

Fifth Circuit Court of Appeal
State of Louisiana

No. 25-CA-559

LORI JOHNSON

versus

CRAIG CLARK

ON APPEAL FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, STATE OF LOUISIANA
NO. 868-695, DIVISION "I"
HONORABLE NANCY A. MILLER, JUDGE PRESIDING

April 29, 2026

SUSAN M. CHEHARDY

CHIEF JUDGE

Panel composed of Judges Susan M. Chehardy,
Scott U. Schlegel, and Timothy S. Marcel

REVERSED

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CHEHARDY, C.J.

In this domestic matter, defendant-appellant, Craig Clark, appeals the trial court's judgment granting injunctive relief and entering a mutual stay-away order applicable to both Mr. Clark and plaintiff-appellee, Lori Johnson. For the reasons discussed below, we reverse the portion of the trial court's judgment entering a mutual stay-away order between the parties and dismiss Ms. Johnson's Petition for Protection from Stalking.¹

Background and Procedural History

Ms. Johnson's daughter, Tiffany Huckaby, lives with her fiancé, Blake Boudreaux, on G Street in Marrero. Mr. Boudreaux has known defendant Craig Clark for approximately eight to ten years. According to Mr. Clark, his relationship with Mr. Boudreaux started out "great," but it soured when Mr. Boudreaux allegedly betrayed him by telling Mr. Clark's former wife that he (Mr. Boudreaux) owned half of Mr. Clark's business.

Ms. Huckaby and Mr. Boudreaux both testified that they saw Mr. Clark sitting in his car on the street outside of their home, allegedly watching their house, four or five times in early 2025. Mr. Lance Panepinto, Jr., who knows both Mr. Clark and Mr. Boudreaux, testified at trial that Mr. Clark regularly asked about Mr. Boudreaux, including what vehicle he drives and where he lives. Mr. Panepinto testified that Mr. Clark at one point told him to tell Blake that when he feels something cold on his back, know that it is Craig Clark.

In March of 2025, Mr. Clark saw Mr. Boudreaux dining at Houston's with other people whom Mr. Clark knew. Mr. Clark approached the table, shook hands with some of the other diners, and asked Mr. Boudreaux if he was "feeling the

¹ At the beginning of Ms. Johnson's trial, the trial court asked the parties if they would agree to consolidate Ms. Johnson's case and Mr. Blake Boudreaux's case for trial purposes. The parties agreed, and the trial court entered one judgment, from which Mr. Clark filed this appeal and a companion appeal, 25-CA-560, addressing the mutual stay-away order between himself and Mr. Boudreaux.

heat” yet. Mr. Clark testified that this referred to his having notified the Louisiana State Licensing Board for Contractors about alleged contractor fraud and corruption in Harahan. Mr. Clark explained that “it [the alleged fraud] wasn’t Blake to begin with, it was another contractor, and then the investigation grew.”²

Ms. Johnson testified that she had known Mr. Clark for five or six years and was friends with his ex-wife. On September 10, 2025, Ms. Johnson called Mr. Clark’s office and spoke to his assistant. A few minutes later, Ms. Johnson reached Mr. Clark on his cell phone. She testified that she called Mr. Clark to address threats he made to Blake and Tiffany. Ms. Johnson testified that Mr. Clark called her “a f—king whore, tramp, c—t, and ... white trash.” Further, Ms. Johnson testified that Mr. Clark said: “I’m going to kill Blake, and I’ll come over to your house and do this.” She stated that Mr. Clark later referred to Tiffany as “collateral damage.” On cross-examination, Ms. Johnson denied calling Mr. Clark to silence him in relation to the Contractors Board fraud investigation. She stated that she was a mother, that her daughter and Blake needed help, and that she “had to step up to the plate and take control of the situation.” She stated that she was “trying to defuse something,” not start a fight. Ms. Johnson testified that she did not know what was going on between Mr. Clark and Mr. Boudreaux regarding their business dealings. Furthermore, Ms. Johnson conceded that the sole reason for filing her petition against stalking emanated from the September 10, 2025 phone call, and she agreed that her only allegations against Mr. Clark involved that call.

Mr. Clark claims Ms. Johnson’s phone call, in which she called him derogatory names and threatened to “take him down,” was “upsetting, rude, and obnoxious.” Mr. Clark admitted he used several curse words when talking to Ms. Johnson and that he invited Ms. Johnson to his office to get her “ass beat,” but he

² Mr. Clark testified that Galaforo Companies was operating in Harahan without a license and skirting the bid laws, and that a Board investigator, Joe Anderson, confirmed that Mr. Boudreaux was working with Galaforo at the time.

stated that he made no other threats to Ms. Johnson, Tiffany, or Blake. He also testified that he never parked in front of Mr. Boudreaux's house, but he had been in the area looking for a stolen dumpster.

Ms. Martha Bohner, who is Mr. Clark's office assistant, testified that she was present when Mr. Clark received Ms. Johnson's call on his cell phone, which she could hear because Mr. Clark had it on speaker. She stated that Ms. Johnson called Mr. Clark a "ho" and a narcissist, and that Ms. Johnson continuously used the "F" word. Ms. Bohner testified that in response, Mr. Clark "teased" Ms. Johnson, because that was his way of trying to calm her down. Ms. Bohner testified that Mr. Clark has a reputation of being a teaser and a joker, and that he asked Ms. Johnson if she lived in a trailer park. Ms. Bohner stated that Ms. Johnson, not Mr. Clark, ended the call after Ms. Johnson again cursed at him. Mr. Clark tried to call her back, and Ms. Johnson whispered in the phone: "go f--k yourself," which was the end of their exchange.

On September 12, 2025, Ms. Johnson, Ms. Huckaby, and Mr. Boudreaux each sought protective orders against Mr. Clark pursuant to the Protection from Stalking Act, La. R.S. 46:2171, *et seq.* Ms. Huckaby dismissed her petition prior to trial. The trial court consolidated the remaining matters at the September 29, 2025 trial.

After hearing the parties' and witnesses' testimony, the trial court determined there was not enough evidence to find stalking, but the court found that "Lori Johnson did establish by a preponderance of the evidence harassment by Craig Clark." The trial court also asked counsel for plaintiffs whether they would agree to a mutual injunction. Plaintiffs agreed. Thus, the trial court issued a mutual civil injunction under La. C.C.P. art. 3601, prohibiting Ms. Johnson and Mr. Clark from communicating with each other, approaching each other in public, or driving down

the street where the other resides. On November 14, 2025, the trial court entered a written judgment memorializing the court's remarks at the conclusion of trial.³

Mr. Clark timely appealed the judgment. On appeal, Mr. Clark asserts two assignments of error. First, he argues the trial court committed legal and manifest error and exceeded its authority in issuing civil injunctions that neither party requested, and that the court's oral reasons, written reasons, and written judgment were inconsistent. Second, Mr. Clark argues that the trial court committed legal and manifest error in denying a Motion for Involuntary Dismissal, and again in not dismissing the Petition for Stalking, as that was the only relief before the court, but the court found no evidence of stalking. Finally, Mr. Clark asserts that even if Ms. Johnson had requested a "civil injunction," no evidence introduced at trial established irreparable harm or even fear of harm.

Discussion

We address first Mr. Clark's final argument—that no evidence of irreparable harm or even fear of harm warranted the issuance of a civil injunction, even if Ms. Johnson had requested relief under La. C.C.P. art. 3601. After thorough review of the record, we find that the facts in the record do not support the mutual stay-away order between Mr. Clark and Ms. Johnson, although we reject Mr. Clark's

³ On October 10, 2025, before issuing a written judgment, the court issued written reasons for judgment stating, in pertinent part:

These instances of vaguely threatening behavior culminated in a phone call to Mr. Clark on approximately September 11, 2025. Ms. Johnson testified that she was attempting to intervene and confront Mr. Clark on behalf of her daughter; however, the conversation quickly turned aggressive. Ms. Johnson threatened to use her "political connections" against Mr. Clark. Mr. Clark called Ms. Johnson several vulgar names. Mr. Clark threatened violence against Ms. Johnson and Mr. Boudreaux. Specifically, Mr. Clark threatened to "kick her ass" if Ms. Johnson came to his office; said "I'm going to kill you" to Ms. Johnson; said he was going to "kill Blake"; and said that if Tiffany was around, Tiffany could be "collateral damage." Mr. Clark admitted to using foul language and threatening to beat Ms. Johnson during the phone call, but he denied making the death threats.

suggestion that the trial court was limited procedurally to granting relief under the Protection from Stalking Act.

Louisiana's R.S. 46:2172 defines "stalking" as "any act that would constitute the crime of stalking under R.S. 14:40.2 or cyberstalking under 14:40.3." La. R.S. 14:40.2(A) states:

Stalking is the intentional and repeated following or harassing of another person that would cause a reasonable person to feel alarmed or to suffer emotional distress. Stalking shall include but not be limited to the intentional and repeated uninvited presence of the perpetrator at another person's home, workplace, school, or any place which would cause a reasonable person to be alarmed, or to suffer emotional distress as a result of verbal, written, or behaviorally implied threats of death, bodily injury, sexual assault, kidnapping, or any other statutory criminal act to himself or any member of his family or any person with whom he is acquainted.

Despite the Protection from Stalking Act's reference to criminal stalking statutes, petitions for protection from stalking are not criminal proceedings. Instead, the relevance of the criminal stalking statute in the context of a petition filed under the Protection from Stalking Act is to provide the definition of stalking. *Riviere v. Bello*, 23-372 (La. App. 5 Cir. 5/17/24), 389 So.3d 273, 279; *Raymond v. Lasserre*, 22-793 (La. App. 1 Cir. 3/6/23), 368 So.3d 82, 87, *writ denied*, 23-893 (La. 10/31/23), 372 So.3d 335. Simply stated, a petition for protection from stalking sought under La. R.S. 46:2171 is a civil matter, not a criminal one. As such, we find no merit to Mr. Clark's assertion that plaintiffs did not request a "civil injunction."

Additionally, La. C.C.P. art. 862 states that a "final judgment shall grant the relief to which the party in whose favor it is rendered is entitled, even if the party has not demanded such relief in his pleadings." Thus, trial courts generally may grant relief as the evidence indicates and are not restricted to the relief requested. *See Miller v. Thibeaux*, 14-1107 (La. 1/28/15), 159 So.3d 426, 431-32. "So long as

the facts constituting the claim or defense are alleged or proved, the party may be granted any relief to which he is entitled under the fact-pleadings and evidence.”

Udomeh v. Joseph, 11-2839 (La. 10/26/12), 103 So.3d 343, 349.

At a hearing on a protective order, the petitioner must prove the allegations by a preponderance of the evidence. Proof is sufficient to constitute a preponderance of the evidence, for the purposes of a protective order, when the entirety of the evidence, both direct and circumstantial, shows that the fact sought to be proved is more probable than not. *Head v. Robichaux*, 18-366 (La. App. 1 Cir. 11/2/18), 265 So.3d 813, 816; *Raymond*, 368 So. 3d at 88.

A trial court’s decision to issue or deny a protective order is reversible only upon a showing of an abuse of discretion. *Riviere*, 389 So.3d at 280; *Oliva v. Jones*, 22-385 (La. App. 5 Cir. 3/29/23), 360 So.3d 573, 578. The trial court, sitting as a trier of fact, is in the best position to evaluate the demeanor of the witnesses, and the court’s credibility determinations will not be disturbed on appeal absent manifest error. *Oliva*, 360 So.3d at 578. The appellate court reviews the granting or denial of a permanent injunction under the manifest error standard of review. *Zeringue v. St. James Par. Sch. Bd.*, 13-444 (La. App. 5 Cir. 11/19/13), 130 So.3d 356, 358-59.

In *Riviere*, we reversed the trial court’s decision to issue a protective order after finding that the record did not support the plaintiff’s allegations of stalking and did not show that she suffered “alarm” or “emotional distress.” There, we noted that Louisiana law does not provide a protective order for actions that make one uncomfortable. As such, we found the trial court abused its discretion and committed manifest error in issuing the protective order. *Riviere*, 389 So.3d at 283.

In the present case, the trial court stated that after observing the parties’ and witnesses’ testimony, it found Ms. Johnson’s testimony regarding the death threats to be “credible and consistent with all other evidence.” The trial court concluded:

“Given the totality of circumstances presented, including the serious nature of the threats made to Ms. Johnson, the unjustified presence of Mr. Clark near Mr. Boudreaux’s home on four to five occasions, and the more vague threats made by Mr. Clark regarding Mr. Boudreaux, ... the petitioners [are] entitled to injunctive relief[] and ... a mutual stay-away order.”

Considering that Mr. Clark’s conduct vis-à-vis Ms. Johnson occurred in a single telephone call Ms. Johnson initiated, we find the trial court erred when entering the mutual stay-away order between them. While we in no way condone the insulting and vituperative telephone conduct of either party to this appeal, the record fails to establish any additional contact between them, either before or after the September 10, 2025 phone communications, and the “serious nature” of the threats to which the trial court refers primarily involved Mr. Clark’s ongoing threats against Mr. Boudreaux, not Ms. Johnson.

At trial, Mr. Clark admitted that he invited Ms. Johnson to “come to his office” so he could “beat her ass,” but he denied threatening to go to Ms. Johnson’s house and kill her. Even accepting as fact that he made such a threat to Ms. Johnson, she essentially conceded on cross-examination to telling the police, at the time she spoke to them, that she did not believe Mr. Clark knew where she lived:

Q: Mr. Clark has not gone to your house, has he?

A: Well, I don’t know that.

Q: You don’t know if he knows where you live; isn’t that true?

A: I don’t know that.

Q: In fact, you told the police that you knew he didn’t know where you lived?

A: I don’t think at that point, but I don’t know now.

Q: ... do you have any evidence that you could tell this Court that this man, who lives on the Westbank, drove to your house [in Metairie] and threatened you in any way?

A: No. On the phone. No.

Furthermore, Ms. Johnson's testimony at trial indicates that she instigated the September 10, 2025 call on behalf of her daughter and future son-in-law, not because of any previous threats or other direct communications between herself and Mr. Clark. Certainly injunctive relief may be warranted when a victim of alleged harassment initiates contact with a defendant. However, under the present circumstances, considering the record in its entirety, we find the evidence is insufficient to support such relief here. As such, the trial court manifestly erred in granting injunctive relief. Accordingly, we vacate the portion of the November 14, 2025 judgment that imposes a mutual stay-away order between Mr. Clark and Ms. Johnson.⁴ Given this finding, we pretermitt consideration of Mr. Clark's additional assignments of error.

CONCLUSION

For the foregoing reasons, the portion of the November 14, 2025 judgment entering a mutual stay-away order between Ms. Johnson and Mr. Clark is reversed.

REVERSED

⁴ Ms. Johnson did not appeal the judgment, having agreed to the entrance of a mutually applicable stay-away order. The record suggests that Ms. Johnson agreed to be bound by the stay-away order if the trial court also imposed the injunctive relief for which Ms. Johnson petitioned. An appellate court shall render any judgment that is just, legal, and proper upon the record on appeal, which gives an appellate court complete freedom to do justice on the record, regardless of whether a particular legal point or theory was made, argued, or decided by the district court. La. C.C.P. art. 2164; *Melancon v. Tri-Dyne Tele-Pier, LLC*, 11-1055 (La. App. 5 Cir. 5/31/12), 95 So.3d 576, 582. Because we reverse the stay-away order entered against Mr. Clark, we find no reason to uphold the portion of the order that similarly enjoins Ms. Johnson.

SUSAN M. CHEHARDY
CHIEF JUDGE

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NOTICE OF JUDGMENT AND CERTIFICATE OF DELIVERY

I CERTIFY THAT A COPY OF THE OPINION IN THE BELOW-NUMBERED MATTER HAS BEEN DELIVERED IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 2-16.4 AND 2-16.5** THIS DAY **APRIL 29, 2026** TO THE TRIAL JUDGE, CLERK OF COURT, COUNSEL OF RECORD AND ALL PARTIES NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

CURTIS B. PURSELL
CLERK OF COURT

25-CA-559

E-NOTIFIED

24TH JUDICIAL DISTRICT COURT (CLERK)

HONORABLE NANCY A. MILLER (DISTRICT JUDGE)

HONORABLE JACQUELINE F. MALONEY (DISTRICT JUDGE)

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