

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

THELMA GUILBEAUX, ET AL., **CIVIL ACTION NO. 16-1464**
VERSUS **JUDGE ROBERT G. JAMES**
CITY OF EUNICE, ET AL., **MAG. JUDGE CAROL B. WHITEHURST**

JUDGMENT

For the reasons stated in this Court’s Ruling and in the Reports and Recommendations of the Magistrate Judge [Doc. Nos. 20 & 21], to the extent adopted by this Court,

IT IS ORDERED, ADJUDGED, AND DECREED that Defendant Eunice Police Department’s Motion to Dismiss [Doc. No. 6] is GRANTED, and claims against this Defendant are DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Motion to Dismiss for Failure to State a Claim Upon Which Relief Can be Granted [Doc. No. 4] filed by Defendants the City of Eunice, Chief Randy Fontenot, and Officer Kathy Miller is GRANTED IN PART and DENIED IN PART. The motion is GRANTED as to all claims asserted by or on behalf of the Estate of Michael Edwards, Jr., and all civil rights claims asserted by Plaintiffs Deanna Poullard (“Poullard”) and Michael Edwards, Sr. (“Edwards”), under 42 U.S.C. § 1983 for wrongful death and survivorship. These claims are DISMISSED WITH PREJUDICE. The motion is DENIED as to Poullard’s and Edwards’ claims under § 1983 based on familial association.

IT IS FURTHER ORDERED that Plaintiffs are granted leave to amend their Complaint no later than twenty-one (21) days from the date of this Judgment to clearly and plainly state Poullard’s and Edwards’ familial relationship claims as required by Federal Rule of Civil Procedure 8 and to

allege with particularity those facts necessary to overcome a qualified immunity defense to such a claim. If Plaintiffs fail to timely amend their Complaint, the Court will dismiss Poullard and Edward from the case for failure to state any remaining claims. It does not appear to the Court that Poullard and Edwards are attempting to state claims for bystander damages. If they intend to do so, any such claims should be set forth in their Amended Complaint under the same standards as the amendment of their familial relationship claims.

MONROE, LOUISIANA, this 2nd day of March, 2017.


ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE