

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

LIZA EDMOND, on Behalf of
M.B. and X.B.

CIVIL ACTION NO. 16-0045

VERSUS

JUDGE S. MAURICE HICKS, JR.

LAFAYETTE CONSOLIDATED
GOVERNMENT, LAFAYETTE
POLICE DEPARTMENT, CHIEF OF
POLICE JIM CRAFT, and OFFICER
MELVIN RIDDELL

MAGISTRATE JUDGE HANNA

ORDER

This matter was referred to United States Magistrate Judge Patrick J. Hanna for report and recommendation. After an independent review of the record, and noting the absence of any objections, this Court concludes that the Magistrate Judge's report and recommendation is correct and adopts the findings and conclusions therein as its own. Accordingly,

IT IS ORDERED, ADJUDGED, AND DECREED that, consistent with the report and recommendation, the defendants' motion to dismiss (Record Document 13) is **GRANTED IN PART AND DENIED IN PART** and the plaintiff be permitted to amend her complaint with regard to certain of her claims. More particularly,

(1) It is ordered that the motion is **GRANTED** with regard to the plaintiff's claim against "Lafayette Police Department," and that claim is **DISMISSED WITH PREJUDICE**.

(2) It is ordered that the motion is **GRANTED** to the extent that the complaint articulates a vicarious liability or *respondeat superior* claim against the City, and any such claim is **DISMISSED WITH PREJUDICE**.

(3) It is ordered that the plaintiff is **GRANTED LEAVE** to amend her complaint in order to more adequately state a claim for municipal liability against the City.

(4) It is ordered that the motion is **GRANTED** with regard to the plaintiff's claims against Chief Craft and Officer Riddell in their official capacities, and those claims are **DISMISSED WITH PREJUDICE**.

(5) It is ordered that the motion is **GRANTED** with regard to the plaintiff's claim against Chief Craft in his individual capacity to the extent that Chief Craft did not personally participate in the relevant events of October 2015, and it is ordered that the claim is **DISMISSED** in that regard.

(6) It is ordered that the plaintiff is **GRANTED LEAVE** to amend her complaint in order to more adequately state a claim against Chief Craft in his individual capacity with regard to any relevant policies that he implemented.

(7) It is ordered that the defendants' motion is **GRANTED** to the extent that the plaintiff asserted punitive damages claims against the City and against Chief Craft and Officer Riddell in their official capacities, and those claims are **DISMISSED WITH PREJUDICE**. However, it is ordered that if the plaintiff amends her complaint and states a claim against Chief Craft in his individual capacity, the plaintiff will retain her right to seek punitive damages against him as well as against Officer Riddell in his individual capacity.

(8) It is ordered that, to the extent that the defendants' motion seeks dismissal of the complaint for failure to allege more than *de minimis* injuries, the motion is **DENIED WITHOUT PREJUDICE** to the defendants' right to reassert this defense, if appropriate, upon the completion of discovery.

THUS DONE AND SIGNED, in Shreveport, Louisiana, this 5th day of July, 2016.



S. MAURICE HICKS, JR.
UNITED STATES DISTRICT JUDGE