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FAX TRANSMITTAL COVERSHEET

TO: Clerk of Court, Iberia Parish
FAX NUMBER: (337) 365-0737
FROM: Kathy C. Arnaud with Blake R. David
B & D File: Alexandra K. Patin
DATE: December 3, 2021

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If there are any problems in receiving this fax, please contact Kathy C. Arnaud at 337-233-2323.

COMMENTS:

Please see attached Petition for Damages. Please file and fax our office confirmation of receipt along with the cost of filing same. Thank you.

THIS FACSIMILE COMMUNICATION IS INTENDED ONLY FOR THE RECIPIENT NAMED ABOVE. UNLESS YOU ARE THAT PERSON OR ARE AUTHORIZED TO ACT FOR THAT PERSON, BE ADVISED THAT YOUR READING, DISTRIBUTING OR COPYING OF THIS COMMUNICATION IS PROHIBITED AND MAY VIOLATE THE LEGAL RIGHTS OF OTHERS. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND PLEASE MAIL THE ORIGINAL FACSIMILE TO US.

- E. **WEEKS ISLAND RENTAL, L.L.C.** (“Weeks”), upon information and belief, a domestic limited liability company, domiciled in New Iberia, Louisiana, who at all times pertinent hereto provided and dumped dirt and/or other heavy materials on top of the sinkhole at Froggy Bottom that was over the intersection of H-13 and room H-14 where the roof of the mine collapsed;
- F. **AMERICAN MINING SERVICES LLC dba AMERICAN MINING SERVICES** (“AMS), upon information and belief, upon information and belief, a foreign corporation, headquartered in Salt Lake City, Utah, a third-party contractor with Cargill responsible for supplying drilling and blasting consumable products to the mining industry;
- G. **LANE ALAN LANCASTER**, a person of the full age of majority and resident of the Parish of Lafayette, State of Louisiana, who at all times pertinent hereto was in the course and scope of his employment with **CARGILL** (upon information and belief with the title of General Mine Supervisor); and
- H. **DEAN ANTHONY PONTIFF**, a person of the full age of majority and resident of the Parish of Iberia, State of Louisiana, who at all times pertinent hereto was in the course and scope of his employment with **CARGILL** (upon information and belief with the title of Grouting Crew Supervisor).

2.

On or about December 14, 2020, Lance Begnaud, age 27, and Rene Romero, age 41, were ordered to enter a known hazardous and barricaded area of the mine (due to past and pending roof collapses) to address flowing water through the roof while in the course and scope of his employment with **CARGILL, INCORPORATED** and/or **CARGILL DEICING TECHNOLOGY** at the intersection of H-13 and room H-14 on the 700 level of the Avery Island salt mine owned by **CARGILL, INCORPORATED** and/or **CARGILL DEICING TECHNOLOGY** at Avery Island in the Parish of Iberia, State of Louisiana, when, as anticipated, the mine roof collapsed on Lance Begnaud and Rene Romero causing severe and fatal injury to both miners.

3.

The above-described incident occurred at the **CARGILL** Avery Island salt mine, located at Highway 329 S, Avery Island, Parish of Iberia, State of Louisiana, and is owned and operated by **CARGILL**.

4.

This tragic loss of life was caused by all Defendants ignoring the known roof collapse hazards, mining regulations, and specifically imperiling the miners killed in a failed attempt to hurriedly and unsafely preserve profitable salt mining operations at the mine.

This December 14, 2020 roof collapse resulted directly from CARGILL's intentional decision to disregard dangerous and unprecedented water leaks and/or ground support system regulations and implement unsafe ground support system policies and procedures such that injury and/or death was inevitable and/or substantially certain to occur to one of its miners.

6.

These intentional acts include but are not limited to CARGILL, INCORPORATED and/or CARGILL DEICING TECHNOLOGY's (hereinafter "CARGILL") failing to monitor the ground support system, concealing other roof collapses from authorities, concealing the unprecedented, continuous flow of water in its mine, concealing a sink hole directly above ground at the site of the collapse, removing barricades that were placed to stop work in a dangerous area due to pending roof collapse, ordering overtime work in the hazardous and barricaded off area on the weekend when AMERICAN MINING SERVICES was scheduled to further inspect and address the ceiling collapse issues on the following Monday, and failing to document ground/roof control work.

7.

These intentional acts by CARGILL with respect to the ground control system were part of a greater intentional failure of CARGILL to provide for a safe mine as evidenced by the more than fifty safety violations issued by the Mine Safety and Health Administration (MSHA) to CARGILL in the eleven months preceding this roof collapse, at least fifteen of which serious safety violations. On December 3, CARGILL was given an MSHA citation for a "ground conditions" hazard at the mine.¹ At the time of this petition, the MSHA investigation into this fatal event is ongoing.

8.

In fact, the evidence suggests that CARGILL and its managers and officers were more concerned with contesting citations of violations rather than being concerned with mine safety and correcting the known safety deficiencies, making serious injury or death of its miners inevitable and/or substantially certain to occur.

9.

The above-described mine collapse and death of Lance Begnaud resulted from the

¹ The specific regulation MSNA cited at Avery Island on December 3 states: "Ground conditions that create a hazard to persons shall be taken down or supported before other work or travel is permitted in the affected area. Until corrective work is completed, the area shall be posted with a warning against entry and, when left unattended, a barrier shall be installed to impede unauthorized entry."

exclusive particulars:

