaldson, in accordance with Louisiana Civil Code article 2315.2.

54.

Petitioners, Scott Donaldson and Amy Donaldson, have experienced extreme mental and emotional distress as a direct result of the death of their son, Seth Donaldson.

55.

Petitioners, Scott Donaldson and Amy Donaldson, itemize their damages as follows:

- a.) Loss of the love, affection and companionship of their son, Seth Donaldson;
- b.) Past, present and future mental anguish;
- d.) Funeral expenses;
- e.) All damages for the injuries sustained by their son, Seth Donaldson, prior to his death pursuant to La. C.C. art. 2315.1;
- f.) The wrongful death of their son, Seth Donaldson, pursuant to La. C.C. art. 2315.2; and
- g.) Any and all other damages which shall be proven at the trial on the merits.

56.

The total damages sought by Petitioners, Scott Donaldson and Amy Donaldson, exceed the amount required for a trial by jury.

57.

Upon information and belief, Defendant, Jesse Muse, is not a member of the United States Military or any of its allies.

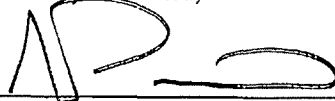
58.

Inasmuch as the allegations contained in the foregoing paragraphs are inconsistent they are deemed to have been plead in the alternative.

WHEREFORE, Petitioners, Scott Donaldson husband of/and Amy Donaldson, individually and on behalf of their late son, Seth Donaldson, pray:

- A.) That Defendants, Sonesta Nola Corporation, Airbnb Payments, Inc. d/b/a "Airbnb," Jessie Muse, The Muse Company, LLC, Certain Underwriters at Lloyd's, London and Zurich American Insurance Company, be served with a copy of this Petition for Damages and be duly cited to appear and answer same;
- B.) That after all due proceedings are had, there be Judgment entered herein in favor of Petitioners, Scott Donaldson husband of/and Amy Donaldson, individually and on behalf of their late son, Seth Donaldson, and against Defendants, Sonesta Nola Corporation, Airbnb Payments, Inc. d/b/a "Airbnb," Jessie Muse, The Muse Company, LLC, Certain Underwriters at Lloyd's, London and Zurich American Insurance Company, jointly severally and in solido in an amount fair and reasonable under the premises of this matter, plus legal interest thereon from the date of judicial demand until paid, plus all costs of these proceedings and attorneys fees; and
- C.) For all general and equitable relief amenable under the circumstances.

Respectfully submitted,



JONATHAN C. PEDERSEN (La. Bar. No. 32290)
D. DOUGLAS HOWARD, JR. (La. Bar No. 7021)
839 St. Charles Avenue, Suite 306
New Orleans, Louisiana 70433
Telephone: (504) 581-3610
Facsimile: (504) 581-7509

AND

SHAWN C. REED (La. Bar No. 14304)
516 N. Columbia Street
Covington, Louisiana 70433
Telephone: (985) 893-3607
Facsimile: (985) 893-3478

ATTORNEYS FOR PETITIONERS,
SCOTT DONALDSON husband
of/and **AMY DONALDSON,**
individually and o/b/o **SETH DONALDSON**

PLEASE SERVE:

SONESTA NOLA CORPORATION

Through its Agent for Service of Process,
Corporation Service Company
501 Louisiana Avenue
Baton Rouge, Louisiana 70802

AIRBNB PAYMENTS, INC. d/b/a "AIRBNB"

Through its Agent for Service of Process,
Corporation Service Company
501 Louisiana Avenue
Baton Rouge, Louisiana 70802

CERTAIN UNDERWRITERS AT LLOYD'S, LONDON

Through its Agent for Service of Process,
Louisiana Secretary of State
8585 Archives Ave.
Baton Rouge, LA 70809

ZURICH AMERICAN INSURANCE COMPANY

Through its Agent for Service of Process,
Louisiana Secretary of State
8585 Archives Ave.
Baton Rouge, LA 70809

**JESSIE MUSE, individually and
THE MUSE COMPANY, LLC**

Through its registered agent,
Jessie Muse
216 Baronne Street
New Orleans, Louisiana 70112

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NUMBER: 2019-11090

DIVISION: D-12

SCOTT DONALDSON husband of/and AMY DONALDSON
individually and o/b/o their late son SETH DONALDSON

