

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

HUBERT P. VIDRINE, JR., AND  
TAMMY JOHNSON VIDRINE,  
PLAINTIFFS,

v.

THE UNITED STATES,  
DEFENDANT.

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Civil Action No. 6:07-CV-1204

ORIGINAL COMPLAINT FOR DAMAGES  
UNDER THE FEDERAL TORT CLAIMS ACT

Hubert P. Vidrine, Jr., and Tammy Joabert Vidrine, Plaintiffs, by and through their attorneys, THE CORNWELL LAW FIRM, GORDON & LILLEY, and the WASHINGTON LEGAL FOUNDATION, now come before this Court and complain of the United States Government, as follows:

I.

JURISDICTION, VENUE, AND CONDITIONS PRECEDENT

1. Plaintiffs are husband and wife. They live at 1375 Hwy 178, Opelousas, Louisiana, 70570, and thus are residents of the Western District of Louisiana.
2. The claims herein are brought against the United States pursuant to the Federal Tort Claims Act (28 U.S.C. §2671, *et seq.*) and 28 U.S.C. §§1346(b)(1), for money damages as compensation for loss of property and personal injuries that were caused by the negligent and wrongful acts and omissions of employees of the United States Government while acting within the scope of their offices and employment, under circumstances where the United States, if a private person, would be liable to the Plaintiffs in accordance with the laws of the State of Louisiana.
3. Venue is proper in that all, or a substantial part of the acts and omissions forming the basis of these claims occurred in the Western District of Louisiana, and arose from the filing and prosecution of unfounded charges of criminal conduct against Mr. Vidrine by the United States Government and its agents, maliciously and without probable cause,

# Sample Tort Complaint

**RM Cervero**



## **Sample Tort Complaint:**

Public Employee Discharge and Discipline Isidore Silver, 2001-01-01 Managing public employment cases in today's volatile fast changing legal arena is no easy task. Just keeping up with the complex developments in constitutional labor civil service administrative and common law can be a full time job. Aspen Publishers' Public Employee Discharge and Discipline is the definitive work on every aspect of public employment law. This invaluable two volume resource is the only one of its kind to deal with all public employment disciplinary and discharge issues for federal state and municipal employees. The Third Edition offers thorough analysis and in depth discussion of such essential topics as First Amendment and whistleblowing Public sector collective bargaining and arbitration Due process in discipline and discharge Administrative and judicial review Title VII ADA FMLA and other discrimination laws Sexual harassment under 1983 Title IX and Title VII Drug testing Invasion of privacy Applicability of common law tort and contract principles of wrongful discharge Summaries of federal and state cases Also with Public Employee Discharge and Discipline you will also get a BONUS CD ROM containing over 30 easy access customizable forms as well as current surveys of state and federal cases. Public Employee Discharge and Discipline has been updated with the latest developments including Latest developments in the movement to limit or abrogate public employment collective bargaining *Gross v FBL Financial Services* a Supreme Court decision requiring an employee to prove that age discrimination was andquot the soleandquot and andquot but forandquot cause of discharge under the ADEA 29 U S C and 623 a Adoption of *Gross* andquot Sole Motiveandquot Standard by Seventh Circuit in *Fairley v Andrews and Serwatka v Rockwell* Analysis of *Thompson v N A Stainless L P* a 2011 unanimous Supreme Court decision that retaliation against a fiancand e for an employee's Title VII claim was actionable Discussion of *Staub v Proctor* another 2011 unanimous Supreme Court decision that a supervisor's bias may be andquot a motivating factorandquot for and a proximate cause of a discriminatory discharge if it played some role in contributing to it whether or not a non biased decisionmaker conducted an independent investigation Evidentiary issues in discrimination litigation including *Sprint United Management Co v Mendelsohn* a Supreme Court holding that andquot me tooandquot evidence of age discrimination comments against other employees by other supervisors may be admissible if relevant to the culture of the employer and *Reid v Google Inc* a California Supreme Court decision that non decisionmaker co workers andquot stray remarksandquot were relevant to an age discrimination claim Discussion of *14 Penn Plaza LLC v Pyett* a Supreme Court decision that a CBA providing arbitration as the sole remedy for ADEA claims and noting that *Gilmer* andquot fully applies in the collective bargaining contextandquot *City of Ontario v Quon* wherein the Supreme Court upheld monitoring of employer issued text messaging devices to determine whether costs to the police department were being unduly inflated by personal calls as a andquot reasonableandquot search under the Fourth Amendment In re *Golinski* a Ninth Circuit decision that denial of health benefits to married homosexual federal employee under the Health Benefits Act 5 U S C and 8903 1 because of a purported ban under

the Defense of Marriage Act 1 U S C and 7 was impermissible under principles of statutory interpretation and other decisions that DOMA violated Equal Protection Continuing a *Tort Cases in Large Counties*, 1995 *Attorney's Guide to Restitution* Graham Douthwaite, 1977 *Manual of Federal Practice* Richard A. Givens, 1998 *Tort Trials and Verdicts in Large Counties*, 1996 Marika F. X. Litras, 2000 **Tort Bench and Jury Trials in State Courts (2005)** Thomas H.

Cohen, 2010-09 Discusses tort cases concluded by a bench or jury trial in a national sample of jurisdictions in 2005 Topics include the types of tort cases that proceed to trial the differences between tort cases adjudicated by judges and juries and the types of plaintiffs and defendants represented in tort trials Also covers plaintiff win rates punitive damages and the final award amounts generated in tort trial litigation Trends are examined in tort trial litigation in the nation's 75 most populous counties The report showed that together bench and jury trials accounted for an estimated 4% of all tort dispositions in 2005 Punitive damages were sought in 9% of tort trials with plaintiff winners The median punitive damage award was 55 000

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William P. Statsky, 2001 Torts Personal Injury Litigation 4th Edition provides students with a comprehensive guide to the law of torts. In this 4th edition, Statsky has extended the discussion of paralegal roles within tort litigation. He has also added a chapter on major torts that emphasizes current legal issues and examines the ethics of attorney solicitation. A comprehensive checklist which includes definitions, defenses, relationships, paralegal roles, and research references is provided for each tort presented. This checklist provides the student with an overview of information and also serves as an on-the-job refresher. Forty-nine pertinent case studies, nineteen of them new to this edition, are included in the text, allowing students to examine important court opinions. Among the controversial issues discussed in these court opinions are AIDS, the Oklahoma bombing, computer torts, assistance to the homeless, billion-dollar verdicts and settlements, biomedical research, and the alleged tort committed by President Clinton that became part of his historic impeachment and Senate trial.

**Decennial Edition of the American Digest**, 1917      Second Decennial Edition of the American Digest, 1917      Corpus Juris William Mack, William Benjamin Hale, 1914      Responsibility for Drug-induced Injury Graham Dukes, Maurice Nelson, Graham Dukes, Mark Mildred, Barbara Swartz, 1998. This edition reflects the evolution of legal standards, professional rules, industrial codes of ethics, and court experience in cases involving recompense for medical injury since the 1988 version. While deriving from legal standards of the US, British Commonwealth, European Union, and Nordic Council, a chapter is devoted to issues particular to developing countries. Following an introductory chapter on the emergence and recognition of problems relating to drug safety, 20 chapters cover such areas as the legal framework, types of proceedings, evidence, and proof, the responsibility of everyone from the government and manufacturer to the prescriber and patient, clinical investigation of drugs, controlled drugs, self-medication, alternative and complementary medicine, and vaccines and biologicals. Includes a table of cases and table of conventions, statutes, and regulations. Annotation copyrighted by Book News Inc, Portland, OR.

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