

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

DOCKET NO. 2006-01241

DIVISION I

JOHN W. HOUGHTALING, II VERSUS CANDYCE C. GAGNARD

MOTION TO UNSEAL PLEADINGS, ORDERS AND JUDGMENTS

Now into Court comes The Independent Weekly, LLC, a Louisiana corporation, domiciled in Lafayette Parish, Louisiana, for the following motion which is filed in both of the above captioned lawsuits which have not been consolidated for hearing but which present identical public record issues and parties (Houghtaling and Gagnard).

1.

Respondents to this motion are the original litigants in the two lawsuits captioned above: John W. Houghtaling II and Candyce C. Gagnard (now Perret).

2.

Time is of the essence due to the fact that Candyce C. Gagnard (Perret) is a candidate for the Third Circuit Court of Appeal which primary election will be conducted on March 25, 2017 (Exhibit 1).

3.

The ex parte relief sought is “one to which mover is clearly entitled without supporting proof” and thus authorized pursuant to the provisions of Code of Civil Procedure article 963.

4.

In the alternative, this matter should be heard on an expedited basis so that the public records at issue may be made available prior to the March 25, 2017 election date.

5.

The entirety of the court record for both of the lawsuits captioned above and another not at issue in this motion (Docket No. 2005-8958) have been sealed from public view, essentially, by agreement of the parties to that litigation and prior to public issues inherent in the voters consideration of a candidate for the Court of Appeals. Louisiana Constitution (La. Const. art. I,

§ 22), its Public Records law (LRS 44:1, et seq) and the seminal case on these issues, *Copeland v Copeland*, 966 So.2d 1041 (S.Ct. 2007) confirm the right of The Independent and any other person to obtain the records sought in this motion:

Louisiana has a constitutional open courts provision and a constitutional public records provision.

“The provision of the constitution must be construed liberally in favor of free and unrestricted access to the records, and that access can be denied only when a law, specifically and unequivocally, provides otherwise. Whenever there is doubt as to whether the public has the right of access to certain records, the doubt must be resolved in favor of the public's right to see. To allow otherwise would be an improper and arbitrary restriction on the public's constitutional rights.

We have also "defined the limits on the right to privacy [as follows]: `the right to privacy is not absolute; it is qualified by the rights of others ... The right of privacy is also limited by society's right to be informed about legitimate subjects of public interest.'"

Although there may be some justification for sealing certain sensitive evidence in a proceeding, the parties have the burden of making a specific showing that their privacy interests outweigh the public's constitutional right of access to the record. The trial court, should it grant such relief, must ensure that its order is narrowly tailored to cause the least interference possible with the right of public access.”

6.

Respondents are both public persons in this proceeding as a product of their voluntary actions. Candyce Gagnard (Perret) by virtue of her qualifying as a candidate for the Court of Appeal (Exhibit 1) on January 11, 2017. John Houghtaling by virtue of his March 3, 2017 public response (Exhibit 2) contesting the criminal arrest of his then fiancé, Candyce Gagnard Perret, in 2004 (Exhibit 3). The public records arrest export of Candyce Gagnard for “exposure of sexual organs” filed by Sgt. Brian Schultz of the Walton County Sheriff’s Office, records Gagnard’s job title as “Assistant District Attorney.” In his report of the arrest, Schultz wrote, “At this time, Ms. Gagnard stepped out the front doors of the residence and stated to me, you better have all your t’s crossed and your i’s dotted because I’m an assistant district attorney and I also do civil litigation for false arrest.” None of that was true. Gagnard (Perret) obtained dismissal of the charge by participating in the pretrial diversion program.

7.

Months later, former fiancé John Houghtaling filed suit for declaratory judgment against Candyce Gagnard (Perret) under docket number 2004-14710 (Exhibit 4) and again under docket number 2006-01241 (Exhibit 5). The specifics of those actions are unknown due to the orders sealing the records in each proceeding.

8.

Between those two sealed actions, John Houghtaling filed yet another verified petition for an injunction against Candyce Gagnard (Perret) under docket number 2005-08958 (Exhibit 6). That lawsuit is also sealed but the verified petition and the resulting temporary restraining order have been obtained and reveal the court's order (Exhibit 7):

“...requiring Defendant Gagnard [Perret] to stay away from plaintiffs [Houghtaling and Benoit], their residences, their businesses, and schools, cease and desist all telephone calls to plaintiffs, cease and desist all contact with plaintiffs, cease and desist all threats and intimidation of plaintiffs, to not defame or slander plaintiffs or their businesses, and otherwise be restrained from interacting with plaintiffs in any manner either directly or indirectly.”

9.

The only records sought by this *ex parte* motion are the pleadings (petition, answer, exceptions, motions, oppositions) and the orders or judgments granted. There can be no reasonable expectation of privacy with regard to either party filing those documents into the public record of those declaratory actions. No discovery requests or responses, depositions, affidavits, sworn statements, photographs, videos or other evidentiary items are requested at this time.

10.

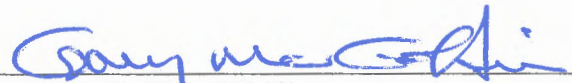
In the event that this *ex parte* motion is not granted and a contradictory hearing is required, it is respectfully submitted that the hearing be scheduled immediately so that the contents of the sealed records are available for the voters to consider prior to the March 25, 2017 primary election. Counsel for The Independent is available to the court and to the respondents at any time in person or by telephone conference.

11.

Houghtaling objects to this motion and requests a hearing. Gagnard (Perret) has not responded to is presumed to object.

Wherefore, The Independent Weekly, LLC prays that its *ex parte* motion to unseal the public records be granted by the respective District Judge for Docket Nos. 2004-14710 and 2006-01241 and that the Civil Clerk of Court for Orleans Parish be directed to provide copies of pleadings (petition, answer, exceptions, motions, oppositions) together with the orders or judgments granted in the respective actions BUT that discovery requests or responses, depositions, affidavits, sworn statements, photographs, videos or other evidentiary items remain sealed pending further order from the respective courts.

Respectfully submitted:



Gary McGoffin (#9319)

Jonathan R. Villien (#34136)

DURIO, MCGOFFIN, STAGG & ACKERMANN, P.C.

220 Heymann Boulevard (70503)

P. O. Box 51308

Lafayette, Louisiana 70505

Telephone 337/233-0300

Facsimile 337/233-0694

Counsel for The Independent Weekly, LLC

CONTACT INFORMATION:

Candyce Gagnard (Perret)
501 W. St. Mary Boulevard
Suite 210
Lafayette, LA 70506
Office: (337) 692-1360
Fax: (337) 456-4565
candyceg@perretgroup.com

John W. Houghtaling, II
3500 N. Hullen Street
Metairie, LA 70002
Office: (504) 456-8600
Fax: (504) 456-8624
john@ghwlegal.com

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

DOCKET NO. 2006-01241

DIVISION I

JOHN W. HOUGHTALING, II VERSUS CANDYCE C. GAGNARD

ORDER

Considering the motion of The Independent Weekly, LLC,

IT IS ORDERED that the Independent Weekly, LLC's *ex parte* motion to unseal the public records be GRANTED and that the Civil Clerk of Court for Orleans Parish be directed to provide copies of pleadings (petition, answer, exceptions, motions, oppositions) together with the orders or judgments granted in the respective actions BUT that discovery requests or responses, depositions, affidavits, sworn statements, photographs, videos or other evidentiary items remain sealed pending further order from the respective courts.

OR, IN THE ALTERNATIVE, that John Houghtaling II and Candyce Gagnard (Perret) be ordered to show cause on the ___ day of March, 2017 at ___ o'clock AM/PM IN PERSON or via TELEPHONE why the Civil Clerk of Court for Orleans Parish be directed to provide copies of pleadings (petition, answer, exceptions, motions, oppositions) together with the orders or judgments granted in the respective actions BUT that discovery requests or responses, depositions, affidavits, sworn statements, photographs, videos or other evidentiary items remain sealed pending further order from the respective courts.