VERSUS

SONESTA NOLA CORPORATION, AIRBNB PAYMENTS, INC. d/b/a
"AIRBNB," JESSIE MUSE, CERTAIN UNDERWRITERS AT LLOYD'S,
LONDON AND ZURICH AMERICAN INSURANCE COMPANY

CIVIL DISTRICT COURT

2019 OCT 22 AM 11:58

FILED

FILED: _____

DEPUTY CLERK

VERIFICATION

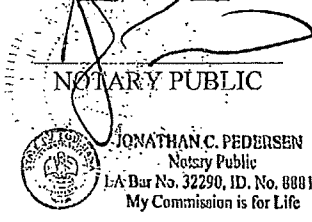
BEFORE ME, the undersigned Notary Public, personally came and appeared:

SCOTT DONALDSON

who after being duly sworn did depose and state that he is a Petitioner in the above and foregoing Petition for Damages, that he has read the same and that all of the allegations contained therein are true and correct to the best of his knowledge, information and belief.


SCOTT DONALDSON

Sworn to and subscribed
before me, Notary Public,
this 6th day of Oct. 2019.


NOTARY PUBLIC
JONATHAN C. PEDERSEN
Notary Public
LA Bar No. 32290, ID. No. 88818
My Commission is for Life

VERIFIED

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NUMBER: 2019-11090

DIVISION: D-12

SCOTT DONALDSON husband of/and AMY DONALDSON
individually and o/b/o their late son SETH DONALDSON

VERSUS

SONESTA NOLA CORPORATION, AIRBNB PAYMENTS, INC. d/b/a
"AIRBNB," JESSIE MUSE, CERTAIN UNDERWRITERS AT FLOYDS,
LONDON AND ZURICH AMERICAN INSURANCE COMPANY

FILED
2019 OCT 22 AM 8:26
CIVIL
DISTRICT COURT

FILED: _____

DEPUTY CLERK

VERIFICATION

BEFORE ME, the undersigned Notary Public, personally came and appeared:

AMY DONALDSON

who after being duly sworn did depose and state that she is a Petitioner in the above and foregoing Petition for Damages, that she has read the same and that all of the allegations contained therein are true and correct to the best of her knowledge, information and belief.

Amy Donaldson
AMY DONALDSON

Sworn to and subscribed
before me, Notary Public,
this 18th day of Oct., 2019.

[Signature]
NOTARY PUBLIC



JONATHAN C. PEDERSEN
Notary Public
LA Bar No. 32290, ID. No. 83318
My Commission is for Life

VERIFIED

ATTORNEY'S NAME: Pedersen, Jonathan C 32290
AND ADDRESS: 839 St. Charles Avenue, Suite 306 , New Orleans, LA 70130

**CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS
STATE OF LOUISIANA**

NO: 2019-11090

DIVISION: D

SECTION: 12

DONALDSON, SCOTT ETAL ET AL

Versus

SONEST NOLA CORPORATION ETAL ET AL

CITATION

TO: ZURICH AMERICAN INSURANCE COMPANY
THROUGH: ITS AGENT FOR SERVICE OF PROCESS, LOUISIANA SECRETARY OF STATE
8585 ARCHIVES AVE., BATON ROUGE, LA 70809

YOU HAVE BEEN SUED:

You must either comply with the demand contained in the

Petition for Damages

a certified copy of which accompanies this citation, or file an answer or other legal pleading in the office of the Clerk of this Court, Room 402, Civil Courts Building, 421 Loyola Avenue, New Orleans, LA, within fifteen (15) days after the service hereof under penalty of default.

ADDITIONAL INFORMATION

Legal assistance is advisable. If you want a lawyer and can't find one, you may call the New Orleans Lawyer Referral Service at 504-561-8828. This Referral Service operates in conjunction with the New Orleans Bar Association. If you qualify, you may be entitled to free legal assistance through Southeast Louisiana Legal Services (SLLS) at 877-521-6242 or 504-529-1000.

*****COURT PERSONNEL ARE NOT PERMITTED TO GIVE LEGAL ADVICE*****

IN WITNESS HEREOF, I have hereunto set my hand and affix the seal of the Civil District Court for the Parish of Orleans, State of LA October 23, 2019

Clerk's Office, Room 402, Civil Courts
421 Loyola Avenue
New Orleans, LA

CHELSEY RICHARD NAPOLEON, Clerk of
The Civil District Court
for the Parish of Orleans
State of LA
by _____
Ashley Turner, Deputy Clerk

SHERIFF'S RETURN
(for use of process servers only)

PERSONAL SERVICE

On this _____ day of _____ served a copy of
the within _____
Petition for Damages
ON ZURICH AMERICAN INSURANCE COMPANY
THROUGH: ITS AGENT FOR SERVICE OF PROCESS, LOUISIANA
SECRETARY OF STATE

Returned the same day
_____ No. _____
Deputy Sheriff of _____
Mileage: \$ _____
_____/ ENTERED /_____
PAPER RETURN

SERIAL NO. DEPUTY PARISH

DOMICILIARY SERVICE

On this _____ day of _____ served a copy of
the within _____
Petition for Damages
ON ZURICH AMERICAN INSURANCE COMPANY
THROUGH: ITS AGENT FOR SERVICE OF PROCESS, LOUISIANA
SECRETARY OF STATE

by leaving same at the dwelling house, or usual place of abode, in the hands of
_____ a person of suitable age and
discretion residing therein as a member of the domiciliary establishment, whose
name and other facts connected with this service I learned by interrogating
HIM/HER the said ZURICH AMERICAN INSURANCE COMPANY being
absent from the domicile at time of said service.

Returned the same day
_____ No. _____
Deputy Sheriff of _____

ATTORNEY'S NAME: Pedersen, Jonathan C 32290
 AND ADDRESS: 839 St. Charles Avenue, Suite 306 , New Orleans, LA 70130

**CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS
 STATE OF LOUISIANA**

**NO: 2019-11090 DIVISION: D SECTION: 12
 DONALDSON, SCOTT ETAL ET AL**

Versus

SONEST NOLA CORPORATION ETAL ET AL

CITATION

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 THROUGH: ITS AGENT FOR SERVICE OF PROCESS, LOUISIANA SECRETARY OF STATE
 8585 ARCHIVES AVE., BATON ROUGE, LA 70809

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*****COURT PERSONNEL ARE NOT PERMITTED TO GIVE LEGAL ADVICE*****

IN WITNESS WHEREOF, I have hereunto set my hand and affix the seal of the Civil District Court for the Parish of Orleans, State of LA October 23, 2019

Clerk's Office, Room 402, Civil Courts
 421 Loyola Avenue
 New Orleans, LA

**CHELSEY RICHARD NAPOLEON, Clerk of
 The Civil District Court
 for the Parish of Orleans
 State of LA**
 by 
Ashley Turner, Deputy Clerk

**SHERIFF'S RETURN
 (for use of process servers only)**

PERSONAL SERVICE	DOMICILIARY SERVICE
On this _____ day of _____ served a copy of the within	On this _____ day of _____ served a copy of the within
Petition for Damages	Petition for Damages
ON ZURICH AMERICAN INSURANCE COMPANY	ON ZURICH AMERICAN INSURANCE COMPANY
THROUGH: ITS AGENT FOR SERVICE OF PROCESS, LOUISIANA SECRETARY OF STATE	THROUGH: ITS AGENT FOR SERVICE OF PROCESS, LOUISIANA SECRETARY OF STATE
Returned the same day	by leaving same at the dwelling house, or usual place of abode, in the hands of _____ a person of suitable age and discretion residing therein as a member of the domiciliary establishment, whose name and other facts connected with this service I learned by interrogating HIM/HER the said ZURICH AMERICAN INSURANCE COMPANY being absent from the domicile at time of said service.
_____ No. _____	Returned the same day
Deputy Sheriff of _____	_____ No. _____
Mileage: \$ _____	Deputy Sheriff of _____
_____ / ENTERED / _____	
PAPER RETURN	
SERIAL NO. DEPUTY PARISH	

ATTORNEY'S NAME: Pedersen, Jonathan C 32290
AND ADDRESS: 839 St. Charles Avenue, Suite 306, New Orleans, LA 70130

**CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS
STATE OF LOUISIANA**

NO: 2019-11090

DIVISION: D

SECTION: 12

DONALDSON, SCOTT ETAL ET AL

Versus

SONEST NOLA CORPORATION ETAL ET AL

CITATION

TO: CERTAIN UNDERWRITERS AT LLOYD'S, LONDON
THROUGH: ITS AGENT FOR SERVICE OF PROCESS, LOUISIANA SECRETARY OF STATE
8585 ARCHIVES AVE., BATON ROUGE, LA 70809

YOU HAVE BEEN SUED:

You must either comply with the demand contained in the

Petition for Damages

a certified copy of which accompanies this citation, or file an answer or other legal pleading in the office of the Clerk of this Court, Room 402, Civil Courts Building, 421 Loyola Avenue, New Orleans, LA, within fifteen (15) days after the service hereof under penalty of default.

ADDITIONAL INFORMATION

Legal assistance is advisable. If you want a lawyer and can't find one, you may call the New Orleans Lawyer Referral Service at 504-561-8828. This Referral Service operates in conjunction with the New Orleans Bar Association. If you qualify, you may be entitled to free legal assistance through Southeast Louisiana Legal Services (SLLS) at 877-521-6242 or 504-529-1000.

*****COURT PERSONNEL ARE NOT PERMITTED TO GIVE LEGAL ADVICE*****

IN WITNESS HEREOF, I have hereunto set my hand and affix the seal of the Civil District Court for the Parish of Orleans, State of LA October 23, 2019

Clerk's Office, Room 402, Civil Courts
421 Loyola Avenue
New Orleans, LA

CHELSEY RICHARD NAPOLEON, Clerk of
The Civil District Court
for the Parish of Orleans
State of LA
by _____
Ashley Turner, Deputy Clerk

SHERIFF'S RETURN
(for use of process servers only)

PERSONAL SERVICE
On this _____ day of _____ served a copy of
the within
Petition for Damages
ON CERTAIN UNDERWRITERS AT LLOYD'S, LONDON
THROUGH: ITS AGENT FOR SERVICE OF PROCESS, LOUISIANA
SECRETARY OF STATE
Returned the same day
No. _____
Deputy Sheriff of _____
Mileage: \$ _____
/ ENTERED /
PAPER RETURN
SERIAL NO. DEPUTY PARISH

DOMICILIARY SERVICE
On this _____ day of _____ served a copy of
the within
Petition for Damages
ON CERTAIN UNDERWRITERS AT LLOYD'S, LONDON
THROUGH: ITS AGENT FOR SERVICE OF PROCESS, LOUISIANA
SECRETARY OF STATE
by leaving same at the dwelling house, or usual place of abode, in the hands of
_____ a person of suitable age and
discretion residing therein as a member of the domiciliary establishment, whose
name and other facts connected with this service I learned by interrogating
HUMBER the said CERTAIN UNDERWRITERS AT LLOYD'S, LONDON
being absent from the domicile at time of said service.
Returned the same day
No. _____
Deputy Sheriff of _____

ATTORNEY'S NAME: Pedersen, Jonathan C 32290
AND ADDRESS: 839 St. Charles Avenue, Suite 306 , New Orleans, LA 70130

**CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS
STATE OF LOUISIANA**

NO: 2019-11090 DIVISION: D SECTION: 12

DONALDSON, SCOTT ETAL ET AL

Versus

SONEST NOLA CORPORATION ETAL ET AL

CITATION

TO: CERTAIN UNDERWRITERS AT LLOYD'S, LONDON
THROUGH: ITS AGENT FOR SERVICE OF PROCESS, LOUISIANA SECRETARY OF STATE
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Clerk's Office, Room 402, Civil Courts
421 Loyola Avenue
New Orleans, LA

**CHELSEY RICHARD NAPOLEON, Clerk of
The Civil District Court
for the Parish of Orleans
State of LA**
by *Ashley Turner*
Ashley Turner, Deputy Clerk

**SHERIFF'S RETURN
(for use of process servers only)**

PERSONAL SERVICE
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ON CERTAIN UNDERWRITERS AT LLOYD'S, LONDON
THROUGH: ITS AGENT FOR SERVICE OF PROCESS, LOUISIANA
SECRETARY OF STATE
Returned the same day
No. _____
Deputy Sheriff of _____
Mileage: \$ _____
/ ENTERED /
PAPER RETURN
SERIAL NO. DEPUTY PARISH

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Petition for Damages
ON CERTAIN UNDERWRITERS AT LLOYD'S, LONDON
THROUGH: ITS AGENT FOR SERVICE OF PROCESS, LOUISIANA
SECRETARY OF STATE
by leaving same at the dwelling house, or usual place of abode, in the hands of
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discretion residing therein as a member of the domiciliary establishment, whose
name and other facts connected with this service I learned by interrogating
HIM/HER the said CERTAIN UNDERWRITERS AT LLOYD'S, LONDON
being absent from the domicile at time of said service.
Returned the same day
No. _____
Deputy Sheriff of _____

ATTORNEY'S NAME: Pedersen, Jonathan C 32290
AND ADDRESS: 839 St. Charles Avenue, Suite 306 , New Orleans, LA 70130

**CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS
STATE OF LOUISIANA**

NO: 2019-11090

DIVISION: D

SECTION: 12

DONALDSON, SCOTT ETAL ET AL

Versus

SONEST NOLA CORPORATION ETAL ET AL

CITATION

TO: AIRBNB PAYMENTS, INC. D/B/A "AIRBNB"
THROUGH: ITS AGENT FOR SERVICE OF PROCESS, CORPORATION SERVICE COMPANY
501 LOUISIANA AVENUE, BATON ROUGE, LA 70802

YOU HAVE BEEN SUED:

You must either comply with the demand contained in the

Petition for Damages

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Clerk's Office, Room 402, Civil Courts
421 Loyola Avenue
New Orleans, LA

CHELSEY RICHARD NAPOLEON, Clerk of
The Civil District Court
for the Parish of Orleans
State of LA
by _____
Ashley Turner, Deputy Clerk

SHERIFF'S RETURN
(for use of process servers only)

PERSONAL SERVICE
On this _____ day of _____ served a copy of
the within
Petition for Damages
ON AIRBNB PAYMENTS, INC. D/B/A "AIRBNB"
THROUGH: ITS AGENT FOR SERVICE OF PROCESS, CORPORATION
SERVICE COMPANY
Returned the same day
_____ No. _____
Deputy Sheriff of _____
Mileage: \$ _____
_____/ENTERED /_____
PAPER RETURN
_____/_____/_____
SERIAL NO. DEPUTY PARISH

DOMICILIARY SERVICE
On this _____ day of _____ served a copy of
the within
Petition for Damages
ON AIRBNB PAYMENTS, INC. D/B/A "AIRBNB"
THROUGH: ITS AGENT FOR SERVICE OF PROCESS, CORPORATION
SERVICE COMPANY
by leaving same at the dwelling house, or usual place of abode, in the hands of
_____ a person of suitable age and
discretion residing therein as a member of the domiciliary establishment, whose
name and other facts connected with this service I learned by interrogating
HIM/HER the said AIRBNB PAYMENTS, INC. D/B/A "AIRBNB" being
absent from the domicile at time of said service.
Returned the same day
_____ No. _____
Deputy Sheriff of _____

ATTORNEY'S NAME: Pedersen, Jonathan C 32290
AND ADDRESS: 839 St. Charles Avenue, Suite 306, New Orleans, LA 70130

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS
STATE OF LOUISIANA

NO: 2019-11090 DIVISION: D SECTION: 12

DONALDSON, SCOTT ETAL ET AL

Versus

SONEST NOLA CORPORATION ETAL ET AL

CITATION

TO: AIRBNB PAYMENTS, INC. D/B/A "AIRBNB"
THROUGH: ITS AGENT FOR SERVICE OF PROCESS, CORPORATION SERVICE COMPANY
501 LOUISIANA AVENUE, BATON ROUGE, LA 70802

YOU HAVE BEEN SUED:

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Clerk's Office, Room 402, Civil Courts
421 Loyola Avenue
New Orleans, LA

CHELSEY RICHARD NAPOLEON, Clerk of
The Civil District Court
for the Parish of Orleans

State of LA
by Ashley Turner, Deputy Clerk

SHERIFF'S RETURN
(for use of process servers only)

PERSONAL SERVICE
On this _____ day of _____ served a copy of _____
the within _____
Petition for Damages
ON AIRBNB PAYMENTS, INC. D/B/A "AIRBNB"
THROUGH: ITS AGENT FOR SERVICE OF PROCESS, CORPORATION SERVICE COMPANY
Returned the same day _____ No. _____
Deputy Sheriff of _____
Mileage: \$ _____
PAPER / ENTERED / RETURN
SERIAL NO. / DEPUTY / PARISH

DOMICILIARY SERVICE
On this _____ day of _____ served a copy of _____
the within _____
Petition for Damages
ON AIRBNB PAYMENTS, INC. D/B/A "AIRBNB"
THROUGH: ITS AGENT FOR SERVICE OF PROCESS, CORPORATION SERVICE COMPANY
by leaving same at the dwelling house, or usual place of abode, in the hands of _____ a person of suitable age and discretion residing therein as a member of the domiciliary establishment, whose name and other facts connected with this service I learned by interrogating HIM/HER the said AIRBNB PAYMENTS, INC. D/B/A "AIRBNB" being absent from the domicile at time of said service.
Returned the same day _____ No. _____
Deputy Sheriff of _____

ATTORNEY'S NAME: Pedersen, Jonathan C. 32290
AND ADDRESS: 839 St. Charles Avenue, Suite 306, New Orleans, LA 70130

**CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS
STATE OF LOUISIANA**

NO: 2019-11090

DIVISION: D

SECTION: 12

DONALDSON, SCOTT ETAL ET AL

Versus

SONEST NOLA CORPORATION ETAL ET AL

CITATION

TO: SONESTA NOLA CORPORATION
THROUGH: ITS AGENT FOR SERVICE OF PROCESS, CORPORATION SERVICE COMPANY
501 LOUISIANA AVENUE, BATON ROUGE, LA 70802

YOU HAVE BEEN SUED:

You must either comply with the demand contained in the

Petition for Damages

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Clerk's Office, Room 402, Civil Courts
421 Loyola Avenue
New Orleans, LA

CHELSEY RICHARD NAPOLEON, Clerk of
The Civil District Court
for the Parish of Orleans
State of LA
by _____
Ashley Turner, Deputy Clerk

SHERIFF'S RETURN
(for use of process servers only)

PERSONAL SERVICE
On this _____ day of _____ served a copy of
the within
Petition for Damages
ON SONESTA NOLA CORPORATION
THROUGH: ITS AGENT FOR SERVICE OF PROCESS, CORPORATION
SERVICE COMPANY
Returned the same day
_____ No. _____
Deputy Sheriff of _____
Mileage: \$ _____
_____/ENTERED /_____
PAPER **RETURN**
_____/_____/_____
SERIAL NO. **DEPUTY** **PARISH**

DOMICILIARY SERVICE
On this _____ day of _____ served a copy of
the within
Petition for Damages
ON SONESTA NOLA CORPORATION
THROUGH: ITS AGENT FOR SERVICE OF PROCESS, CORPORATION
SERVICE COMPANY
by leaving same at the dwelling house, or usual place of abode, in the hands of
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discretion residing therein as a member of the domiciliary establishment, whose
name and other facts connected with this service I learned by interrogating
HIM/HER the said SONESTA NOLA CORPORATION being absent from the
domicile at time of said service.
Returned the same day
_____ No. _____
Deputy Sheriff of _____

ATTORNEY'S NAME: Pedersen, Jonathan C 32290
AND ADDRESS: 839 St. Charles Avenue, Suite 306, New Orleans, LA 70130

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS
STATE OF LOUISIANA

NO: 2019-11090 DIVISION: D SECTION: 12
DONALDSON, SCOTT ETAL ET AL

Versus

SONESTA NOLA CORPORATION ETAL ET AL

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Parish of Orleans, State of LA October 23, 2019

Clerk's Office, Room 402, Civil Courts
421 Loyola Avenue
New Orleans, LA

CHELSEY RICHARD NAPOLEON, Clerk of
The Civil District Court
for the Parish of Orleans
State of LA
by Ashley Turney Deputy Clerk

SHERIFF'S RETURN
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PERSONAL SERVICE
On this day of served a copy of
the within
Petition for Damages
ON SONESTA NOLA CORPORATION
THROUGH: ITS AGENT FOR SERVICE OF PROCESS, CORPORATION
SERVICE COMPANY
Returned the same day
No.
Deputy Sheriff of
Mileage: \$
PAPER / ENTERED / RETURN
SERIAL NO. / DEPUTY / PARISH

