

Fifth Circuit Court of Appeal State of Louisiana

No. 26-C-52

CYNTHIA SHENG

versus

STEPHEN ORKUS, JR.

IN RE STEPHEN ORKUS, JR.

APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT,
PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE DONALD L.
FORET, DIVISION "H", NUMBER 870-254

TRUE COPY

February 06, 2026



LINDA TRAN
DEPUTY CLERK

Panel composed of Judges Stephen J. Windhorst,
John J. Molaison, Jr., and Timothy S. Marcel

WRIT DENIED

The relator asks the court to review the trial court's decision denying the motion to dissolve a temporary restraining order. For the reasons that follow, we deny the writ application.

The trial court dissolved the first Louisiana Abuse Prevention Order by an order dated November 12, 2025. Because the order is no longer in effect, any challenge by the relator to its merits or the evidence supporting it is now moot. The court issued the November 12, 2025, Civil Temporary Restraining Order ("TRO") under La. C.C. art. 3603, *et seq.*, and the relator did not object at that time. A party may seek review of a TRO by applying for supervisory writs to the Court of Appeal. *See Newton Associates, Inc. v.*

Boss, 00-889 (La. App. 5 Cir. 10/18/00), 772 So.2d 793, *writ denied*, 00-3162

(La. 1/12/01), 781 So.2d 559. In this case, however, the relator did not seek timely review of the November 12, 2025, TRO in this court.

The relator filed the motion to dissolve on December 9, 2025. When considering a motion to dissolve a preliminary injunction, a trial court should not consider arguments or evidence that could have been raised when the preliminary injunction was issued. *Livingston Par. Sch. Bd. v. Kellett*, 22-1240 (La. App. 1 Cir. 5/18/23), 368 So.3d 621, 626. On the face of the application, it does not appear that the relator opposed the Civil TRO at the time it was issued, for the reasons later asserted in his motion to dissolve. For this reason, the trial court could not consider aspects of the motion to dissolve.¹

The trial on the motion for a preliminary injunction is scheduled for February 10, 2026, at which the TRO will be dissolved. If the relator receives an adverse ruling and the trial court grants the preliminary injunction, he will have an adequate remedy on appeal pursuant to La. C.C.P. art. 3612.

For these reasons, we deny the relator's writ application.

Gretna, Louisiana, this 6th day of February, 2026.

JJM
SJW
TSM

¹ The defendant offered no testimony or evidence in support of his motion to dissolve at the hearing. The respondent presented information to the trial court in the form of videos and other images, but these were not contemporaneously entered into evidence. The transcript of the hearing shows that only an affidavit by the respondent was offered, filed and introduced into evidence. More specifically, only the affidavit of the respondent was acknowledged as evidence by the trial court at the end of the hearing, and the relator had no objection at that time. The application shows that following a copy of the respondent's affidavit, there is a separate page that states "Audio-Video Flash Drive." It is unclear from the record whether the respondent's introduction of evidence was intended to include the contents of the drive, or even what the content on the drive is. The court cannot consider exhibits and attachments unless they are properly offered and admitted into evidence, even if they are physically filed in the trial court record. *See Woods v. Ace Am. Ins. Co.*, No. 23-C-450, 2023 WL 7140887, at *2 (La. App. 5 Cir. Oct. 31, 2023), *writs denied*, 23-1575 (La. 2/6/24), 378 So.3d 748, and 23-1635 (La. 2/6/24), 378 So.3d 751.

SUSAN M. CHEHARDY

CHIEF JUDGE

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

JUDGES



CURTIS B. PURSELL

CLERK OF COURT

SUSAN S. BUCHHOLZ
CHIEF DEPUTY CLERK

LINDA M. TRAN
FIRST DEPUTY CLERK

MELISSA C. LEDET
DIRECTOR OF CENTRAL STAFF

(504) 376-1400
(504) 376-1498 FAX

FIFTH CIRCUIT
101 DERBIGNY STREET (70053)
POST OFFICE BOX 489
GRETNNA, LOUISIANA 70054
www.fifthcircuit.org

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 02/06/2026 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-52

E-NOTIFIED

24th Judicial District Court (Clerk)

Honorable Donald L. Foret (DISTRICT JUDGE)

Peter J. Butler, Jr. (Respondent)

Brandon J. Venegas (Relator)

Richard G. Passler (Respondent)

Kayla M. Jacob (Respondent)

MAILED