

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
DIVISION
CIVIL
DISTRICT COURT
APR 11 11 P 2 14

FILED: _____

DEPUTY CLERK

PETITION FOR TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION

Call given

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, 402 Stuyvesant Terrace, 421 Loyola Avenue, NEW ORLEANS, LA 70112, 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 for the following reasons:

Res. # 0	Receipt # 363951
Case #: 05 8958	Cashier # 1
1 @ \$ 278.50	\$ 278.50
2	JUDGES SUPPL COMP FUND 19.00
201	INDIG LEG FEE 10.00
	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.

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;

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TRO
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07-01-05
Lee*

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 began 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.

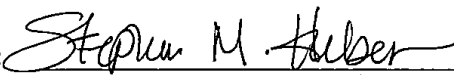
Upon information and belief that Defendant's harassment is escalating in intensity and severity, Plaintiffs fear for their safety. Therefore immediate action is needed to protect plaintiff.

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

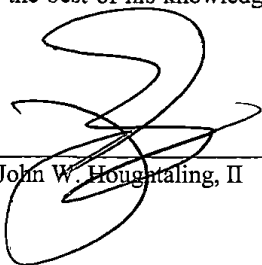
STATE OF LOUISIANA

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.

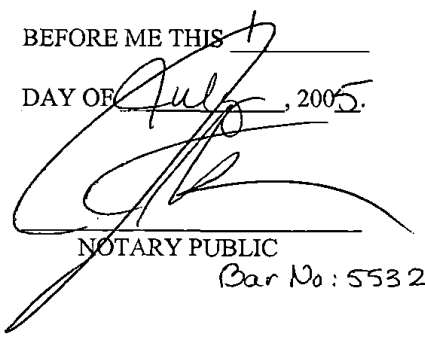


John W. Houghtaling, II

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.

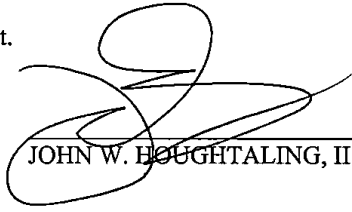
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AFFIDAVIT

STATE OF LOUISIANA
PARISH OF JEFFERSON

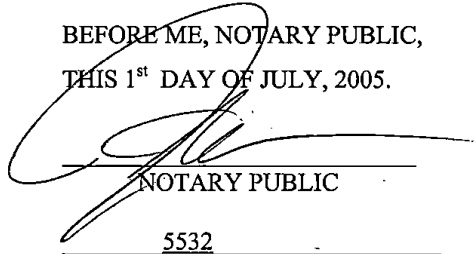
BEFORE ME, the undersigned notary public, personally came and appeared, JOHN W. HOUGHTALING, II, who after being duly sworn, deposed:

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: _____

DEPUTY CLERK

FILED
2005 JUL -1 P 2:14
CIVIL DISTRICT COURT

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.

N.O., LA

JUL 01 2005

Pyp

JUDGE

JP

PLEASE SERVE:

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

ENTERED IN MINUTES

JUL 01 2005