

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

NIKOLE SMITH, ET AL.

CIVIL ACTION

VERSUS

NO. 17-436-JWD-EWD

CITY OF BATON ROUGE, ET AL.

ORDER

This matter comes before the Court on the *Motion for Summary Judgment* (Doc. 45) filed by the Louisiana Sheriff's Association ("LSA") Defendants. Plaintiffs oppose the motion (Doc. 54), and LSA Defendants have filed a reply (Doc. 61). Oral argument was heard today. The Court has carefully considered the law, the facts in the record, and the arguments and submissions of the parties and is prepared to rule. For oral reasons to be assigned,

IT IS ORDERED that LSA Defendants' motion is **GRANTED IN PART, DENIED WITHOUT PREJUDICE IN PART**, and **DEFERRED IN PART**.

IT IS FURTHER ORDERED that the motion is **GRANTED** as to the § 1983 claims against Hurst and Cazes in their individual capacity, as Plaintiffs have failed to allege any personal participation by them in the alleged constitutional violations.

IT IS FURTHER ORDERED that the motion is **DEFERRED** as to the § 1983 and § 1985(3) conspiracy claims against Hurst and Cazes pending limited written discovery on the narrow issue of which individual defendants (if any) were involved in the alleged constitutional violation. The Magistrate Judge will determine what limited discovery will be allowed for this issue.

IT IS FURTHER ORDERED that the motion is **GRANTED** as to the § 1983 official capacity claim against the LSA for lack of an underlying constitutional violation.

IT IS FURTHER ORDERED that the motion is **GRANTED** as to the state law claims allegedly committed by Hurst and Cazes in their individual capacity, but **DENIED WITHOUT PREJUDICE** as to any claim of vicarious liability against them.

IT IS FURTHER ORDERED that, to the extent the motion was granted, Plaintiffs are given leave to amend to cure the deficiencies of the operative complaint. Plaintiffs must file their next amended complaint within thirty (30) days of the completion of the limited discovery set forth above.

IT IS FURTHER ORDERED that LSA Defendants shall have seven (7) days from this ruling to supplement the record with affidavits that are properly notarized and that have the correct date. The substance of the affidavits must otherwise remain the same.

Signed in Baton Rouge, Louisiana, on September 6, 2018.



JUDGE JOHN W. deGRAVELLES
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA