

LESLIE NELSON PARKER

v.

BRITTANI LEEANN FINCH

NO. 2019 CU 1473R
C/W 2019 CU 1514R

STATE OF LOUISIANA COURT OF APPEAL FIRST CIRCUIT

June 3, 2021

NOT DESIGNATED FOR PUBLICATION

Appealed from the Family Court In and for the Parish of East Baton Rouge State of Louisiana
Suit No. F206930 c/w F215728

The Honorable Hunter Greene, Judge Presiding

Dennis S. Fitzgerald
Baton Rouge, LA

Counsel for Plaintiff/Appellee
Leslie Nelson Parker

Brittani Leeann Finch
Plaquemine, LA

Defendant/Appellee
In Proper Person

Paula Antonia Gordon
Baton Rouge, LA

Intervenor/Appellant
In Proper Person

BEFORE: PENZATO, LANIER and HESTER, JJ.

LANIER, J.

Intervenor-appellant, Paula Antonia Gordon, appeals the judgment of the Family Court in and for the Parish of East Baton Rouge that sustained the exceptions raising the objections of improper cumulation of actions and no right of action filed by the plaintiff-appellee, Leslie Nelson Parker, and which sanctioned Ms. Gordon for contempt of court and awarded attorney's fees and costs to Mr. Parker. For the following reasons, we reverse in part, amend and affirm in part as amended, and remand for further proceedings.

FACTS AND PROCEDURAL HISTORY

Mr. Parker was involved in an extra-marital sexual relationship with Brittani Leeann Finch, of which one child, REP, was born on May 12, 2014.¹ Eventually, the relationship between Mr. Parker and Ms. Finch deteriorated, and Mr. Parker filed a petition to judicially establish filiation and child custody on November 4, 2016 (Suit No. 206930). In the petition, Mr. Parker stated he did not expect Ms. Finch to contest his paternity; however, should his paternity be contested by her, he requested the court to order a DNA paternity test at Ms. Finch's cost. The matter was assigned for hearing on December 13, 2016, but was passed without date.

Shortly after filing the original petition, Mr. Parker reconciled with Ms. Finch and resumed living together with her and their child. Due to the renewed relationship, no action was taken on the petition. Then, in the spring of 2018, he and Ms. Finch separated once again. Ms. Finch moved in with her mother, Ms. Gordon, and the parents allegedly shared amicable custody of REP, with REP residing with Ms. Finch and Ms. Gordon.

In October of 2018, Ms. Finch and Ms. Gordon allegedly had a falling out, and Ms. Finch left Ms. Gordon's home, taking REP with her. This apparently led to Ms. Gordon substantially interfering with the custody of REP shared by Mr.

Parker and Ms. Finch, leading Ms. Finch to file a petition for protection from abuse against Ms. Gordon (Suit No. 215728). A hearing on Ms. Finch's protection from abuse was set for December 5, 2018.

On that date, Ms. Gordon, representing herself, filed a petition to establish custody and ex parte provisional/temporary custody against Ms. Finch in Suit No. 215728, alleging that Ms. Finch was a danger to REP due to her "drug use,

instability, and leaving REP in a very abusive, terrifying home from which [Ms. Finch] herself fled." Ms. Gordon further claimed that Ms. Finch "is allowing the minor child to be used as a hostage and weapon to perpetrate control and extract revenge upon others." Ms. Gordon additionally claimed that Mr. Parker had violently removed REP from her vehicle on November 18, 2018. Ms. Gordon requested sole custody of REP with visitation awarded to Ms. Finch, subject to Ms. Finch's completion of drug rehabilitation and parenting classes. Service against Ms. Finch was not made because she was expected to be in court as petitioner on her petition from abuse and requested that her address remain confidential.

Following an ex parte hearing on December 5, 2018, the family court signed an order granting Ms. Gordon ex parte custody of REP, with supervised visitation to Ms. Finch only. The family court further ordered that Ms. Gordon could act as the supervisor, or in the alternative, visitation could take place at Family Services of Baton Rouge. Ms. Finch was also required to take a drug test at the Nineteenth Judicial District Court upon being served with the order. The family court consolidated this matter with Mr. Parker's petition to judicially establish filiation and child custody. Mr. Parker alleged that neither he nor Ms. Finch were present to defend against Ms. Gordon's petition to establish custody. Ms. Gordon

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subsequently dismissed her petition on January 8, 2019, and the temporary custody order expired by operation of law.²

On February 4, 2019, Mr. Parker filed an amended petition to establish filiation and motion to establish child custody, alleging all the aforementioned facts and requesting that he be declared the biological father of REP, with attorney fees awarded to him. On March 12, 2019, Ms. Gordon filed a petition to intervene in Suit No. 206930, in which she cited "substantial looming threats" to REP, should either or both parents be awarded custody. In contrast, Ms. Gordon alleged that REP had "flourished in the sanctuary, security and stability" of her "love, care, and home." She further alleged that she had assumed all the parental roles for which REP's parents should have been responsible. She stated in the petition that she was united with Ms. Finch against Mr. Parker, although Ms. Finch provided no written verification of this claim. Ms. Gordon alleged criminal activity, drug use, and financial instability on the part of Mr. Parker. She also alleged that Mr. Parker had taken pornographic pictures of REP and Ms. Finch, and transmitted those pictures to unknown parties without Ms. Finch's consent.

Mr. Parker was served with the petition to intervene on March 12, 2019, while in open court, during the hearing on his petition to judicially establish paternity and child custody. The family court noted that the petition to intervene did not

contain an order or a rule to set a hearing. Thus, the family court did not address the petition on that day.³ At the hearing, Mr. Parker presented to the family court a certified copy of REP's birth certificate, on which he is named the father, but he did not submit the certificate to be filed as evidence. After a recess, Mr. Parker and Ms. Finch returned with a written stipulation signed by both parents in which Ms. Finch attested that Mr. Parker was the father of REP. The

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family court signed a stipulated judgment on March 18, 2019, judicially establishing Mr. Parker as REP's father and awarding joint custody to the parents with Mr. Parker as the domiciliary parent.

Three days after filing the petition to intervene, Ms. Gordon filed a notice of intent to seek a supervisory writ with this court on March 15, 2019, in which she claimed the family court refused to consider her petition to intervene. This court granted the writ on April 16, 2019, and ordered the family court to set a hearing on the petition to intervene. See Parker v. Finch, 2019-0465 (La. App. 1 Cir. 4/16/19). Ms. Gordon subsequently filed an amended and supplemental petition to intervene, annul judgment, and restore custody on June 12, 2019. An order with respect to the amended petition to intervene was also filed, and on June 14, 2019, the family court set the amended petition to intervene for a hearing on July 9, 2019.

On March 22, 2019, the parents filed a joint motion for ex parte issuance of a civil warrant for the return of their child, in which they alleged that on March 15, 2019, Ms. Gordon checked REP out of school without the permission of either parent, absconded with REP, and refused to return REP to the parents. The family court ordered that a civil warrant be issued to law enforcement for the purpose of locating REP and returning the child to the physical custody of the parents. In a motion and rule to show cause filed by Mr. Parker on June 28, 2019, he alleged that Ms. Gordon had absconded with REP from March 15 to March 28, 2019, when the FBI located Ms. Gordon and returned REP to the parents' custody. Mr. Parker requested in the motion and rule that Ms. Gordon be found in contempt of court for intentionally interfering with his custody of REP, and that he be awarded attorney's fees and costs.

On July 8, 2019, Mr. Parker filed dilatory exceptions raising the objections of vagueness, the unauthorized use of summary proceedings, and improper cumulation of actions in response to Ms. Gordon's amended and supplemental

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petition to intervene. He also filed a peremptory exception raising the objection of no right of action. Mr. Parker alleged that the amended petition to intervene was vague and ambiguous to the point where it would be too difficult to "ferret out" all possible causes of action to defend. He further alleged that the relief sought by Ms. Gordon called for a combination of summary and ordinary proceedings that were improperly cumulated in the same action. Lastly, Mr. Parker claimed that Ms. Gordon, as a grandparent, was not entitled to the relief sought in her amended petition to intervene.

Following a hearing on the exceptions and rule for contempt, the family court signed a judgment on August 27, 2019, overruling the dilatory exception raising the objection of vagueness and ambiguity, and granting the remaining exceptions. Further, Ms. Gordon was found in contempt of court for intentionally interfering with Mr. Parker's right to visitation. Mr. Parker was awarded \$3,793.55 in attorney's fees and court costs associated with the matter, and Ms. Gordon was sentenced to sixty (60) days in East Baton Rouge Parish Prison, but could purge herself of the contempt of court finding if she paid the monetary award to Mr. Parker.⁴ Ms. Gordon then filed the instant appeal.⁵

On May 14, 2020, this court dismissed Ms. Gordon's appeal, citing a lack of subject matter jurisdiction due to insufficient decretal language in the appealed judgment.⁶ See *Parker v. Finch*, 2019-1473 c/w 2019-1514 (La. App. 1 Cir. 5/14/20), ___ So.3d ___. We denied rehearing in this matter, and Ms. Gordon applied for a writ of certiorari to the Louisiana Supreme Court. On September 23,

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2020, the supreme court in a per curiam opinion granted the writ, remanding the case to this court "in the interest of justice," directing this court to convert the appeal to an application for supervisory writs and to consider the application on the merits. *Parker v. Finch*, 2020-0987 (La. 9/23/20), ___ So.3d ___.

ASSIGNMENTS OF ERROR

Ms. Gordon has made no specific assignments of error, but instead asks this court to take notice *sua sponte* of any errors of law "for the benefit of [REP]." A court of appeal has appellate jurisdiction of all matters appealed from a family court. La. Const. art. V, §10(A)(2). What is on appeal before us is the family court's judgment of August 27, 2019, which was adverse to Ms. Gordon in that it sustained several exceptions in favor of Mr. Parker, awarded attorney's fees and costs to Mr. Parker, and found Ms. Gordon in contempt of court.

DISCUSSION

No Right of Action

The peremptory exception pleading the objection of no right of action tests whether the plaintiff has any interest in judicially enforcing the right asserted. La. C.C.P. art. 927(A)(6). Simply stated, the objection of no right of action tests whether this particular plaintiff, as a matter of law, has an interest in the claim sued on. *Hill v. Jindal*, 2014-1757 (La. App. 1 Cir. 6/17/15), 175 So.3d 988, 1000, writ denied, 2015-1394 (La. 10/23/15), 179 So.3d 600. The exception does not raise the question of the plaintiff's ability to prevail on the merits nor the question of whether the defendant may have a valid defense. *Id.* To prevail on an objection of no right of action, the defendant must show the plaintiff does not have an interest in the subject matter of the suit or legal capacity to proceed with the suit. Whether a plaintiff has a right of action is ultimately a question of law; therefore, it is reviewed *de novo* on appeal. *Id.*

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In raising the objection of no right of action, Mr. Parker avers that Ms. Gordon cannot seek to annul the March 18, 2019 stipulated judgment based on duress, fraud, and ill practices. Mr. Parker argues that only Ms. Finch, who is REP's mother and a named party in the judgment, has the right to bring such an action on her own behalf. The stipulated judgment determines the paternity of Mr. Parker and establishes joint custody between the parents. Ms. Gordon is not mentioned in the judgment.

The jurisprudence has established the following criteria for an action in nullity: (1) the circumstances under which the judgment was rendered show the deprivation of legal rights of the litigant seeking relief, and (2) the enforcement of the judgment would be unconscionable and inequitable. *Wright v. Louisiana Power & Light*, 2006-1181 (La. 3/9/07), 951 So.2d 1058, 1067. The record shows that Ms. Gordon has not produced any evidence that the stipulated judgment has deprived her of her own rights; rather, it appears as though Ms. Gordon seeks to annul the judgment in the place of her daughter, who would have a legal right to challenge the validity of the stipulated judgment, but has not done so.

However, Ms. Gordon also alleges in her amended petition to intervene that there are "specific and substantial looming threats" to REP should the child remain in the custody of the parents, and for that reason Ms. Gordon seeks sole custody. Under La. C.C. art. 133, custody shall be awarded to a person other than the child's parent if an award of custody to either parent would result in substantial harm to the child, and the court shall award custody to that other person with whom the child has been living in a wholesome and stable environment. See *Blackledge v.*

Blackledge, 94-1568 (La. App. 1 Cir. 3/3/95), 652 So.2d 593, 595-97. Ms. Gordon's allegations mirror the language in La. C.C. art. 133.

