

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION**

**JOSEPH BOWMAN CORMIER,
MARY ANN HENRY CORMIER**

CIVIL ACTION NO. 09-703

VERSUS

JUDGE DOHERTY

**LAFAYETTE CITY-PARISH
CONSOLIDATED
GOVERNMENT, ET AL**

MAGISTRATE JUDGE HANNA

RULE 7(a) HEIGHTENED PLEADING REVIEW

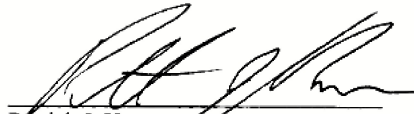
In this §1983 civil rights suit, plaintiffs have sued defendants Lafayette City-Parish Consolidated Government, Lafayette City Police Department and/or Lafayette City Prosecutor's Office, Earl "Nickey" Picard, Timothy Picard, Gary J. Haynes, Shane M. Mouton, Lt. Nolvey Stelly, Corporal Heather Martin, and Officer Chase Guidry in their official and individual capacities. In their answers, defendants plead qualified immunity. The undersigned has therefore conducted an evaluation of plaintiffs complaint to determine whether it meets the applicable heightened pleading requirement. *See* Schultea v. Wood, 47 F.3d 1427, (5th Cir. 1995); Baker v. Putnal, 75 F.3d 190, 195 (5th Cir. 1996).

After review, the undersigned concludes plaintiffs have "supported [their] claims with sufficient precision and factual specificity to raise a genuine issue as to the illegality of defendants' conduct at the time of the alleged acts." Schultea, 47 F.3d at 1434.

Although the court may later determine the facts in favor of defendants, the sole issue presented here is whether plaintiffs have satisfied the heightened pleading requirement of

Shultea, which the undersigned concludes they have. Thus, no order limiting discovery under Schultea is appropriate.

Signed at Lafayette, Louisiana on this 12th day of March, 2010.

A handwritten signature in black ink, appearing to read 'Patrick J. Hanna', written over a horizontal line.

Patrick J. Hanna
United States Magistrate Judge
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