DOMICILIARY SERVICE
On this day of served a copy of
the within
Petition for Damages
ON SONESTA NOLA CORPORATION
THROUGH: ITS AGENT FOR SERVICE OF PROCESS, CORPORATION
SERVICE COMPANY
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a person of suitable age and
discretion residing therein as a member of the domiciliary establishment, whose
name and other facts connected with this service I learned by interrogating
HIM/HER the said SONESTA NOLA CORPORATION being absent from the
domicile at time of said service.
Returned the same day
No.
Deputy Sheriff of

ATTORNEY'S NAME: Pedersen, Jonathan C 32290
AND ADDRESS: 839 St. Charles Avenue, Suite 306 , New Orleans, LA 70130

**CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS
STATE OF LOUISIANA**

NO: 2019-11090

DIVISION: D

SECTION: 12

DONALDSON, SCOTT ETAL ET AL

Versus

SONEST NOLA CORPORATION ETAL ET AL

CITATION

TO: JESSIE MUSE, INDIVIDUALLY AND THE MUSE COMPANY, LLC
THROUGH: ITS REGISTERED AGENT, JESSIE MUSE
216 BARONNE STREET, NEW ORLEANS, LA 70112

YOU HAVE BEEN SUED:

You must either comply with the demand contained in the

Petition for Damages

a certified copy of which accompanies this citation, or file an answer or other legal pleading in the office of the Clerk of this Court, Room 402, Civil Courts Building, 421 Loyola Avenue, New Orleans, LA, within fifteen (15) days after the service hereof under penalty of default.

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421 Loyola Avenue
New Orleans, LA

CHELSEY RICHARD NAPOLEON, Clerk of
The Civil District Court
for the Parish of Orleans
State of LA
by _____
Ashley Turner, Deputy Clerk

SHERIFF'S RETURN
(for use of process servers only)

PERSONAL SERVICE
On this _____ day of _____ served a copy of
the within _____
Petition for Damages
ON JESSIE MUSE, INDIVIDUALLY AND THE MUSE COMPANY, LLC
THROUGH: ITS REGISTERED AGENT, JESSIE MUSE
Returned the same day _____ No. _____
Deputy Sheriff of _____
Mileage: \$ _____
_____/ENTERED /_____
PAPER / RETURN
SERIAL NO. DEPUTY PARISH

DOMICILIARY SERVICE
On this _____ day of _____ served a copy of
the within _____
Petition for Damages.
ON JESSIE MUSE, INDIVIDUALLY AND THE MUSE COMPANY, LLC
THROUGH: ITS REGISTERED AGENT, JESSIE MUSE
by leaving same at the dwelling house, or usual place of abode, in the hands of
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discretion residing therein as a member of the domiciliary establishment, whose
name and other facts connected with this service I learned by interrogating
HIM/HER the said JESSIE MUSE, INDIVIDUALLY AND THE MUSE
COMPANY, LLC being absent from the domicile at time of said service.
Returned the same day _____ No. _____
Deputy Sheriff of _____

ATTORNEY'S NAME: Pedersen, Jonathan C 32290
AND ADDRESS: 839 St. Charles Avenue, Suite 306, New Orleans, LA 70130

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS
STATE OF LOUISIANA

NO: 2019-11090 DIVISION: D SECTION: 12
DONALDSON, SCOTT ETAL ET AL

Versus

SONEST NOLA CORPORATION ETAL ET AL

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CHELSEY RICHARD NAPOLEON, Clerk of
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State of LA
by Ashley Turner Deputy Clerk

SHERIFF'S RETURN
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THROUGH: ITS REGISTERED AGENT, JESSIE MUSE
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Deputy Sheriff of _____
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_____ a person of suitable age and
discretion residing therein as a member of the domiciliary establishment, whose
name and other facts connected with this service I learned by interrogating
HIM/HER the said JESSIE MUSE, INDIVIDUALLY AND THE MUSE
COMPANY, LLC being absent from the domicile at time of said service.
Returned the same day
No. _____
Deputy Sheriff of _____

FILED

2019 NOV 18 P 02:50

CIVIL

DISTRICT COURT

SCOTT DONALDSON husband of/and
AMY DONALDSON individually and
o/b/o their late son SETH DONALDON

CASE NO: 2019-11090 DIV: "D-12"

CIVIL DISTRICT COURT

VERSUS

SONESTA NOLA CORPORATION, AIRBNE
PAYMENTS, INC. d/b/a/ "AIRBNE,"
JESSIE MUSE, THE MUSE COMPANY, LLC,
CERTAIN UNDERWRITERS AT LLOYD'S,
LONDON AND ZURICH AMERICAN
INSURANCE COMPANY

PARISH OF ORLEANS
STATE OF LOUISIANA

FILED: _____

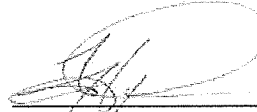
DEPUTY CLERK: _____

MOTION FOR EXTENSION OF TIME

NOW INTO COURT, comes Defendant, Sonesta NOLA Corporation, who moves this Court for an Order granting an extension of thirty (30) days in which to file responsive pleadings, and upon showing there have been no previous formal extensions of time granted by this Court, and said extension of time will give defendant ample opportunity to investigate this matter. Defendant further asserts that this extension of time will not unduly delay this matter or prejudice any other party.

Respectfully submitted,

JONES FUSSELL, LLP



Thomas H. Huval (LA Bar No. 21725)
P.O. Box 1810
Covington, Louisiana 70434-1810
(o) 985-892-4801
(f) 985-259-8003
thuval@jonesfussell.com

Counsel for Sonesta NOLA Corporation

VERIFIED

Ashley Turner

2019 NOV 20 P 04:16

FILED

2019 NOV 18 P 02:50

CIVIL

DISTRICT COURT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have on the 18th of November, 2019, served a copy of
the foregoing pleading on the following parties, as designated below:

Counsel for Plaintiffs

Jonathan C. Pedersen: jcpedersen@howardandreed.com

D. Douglas Howard: ddhowardjr@bellsouth.net

Shawn C. Reed: sreed@howardandreed.com



THOMAS H. HUVAL, ESQ.

FILED

2019 NOV 18 P 02:50

CIVIL

DISTRICT COURT

SCOTT DONALDSON husband of/and
AMY DONALDSON individually and
o/b/o their late son SETH DONALDON

CASE NO: 2019-11090 DIV: "D-12"

CIVIL DISTRICT COURT

VERSUS

SONESTA NOLA CORPORATION, AIRBNB
PAYMENTS, INC. d/b/a/ "AIRBNB,"
JESSIE MUSE, THE MUSE COMPANY, LLC,
CERTAIN UNDERWRITERS AT LLOYD'S,
LONDON AND ZURICH AMERICAN
INSURANCE COMPANY

PARISH OF ORLEANS

STATE OF LOUISIANA

FILED: _____

DEPUTY CLERK: _____

ORDER

Considering in the foregoing *Motion for Extension of Time*,

IT IS ORDERED that Defendant, **Sonesta NOLA Corporation**, be and is hereby granted an extension of thirty (30) days from the signing of the order in which to answer or otherwise file responsive pleadings in the above captioned matter.

Signed in New Orleans, Louisiana, this ____ day of _____, 2019.

Judge Nakisha Ervin-Knott

FILED
2019 NOV 18 P 02:50
CIVIL
DISTRICT COURT

SCOTT DONALDSON husband of/and
AMY DONALDSON individually and
o/b/o their late son SETH DONALDON

CASE NO: 2019-11090 DIV: "D-12"

VERSUS

CIVIL DISTRICT COURT

SONESTA NOLA CORPORATION, AIRBNB
PAYMENTS, INC. d/b/a/ "AIRBNE,"
JESSIE MUSE, THE MUSE COMPANY, LLC,
CERTAIN UNDERWRITERS AT LLOYD'S,
LONDON AND ZURICH AMERICAN
INSURANCE COMPANY

PARISH OF ORLEANS
STATE OF LOUISIANA

FILED: _____ DEPUTY CLERK: _____

ORDER

Considering in the foregoing *Motion for Extension of Time*,

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NOV 21 2019

Signed in New Orleans, Louisiana, this ____ day of _____, 2019.



Judge Nakisha Ervin-Knott

RECEIVED
NOV 21 2019
DIVISION "D"

E-Filed

Nakisha Ervin-Knott
VERIFIED
12/3/19