

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

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CIVIL ACTION NO. 6:22-CV-02089

VERSUS

JUDGE DAVID C. JOSEPH

LOUISIANA BOARD OF REGENTS ET AL  
MAGISTRATE JUDGE DAVID J. AYO

**ORDER**

Before the Court are two motions to dismiss filed pursuant to Fed. R. Civ. P. 12(b)(2) and 12(b)(5) (Rec. Docs. 19 and 41) and three motions to dismiss filed pursuant to Fed. R. Civ. P. 12(b)(6), in which various defendants seek the dismissal of some, or all, of Plaintiffs' claims asserted in the Complaint and the Amended Complaint. (Rec. Docs. 49, 83, and 97). Also before the Court are an UNOPPOSED MOTION FOR CLARIFICATION AND FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFFS' AMENDING COMPLAINTS filed by Defendants Joseph Savoie and Les Guice (Rec. Doc. 75), PLAINTIFF'S MOTION FOR LEAVE TO FILE A SECOND AMENDED COMPLAINT (REC. DOC. 76), and PLAINTIFFS' MOTION TO EXTEND THE DEADLINE TO SERVE THE LOUISIANA ATTORNEY GENERAL AND OFFICE OF RISK MANAGEMENT WITH COPIES OF THE SUMMONS AND COMPLAINT SPECIFIC TO EACH STATE AGENCY DEFENDANT (Rec. Doc. 82).

In each of the motions to dismiss, the defendants assert that Plaintiffs have either failed to serve properly either the Board of Supervisors of the University of Louisiana and Louisiana State University or failed to assert plausible claims in their Complaint and/or First Amended Complaint. (Rec. Docs. 1 and 70).

Federal Rule of Civil Procedure 15(a) "requires the trial court to grant leave to

amend freely, and the language of this rule evinces a bias in favor of granting leave to amend.” *Lyn-Lea Travel Corp. v. Am. Airlines, Inc.*, 283 F.3d 282, 286 (5th Cir. 2002) (internal quotation marks omitted). Plaintiffs have previously filed an Amended Complaint (Rec. Doc. 70) and have filed a motion for leave to file a second amended complaint (Rec. Doc. 76). The Court finds that Plaintiffs should be provided a further opportunity to amend their complaint but that PLAINTIFF’S MOTION FOR LEAVE TO FILE A SECOND AMENDED COMPLAINT (Rec. Doc. 76) should be DENIED and that Plaintiffs should be granted additional time to file an amended complaint with the said amended complaint to address the arguments raised by the defendants in their motions to dismiss, including the naming the plaintiffs previously known as “Jane Does 1-100.” Accordingly,

**IT IS HEREBY ORDERED** that PLAINTIFF’S MOTION FOR LEAVE TO FILE A SECOND AMENDED COMPLAINT (Rec. Doc. 76) is DENIED, but Plaintiffs are granted leave to file on or before **Monday April 29, 2024**, a comprehensive amended complaint addressing the deficiencies raised in the defendants’ foregoing motions to the extent possible and removing all references to “Jane Doe” plaintiffs. The comprehensive amended pleading shall include all of Plaintiffs’ numbered allegations, as revised, supplemented, and/or amended, which will become the operative complaint in this matter without reference to any other document in the record. No further amendments will be permitted.

**IT IS FURTHER ORDERED** that given the Court’s order above granting leave to Plaintiffs to file an amended complaint, the pending motions to dismiss (Rec. Docs. 19,

41, 49, 83, and 97) are DENIED AS MOOT without prejudice to Defendants, right to re-urge their motions and can do so by adopting their prior motions by reference. In the event Plaintiffs do not timely file an amended complaint as ordered herein, the Court will issue an order, *sua sponte*, reinstating Defendants' motions to dismiss and will issue reports and recommendations based on the current operative complaint.

**IT IS FURTHER ORDERED** that PLAINTIFFS' MOTION TO EXTEND THE DEADLINE TO SERVE THE LOUISIANA ATTORNEY GENERAL AND OFFICE OF RISK MANAGEMENT WITH COPIES OF THE SUMMONS AND COMPLAINT SPECIFIC TO EACH STATE AGENCY DEFENDANT, (Rec. Doc. 82) is DENIED without prejudice to Plaintiffs right to re-urge the motions in the event Defendants reassert their arguments regarding defective service.

**IT IS FURTHER ORDERED** that the UNOPPOSED MOTION FOR CLARIFICATION AND FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFFS' AMENDING Complaints, filed by Defendants Joseph Savoie and Les Guice, (Rec. Doc. 75) is DENIED AS MOOT.

Signed at Lafayette, Louisiana on this 27th day of March, 2024.

A handwritten signature in black ink, appearing to read 'David J. Ayo', written in a cursive style. The signature is positioned above a horizontal line.

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DAVID J. AYO  
UNITED STATES MAGISTRATE JUDGE