

Fifth Circuit Court of Appeal
State of Louisiana

No. 25-CA-560

BLAKE BOUDREAUX

versus

CRAIG CLARK

ON APPEAL FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, STATE OF LOUISIANA
NO. 868-696, 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

AFFIRMED

SMC
SUS
TSM

TRUE COPY



JALISA WALKER
DEPUTY CLERK

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CHEHARDY, C.J.

In this domestic matter, defendant-appellant, Craig Clark, appeals the trial court's judgment granting injunctive relief in favor of plaintiff-appellee, Blake Boudreaux, and entering a mutual stay-away order in response to Mr. Boudreaux's Petition for Protection from Stalking. For the reasons discussed below, we affirm the portion of the trial court's judgment entering a mutual stay-away order between Mr. Boudreaux and Mr. Clark.¹

Background and Procedural History

Plaintiff Blake Boudreaux lives with his fiancée, Tiffany Huckabay, 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. Huckabay and Mr. Boudreaux both testified that they saw Craig 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 In a separate appeal, 25-CA-559, Mr. Clark also appealed the trial court's mutual stay-away order involving Ms. Lori Johnson. 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. Boudreaux's case for trial purposes. The parties agreed, and the trial court entered one judgment, from which Mr. Clark filed this appeal.

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. Lori Johnson, who is Ms. Huckabay’s mother, 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 the 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.

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 stated that he made no other threats to Ms. Johnson, Tiffany, or Blake. He also

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.

testified that he never parked in front of Mr. Boudreaux's house, but he had been in the area looking for a stolen dumpster.

On September 12, 2025, Mr. Boudreaux, Ms. Johnson, and Ms. Huckabay each sought protective orders against Mr. Clark pursuant to the Protection from Stalking Act, La. R.S. 46:2171, *et seq.* Ms. Huckabay 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 asked counsel for plaintiffs whether they would agree to a mutual injunction. Mr. Boudreaux and Ms. Johnson agreed. Thus, although finding the evidence was insufficient to prove stalking, the trial court issued a mutual civil injunction under La. C.C.P. art. 3601, prohibiting Mr. Boudreaux 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

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

Mr. Boudreaux and Ms. Huckabay testified that in the early months of 2025, after Mr. Boudreaux and Mr. Clark became estranged, they observed Mr. Clark parked across from their residence on four to five occasions. They testified that Mr. Clark remained in his vehicle and appeared to be observing them and their residence. Mr. Clark testified that on two of those occasions, he was parked near Mr. Boudreaux's home because he was searching for a missing dumpster. He testified that he sometimes drove by Mr. Boudreaux's house to avoid traffic during custody exchanges. There was no justification provided for having been parked near the home on four to five occasions.

During this same period of time in early 2025, Mr. Clark engaged in other behavior which was concerning to Mr. Boudreaux, including: making inquiries into Mr. Boudreaux's whereabouts and vehicle; stating to a third party to "tell Blake when he feels something cold in his back, that's Clark"; and asking Mr. Boudreaux during a chance encounter at a restaurant whether he was "feeling the heat yet," and "don't worry, you will."

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

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 the stalking allegations were the only issues before the court, but the court found no evidence of stalking. Finally, Mr. Clark asserts that even if Mr. Boudreaux had requested a "civil injunction," no evidence introduced at trial established irreparable harm or even fear of harm.

Discussion

Mr. Boudreaux filed a Petition for Protection from Stalking against Craig Clark under the Protection from Stalking Act, La. R.S. 46:2171 *et seq.* 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.

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.

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. *See also Raymond v. Lassere*, 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.

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. 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 the present case, Mr. Boudreaux's petition for protection from stalking alleged that Mr. Clark "intentionally and repeatedly" followed him, harassed him, and implied or threatened bodily injury, which caused him "to feel alarmed or to suffer emotional distress." In the handwritten portion of the petition, regarding the

most recent incident, Mr. Boudreaux stated that Mr. Clark “told my girlfriends [sic] mom that he’d kill me.” Under “Past Incidents,” Mr. Boudreaux wrote, among other allegations, that Mr. Clark “told my friend hes [sic] going to kill me multiple times. Told people I was a drug dealer. Has been caught in front of my house numerous times. ... Told people he would shoot up a restaurant I was in.” The witnesses’ testimony at trial largely corroborated the allegations in Mr. Boudreaux’s petition.

After hearing the evidence offered at trial, the trial court determined that Mr. Boudreaux’s allegations were supported, though it found Mr. Clark’s actions did not constitute stalking under the statutory definition. Instead, the trial court determined that the threats were severe enough that a stay-away order was appropriate. The trial court stated: “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[.]” The trial court then asked both plaintiffs whether they objected to a mutual stay-away order. Neither plaintiff objected.⁴

Upon review, we cannot say the trial court’s factual findings vis-à-vis Mr. Boudreaux were manifestly erroneous or unsupported by the record. We also find no merit in Mr. Clark’s argument that the order should be overturned because Mr. Boudreaux did not request injunctive relief pursuant to La. C.C.P. art. 3601.

⁴ Mr. Clark argues on appeal that the trial court had no authority to order mutual civil injunctions. First, there is no indication in the record that Mr. Clark objected at trial to the mutuality of the injunctive relief. An appellant cannot advance an argument on appeal that is not raised or objected to at trial. *See Trans-Global Alloy Ltd. v. First Nat’l Bank of Jefferson Par.*, 583 So.2d 443, 448-49 (La. 1991). Second, Mr. Clark has standing to appeal only the portion of the judgment adverse to him. “Appeal is the exercise of the right of a party to have a judgment of a trial court revised, modified, set aside, or reversed by an appellate court.” La. C.C.P. art. 2082. Thus, the object of an appeal is to give *an aggrieved party* recourse to a superior tribunal for the correction of a judgment. *Jefferson Island Storage & Hub, LLC v. Louisiana Tax Comm’n*, 11-882 (La. App. 1 Cir. 7/15/11), 70 So.3d 1034, 1040 (emphasis added).

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.

Here, Mr. Boudreaux specifically requested injunctive relief under the Protection from Stalking Act, yet the trial court granted injunctive relief under the more general statute, La. C.C.P. art. 3601. Given the testimony elicited at trial and the fact that the alleged conduct was the basis for both the original petition for protection from stalking and the trial court’s stay-away order, Mr. Boudreaux was not required to request relief under La. C.C.P. art. 3601 with specificity.

Mr. Clark also contends that he was not given notice that Mr. Boudreaux was seeking injunctive relief beyond the petition for protection from stalking, and thus his due process rights were violated. We disagree. There is no due process violation where the injunctive relief granted under La. C.C.P. art. 3601 arises from the same conduct alleged in Mr. Boudreaux’s petition for protection from stalking. *See Udomeh*, 103 So.3d at 349, 353. The Protection from Stalking Act acknowledges that victims are “forced to pursue civil orders of protection through ordinary process,” suggesting that these are alternative rather than mutually exclusive remedies. *See La. R.S. 46:2171*. The harassment and threatening behavior alleged in Mr. Boudreaux’s stalking petition, which was corroborated by the evidence offered at trial, support his claims under ordinary injunction standards enunciated in La. C.C.P. art. 3601.

We also find no merit to Mr. Clark's contention that the trial court erred in granting injunctive relief under La. C.C.P. art. 3601 because Mr. Boudreaux failed to show irreparable harm or fear of harm. La. C.C.P. art. 3601(A) provides: "An injunction shall be issued in cases where irreparable injury, loss, or damage may otherwise result to the applicant, or in other cases specifically provided by law." An injunction is a harsh, drastic, and extraordinary remedy, and should only issue when the mover is threatened with irreparable loss or injury without an adequate remedy at law. *Bourgeois v. Bazil*, 18-676 (La. App. 5 Cir. 4/24/19), 271 So.3d 341, 348. Irreparable injury means the moving party cannot be adequately compensated with money damages for the injury, or the mover suffers injuries that cannot be measured by pecuniary standards. *Zeringue*, 130 So.3d at 359.

Mr. Boudreaux testified that he was fearful of Mr. Clark, that he knew about Mr. Clark's threat to his life, and that Mr. Clark owned numerous firearms. Given this testimony, we cannot say Mr. Boudreaux failed to meet his burden of proof or that the trial court manifestly erred in granting injunctive relief under La. C.C.P. art. 3601.

Lastly, because the trial court's ruling was supported by trial testimony and was not manifestly erroneous, we also find no merit to Mr. Clark's argument that the trial court erred in refusing to grant his motion for involuntary dismissal or to dismiss the petition.

CONCLUSION

For the foregoing reasons, the trial court's judgment granting injunctive relief and issuing a mutual stay-away order between Mr. Boudreaux and Mr. Clark is affirmed.

AFFIRMED

SUSAN M. CHEHARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
STEPHEN J. WINDHORST
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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-560

E-NOTIFIED

24TH JUDICIAL DISTRICT COURT (CLERK)

HONORABLE NANCY A. MILLER (DISTRICT JUDGE)

HONORABLE JACQUELINE F. MALONEY (DISTRICT JUDGE)

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