

Fifth Circuit Court of Appeal State of Louisiana

No. 26-C-199

REANDA PIERRE

versus

PARIS PHILLIP PIERRE

IN RE REANDA PIERRE

APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-NINTH JUDICIAL DISTRICT COURT, PARISH OF ST CHARLES, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE CONNIE M. AUCOIN, DIVISION "C", NUMBER 87,657

TRUE COPY

May 18, 2026



LINDA TRAN
DEPUTY CLERK

Panel composed of Judges Susan M. Chehardy,
Stephen J. Windhorst, and John J. Molaison, Jr.

WRIT GRANTED; JUDGMENT VACATED; REMANDED WITH INSTRUCTIONS

The relator, Reanda Pierre, asks this Court to review the trial court's March 31, 2026 judgment, which denied her request for ADA accommodations and ordered a Watermeier hearing. We grant this writ application, vacate the trial court's judgment, and remand with instructions for the following reasons.

This child custody case has a lengthy procedural history involving four minor children born during the parties' marriage: PPP (born 2013), PP (born 2015), Ed.P (born 2016), and El.P (born 2019). In *Pierre v. Pierre*, 23-470 (La. App. 5 Cir. 2/21/24), 383 So. 3d 1028, 1040, *writ denied*, 24-00366 (La. 4/30/24), 383 So.3d 931, this Court affirmed the trial court's judgment granting Ms. Pierre sole custody of the children under the Post-Separation Family Violence Relief Act,

La. R.S. 9:361, et seq. (PSFVRA), and La. R.S. 9:341(A). In *Pierre v. Pierre*, 23-574 (La. App. 5 Cir. 9/16/24), 397 So.3d 1226, *writ denied*, 24-01275 (La. 1/14/25), 398 So.3d 1168, this Court affirmed the trial court's order suspending all visitation by Mr. Pierre with the minor children. On her trauma therapist's advice, Ms. Pierre relocated with the minor children out of state.

On August 12, 2025, Mr. Pierre filed a motion to reinstate visitation, seeking unsupervised overnight visitation with the children. In his pleading, Mr. Pierre requested a Watermeier hearing under C.C. art. 134 and La. R.S. 13:3665. Proceeding *pro se*, Ms. Pierre requested ADA accommodation to appear at the hearing virtually due to her PTSD caused by family violence. In her request, Ms. Pierre stated: "Mr. Pierre threatened to kill our children, myself, and himself if I were granted sole custody. Appearing virtually is a major part of my ongoing safety plan and reduces the effects caused by in-person association." Mr. Pierre objected, arguing that Ms. Pierre had previously appeared in person in the custody proceedings. In his objection, Mr. Pierre did not identify any specific prejudice resulting from the accommodation request. He asked the court to require "proper current medical verification" and to narrowly tailor the accommodation so that it would not prejudice him.

On February 3, 2026, Ms. Pierre, appearing *pro se*, filed an exception of no cause of action in response to Mr. Pierre's request to reestablish visitation, claiming that Mr. Pierre had not alleged a material change in circumstances to meet the heavy burden required to modify the custody decree. Ms. Pierre opposed the request for a Watermeier hearing without a proper hearing on whether a material change in circumstances existed.

Ms. Pierre appeared *pro se* at the February 12, 2026 hearing on the accommodation request and related motions. When the trial judge questioned her, she explained that she had been trying to retain counsel. Ms. Pierre told the court

that she was diagnosed with PTSD in 2021. She elaborated that her therapist, Mary Jo Devlin, said contact with Mr. Pierre triggers her PTSD and stalls her recovery. Ms. Pierre said she met with Ms. Devlin weekly in 2023 and 2024. The visits became less frequent toward the end of 2024 because Ms. Devlin underwent surgery. Ms. Pierre contacted Ms. Devlin in January 2025 because she feared for her life and her children's lives. Ms. Devlin instructed and assisted Ms. Pierre in finding another therapist due to Ms. Pierre's relocation. Ms. Pierre asked her current therapist to prepare a letter for the trial court explaining her current diagnosis to support her ADA accommodation request to appear virtually. Ms. Pierre's therapist expressed concern that if a letter with the therapist's name was sent to the trial court, the therapist could be tracked down, and Ms. Pierre would be found. For this reason, Ms. Pierre's current therapist contacted her former therapist, Ms. Devlin, who wrote a letter dated December 3, 2025, explaining Ms. Pierre's PTSD diagnosis and urging the trial court to allow Ms. Pierre to appear virtually. However, during the hearing, the trial judge referred to a February 23, 2025 letter regarding a housing issue, not a court appearance. The trial judge denied Ms. Pierre's request for accommodation because the letter was addressed to a housing authority and did not contain a medical diagnosis or a request for virtual court appearances. Ms. Pierre responded that she did submit a letter containing her medical diagnosis and reasons supporting the ADA request.

This writ application includes the December 3, 2025 letter written by Ms. Devlin. Given the seriousness of the past physical abuse Mr. Pierre inflicted on Ms. Pierre, as discussed extensively in this Court's two prior opinions, we vacate the trial court's order denying ADA accommodation to Ms. Pierre. We remand this matter and instruct the trial court to rule on the request for ADA accommodation to appear virtually, taking into consideration the December 3, 2025 letter from Ms. Devlin to the trial court.

The trial court ordered a Watermeier hearing without ruling on Ms. Pierre's exception of no cause of action. The peremptory exception of no cause of action tests the legal sufficiency of the petition. *Donnaud's Inc. v. Gulf Coast Bank & Tr. Co.*, 03-427 (La. App. 5 Cir. 9/16/03), 858 So.2d 4, 6, *writ denied*, 03-2862 (La. 1/9/04), 862 So.2d 985. In this matter, the trial court erred by granting the motion for a Watermeier hearing without ruling on the exception of no cause of action. If the petition fails to state a cause of action, the motion for a Watermeier hearing becomes moot. Accordingly, we vacate the order granting Mr. Pierre's request for a Watermeier hearing. On remand, we instruct the trial court to rule on Ms. Pierre's exception of no cause of action.

Gretna, Louisiana, this 18th day of May, 2026.

JJM
SMC
SJW

SUSAN M. CHEHARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
STEPHEN J. WINDHORST
JOHN J. MOLAISSON, JR.
SCOTT U. SCHLEGEL
TIMOTHY S. MARCEL

JUDGES



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FIRST DEPUTY CLERK

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NOTICE OF DISPOSITION CERTIFICATE OF DELIVERY

I CERTIFY THAT A COPY OF THE DISPOSITION IN THE FOREGOING MATTER HAS BEEN TRANSMITTED IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 4-6** THIS DAY **05/18/2026** TO THE TRIAL JUDGE, THE TRIAL COURT CLERK OF COURT, AND AT LEAST ONE OF THE COUNSEL OF RECORD FOR EACH PARTY, AND TO EACH PARTY NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

CURTIS B. PURSELL
CLERK OF COURT

26-C-199

E-NOTIFIED

29th Judicial District Court (Clerk)
Honorable Connie M. Aucoin (DISTRICT JUDGE)
Hilary S. Thompson (Relator)
Eric E. Malveau (Respondent)

MAILED