

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

**NATHANIEL ARDOIN**

**CIVIL ACTION NO. 09-2180**

**VERSUS**

**JUDGE DOHERTY**

**CITY OF EUNICE, ET AL**

**MAGISTRATE JUDGE HANNA**

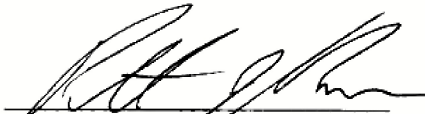
***RULE 7(a) HEIGHTENED PLEADING REVIEW***

In this §1983 civil rights suit, plaintiff has sued defendants City of Eunice, Daniel Crum, and James Gary Fontenot 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). Plaintiff also filed a Plaintiff's Rule 7(A) Response to Qualified Immunity Defense. (Rec. Doc. 19).

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 24<sup>th</sup> day of September, 2010.



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Patrick J. Hanna  
United States Magistrate Judge  
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