- A. Engaging in aggravated conduct constituting intentional acts in that CARGILL management knew that its ground support system was not properly designed, installed, and/or maintained and that said failure would inevitably lead to severe injury and/or death to one of the mine's inhabitants;
- B. Unwarrantable failure to comply with mandatory standards, policies, and regulations that created a workplace substantially certain and/or inevitable to cause severe injury and/or death to miners;
- C. Intentionally designing the ground support system in a manner that was substantially certain and/or inevitable to cause severe injury and/or death to miners;
- D. Intentionally maintaining the ground support system in a manner that was substantially certain and/or inevitable to cause severe injury and/or death to miners;
- E. Intentionally installing the ground support system in a manner that was substantially certain and/or inevitable to cause severe injury and/or death to miners;
- F. Intentionally and willfully failing to report and/or document mine roof collapses in an effort to avoid further citation from MSHA;
- G. Intentionally requiring its grouters/miners to work in areas where it was inevitable and substantially certain that severe injury or death would occur after actual notice of the inevitable and/or substantially certain roof collapses in its mine;
- H. Refusing to make changes after MSHA repeatedly put defendants on actual notice of dangerous ground support system and/or roof control practices;
- I. Ignoring safety concerns of its own management and/or employees who specifically barricaded off this area as unsafe due to past roof collapses and certain future roof collapses and specifically warned its employees not to enter the area due to an impending roof collapse, including but not limited to one miner who at a safety meeting before this incident informed CARGILL that the uncontrolled and increasing torrent of water at the intersection of H-13 and room H-14 was causing roof collapses and making it unsafe to work;
- J. Intentional falsification of records and falsifying roof bolting data;
- K. Intentionally failing to report roof collapses;
- L. In intentionally creating a dangerous workplace for Lance Begnaud such that it was substantially certain and/or inevitable that he would suffer severe injury and/or death;
- M. In intentionally failing to provide a safe workplace to Lance Begnaud, such that it was substantially certain and/or inevitable that he would suffer severe injury and/or death;
- N. In training and ordering its employees to carry out the above-mentioned intentional acts.

The above-described mine collapse and death of Lance Begnaud resulted from the intentional acts of Lane Alan Lancaster, an engineer and General Mine Supervisor at CARGILL's Avery Island salt mine, in the following non-exclusive particulars:

- A. Engaging in aggravated conduct constituting intentional acts in that CARGILL management knew that its ground support system was not properly designed, installed, and/or maintained and that said failure would inevitably lead to severe injury and/or death of one of the mine's inhabitants;
- B. Unwarrantable failure to comply with mandatory standards, policies, and regulations that created a workplace substantially certain and/or inevitable to cause severe injury and/or death to miners;
- C. Intentionally designing the ground support system in a manner that was substantially certain and/or inevitable to cause severe injury and/or death to miners;
- D. Intentionally maintaining the ground support system in a manner that was substantially certain and/or inevitable to cause severe injury and/or death to miners;
- E. Intentionally installing the ground support system in a manner that was substantially certain and/or inevitable to cause severe injury and/or death to miners;
- F. Intentionally and willfully failing to report and/or document mine roof collapses in an effort to avoid further citation from MSHA;
- G. Requiring miners under his supervision to remove the barricades and ordered Lance Begnaud to work in areas where it was inevitable and substantially certain that severe injury or death would occur after actual notice of the inevitable and substantially certain roof collapses in CARGILL's mine;
- H. Refusing to make changes after MSHA repeatedly put defendants on actual notice of dangerous ground support system and/or roof control practices;
- I. Ignoring safety concern of its employees who specifically warned of the imminence of a roof collapse but who was sent back down into the mine minutes before the December 14, 2020 roof collapse;
- J. Intentional misleading MSHA inspectors about the dangerous conditions of the Cargill Avery Island salt mine;
- K. Intentionally failing to report roof collapses;
- L. Ordering employees to not comment on and/or report roof collapses to authorities;
- M. Personally participating in all acts and/or omissions of CARGILL listed above;
- N. Intentionally ignoring the safety concerns and complaints of CARGILL miners;
- O. Intentionally and repeatedly misleading MSHA investigators about

CARGILL practices, policies, procedures, and incidents, including but not limited to bolt installation and maintenance practices, roof collapses, roof control system, and the safe implementation of the ground control system;

- P. Failing to take corrective action after actual knowledge of improper equipment, improper bolting practices, lack of sag monitors, and improper ground support system; and
- Q. Training, supervising, monitoring, hiring and/or encouraging CARGILL employees to participate in all acts and/or omissions of CARGILL listed above.

11.

The above-described mine collapse and death of Lance Begnaud resulted from the intentional acts of DEAN ANTHONY PONTIFF, foreman of the grouting crew of which Lance Begnaud was a member, at CARGILL Avery Island salt mine, in the following non-exclusive particulars:

- A. Engaging in aggravated conduct constituting intentional acts in that CARGILL management knew that its ground support system was not properly designed, installed, and/or maintained and that said failure would inevitably lead to severe injury and/or death of one of the mine's inhabitants;
- B. Unwarrantable failure to comply with mandatory standards, policies, and regulations that created a workplace substantially certain and/or inevitable to cause severe injury and/or death to miners;
- C. Intentionally designing the ground support system in a manner that was substantially certain and/or inevitable to cause severe injury and/or death to miners;
- D. Intentionally maintaining the ground support system in a manner that was substantially certain and/or inevitable to cause severe injury and/or death to miners;
- E. Intentionally installing the ground support system in a manner that was substantially certain and/or inevitable to cause severe injury and/or death to miners;
- F. Intentionally and willfully failing to report and/or document mine roof collapses in an effort to avoid further citation from MSHA;
- G. Requiring miners under his supervision, including Lance Begnaud, to work in T-13 where he was specifically told by a Cargill employee at the pre-tower meeting it was inevitable and substantially certain that severe injury or death would occur if they kept working in the torrential leaking of water on December 14, 2020 in CARGILL's mine;
- H. Advising members of his crew shortly before the roof collapsed on December 14, 2020 to "run towards the berm" if this collapses;
- I. Refusing to make changes after MSHA repeatedly put defendants on actual notice of dangerous ground support system and/or roof control practices;
- J. Ignoring safety concern of its employees who specifically warned of the imminence of a roof collapse but who was sent back down into the mine

minutes before the December 14, 2020 roof collapse;

- K. Intentional falsification of records;
- L. Intentionally failing to report roof collapses;
- M. Ordering employees to not comment on and/or report roof collapses to authorities;
- N. Personally participating in all acts and/or omissions of CARGILL listed above;
- O. Intentionally ignoring the safety concerns and complaints of CARGILL miners;
- P. Intentionally and repeatedly misleading MSHA investigators about CARGILL practices, policies, procedures, and incidents, including but not limited to bolt installation and maintenance practices, roof collapses, roof control system, and the safe implementation of the ground control system;
- Q. Failing to take corrective action after actual knowledge of improper equipment, improper bolting practices, lack of sag monitors, and improper ground support system; and
- R. Training, supervising, monitoring, hiring and/or encouraging CARGILL employees to participate in all acts and/or omissions of CARGILL listed above.

12.

CARGILL is vicariously and legally liable for any and all intentional acts and/or omissions committed by its employees, managers and/or supervisors in the course and scope of their employment with CARGILL (including but not limited to LANE ALAN LANCASTER and DEAN ANTHONY PONTIFF) which are the direct cause of the roof collapse and fatal injuries sustained by Lance Begnaud. *See Louisiana Civil Code articles 2317 and 2320; LA. R.S. 23:1032.*

13.

Alternatively and/or additionally, the above-described mine collapse and death of Lance Begnaud resulted from the negligence of AVERY ISLAND INC. (AND ALL OTHER DEFENDANTS), in the following non-exclusive particulars:

- A. Failing to maintain the surface of the property it leased to CARGILL for its salt mine operation, such that a sink hole developed in Froggy Bottom right over the area of the roof collapse;
- B. Failing to report, inspect, document and maintain its mine and the grounds above its mine;
- C. In ordering additional weight and dirt to be added above the roof of its mine where known sinkholes were draining into the mine, leading to roof collapse conditions;
- D. In failing to address safely the sinkhole and ground control/roof collapse

issues at and above its salt mine in Avery Island;

- E. In knowingly covering up an active sinkhole with materials that were adding weight to an area it knew was directly above a salt mine and workers below;
- F. Failing to follow any engineered plan as it repeatedly dumped dirt and materials above the salt mine occupied by workers;
- G. In adding weight above the roof of the salt mine such that it caused and/or contributed to the roof collapse killing two miners on December 14, 2020;
- H. In otherwise failing to address the cause of the sinkhole and mine perforation, and instead covering up, complicating, and increasing the hazardous conditions in the mine.

14.

Alternatively and/or additionally, the above-described mine collapse and death of Lance Begnaud resulted from the negligence of WEEKS ISLAND RENTAL, L.L.C. (AND ALL OTHER DEFENDANTS), in the following non-exclusive particulars:

- A. Failing to properly dump truckloads of dirt to cover the sinkhole in Froggy Bottom right over the area of the roof collapse;
- B. Failing to report, inspect, document and maintain its mine and the grounds above the salt mine;
- C. In delivering additional weight and dirt to be added above the roof of an active salt mine where known sinkholes were draining into the mine, leading to roof collapse conditions;
- D. In failing to safely address the sinkhole and ground control/roof collapse issues at and above the salt mine in Avery Island;
- E. In knowingly covering up an active sinkhole with materials that were adding weight to an area it knew was directly above a salt mine and workers below;
- F. Failing to follow any engineered plan as it repeatedly dumped dirt and materials above the salt mine occupied by workers;
- G. In adding weight above the roof of the salt mine such that it caused and/or contributed to the roof collapse killing two miners on December 14, 2020; and
- H. In otherwise failing to address the cause of the sinkhole and mine perforation, and instead covering up, complicating, and increasing the hazardous conditions in the mine.

15.

Alternatively and/or additionally, the above-described mine collapse and death of Lance Begnaud resulted from the negligence of AMERICAN MINING SERVICE (AND ALL OTHER DEFENDANTS), in the following non-exclusive particulars:

- B. Failure to create a proper roof control plan for CARGILL;

- C. Failure to properly implement the ground support system at the above-described CARGILL Avery Island salt mine;
- D. Creating a faulty ground support system for CARGILL;
- E. Failure to train CARGILL employees concerning proper bolting techniques;
- F. Failure to warn of potential hazards of improper bolt installation;
- G. Failure to properly instruct CARGILL concerning proper bolt installation and/or maintenance;
- H. Failure to ensure that CARGILL employees knew how to install and maintain AMS bolts;
- I. In otherwise failing to design, implement, install and/or maintain a safe ground support system;
- J. In otherwise failing to warn, instruct, train and educate CARGILL and its employees concerning a proper ground support system;
- K. In failing to report and correct Cargill's fraudulent and unsafe roof bolting and ground support systems;
- L. Designing, developing, manufacturing, testing, packaging, advertising, promoting marketing, distributing, labeling and/or selling defective equipment (bolts, drills, roof control components, etc.) that were unfit for their intended use;
- M. The subject product manufactured and/or supplied by AMS was defective in construction or composition in that when it left the hands of Defendant, it deviated in a material way from Defendant's manufacturing performance standards and/or it differed from otherwise identical products manufactured to the same design formula;
- N. The subject product manufactured and supplied by Defendant was defective in design or formulation in that, when it left the hands of the Defendant, it did not conform to federal and/or state requirements, and the foreseeable risk of the product exceeded the benefits associated with its design or formulation, or it was more dangerous than an ordinary consumer would expect. In particular, the product was unfit for securing the roof of a salt mine and was unreasonably dangerous in design as provided by La. R.S. 9:2800.56;
- O. The subject product manufactured and supplied by Defendant was defective due to inadequate warning or instruction because Defendant failed to conform with federal and/or state requirements for labels, warnings, and instructions, and/or alternatively, Defendant knew or should have known, that the product created significant risks of serious bodily harm and/or death to miners and Defendant failed to adequately warn CARGILL and/or their employees of such risks. The subject product was unreasonably dangerous because an adequate warning was not provided as required pursuant to La. R.S. 9:2800.57; and
- P. At the time of the making of the express warranties, Defendant knew or should have known of the purpose for which the subject product was to be used and warranted the same to be, in all respects, fit, safe, and effective and proper for such purpose. The subject product was unreasonably dangerous because it failed to conform to an express warranty of the defendant as provided by La. R.S. 9:2800.58.

16.

As a result of the above-described collapse, decedent Lance Begnaud suffered devastating injuries and died.

17.

Lance Begnaud died as a result of this incident. Lance Begnaud was survived solely by his spouse, ALEXANDRA KATE PATIN, and his three (3) minor children, E.K. BEGNAUD, E.M. BEGNAUD, and E.T. BEGNAUD. Thus, petitioners are the only persons entitled to seek survival and wrongful death damages (including lost earnings and earning capacity) for Lance Begnaud's death pursuant to Louisiana Civil Code articles 2315.1 and 2315.2.

18.

As a direct and proximate result of the Defendants' conduct (including but not limited to intentional acts), ALEXANDRA KATE PATIN suffered the following injuries and damages, all of which entitles petitioner to recover a sum reasonable within the premises:

- A. Loss of the positive benefits flowing from the love, affection, comfort, companionship, and society that ALEXANDRA KATE PATIN, in reasonable probability, would have received from her husband, Lance Begnaud, had he lived, both past and future;
- B. Emotional pain, grief, torment, and suffering experienced by ALEXANDRA KATE PATIN because of the death of her husband, Lance Begnaud, both past and future;
- C. Loss of care, maintenance, support, services, advice, counsel, inheritance and reasonable contributions of a pecuniary value that ALEXANDRA KATE PATIN, in reasonable probability, would have received from her husband, Lance Begnaud, had he lived, both past and future;
- D. The conscious physical and emotional pain, torment, and suffering experienced by Lance Begnaud, before his death as a result of the occurrence in question.

19.

As a direct and proximate result of the Defendants' conduct (including but not limited to intentional acts), E.K. BEGNAUD suffered the following injuries and damages, all of which entitles petitioner to recover a sum reasonable within the premises:

- a. Loss of the positive benefits flowing from the love, affection, comfort, companionship, and society that E.K. BEGNAUD, in reasonable probability, would have received from her father, Lance Begnaud, had he lived, both past and future;
- b. Emotional pain, grief, torment, and suffering experienced by E.K. BEGNAUD because of the death of her father, Lance Begnaud, both past and

future;

- c. Loss of care, maintenance, support, services, advice, counsel, inheritance and reasonable contributions of a pecuniary value that E.K. BEGNAUD, in reasonable probability, would have received from her father, Lance Begnaud, had he lived, both past and future;
- d. The conscious physical and emotional pain, torment, and suffering experienced by Lance Begnaud, before his death as a result of the occurrence in question.

20.

As a direct and proximate result of the Defendants' conduct (including but not limited to intentional acts), E.M. BEGNAUD suffered the following injuries and damages, all of which entitles petitioner to recover a sum reasonable within the premises:

- a. Loss of the positive benefits flowing from the love, affection, comfort, companionship, and society that E.M. BEGNAUD, in reasonable probability, would have received from her father, Lance Begnaud, had he lived, both past and future;
- b. Emotional pain, grief, torment, and suffering experienced by E.M. BEGNAUD because of the death of her father, Lance Begnaud, both past and future;
- c. Loss of care, maintenance, support, services, advice, counsel, inheritance and reasonable contributions of a pecuniary value that E.M. BEGNAUD, in reasonable probability, would have received from her father, Lance Begnaud, had he lived, both past and future;
- d. The conscious physical and emotional pain, torment, and suffering experienced by Lance Begnaud, before his death as a result of the occurrence in question.

21.

As a direct and proximate result of the Defendants' conduct (including but not limited to intentional acts), E.T. BEGNAUD suffered the following injuries and damages, all of which entitles petitioner to recover a sum reasonable within the premises:

- a. Loss of the positive benefits flowing from the love, affection, comfort, companionship, and society that E.T. BEGNAUD, in reasonable probability, would have received from his father, Lance Begnaud, had he lived, both past and future;
- b. Emotional pain, grief, torment, and suffering experienced by E.T. BEGNAUD because of the death of his father, Lance Begnaud, both past and future;
- c. Loss of care, maintenance, support, services, advice, counsel, inheritance and reasonable contributions of a pecuniary value that E.T. BEGNAUD, in reasonable probability, would have received from his father, Lance Begnaud, had he lived, both past and future;
- d. The conscious physical and emotional pain, torment, and suffering experienced by Lance Begnaud, before his death as a result of the

22.

As a result of the above-described incident, Lance Begnaud sustained serious and painful pre-impact and post-impact pre-death pain and suffering, mental anxiety and distress.

23.

As a result of the death of Lance Begnaud, petitioners each sustained loss of society, companionship, nurture, consortium, and support and have suffered mental anxiety and grief, all of which entitles each of them to recover a sum reasonable within the premises.

24.

Petitioners are entitled to recover reasonable and adequate compensation for the above-described past, present and future losses sustained by each petitioner personally, sustained by Lance Begnaud prior to his death, and the expenses of Lance Begnaud's medical treatment, funeral and burial.

25.

In addition to the causes of action afforded the petitioners mentioned in the above-numbered paragraphs, ALEXANDRA KATE PATIN, E.K. BEGNAUD, and E.M. BEGNAUD are entitled to *Lejeune* and/or bystander damages under Louisiana Civil Code article 2315.6 due to the severe grief and mental anguish each of them suffered after coming upon the scene of the incident soon thereafter, and for the suffering the incurred during the long search and rescue/recovery efforts.

26.

In addition to any and all compensatory damages sought in this matter, defendants' conduct described above warrants punitive and/or exemplary damages, and petitioners pray for any and all punitive and/or exemplary damages available under any applicable state law and/or federal law.

27.

At this time, petitioners seek damages in excess of the jurisdictional amount requirement for trial by jury under Louisiana law, exclusive of interests and costs.

WHEREFORE, petitioners, ALEXANDRA KATE PATIN, individually and on behalf of E.K. BEGNAUD, E.M. BEGNAUD, and E.T. BEGNAUD, pray that a certified copy of this complaint be served upon defendants, CARGILL, INCORPORATED, CARGILL DEICING TECHNOLOGY, AVERY

ISLAND INC, WEEKS ISLAND RENTAL, L.L.C., AMERICAN MINING SERVICES, LLC dba AMERICAN MINING SERVICES, LANE ALAN LANCASTER, and DEAN ANTHONY PONTIFF, and that after due proceedings are had there be judgment herein in favor of petitioners, ALEXANDRA KATE PATIN, individually and on behalf of E.K. BEGNAUD, E.M. BEGNAUD, and E.T. BEGNAUD, and against defendants, CARGILL, INCORPORATED, CARGILL DEICING TECHNOLOGY, AVERY ISLAND INC, WEEKS ISLAND RENTAL, L.L.C., AMERICAN MINING SERVICES, LLC dba AMERICAN MINING SERVICES, LANE ALAN LANCASTER, and DEAN ANTHONY PONTIFF, jointly, severally and in solido in a sum reasonable in the premises together with legal interest from the date of judicial demand until paid and for all costs of these proceedings.

Respectfully submitted,

BROUSSARD & DAVID, LLC



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ATTORNEYS FOR PLAINTIFFS,
ALEXANDRA KATE PATIN, individually and
obo E.K. BEGNAUD, E.M. BEGNAUD, and
E.T. BEGNAUD

PLEASE SERVE:

CARGILL, INCORPORATED

Through its Registered Agent
Theodore Haik
1017 East Dale Street
New Iberia, LA 70560

CARGILL DEICING TECHNOLOGY,

A division of Cargill Incorporated

Through Cargill's Registered Agent
Theodore Haik
1017 East Dale Street
New Iberia, LA 70560

AVERY ISLAND INC.

Through its Registered Agent
Anthony Simmons
4 Fishers Hill Road
Avery Island, LA 70513

WEEKS ISLAND RENTAL, L.L.C.

Through its Registered Agent

Lyn P. Coco

1016 Bayou to Bayou Road

New Iberia, LA 70563

AMERICAN MINING SERVICES LLC

Via the Long-Arm Statute

Through its Registered Agent

Andrew Andreou

479 W. 900 N

North Salt Lake, Utah 84054

LANE ALAN LANCASTER

105 Autumnbrook Drive

Broussard, LA 70518

DEAN ANTHONY PONTIFF

5044 Chitimacha Trail

Jeanerette, LA 70544

In the following interrogatories:

"You" and "your" shall refer to the Respondent or other persons acting on behalf of Respondent, including but not limited to attorneys.

"Document" includes writings, drawings, graphs, charts, photographs, phono records, and other data, compilations from which information can be obtained, translated, if necessary, by the respondent through detection devices into reasonably usable form.

"Identify" or "identification" when used with respect to an individual means to state his full name, present or last known employment, and present or last known address and residential phone number.

"Identify" or "identification" when used with reference to a document means to state the type of document (e.g., lease, memorandum, contract, telegram, chart, etc.) or some other means of identifying its location and custodian, the date thereon, if any, and the identity of the party or parties whose name or names appear thereon or in lieu thereof, you may attach to your answer a copy of each such document.

THESE INTERROGATORIES ARE DEEMED TO BE CONTINUING.

INTERROGATORY NO. 1

Please set forth your full legal name and present address.

INTERROGATORY NO. 2

Please list any and all record(s) of the incident in your possession set forth from Plaintiffs' petition.

INTERROGATORY NO. 3

Do you contend that any of the following caused or contributed to the happening of this collapse, and/or to any injuries or damages claimed in Plaintiffs' petition:

- A. The negligence and/or intentional acts of any defendant;
- B. The negligence and/or intentional acts of the decedent;
- C. The negligence and/or intentional acts on the part of anyone not a party to this lawsuit;
- D. Any defect in any equipment involved in this mine;
- E. The faulty maintenance, inspection, repair, or service of any equipment or involved in this mine;
- F. The negligence and/or intentional acts in operating any equipment involved in this mine; and
- G. Weather conditions.

INTERROGATORY NO. 4

If your answer to any part of the foregoing interrogatory is in the affirmative, please set forth as to each affirmative response:

- (a) Your contention as to each such cause or contributing factor;
- (b) Each fact known to you which supports each contention;
- (c) The name, address, and telephone number of each person known to you who caused or contributed to the incident;
- (d) Everything each such person did or failed to do which you contend caused or contributed to it;
- (e) The name, business and resident address, and telephone number of each person who claims to possess knowledge of any such fact;
- (f) An identification, with such particularity as you would require in a motion to produce, of each and every writing relating to any such contention; and,
- (g) The name, business and residence address, and telephone number of the custodian of any writing, identified in the foregoing subpart to this interrogatory.

INTERROGATORY NO. 5

With respect to the incident which is the subject of Plaintiffs' petition, please set forth:

- (a) The names and addresses of any persons who performed bolting operations at the salt mine in question from 2011 until 2021;
- (b) The name and address of the employees, manager(s) and/or supervisor(s) who were on duty at the time of the incident who responded to the incident;
- (c) The names and addresses of all employees working at the time of the incident;
- (d) The names and addresses of all known witnesses of the incident; and
- (e) The names and addresses of any persons who supervised bolting operations at the salt mine in question from 2011 until 2021 and who reviewed bolting and/or ground control records.

