

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

BLAIR IMANI, ET AL.

CIVIL ACTION

VERSUS

NO. 17-439-JWD-EWD

CITY OF BATON ROUGE, ET AL.


ORDER

This matter comes before the Court on the *Motion to Strike Plaintiffs' Complaint, First Amended Complaint, and Second Amended Complaint Under Rule 12(f), Fed.R.Civ.P.* (Doc. 64) filed by the City/Parish Defendants and on the *LSP Defendants' Fed. R. Civ. P. 12(f) Motion to Strike* (Doc. 68) (collectively, the "Motions to Strike"). Plaintiffs oppose both motions. (Doc. 77, 88). The City/Parish has filed a reply. (Doc. 95.) Oral argument was heard today. The Court has carefully considered the law, facts in the record, and arguments and submissions of the parties and is prepared to rule. For oral reasons to be assigned,

IT IS ORDERED that the Motions to Strike are **GRANTED IN PART** and **DENIED IN PART**. The Motions to Strike are **GRANTED** in that the following items are stricken from the operative complaint: (a) Figures 4, 18, and 42 (*i.e.*, the photograph of Javier Dunn's injuries, the photograph of the aggressive arrest of a third party, and the drawing of one of the Plaintiff's injuries), and (b) Paragraph 89, which describes Javier Dunn's injuries. In all other respects, the Motions to Strike are **DENIED** because defendants have failed to meet their heavy burden of demonstrating that the figures, exhibits, videos, newspaper articles, evidentiary material and allegations (which were properly incorporated into the operative complaint) have no possible relation to the controversy and are unfairly and/or significantly prejudicial. Any prejudice to the defendants can be mitigated by (a) not submitting the operative complaint to the jury, (b) vigorous

voir dire, (c) limiting instructions, and (d) motions in limine. Plaintiffs must file an amended complaint within thirty (30) days of the completion of the limited discovery set forth in the other rulings issued today.

Signed in Baton Rouge, Louisiana, on September 7, 2018.



JUDGE JOHN W. deGRAVELLES
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA