

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

CRYSTAL MCLEMORE, ET AL.

CIVIL ACTION NO. 19-0751

VERSUS

JUDGE JUNEAU

MARK GARBER, ET AL.

MAGISTRATE JUDGE WHITEHURST

**J U D G M E N T**

For the reasons assigned in the Report and Recommendation of the Magistrate Judge previously filed herein, and having thoroughly reviewed the record, and considering the lack of written objections filed, and concurring with the findings of the Magistrate Judge under the applicable law;

IT IS ORDERED that the Rule 12(b)(6) Motion to Dismiss filed by defendants Advantage Medical Professionals, LLC, Cynthia Wiltz, Shelly Samuel, Randel Bernard, Mona Bergaux, and Wilhelmina Clay [“the Advantage defendants”], Rec. Doc. 90, is GRANTED, as follows.

IT IS ORDERED that the motion to dismiss plaintiffs’ Section 1983 claims against the Advantage defendants for deliberate indifference to Walker’s serious medical needs is GRANTED, and these claims are DENIED AND DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED that the motion to dismiss plaintiffs’ *Monell* claims against the Advantage defendants for unconstitutional policies related to (a)

suicide assessment and prevention, (b) lack of protocols to identify evidence of extreme intoxication or drug abuse, (c) inadequate staffing, (d) monitoring, and (e) training (*Monell* claims) is GRANTED, and these claims are DENIED AND DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED that the motion to dismiss plaintiffs' state law claims for medical malpractice tort against the Advantage defendants is GRANTED, and these claims are DENIED AND DISMISSED WITHOUT PREJUDICE, as this Court declines to exercise its supplemental jurisdiction over these claims.

**THUS DONE AND SIGNED** in Lafayette, Louisiana, on this 3rd day of June, 2021.

  
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MICHAEL J. JUNEAU  
UNITED STATES DISTRICT JUDGE