Signed this ___ day of March, 2017 at New Orleans, Louisiana.

HONORABLE PIPER D. GRIFFIN

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

DOCKET NO. 2006-01241

DIVISION I

JOHN W. HOUGHTALING, II VERSUS CANDYCE C. GAGNARD

**MEMORANDUM IN SUPPORT OF MOTION
TO
UNSEAL PLEADINGS, ORDERS AND JUDGMENTS**

Now into Court comes The Independent Weekly, LLC to support its motions to unseal the pleadings (petition, answer, exceptions, motions, oppositions) together with the orders or judgments granted in the respective actions BUT that discovery requests or responses, depositions, affidavits, sworn statements, photographs, videos or other evidentiary items remain sealed pending further order from the respective courts.

Background

The special election primary for the Third Circuit Court of Appeal is March 25, 2017. Candyce Gagnard (Perret) has qualified and is a candidate for that seat.

Public records from Fort Walton County reveal her arrest in 2004 for “exposure of sexual organs” and her subsequent pretrial diversion to obtain dismissal of that charge.

Public records in two lawsuits (2013 & 2014) involving Candyce Gagnard as attorney of record and/or general counsel for her husband’s business, Louisiana Specialty Institute (LSI), confirm challenges to the authenticity and propriety of charges for medical services provided to plaintiff personal injury claimants by LSI.

Three lawsuits were filed in Orleans Parish by Candyce Gagnard (Perret) former fiancé, John Houghtaling, in 2004, 2005 and 2006. Those lawsuits have been sealed in their entirety and are unavailable for public view or copying.

John Houghtaling filed the 2005 injunction action (Exhibit 6) and obtained a temporary restraining order prohibiting Candyce Gagnard (Perret) from stalking and defaming him (Exhibit 7).

Public Records Law

Louisiana Constitution (La. Const. art. I, § 22), its Public Records law (LRS 44:1, et seq) and the seminal case on these issues, *Copeland v Copeland, 966 So.2d 1041 (S.Ct. 2007)* confirm the right of The Independent and any other person to obtain the records sought in this motion:

Louisiana has a constitutional open courts provision and a constitutional public records provision.”

The provision of the constitution must be construed liberally in favor of free and unrestricted access to the records, and that access can be denied only when a law, specifically and unequivocally, provides otherwise. Whenever there is doubt as to whether the public has the right of access to certain records, the doubt must be resolved in favor of the public’s right to see. To allow otherwise would be an improper and arbitrary restriction on the public’s constitutional rights.

We have also “defined the limits on the right to privacy [as follows]: `the right to privacy is not absolute; it is qualified by the rights of others ... The right of privacy is also limited by society’s right to be informed about legitimate subjects of public interest.’”

Although there may be some justification for sealing certain sensitive evidence in a proceeding, the parties have the burden of making a specific showing that their privacy interests outweigh the public’s constitutional right of access to the record. The trial court, should it grant such relief, must ensure that its order is narrowly tailored to cause the least interference possible with the right of public access.”

Ex Parte Motion – CCP article 963

The ex parte relief sought is “one to which mover is clearly entitled without supporting proof” and thus authorized pursuant to the provisions of Code of Civil Procedure article 963. There is no need for a contradictory hearing because there is no justifiable basis for sealing the pleadings ((petition, answer, exceptions, motions, oppositions) together with the orders or judgments granted in this lawsuit. Each of those documents state the public record position of the parties and document the relief obtained.

While it is possible that discovery requests or responses, depositions, affidavits, sworn statements, photographs, videos or other evidentiary items could present questions concerning

the right to privacy particularly by third parties, no request is made for the release of those documents which shall remain sealed pending further order from the respective divisions.

Exhibits

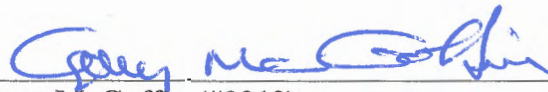
Pursuant to Code of Civil Procedure article 853 “A copy of any written instrument which is an exhibit to a pleading is a part thereof for all purposes.”

Conclusion

The petition and the referenced exhibits form the basis for this motion such that it may be decided on its face and without contradictory hearing particularly in light of the extremely limited window of opportunity in which this information relevant to the public may be obtained and viewed.

Thus the relief sought in unsealing the pleadings, judgments and orders is one to which The Independent is clearly entitled and for which there is no good reason to delay.

Respectfully submitted:



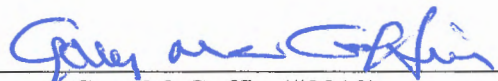
Gary McGoffin (#9319)
Jonathan R. Villien (#34136)
DURIO, MCGOFFIN, STAGG & ACKERMANN, P.C.
220 Heymann Boulevard (70503)
P. O. Box 51308
Lafayette, Louisiana 70505
Telephone 337/233-0300
Facsimile 337/233-0694
Counsel for The Independent Weekly, LLC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing pleading has this day been forwarded to all counsel of record to this proceeding by:

<input checked="" type="checkbox"/> U.S. Certified Mail	<input type="checkbox"/> Facsimile
<input type="checkbox"/> Hand Delivery	<input type="checkbox"/> U.S. Mail
<input checked="" type="checkbox"/> Email	

Lafayette, Louisiana, this 20th day of March, 2017.



Gary McGoffin (#9319)
Jonathan R. Villien (#34136)



Candidate Inquiry

Election
Date

03/25/2017 ▾

Note: This information is UNOFFICIAL until qualifying is closed.

New Candidate Data Request

**Judge, Court of Appeal 3rd Circuit, 3rd District, Division B
1 to be elected**

**Name/Address/Phone
Filed Date**

Party/Race/Gender

Vanessa Waguespack Anseman

01/13/2017

314 Biltmore Way Lafayette, LA 70508

337-298-4202

Republican

White

Female

Candyce Perret

01/11/2017

P.O. Box 53388 Lafayette, LA 70505

000-000-0000

Republican

White

Female

Susan Theall

01/12/2017

1304 Lafayette St. Lafayette, LA 70501

337-706-7944

Republican

White

Female

New Candidate Data Request

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Wendell H. Gauthier (1943-2001)
John W. Houghtaling, II
Celeste A. Gauthier
Edward F. Downing, III
Brian J. Houghtaling
Frederick W. Bralley
Cate E. Biggs
Jason C. MacInters
Andrea F. Butler
Jonathan D. Lewis

✦
**GAUTHIER
HOUGHTALING**
ATTORNEYS AT LAW

Of Counsel
James M. Williams
Peter Salaverry ²

¹ Admitted in Louisiana & Texas
² Admitted in Texas

www.thegauthierfirm.com

March 3, 2017

Via email at cperret@perretforjudge.com
and U.S. Mail

Candyce Gagnard Perret
P.O. Box 53388
Lafayette, LA 70505

Dear Candyce:

I send this letter of apology: a letter I should have sent long ago:

As you know, almost 15 years ago two officers unlawfully entered my house to investigate the report of a night party we attended on the beach in Florida. I became angry after they damaged property in the home and I mouthed off to the officers. After I told them I was going to file a report against them, they threatened that they could falsely accuse you, without evidence, of being improper at the party. They never saw you at the party, or my home or anywhere else, but they told me they had a report of a girl swimming in the ocean at the party without a top. They said they would return to get even with me. As you know, they returned and falsely arrested you to punish me.

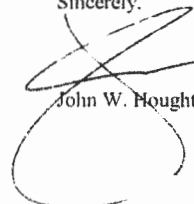
I owe you two sincere apologies for separate things I did wrong that night and in the aftermath. First, I mouthed off to two police officers. As the president of a charitable sheriff's office foundation, I have great respect for law enforcement. I know that tragic circumstances can result from inflaming the passions of the police. I also know that while most officers are trying to do the right thing, there are also very bad apples who can falsely arrest someone for immediate and improper punishment. That night, I encountered two extremely unethical officers who decided that the way to hurt me the most for speaking badly to them was to falsely arrest my fiancé. I will never forget the smile on their faces when they took you, and the wink they gave me when putting you in the car.

Second, I owe you an apology for failing to bring a civil suit for false arrest against these officers that night. I have now read the reports they wrote and not a single word of my complaint made it into that report. They also refused to include another witness who gave evidence that they falsely identified you. As you know, a witness followed you and I to the detention center and I complained to officers that you were falsely identified and you did not do what they accused you of. I see from the report that they falsely manipulated facts to get around their lack of facts on your identification. They failed to include eyewitness reports. They knew that night that I promised to sue them, and it's clear these reports were written in setting up their defense. They changed the name of a witness who also came forward. They identified you as an assistant district attorney as opposed to a former city prosecutor. I believe this false identification was to evade exculpatory evidence in the report. There's no evidence of a witness Barron when they knew that was not the name of the witness, who happened to be a respected judge. It's possible they called you assistant district attorney as opposed to former city prosecutor as an inadvertent mistake (as these are similar terms) but it is clear they manipulated the report. I promised you I would follow through on bringing a false arrest suit and I did not. I profoundly regret not doing this. I've spent my career attempting to fight for justice for people who are wronged by people in positions of power. I let you down. You deserved better from me.

I recently researched pursuing a false arrest petition now. As this happened almost 15 years ago, it appears that the statute of limitations have expired for false reporting or false arrest. Nevertheless, if the people that did this to you repeat these falsehoods in the public, I will investigate pursuing these charges and justice for you.

I understand that you are seeking to run for the appellate court and this false report is being circulated and used against you unjustly by an opponent. I feel the pain of injustice return that I felt that night. I can't think of a more moral, caring and smart appellate judge. While we haven't spoken in a while, I for one am grateful you are offering to serve our great state.

Sincerely,


John W. Houghtaling, II

JWH:mfp



OFFENSE REPORT
WCS084OFF024334

COPY

WALTON COUNTY SHERIFFS OFFICE

Printed On: 02/13/2017 @ 10:24

Houghtaling advised the judge that I did have a signed warrant, the judge turned and told Ms. Gagnard that I had a warrant and I had to execute it and that she would have to go with me. I then explained the procedure of where she would be taken and how to get her out and also gave directions to the county Jail in Defuniak Springs. At this time Ms. Gagnard stepped out the front doors of the residence and stated to me, you better have all your t's crossed and your i's dotted because I'm an assistant district attorney and I also do civil litigation for false arrest. At this time Ms. Gagnard was walked to Deputy Coraine's patrol car where she was placed in the back seat and transported to the Walton County Sub-Station. After arriving at the Sub-Station Ms. Gagnard was quickly booked in and placed into a holding cell for approx. 10 minutes at which time she was removed and put back into Deputy Coraine's patrol car and transported to the main jail in Defuniak Springs. Accompanying Deputy Coraine during this transport was Communications Supervisor Donna Smith.

Sgt. Brian W. Schultz #20

EXHIBIT

3

tabbles®

VOLUNTARY STATEMENT

DATE 6/9/04 IN TIME 2:00 M PLACE E. Boka ST.
I Quinn Stallworthy am 39 years old and I live at WORK at
Seaside Security, P.O. Box 4730 Seaside FL 32459

I am giving this statement to D/S Corcoran 1076 who has identified himself as a Wakulla County Sheriff's Deputy

and he has duly warned me that I have the following rights: that I have the right to remain silent and not make any statements at all; that any statement I make may be used against me at my trial; that any statement I make may be used as evidence against me in court; that I have the right to have a lawyer present to advise me prior to and during any questioning; that if I am unable to employ a lawyer, I have the right to have a lawyer appointed to advise me prior to and during any questioning and that I have the right to terminate the interview at any time.

Prior to and during the making of this statement, I have and do hereby knowingly, intelligently, and voluntarily waive the above explained rights and I do make the following voluntary statement as the statement and portion of my own free will and without any promises or offers of leniency or favors, and without compulsion or persuasion by any person or persons whatsoever:

ON 6-9-04 at approx. 2:10^{am} while on patrol I heard some loud voices coming from the beach, female and male and loud music, I was on the Tupelo pavillion, I watched for a few minutes but did not see anyone I radioed (Thomas Jones security) for assistance he went down east Ruskin Pavillion while I went down Savannah Pavillion I still heard them but did not see them so I went to East Ruskin Pav at that point Thomas was already down with the subjects, and he yelled for me to call S.O. the subjects were up in Thomas's face yelling, 1 big guy with a beard doing the yelling 1 female, nude wrapped in a towel and one small guy trying to calm the situation down, I advised the female subject that she needed to put her cloths on and the small guy replied she's trying to, I asked him if he was staying in Seaside he stated he owned the

I have read this statement consisting of _____ pages; each page of which bears my signature, and I do affirm that all facts and statements contained herein are true and correct.

Quinn Stallworthy Seaside Security
Signature of person making voluntary statement

The above warnings were given by and this voluntary statement was taken by D/S Corcoran 1076

Witness _____ (This must be one and the same person as named above)

Chatham house, at that point the big guy told Thomas that if he wasn't security he would be face down in the sand, he seemed very drunk and very aggressive, as we were leaving, I heard the (small) yelling big tits flanging out and kept yelling big tits. I noticed glass bottles and wine glasses lying on the beach where their towels and radio were lying, I told Thomas we should inform them of no bottles or glass on the beach, but fearing other confrontation, we called the Sheriff, H. for assistance, Cullen Coraine and Sgt. Shuttlespended, we went to the beach but they left, so we walked down East Rookin

The Chatham house, where we heard me loud noises, some banging around nothing, The Deputies walked up to the residence to have a talk with the homeowner Thomas and myself stayed on the set, ~~the~~ Everything seemed fine until the officer's started ~~leaving~~ leaving and accidentally led a candle over that was sitting out the middle of the deck, The officer almost slipped as he hit the candle at that point homeowner seemed upset and saying needed a warrant to come on his property, at that point a female subject came the same one that was on the beach. and The homeowner seemed upset, The officer's said have a good night and we left. End of Statement

W.D.

User Namejstern

Case Number2006-01241

DivisionI

Version 1.2.40

Case TitleHOUGHTALING, JOHN W. versus GAGNARD, CANDYCE C.

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Case Information

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Case Caption

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Case Number	2006 - 01241	DivisionI	Section14
Case Title	HOUGHTALING, JOHN W. versus GAGNARD, CANDYCE C.		
Date Filed	2/10/2006		
Case Type	DECLARATORY JUDGMENT		
Case Category	Paying		
LASES			
Remarks	<input type="checkbox"/> Under Appeal <input type="checkbox"/> Jury Requested <input checked="" type="checkbox"/> Filing Fee Paid <input type="checkbox"/> Jury Fee Paid		
Pauper Status	There is no pauper status for this case.		

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Case Number -

Judge Piper D. Griffin



CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO. 05-8958

DIVISION " "

SECTION

SECTION 8

JOHN HOUGHTALING AND BRITTANY BENOIT

VERSUS

CANDYCE GAGNARD.

FILED
JUL 19 - 1 P 2 14
CIVIL DISTRICT COURT

FILED: _____

DEPUTY CLERK

PETITION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

Call Shiven

ENTERED RULE DOCKET.

*1/c
of
TRO
out
07-01-05
Lee*

NOW COME John Houghtaling and Brittany Benoit, both persons of the full age of majority and domiciled in the Parish of Orleans, plaintiffs herein, through undersigned counsel, who moves this Honorable Court for a temporary restraining order requiring defendant Candyce Gagnard, a person of the full age of majority and domiciled in the Parish of Orleans, 421 LOYOLA AVENUE, NEW ORLEANS, LA 70112, plaintiffs, their residences, their businesses, and schools, cease and desist all telephone calls to

CIVIL DISTRICT COURT
421 LOYOLA AVENUE
NEW ORLEANS, LA 70112

plaintiffs, cease and desist all contact with plaintiffs, cease and desist all threats and intimidation of plaintiffs, to not defame or slander plaintiffs or their businesses, and otherwise be restrained from

Res. # 0 Receipt # 363951
Case # 05 8958 Cashier # 1

interacting with plaintiffs in any manner either directly or indirectly for the following reasons:

1 @ \$ 278.50 \$ 278.50
2 JUDGES SUPPL COMP FUND 19.00
201 INDIG LEG FEE 16.00
Total Due \$ 307.50

I.

Plaintiff Houghtaling and Defendant Gagnard were involved in a long time dating relationship and were engaged to be married. The relationship ended approximately eleven months ago.

Check amount \$ 307.50
0.00

II.

After the relationship ended, Defendant began a consistent and persistent pattern of harassing and threatening Plaintiff Houghtaling in the following non-exclusive manners:

- a. constant and continued phone calls all during the day including at inappropriate hours including making repetitive calls to Plaintiff Houghtaling between the hours of 1:00 - 4:00 in the morning;
- b. repeatedly threatening to physically accost Plaintiff Houghtaling;
- c. repeatedly attempting to intimidate Plaintiff Houghtaling;

Lee



- d. repeatedly threatening to harm Plaintiff Houghtaling's business, reputation, and career;
- e. unauthorized accessing of Houghtaling's personal and professional information

III.

Plaintiff Houghtaling is now in a dating relationship with Plaintiff Benoit. Since that time, Defendant has begun a consistent and persistent pattern of harassing and threatening Plaintiff Benoit in the following non-exclusive manners:

- a. constant and continued phone calls all during the day including at inappropriate hours;
- b. repeatedly threatening Plaintiff Benoit;
- c. repeatedly attempting to intimidate Plaintiff Benoit;
- d. repeatedly threatening to come to Plaintiff Benoit's home;

IV.

During a recent trip to Europe by Plaintiffs, Defendant Gagnard discovered their itinerary and repeatedly contacted them at their hotel. Defendant Gagnard then notified them that she had followed them to Europe and that she would be waiting for them outside of their hotel at the time that they were scheduled to depart.

V.

Despite numerous pleas to stop the harassing conduct, Defendant Gagnard has failed to do so.

VI.

Plaintiffs have reasonable belief that they will suffer irreparable harm. Defendant Gagnard has indicated that it is her intention to attack Plaintiffs verbally and has suggested that she will accost them physically in public.

VII.

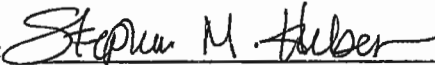
Upon information and belief that Defendant's harassment is escalating in intensity and severity, Plaintiffs fear for their safety. Therefore immediate action is needed to protect plaintiff.

WHEREFORE, plaintiffs pray that this Court issue a temporary restraining order requiring Defendant Gagnard to stay away from plaintiffs, their residences, their businesses, and schools, cease and desist all telephone calls to plaintiffs, cease and desist all contact with plaintiffs, cease and desist all threats and intimidation of plaintiffs, to not defame or slander

plaintiffs or their businesses, and otherwise be restrained from interacting with plaintiffs in any manner either directly or indirectly; Plaintiffs further request that, prior to the expiration of the temporary restraining order, Defendant Gagnard be ordered to appear before the court and show cause why preliminary and permanent injunctive relief should not be granted.

Respectfully submitted,

GAUTHIER, HOUGHTALING,
WILLIAMS, & SULZER, L.L.P.

By: 
STEPHEN M. HUBER, BAR NO. 24463
3500 N Hullen Street
Metairie, LA 70002
Telephone: (504) 456-8600
Facsimile: (504) 456-8624
ATTORNEYS FOR PLAINTIFFS

PLEASE SERVE:

CANDYCE GAGNARD
909 Lafayette Street
Apartment #6
New Orleans, Louisiana 70113

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO. DIVISION " " SECTION

JOHN HOUGHTALING AND BRITTANY BENOIT

VERSUS

CANDYCE GAGNARD.

FILED: _____ DEPUTY CLERK

VERIFICATION

STATE OF LOUISIANA

PARISH OF ORLEANS

BEFORE ME, the undersigned Notary Public, personally came and appeared:

JOHN W. HOUGHTALING, II

Petitioner in the foregoing PETITION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION, who declared that he has read the same and that all of the allegations contained therein are true and correct to the best of his knowledge, information and belief.



John W. Houghtaling, II

SWORN TO AND SUBSCRIBED

BEFORE ME THIS _____

DAY OF July, 2005.



NOTARY PUBLIC

Bar No: 5532

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO. DIVISION " " SECTION

JOHN HOUGHTALING AND BRITTANY BENOIT

VERSUS

CANDYCE GAGNARD.

FILED: _____
DEPUTY CLERK

AFFIDAVIT

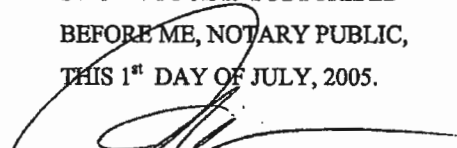
STATE OF LOUISIANA
PARISH OF JEFFERSON

BEFORE ME, the undersigned notary public, personally came and appeared, JOHN W. HOUGHTALING, II, who after being duly sworn, deposed:

1. He is a resident of the full age of majority of the Parish of Orleans, State of Louisiana;
2. The information contained in this affidavit is based on his personal knowledge;
3. Affiant is one of the plaintiffs in this matter;
4. Affiant has made defendant, CANDYCE GAGNARD, aware that he and the other plaintiff, Brittany Benoit, have prepared this Petition for Temporary Restraining Order and Preliminary Injunction and intend to file it with the Civil District Court for the Parish of Orleans in order that the Temporary Restraining Order and Preliminary Injunction may be made permanent.


JOHN W. HOUGHTALING, II

SWORN TO AND SUBSCRIBED
BEFORE ME, NOTARY PUBLIC,
THIS 1st DAY OF JULY, 2005.



NOTARY PUBLIC
5532

BAR ROLL/ ID #

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO. DIVISION " " SECTION

JOHN HOUGHTALING AND BRITTANY BENOIT

VERSUS

CANDYCE GAGNARD

FILED
2005 JUL -1 P 2 14
CIVIL
DISTRICT COURT

FILED: _____

DEPUTY CLERK

ORDER

BASED UPON THE FOREGOING MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

IT IS HEREBY ORDERED that a temporary restraining order be granted to expire in ten days requiring Defendant Gagnard to stay away from plaintiffs, their residences, their businesses, and schools, cease and desist all telephone calls to plaintiffs, cease and desist all contact with plaintiffs, cease and desist all threats and intimidation of plaintiffs, to not defame or slander plaintiffs or their businesses, and otherwise be restrained from interacting with plaintiffs in any manner either directly or indirectly.

IT IS HEREBY FURTHER ORDERED that the defendants show cause on the ~~6th~~ day of July, 2005 at 9:00 a.m. why the injunctive relief requested should not be made permanent.

M.O., LA

847

JP

JUL 01 2005

Pyr
DP

JUDGE

PLEASE SERVE:

CANDYCE GAGNARD
909 Lafayette Street
Apartment #6
New Orleans, Louisiana 70113

ENTERED IN MINUTES

JUL 01 2005