INTERROGATORY NO. 6

For each expert who has or claims to have knowledge of facts pertaining to any issue in this lawsuit, or for each person in your employ whom you consider to be such an expert, please state:

- (a) Name, address and job classification;
- (b) Employer or associates, if not self-employed;
- (c) Field of competency;
- (d) Educational background, including schools, degrees, and years received;

- (e) Occupational experience, including employers, types of work and dates;
- (f) Other significant qualifications;
- (g) Whether a written report was prepared, and if so, the date of each report; and
- (h) The title, authority, publisher and date of publication of three treatises or other publications which each expert considers authoritative for his field of competency

INTERROGATORY NO. 7

For each photograph pertaining to any issue in this lawsuit, including scenes of the accident site, which is or has been in your custody, please state:

- (a) The date it was taken;
- (b) The name, address, job classification and employer of the photographer;
- (c) In general, the items, scenes, or persons portrayed, and;
- (d) The name and address of the photograph's present custodian.

INTERROGATORY NO. 8

List and describe each other document, statements (taken of plaintiff or anyone else in any way involved this incident), chart, diagram, log, book tangible item and similar paper or thing pertaining to any issue in this lawsuit which is or has been in your custody or control, indicating the name, address and job classification of the present custodian of each.

INTERROGATORY NO. 9

For each policy of insurance, including excess insurance, that you had in effect on the date of Lance Begnaud's accident (including any excess insurance above your self-insured limits), please state:

- (a) The name and address of the insurer;
- (b) The policy number;
- (c) The types of coverage;
- (d) The limits of liability for each coverage; and
- (e) The nature of any exclusion.

INTERROGATORY NO. 10

Please state according to your best information, knowledge and belief, the cause of the incident, which is the subject of this litigation.

INTERROGATORY NO. 11

Please identify each individual who has any factual knowledge concerning salt mine ground support system plan, operations, policies and/or procedures in the ten (10) years prior to

this incident.

INTERROGATORY NO. 12

Provide the name, last known address, and position of any employee who was an eyewitness to the incident or was within a 100-foot radius of the incident site.

INTERROGATORY NO. 13

Provide the name and last known address of any employee (and/or person) or third party (including government agencies, insurance adjusters, customers, vendors, etc.) who has knowledge of this incident, or was involved in the investigation of this incident.

INTERROGATORY NO. 14

What if any corrective action was taken as a result of Lance Begnaud's incident (including physical changes to the incident scene or department, changes to policies and procedures, changes to training program, reprimand of employees, new equipment, and/or discussion at safety meetings)?

INTERROGATORY NO. 15

List all roof falls and/or collapses occurring at the entire Cargill-owned Avery Island salt mine complex (whether employee or third party) for a period of fifteen (15) years before this incident until present, regardless of the size of said falls and/or collapses and regardless of whether such falls and/or collapses resulted in a personal injury and/or claim, listing for each said fall and/or collapse the date, location and cause of the fall and the injury sustained (if any).

INTERROGATORY NO. 16

Identify the person(s) and/or entity(ies) in charge of the ground support system at the salt mine in 2020.

INTERROGATORY NO. 17

For each objection stated in your response to the above interrogatories, please state:

- A. Whether information is actually withheld or whether the objection is made for the purpose of attempting to preserve the right to object to future requests for information of the nature sought; and,
- B. If information is actually being withheld, state:
 1. A brief description of the information withheld ["a list of names", "a memorandum", "hand notes", "the statement of (name)", etc.];
 2. The pertinent date associated with the information (date of

- statement, date of memorandum, date of notice, date of crash, etc.);
3. The author of the information;
 4. The name of the individual statementized;
 5. Whether the information has been previously provided to any third party whether or not a party to this matter;
 6. The exact authority upon which you base your objection stating specifically the statutory and jurisprudential authority upon which you rely.

Plaintiff requests that you respond in writing to the following requests and produce the following documents at the office of Blake R. David, Post Office Box 3524, Lafayette, Louisiana, 70502, attorney for ALEXANDRA KATE PATIN (widow of Lance Begnaud), individually and on behalf of E.K. BEGNAUD, E.M. BEGNAUD, and E.T. BEGNAUD (minor children of Lance Begnaud and Alexandra Patin), for inspection, copying and reproduction by the time allowed by law and pursuant to the Louisiana Code of Civil Procedure.

REQUEST FOR PRODUCTION NO. 1

- (1) Written notices of this collapse, fatality or injury;
- (2) Incident reports;
- (3) Any and all statements, either oral or written, signed or unsigned, and any memoranda relating to the incident complained of herein;
- (4) Medical reports;
- (5) Expert reports;
- (6) Written statements from Plaintiffs or decedent;
- (7) Copies of all documents bearing Plaintiff's and/or decedent's signature, including facsimile of signature;
- (8) Photographs, motion pictures and videos of the collapse scene, the plaintiff(s), decedent, and any object involved in the collapse;
- (9) Written or printed operating or safety rules, regulations, or recommendations used by CARGILL, INCORPORATED AND/OR CARGILL DEICING TECHNOLOGY (hereinafter "Cargill") including but not limited to any and all company rules concerning the ground support system and/or bolting;
- (10) Any and all insurance policies requested in Interrogatory No. 9;
- (11) All documents relating to any investigation of the subject collapse including without limitation all investigation reports, root cause determinations and similar reports;
- (12) All documentation and electronically stored information with respect to this CARGILL salt mine collapse, including but not limited to title, damage estimates from this collapse, repair invoices from this collapse, maintenance

records, repair logs, etc.;

- (13) A complete copy of the entire personnel file and/or records (whether kept in paper or digital format) for LANE ALAN LANCASTER, DEAN ANTHONY PONTIFF, and Lance Begnaud (including but not limited to applications, citations, reviews, wage and bonus printouts, reprimands, drug testing results, commendations, etc.);
- (14) Any and all drug and/or alcohol testing results (complete with litigation packet) for any employees tested in conjunction with this collapse;
- (15) Any and all drug and/or alcohol testing results (complete with litigation packet) for any persons taken after this incident;
- (16) Other pertinent documents or things (including but not limited to those listed in answer to INTERROGATORY NO. 8);
- (17) Any and all records, reports, digital data, and/or memoranda relating to plaintiff's alleged injury;
- (18) The entire crew/worker list for CARGILL on the date of the collapse subject to this litigation, and one month prior to this collapse;
- (19) Any and all logs and/or records concerning the CARGILL ground support system installation, maintenance, design, and bolting during the ten (10) year period before this incident and a one year period after this incident that is the subject of this litigation occurred;
- (20) Any and all manuals, standard operating procedures, guidelines, regulations, or any other writing and/or document referred to, used as a basis for a guide in operations, or issued to any employee who does in work with respect to the ground support system;
- (21) Any and all records and reports or other documents pertaining to decedent's injury on the date in question;
- (22) Any and all photographs, video tapes, motion pictures, records and any other depictions or written description, etc., taken by you or your representatives involving, concerning, regarding or in any way connected with the area of the occurrence and facts of the incident complained of herein;
- (23) Any and all reports, notes, memoranda, correspondence, and related data made or kept by you, your agents, or employees, for and/or on behalf or in the interest of any said Defendant(s), and in its regular course of business, currently in existence or in the custody, possession and control, pertaining to plaintiff's injury and Plaintiff's claim against the Defendants herein;
- (24) Any and all blue prints, plans, specifications, schematics and diagrams relating to the ground support system in question;
- (25) All emails, faxes, radiograms, cables and advisories transmitted or received in connection with decedent's fatal injury;
- (26) Copies of all contracts between or among all Defendants herein, and any other entity, in connection with the ground support system where this incident occurred;
- (27) Copies of all documents bearing decedent's signature, including facsimile of signature;
- (28) All contracts, purchase orders, work orders, operating agreements between or among all Defendants herein, and any other party in connection with activities conducted on the mine in question;
- (29) All photographs, motion pictures or videos depicting the decedent or his activities;

REQUEST FOR PRODUCTION NO. 2

Please produce a copy of the entire personnel file, collapse file, investigative file, duty time file, qualification file, payroll and benefit file, reprimand file and any other file in your possession concerning LANE ALAN LANCASTER, DEAN ANTHONY PONTIFF, and Lance Begnaud.

REQUEST FOR PRODUCTION NO. 3

Please produce a copy of any and all documents and/or reports prepared by you or at your request concerning the collapse which is the subject matter of this litigation including, but not limited to, all collapse reports or other notices filed with state or federal agencies.

REQUEST FOR PRODUCTION NO. 4

Please produce a copy of all safety audits of this CARGILL mine for 2015 through 2020.

REQUEST FOR PRODUCTION NO. 5

Please produce a copy of all documents and/or digital information sent to and/or produced for inspection to MSHA with respect to its investigation of this incident.

REQUEST FOR PRODUCTION NO. 6

Please produce a documentation of any and all roof collapses at the CARGILL mine since 1990.

REQUEST FOR PRODUCTION NO. 7

Please produce any and all documentation produced to the Louisiana State Police, MSHA and/or any other law enforcement authority with respect to the ground support system at the CARGILL Avery Island salt mine (including but not limited to any and all ground support plans, designs, logs, bolting records, etc.).

REQUEST FOR PRODUCTION NO. 8

Please produce any and all documentation of this collapse, including but not limited to any and all findings, statements reports, photographs, diagrams, etc. produced by your company, insurance adjusters, law enforcement and/or MSHA.

REQUEST FOR PRODUCTION NO. 9

Please produce a copy of all surveillance information in your possession or in your control, whether or not you intend to use the same at trial, including:

- A. All information showing the identification of the individuals who conducted or attempted to conduct such surveillance.
- B. All information showing the dates on which such surveillance was

attempted or conducted.

- C. Copies of all photographs, videos, films, still photography, movies, or other recordings made during such surveillance or attempted surveillance.
- D. All notes, memorandums, surveillance logs, or other written, digitally recorded, typed or documented information concerning this surveillance, including surveillance notes, records, logs, reports, rough diagrams, rough notes, time sheets, and invoices for such activities.

REQUEST FOR PRODUCTION NO. 10

Please produce a copy of all instructions, guides, manuals, and any training materials of any nature which concerning the CARGILL Avery Island salt mine ground-support policies and procedures.

REQUEST FOR PRODUCTION NO. 11

Any and all reports, notes, memoranda, correspondence, and related data made or kept by you, your agents, or employees, for and/or on behalf or in the interest of any said Defendant(s), and in its regular course of business, currently in existence or in the custody, possession and control, pertaining to decedent's injury, and Plaintiff's claim against the Defendants herein.

REQUEST FOR PRODUCTION NO. 12

The records of the safety meetings and supervisors' meetings for the five years preceding the collapse and six months after the collapse.

REQUEST FOR PRODUCTION NO. 13

Any and all other daily reports/logs and/or JSA reports for the five years preceding the collapse and six months after the collapse.

REQUEST FOR PRODUCTION NO. 14

Produce all diagrams, drawings, instructions, photographs, display guides, plans, layouts, plats, etc. which indicate the location of ground support bolts and ribs for the time period when this incident occurred.

REQUEST FOR PRODUCTION NO. 15

Documentation of any kind whatsoever involving this December 14, 2020 salt mine collapse incident, including but not limited to any and all statements, photographs, video, memos, logs, safety meeting reports, investigation reports, root cause determinations, records of the safety meetings and supervisors meetings, post-incident action plan(s), pre and post incident roof control plan(s), etc.

REQUEST FOR PRODUCTION NO. 16

Any and all citations and/or orders issued to CARGILL and/or Avery Island salt mine by the Mine Safety and Health Administration (MSHA) over the past ten (10) years.

REQUEST FOR PRODUCTION NO. 17

Any and all records and/or documentation of prior "falls" (roof falls, ground falls, etc.) at the mine in question, whether or not it involved injury or death.

REQUEST FOR PRODUCTION NO. 18

Any and all records and/or documentation of prior injuries and or fatalities at the mine in question.

REQUEST FOR PRODUCTION NO. 19

Any and all operations manual(s) and safety manual(s), all instructions, guides, manuals, and any training materials of any nature.

REQUEST FOR PRODUCTION NO. 20

Any and all CARGILL manuals, standard operating procedures, guidelines, regulations, or any other writing and/or document referred to, used as a basis for a guide in CARGILL operations, or issued to any employee in the mine where the accident made the basis of this lawsuit occurred.

REQUEST FOR PRODUCTION NO. 21

Any and all photographs, video tapes, motion pictures, records and any other depictions or written descriptions involving, concerning, regarding or in any way connected with the area of the occurrence and facts of the incident complained of herein.

REQUEST FOR PRODUCTION NO. 22

Any and all documentation sent to MSHA from CARGILL in connection with this incident, including but not limited to any and all reports, memos, roof control plans, maintenance records, ground control records, installation records, equipment records, personnel records, correspondence, statements, action plan submitted by CARGILL after this incident, CARGILL report(s) of incident, any submitted changes to the draft report MSHA regarding this incident, and/or safety curriculum (with amendments).

REQUEST FOR PRODUCTION NO. 23

Any and all reports, notes, memoranda, correspondence, and related data made or kept by CARGILL involving, concerning, regarding or in any way connected with the area of the occurrence and facts of the incident complained of herein.

REQUEST FOR PRODUCTION NO. 24

Any and all documentation concerning “Willful and Knowing” requests, inquiries and/or reports concerning CARGILL (including but not limited to any documentation concerning any and all investigations, submissions, requests or reports) over the last ten (10) years.

REQUEST FOR PRODUCTION NO. 25

Any and all investigation notes (including but not limited to the investigation documentation of the incident described in the petition) involving, concerning, regarding or in any way connected with the area of the occurrence and facts of the incident complained of herein

REQUEST FOR PRODUCTION NO. 26

Any and all documentation of MSHA inspections, citations, and/or reports performed at the mine in question over the last ten (10) years.

REQUEST FOR PRODUCTION NO. 27

Any and all blueprints, plans, specifications, schematics, roof control plan, maintenance records, roof bolting records, roof inspection records, and stability certificates relating to the mine in question, since its original construction to the date of Plaintiff's alleged injury.

REQUEST FOR PRODUCTION NO. 28

Any and all 7000-1 Forms sent to MSHA from CARGILL over the last ten (10) years.

REQUEST FOR PRODUCTION NO. 29

All emails, letters, faxes, radiograms, cables and advisories transmitted or received involving, concerning, regarding or in any way connected with the area of the occurrence and facts of the incident complained of herein.

REQUEST FOR PRODUCTION NO. 30

All contracts, purchase orders, work orders, invoices, part orders, operating agreements, etc. between defendant and any other party in connection with activities conducted in the mine in question, including but not limited to any contractors who assisted in roof control, sold roof control products or components.

For each objection stated in your responses to the above requests for production, please state:

- A. Whether information is actually withheld or whether the objection is made for the purpose of attempting to preserve the right to object to future requests for information of the nature sought; and,
- B. If information is actually being withheld, state:
 1. A brief description of the information withheld [“a list of names”, “a memorandum”, “hand notes”, “the statement of (name)”, etc.];
 2. The pertinent date associated with the information (date of statement, date of memorandum, date of notice, date of collapse, etc.);
 3. The author of the information;
 4. The name of the individual statementized;
 5. Whether the information has been previously provided to any third party whether or not a party to this matter;
 6. The exact authority upon which you base your objection stating specifically the statutory and jurisprudential authority upon which you rely.

Respectfully submitted,

BROUSSARD & DAVID, LLC

Blake R. David (No. 27427)
D’Ann R. Penner (No. 35545)
557 Jefferson Street
Post Office Box 3524
Lafayette, Louisiana 70502-3524
(337) 233-2323 - Telephone
(337) 233-2353 - Fax
ATTORNEYS FOR PLAINTIFFS,
ALEXANDRA KATE PATIN, individually and
obo E.K. BEGNAUD, E.M. BEGNAUD, and
E.T. BEGNAUD

PLEASE SERVE:

CARGILL, INCORPORATED

Through its Registered Agent
Theodore Haik
1017 East Dale Street
New Iberia, LA 70560

CARGILL DEICING TECHNOLOGY,

A division of Cargill Incorporated
Through Cargill’s Registered Agent
Theodore Haik
1017 East Dale Street
New Iberia, LA 70560

LANE ALAN LANCASTER
105 Autumnbrook Drive
Broussard, LA 70518

DEAN ANTHONY PONTIFF
5044 Chitimacha Trail
Jeanerette, LA 70544

* * * Communication Result Report (Dec. 3. 2021 3:23PM) * * *

2}

Date/Time: Dec. 3. 2021 3:06PM

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Richard C. Broussard**†
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 Jerome H. Marouf
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 D'Ann R. Penner



(337)233-2323 Telephone
 (337)233-2323 Fax
 (848)337-2323 Toll Free
 justice@bda.com

FAX TRANSMITTAL COVERSHEET

TO: Clerk of Court, Iberia Parish
FAX NUMBER: (337) 365-0737
FROM: Kathy C. Arnaud with Blake R. David
B & D File: Alexandra K. Patin
DATE: December 3, 2021

NUMBER OF PAGES TRANSMITTED, INCLUDING THIS PAGE: 29

If there are any problems in receiving this fax, please contact Kathy C. Arnaud at 337-233-2323.

COMMENTS:

Please see attached Petition for Damages. Please file and fax our office confirmation of receipt along with the cost of filing same. Thank you.

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