

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

THOMAS JOSEPH CULOTTA, II

CIVIL ACTION NO. 17-0093

VERSUS

UNASSIGNED DISTRICT JUDGE

LAFAYETTE CONSOLIDATED
GOVERNMENT, ET AL.

MAGISTRATE JUDGE WHITEHURST

ORDER

For the reasons contained in the Report and Recommendation of the Magistrate Judge filed previously herein, noting the absence objections thereto, and concurring with the Magistrate Judge's findings under the applicable law;

IT IS ORDERED that the unopposed Motion To Dismiss filed by Lafayette Parish Sheriff's Department, through its Sheriff, Mark A. Garber, Defendants, and Lafayette Parish Sheriff's Department officers yet to be named [Rec. Doc. 25] be **GRANTED IN PART** as to: (1) all Section 1983 and Louisiana state law claims against Sheriff Mark A. Garber, individually and in his official capacity; (2) Lafayette Parish Sheriff's Department unnamed Officers in their official capacities; and (3) Lafayette Parish Sheriff's Department unnamed Officers in their individual capacities as to the Section 1983 and related Louisiana state law false arrest and excessive force claims, and **DENIED IN PART** as to the remaining Section 1983 claims and related Louisiana state law claims (including false imprisonment) against Lafayette Parish Sheriff's Department unnamed Officers in their individual capacities.

IT IS FURTHERED ORDERED that the unopposed Motion To Dismiss filed by Lafayette City-Parish Consolidated Government Defendants [Rec. Doc. 27], be **GRANTED IN PART** as to: (1) all Section 1983 claims and Louisiana state law claims against Lafayette City-Parish Consolidated Government; and (2) Lafayette City-Parish Consolidated Government unnamed Officers in their official capacities and **DENIED IN**


PART as to all Section 1983 claims and related Louisiana state law claims (including false arrest, assault, and battery) alleged against Lafayette City-Parish Consolidated Government unnamed Officers in their individual capacities.

IT IS FURTHER ORDERED that, more specifically, the unopposed Motions to Dismiss [Rec. Docs. 25 & 27] are **GRANTED IN PART** as to Plaintiff's demand for punitive damages under Louisiana state law and **DENIED IN PART** as to Plaintiff's claims for punitive damages under Section 1983 against the Lafayette Parish Sheriff's Department unnamed Officers and the Lafayette City-Parish Consolidated Government unnamed Officers, in their individual capacities.

IT IS FURTHER ORDERED that, more specifically, the unopposed Motions to Dismiss [Rec. Docs. 25 & 27] are **GRANTED** as to Plaintiff's state law claims for defamation and negligent hiring.

IT IS FURTHER ORDERED that the parties are to conduct discovery on the remaining Section 1983 claims and related Louisiana state law claims against the Lafayette Parish Sheriff's Department and City-Parish Consolidated Government unnamed officers in their individual capacities, to uncover only those facts needed to rule on the immunity claim, as provided under Backe v. Leblanc, 691 F.3d 645, 648 (5th Cir. 2012).

THUS DONE AND SIGNED, in Shreveport, Louisiana, this 16th day of November, 2017.


S. MAURICE HICKS, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT