

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

AMANDA CLARK, ET AL * **CIVIL ACTION NO. 15-2409**
VS. * **JUDGE DOHERTY**
NEAL LARTIGUE, ET AL * **MAGISTRATE JUDGE WHITEHURST**

RULE 7(a) HEIGHTENED PLEADING REVIEW

In this §1983 civil rights suit, plaintiffs have sued defendant Larry Paul Fontenot in his individual and official capacities. In answering plaintiffs' complaint, defendants plead qualified immunity. *R. 1; 14*. 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).¹

After review, the undersigned concludes that the plaintiffs have "supported [her] 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 plaintiff has satisfied the

¹ When an officer or other official sued in his or her personal capacity asserts a qualified immunity defense in a civil rights action, the plaintiff must support his or her claim "with sufficient precision and factual specificity to raise a genuine issue as to the illegality of defendant's conduct at the time of the alleged acts." *Schultea v. Wood*, 47 F.3d 1427, 1434 (5th Cir. 1995).

heightened pleading requirement of *Shultea*, which the undersigned concludes she has. Thus, no order limiting discovery under *Schultea* is appropriate.

Signed at Lafayette, Louisiana on this 9th day of December 2015.



CAROL B. WHITEHURST
UNITED STATES MAGISTRATE JUDGE