

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**RHEA B. LUCIEN**

**CIVIL ACTION**

**VERSUS**

**NO. 18-8072**

**CHRISTIAN V. FUGAR, ET AL**

**SECTION: "H"**

**ORDER AND REASONS**

Before the Court is Defendant Christian Fugar's Motion to Strike Out Last Sentence of Paragraph Five of the Stipulation of Entry of Consent Judgment (Doc. 58). For the following reasons, Defendant's Motion is DENIED.

**LAW AND ANALYSIS**

The parties in this matter reached a settlement agreement on May 9, 2020 and filed their Stipulation for entry of Consent Judgment on May 5, 2020.<sup>1</sup> The final Consent Judgment was entered on May 6, 2020.<sup>2</sup> Paragraph Five of the Stipulation for Entry of Consent Judgment states, in part, that "[t]he defendants waive the right to appeal from this judgment and will bear their respective costs, including any attorney's fees or other expenses of this litigation."<sup>3</sup> Defendant Christian Fugar ("Fugar") now argues that Plaintiff's attorneys dishonestly inserted this sentence "to make the defendant liable for

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<sup>1</sup> See Doc. 54.

<sup>2</sup> See Doc. 55.

<sup>3</sup> Doc. 54 at 1.

Plaintiff's attorney fees and other expenses of the litigation" and asks this Court to strike the sentence from the Stipulation. Contrary to Fugar's assertions, however, the at-issue language does not make him responsible for Plaintiff's attorney's fees or costs. Rather, the language merely requires that each party take responsibility for his own attorney's fees and court costs. Accordingly, Defendant Fugar's Motion is denied.

Additionally, the Court notes that Plaintiff's Opposition to Defendant's Motion to Strike includes a request that this Court order Defendant Fugar to execute a promissory note. An opposition to a motion is not the appropriate form in which to request such relief; thus, Plaintiff's request is not properly before the Court. If Plaintiff would like for this Court to consider the additional matters raised in her Opposition, she is instructed to file the appropriate motion with the necessary documentation.

### **CONCLUSION**

For the foregoing reasons, Defendant Motion to Strike Out Last Sentence of Paragraph Five of the Stipulation of Entry of Consent Judgment (Doc. 58) is DENIED.

New Orleans, Louisiana this 19th day of January, 2021.

  
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JANE TRICHE MILAZZO  
UNITED STATES DISTRICT JUDGE