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WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE, LOUISIANA

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

SANDRA GOODMAN :  
VERSUS : CIVIL ACTION NO.: 6:10-CV-00270  
JAY ALLEN CAPTERVILLE, ET AL : JUDGE DOHERTY, MAG. HILL

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**CONSENT JUDGMENT**

By agreement of counsel and considering the **Motion to Strike Penalty, Punitive or Exemplary Damages** and the **Motion to Dismiss Pursuant to Rule 12(b)(2) to dismiss the Abbeville Police Department** previously filed on behalf of the ABBEVILLE POLICE DEPARTMENT and the CITY OF ABBEVILLE; OFFICER JAY ALLEN CAPTERVILLE, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS A POLICE OFFICER FOR THE CITY OF ABBEVILLE; OFFICER NICHOLAS PICARD, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS A POLICE OFFICER FOR THE CITY OF ABBEVILLE; and FORMER CHIEF RICK COLEMAN, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS FORMER CHIEF OF POLICE OF THE CITY OF ABBEVILLE[**Court Docs. #7 and 9**];

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that plaintiff's claims for Penalty, Punitive, and Exemplary Damages against the CITY OF ABBEVILLE; OFFICER JAY ALLEN CAPTERVILLE, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS A POLICE OFFICER FOR THE CITY OF ABBEVILLE; OFFICER NICHOLAS PICARD, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS A POLICE OFFICER FOR THE

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CITY OF ABBEVILLE; and FORMER CHIEF RICK COLEMAN, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS FORMER CHIEF OF POLICE OF THE CITY OF ABBEVILLE, be and they are hereby **STRICKEN IN PART**, as there is no Louisiana state statute that allows for the recovery of punitive or exemplary damages in this matter, and that pursuant to *City of Newport v. Fact Concerts, Inc.*, 101 S.Ct. 2748 (1981), punitive damages cannot be recovered from the CITY OF ABBEVILLE; OFFICER JAY ALLEN CAPTERVILLE, IN HIS OFFICIAL CAPACITY AS A POLICE OFFICER FOR THE CITY OF ABBEVILLE; OFFICER NICHOLAS PICARD, IN HIS OFFICIAL CAPACITY AS A POLICE OFFICER FOR THE CITY OF ABBEVILLE; and FORMER CHIEF RICK COLEMAN, IN HIS OFFICIAL CAPACITY AS FORMER CHIEF OF POLICE OF THE CITY OF ABBEVILLE, and that plaintiff's claims for such damages against the CITY OF ABBEVILLE; OFFICER JAY ALLEN CAPTERVILLE, IN HIS OFFICIAL CAPACITY AS A POLICE OFFICER FOR THE CITY OF ABBEVILLE; OFFICER NICHOLAS PICARD, IN HIS OFFICIAL CAPACITY AS A POLICE OFFICER FOR THE CITY OF ABBEVILLE; and FORMER CHIEF RICK COLEMAN, IN HIS OFFICIAL CAPACITY AS FORMER CHIEF OF POLICE OF THE CITY OF ABBEVILLE, for punitive damages be stricken from the record of these proceedings.

Otherwise, plaintiff is allowed to proceed, as prayed for in her original Complaint and 1st Amended Complaint, against OFFICER JAY ALLEN CAPTERVILLE, INDIVIDUALLY; OFFICER NICHOLAS PICARD, INDIVIDUALLY; and FORMER CHIEF RICK COLEMAN, INDIVIDUALLY, as plaintiff may be able to recover penalty, punitive or exemplary damages, should plaintiff ultimately prevail on her federal law claims under 42 U.S.C.A. §1983, or other federal law claims allowing such damages.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the **Motion to Dismiss Pursuant to Rule 12(b)(2) to dismiss the Abbeville Police Department** filed on behalf of the ABBEVILLE POLICE DEPARTMENT [Court Doc. #9] be and same is hereby **GRANTED**, and the ABBEVILLE POLICE DEPARTMENT is hereby dismissed from this matter, with prejudice, with plaintiff reserving her rights to proceed against the remaining named defendants.

Mr. George J. Tate has given John F. Wilkes, III the authority to submit this proposed Consent Judgment with his electronic signature.

THUS DONE AND SIGNED this 23 day of September, 2010, at Lafayette, Louisiana.

  
JUDGE

**SUBMITTED BY:**

BORNE & WILKES, L.L.P.

BY: s/John F. Wilkes, III  
JOHN F. WILKES, III (Bar Roll #1644), T.A.  
JOY C. RABALAIS (Bar Roll #26476)  
RAY F. LUCAS, III (Bar Roll #27558)  
ERIN N. FRUGE (Bar Roll #32459)  
200 West Congress Street, Suite 1000  
Post Office Box 4305  
Lafayette, Louisiana 70502-4305  
Telephone: (337) 232-1604 Ext. 232  
Facsimile: (337) 232-1837  
E-mail: [wilkes@bornewilkes.com](mailto:wilkes@bornewilkes.com)

ATTORNEYS FOR THE ABBEVILLE POLICE DEPARTMENT;  
THE CITY OF ABBEVILLE; OFFICER JAY ALLEN  
CAPTerville, INDIVIDUALLY AND IN HIS OFFICIAL  
CAPACITY AS A POLICE OFFICER FOR THE CITY OF  
ABBEVILLE; OFFICER NICHOLAS PICARD, INDIVIDUALLY  
AND IN HIS OFFICIAL CAPACITY AS A POLICE OFFICER  
FOR THE CITY OF ABBEVILLE; AND FORMER CHIEF RICK  
COLEMAN, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY  
AS FORMER CHIEF OF POLICE OF THE CITY OF ABBEVILLE

**APPROVED:**

GEORGE J. TATE, P.L.L.C.

BY:                   s/George J. Tate                    
George J. Tate, B. R. No. 12663  
130 Main Street - P. O. Box 817  
Abbeville, La 70511-0817  
Telephone: (337) 893-8335  
Trlrfacsimile: (337) 893-8653  
Email: [georgetate@bellsouth.net](mailto:georgetate@bellsouth.net)

ATTORNEY FOR SANDRA GOODMAN

CERTIFICATE

I HEREBY CERTIFY that on the 20th day of September, 2010, a copy of the foregoing  
Consent Judgment was filed electronically with the Clerk of Court using the CM/ECF system.  
Notice of this filing will be sent to Mr. George J. Tate by operation of the court's electronic filing  
system.

  s/John F. Wilkes, III    
JOHN F. WILKES, III (Bar Roll #01644)  
BORNE & WILKES, L.L.P.  
Attorney for Defendants