

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 the Report and Recommendations of the Magistrate Judge [Doc. No. 55], noting the lack of objections in the record, and determining that the findings are consistent with the applicable law,

IT IS ORDERED that Defendant Eunice Police Department’s Motion to Dismiss Pursuant to Rule 12(b)(2) [Doc. No. 35] is **DENIED AS MOOT**.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Motion to Dismiss Penalty, Punitive or Exemplary Damages filed by Defendants City of Eunice (“the City”), Chief Randy Fontenot (“Chief Fontenot”), individually and in his official capacity as Chief of Police of the City, and Officer Kathy Miller (“Officer Miller”), individually and in her official capacity as a police officer for the City [Doc. No. 36] is **GRANTED IN PART and DENIED IN PART**. The motion is **GRANTED** as to Plaintiffs’ punitive damages claims under 42 U.S.C. § 1983 against the City and against Chief Fontenot and Officer Miller in their official capacities and as to Plaintiffs’ claims against Defendants for punitive damages under state law. The motion is **DENIED** as Plaintiffs’ punitive damages claims under § 1983 against Chief

Fontenot and Officer Miller in their individual capacities.

MONROE, LOUISIANA, this 8th day of June, 2017.

A handwritten signature in black ink that reads "Robert G. James". The signature is written in a cursive style with a horizontal line underneath it.

ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE