

**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***

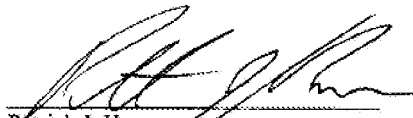
In this §1983 civil rights suit, plaintiffs have sued defendants Lafayette City-Parish Consolidated Government, Lafayette City Police Department and/or Lafayette City Prosecutor's Office, Earl "Nickey" Picard, Timothy Picard, Gary J. Haynes, Shane M. Mouton, Lt. Nolvey Stelly, Corporal Heather Martin, 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, (5<sup>th</sup> 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 12<sup>th</sup> day of March, 2010.



Patrick J. Hanna  
United States Magistrate Judge  
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