

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

HAYWARD DURESSEAU

CIVIL ACTION NO. 6:16-cv-01135

VERSUS

UNASSIGNED DISTRICT JUDGE

CAMPING WORLD OF LAFAYETTE,  
ET AL.

MAGISTRATE JUDGE HANNA

**JUDGMENT**

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, with the following correction: to the extent the "Conclusion" of the Report and Recommendation recommends at item (2) that the motion be granted as to all claims other than redhibition, that statement is inconsistent with the body of the Report and Recommendation. Rather, in accordance with the substantive portions of the Report and Recommendation [*see* Doc. 23 at pp. 8-10], item (2) of the Conclusion is revised to read: that the motion be granted with regard to plaintiff's claim for punitive damages; the motion be denied as to plaintiff's claims of breach of contract, breach of warranty, negligence, and fraud. Accordingly,

**IT IS ORDERED, ADJUDGED, AND DECREED** that, consistent with the Report and Recommendation, the defendants' motion to dismiss (Doc. 16) is GRANTED IN PART and DENIED IN PART. More particularly, the motion is denied with regard to the plaintiff's redhibition claim; the motion is denied with regard to plaintiffs' claims of breach of contract, breach of warranty, negligence, and fraud; and the motion is granted with regard to plaintiff's claim for punitive damages.

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the plaintiff is granted leave of court to file an amended complaint, not later than twenty-one days after the date of this judgment, to provide additional factual detail supporting his claims of breach of contract, breach of warranty, negligence, and fraud; defendants may reurge their motion to dismiss after review of the amended complaint, if necessary or appropriate.

Monroe, Louisiana, this 24<sup>th</sup> day of April, 2018.

  
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**ROBERT G. JAMES**  
**UNITED STATES DISTRICT JUDGE**