Where the plaintiff pleads multiple theories of recovery based on a single occurrence or set of operative facts, the partial grant of a no right of action, which

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attacks only one theory of recovery and which does not dismiss a party, would be invalid as an impermissible partial judgment. State, by and through Caldwell v. Astra Zeneca AB, 2016-1073 (La. App. 1 Cir. 4/11/18), 249 So.3d 38, 43, writs denied, 2018-0766, 2018-0758 (La. 9/21/18), 252 So.3d 899, 252 So.3d 904. While Ms. Gordon has not established a right to annul the stipulated judgment between the parents, she does have a right of action under La. C.C. art. 133 and has an interest in judicially enforcing that right. The family court was therefore incorrect in sustaining the exception raising the objection of no right of action, and we now reverse that portion of the judgment.

Unauthorized Use of Summary Proceeding and Improper Cumulation of Actions

Louisiana Code of Civil Procedure article 926(A)(3) provides for the dilatory exception of unauthorized use of a summary proceeding. This exception is only designed to test whether an action should proceed in a summary manner rather than by ordinary proceeding. Hatcher v. Rouse, 2016-0666 (La. App. 4 Cir. 2/1/17), 211 So.3d 431, 433, writ denied, 2017-0427 (La. 4/24/17), 221 So.3d 66.

An action to annul a judgment obtained by fraud or ill practices is an ordinary action. Succession of Simmons, 527 So.2d 323, 326 (La. App. 4 Cir. 1988), writ denied, 529 So.2d 12 (La. 1988). A rule for provisional custody, such as what was granted to Ms. Gordon on December 5, 2018, is a summary proceeding which obliges the respondent to "show" cause and does not require an answer. La. C.C.P. art. 2592(8); Chuter v. Hollensworth, 2008-0224 (La. App. 1 Cir. 5/2/08), 2008 WL 2065063, *2 (unpublished opinion); Brooks v. Brooks, 469 So.2d 378, 380 (La. App. 2 Cir. 1985).

Ms. Gordon's prayer for relief asks the court to declare null both the written stipulation of March 12, 2019, and the stipulated judgment of March 18, 2019, "and restore the parties to the situation that existed before the contract was made;

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thereby granting [Ms. Gordon] sole custody, ex parte, of [REP]."⁷ Ms. Gordon is essentially asking the family court to annul the stipulated judgment and grant her sole custody of REP in the same action. Ms. Gordon has improperly cumulated an ordinary and a summary proceeding into the same action, and the dilatory exception raising the objection of improper cumulation of actions must be sustained; however, the dilatory exception merely retards the progress of the action, but does not tend to defeat the action. La. C.C.P. art. 923.

Louisiana Code of Civil Procedure art. 933(B) provides:

When the grounds of the other objections pleaded in the dilatory exception may be removed by amendment of the petition or other action by plaintiff, the judgment sustaining the exception shall order plaintiff to remove them within the delay allowed by the court; and the action, claim, demand, issue or theory subject to the exception shall be dismissed only for a noncompliance with this order.

The family court should have ordered Ms. Gordon to amend her petition to cure its deficiencies. We therefore amend this portion of the family court's judgment to give Ms. Gordon 30 days in order to amend her petition to intervene for the purpose of curing its deficiencies regarding the cumulation of actions, and affirm as amended.

Contempt of Court

On March 12, 2019, the family court orally instructed Ms. Gordon as follows:

THE COURT: "I will instruct you... or let you know, that your interference in [the parents' custody agreement] without having court approval is not going to be looked on lightly.

MS. GORDON: I will not interfere.

(1473 R. 265)

Ms. Gordon was present in court that day to file her petition to intervene and serve the petition on Mr. Parker. Although the family court did not hear the

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petition to intervene on that day, it verbally made Ms. Gordon aware of the parents' custody agreement and told her not to interfere with it. Ms. Gordon acknowledged this order of the family court.

A contempt of court is any act or omission tending to obstruct or interfere with the orderly administration of justice, or to impair the dignity of the court or respect for its authority. La. C.C.P. art. 221. There are two kinds of contempt of court:

direct and constructive. *Id.* The willful disobedience of any lawful judgment or order of the court constitutes a constructive contempt of court. La. C.C.P. art. 224(2).

Willful disobedience of a court order requires a consciousness of the duty to obey the order and an intent to disregard that duty. *Billiot v. Billiot*, 2001-1298 (La. 1/25/02), 805 So.2d 1170, 1174. A person may not be adjudged guilty of a contempt of court except for misconduct defined as such, or made punishable as such, expressly by law. La. C.C.P. art. 227.

We find that Ms. Gordon was conscious of her duty to obey the family court because the family court addressed her directly, and she acknowledged her duty to obey the family court's order. At the July 30, 2019 hearing, Ms. Gordon admitted that on March 15, 2019, after the stipulated judgment became effective, police approached Ms. Gordon at her employer's home to ask her to surrender REP, but she purposely refused to relinquish physical custody. The family court found that "only two days after Mr. Parker and Ms. Finch entered into the [stipulated judgment,] Ms. Gordon absconded with [REP] with the intent to deprive Mr. Parker of his custodial time."

The punishment which a court may impose upon a person adjudged guilty of contempt of court is provided in La. R.S. 13:46118 and La.C.C.P. art. 227. The

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family court made a finding that Ms. Gordon willfully interfered with the stipulated judgment and awarded attorney's fees and costs to Mr. Parker in the amount of \$3,793.55, to be paid in two installments. The family court also sentenced Ms. Gordon to 60 days in the parish prison for contempt, but allowed her to purge herself of the contempt of court finding if she paid the attorney's fees and costs award to Mr. Parker.

A trial court is vested with great discretion in determining whether a party should be held in contempt, and its decision will only be reversed when the appellate court discerns an abuse of that discretion. *Rogers v. Dickens*, 2006-0898 (La. App. 1 Cir. 2/9/07), 959 So.2d 940, 945. While it is true that the trial court's ultimate decision to hold a party or attorney in contempt of court is subject to review under the abuse of discretion standard, the trial court's predicate factual determinations are reviewed under the manifest error standard in the case of a civil contempt. *Boyd v. Boyd*, 2010-1369 (La. App. 1 Cir. 2/11/11), 57 So.3d 1169, 1178.

We agree with the family court that Ms. Gordon willfully interfered with Mr. Parker's visitation rights contained in the stipulated judgment. The record is perfectly clear on that point. When Ms. Gordon filed her original petition to intervene, she voluntarily subjected herself to the jurisdiction of the family court,

thereby becoming a party in the litigation between Mr. Parker and Ms. Finch. The family court orally directed Ms. Gordon in open court not to interfere with the parents' custody agreement, and custody was a primary issue in Ms. Gordon's petition to intervene. We therefore find the family court was within its discretion

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to hold Ms. Gordon in contempt, and that the family court's factual findings in connection with its contempt ruling were not manifestly erroneous.

At the July 30, 2019 hearing, Mr. Parker filed into evidence an itemized list of attorney's fees and costs associated with the motion and rule for sanctions in enforcing the family court's custody orders. The evidence was in conformity with Mr. Parker's allegation in his motion and rule for contempt that, beginning on March 15, 2019, he had incurred attorney's fees and costs associated with Ms. Gordon's intentional interference with his visitation rights with REP.

Attorney's fees are generally not recoverable unless provided by statute or contract. *In re Marriage of Blanch*, 2010-1686 (La. App. 4 Cir. 9/28/11), 76 So.3d 557, 565, writ denied, 2011-2388 (La. 11/18/11), 75 So.3d 460. Louisiana Revised Statutes, 13:4611 provides: "The court may award attorney fees to the prevailing party in a contempt of court proceeding provided for in this section." The family court was therefore authorized to award attorney fees to Mr. Parker pursuant to statute.

DECREE

The portion of the August 27, 2019 judgment of the Family Court in and for the Parish of East Baton Rouge sustaining the peremptory exception raising the objection of no right of action is reversed. The portion of the judgment sustaining the dilatory exceptions is amended to provide the intervenor-appellant 30 days to amend her petition to intervene for the purpose of curing the improper cumulation of actions, and affirmed as amended. The portion of the judgment finding a constructive civil contempt of court is affirmed. This matter is remanded for further proceedings consistent with this opinion. All costs of the instant appeal are assessed equally between the intervenor-appellant, Paula Antonia Gordon and the defendant-appellee, Leslie Nelson Parker.

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REVERSED IN PART; AMENDED AND AFFIRMED IN PART AS AMENDED; REMANDED FOR FURTHER PROCEEDINGS.

Footnotes:

1. The child will be referenced by initials for the sake of anonymity.
2. This is the only instance in the record where Ms. Gordon is represented by counsel.
3. The family court also refused to address the petition to intervene because Mr. Parker had been served with it on that same day.
4. The family court also denied Mr. Parker's request for Ms. Gordon to furnish a bond, since it was determined that she had no right to visitation with REP.
5. Ms. Gordon initially filed a supervisory writ with this court challenging the family court's judgment and requesting a stay of its execution. We denied the stay and granted the writ insofar as finding that the ruling on contempt was a final, appealable judgment, and remanded the matter to the family court with the instruction to grant Ms. Gordon an appeal. See Parker v. Finch, 2019-1076 (La. App. 1 Cir. 8/23/19), ___ So.3d ___.
6. We found that the judgment only sustained a few of the exceptions filed by Mr. Parker, but did not dismiss any claims or demands.
7. While we have determined previously herein that Ms. Gordon has no right to maintain the nullity action, as we are unable to grant a partial no right of action, the claim remains pending herein.
8. Louisiana Revised Statutes 13:4611 states, in pertinent part: "Except as otherwise provided for by law... [t]he supreme court, the courts of appeal, the district courts, family courts, juvenile courts and the city courts may punish a person adjudged guilty of a contempt of court therein, as follows: [for... disobeying an order for the payment of child support or spousal support or an order for the right of custody or visitation, by a fine of not more than five hundred dollars, or imprisonment for not more than three months, or both.]"
9. A contempt proceeding incidental to a civil action is considered to be a civil matter if its purpose is to force compliance with a court order. In other words, a conditional penalty, which compels the party to comply with the court's order to end the penalty, is a civil one. Rogers v. Dickens, 2006-0898 (La. App. 1 Cir. 2/9/07), 959 So.2d 940, 947.

Parker v. Finch (La. App. 2021)

Leslie Nelson Parker

v.

Brittani Leeann Finch

Consolidated with the following:

Brittani LeeAnn Finch

v.

Paula Antonia Gordon

Docket Number 2019-CU-1473
2019 - CU - 1514

COURT OF APPEAL, FIRST CIRCUIT STATE OF LOUISIANA

July 6, 2020

Family Court of East Baton Rouge
Case #: 206930
East Baton Rouge Parish

On Application for Rehearing filed on 05/28/2020 by Paula Antonia Gordon
Rehearing Denied

/s/_____

Toni Manning Higginbotham

/s/_____

Allison H. Penzato

/s/_____

Walter I. Lanier, III

Date JUL 06 2020

/s/_____

Rodd Naquin, Clerk...

Parker v. Finch, 19-1473, 1514 (La. App. 1 Cir. 7/6/2020) rehearing denied

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2019 CU 1473 C/W 2019 CU 1514

W/N
MP
JMN
LESLIE NELSON PARKER

VERSUS

BRITTANI LEEANN FINCH

Judgment Rendered: MAY 14, 2020

Appealed from the Family Court
In and for the Parish of East Baton Rouge
State of Louisiana
Suit No. F206930 c/w F215728

The Honorable Hunter Greene, Judge Presiding

Dennis S. Fitzgerald
Baton Rouge, LA

Counsel for Plaintiff/Appellee
Leslie Nelson Parker

Brittani Leeann Finch
Plaquemine, LA

Defendant/Appellee
In Proper Person

Paula Antonia Gordon
Baton Rouge, LA

Intervenor/Appellant
In Proper Person

BEFORE: HIGGINBOTHAM, PENZATO AND LANIER, JJ.

LANIER, J.

Intervenor-appellant, Paula Antonia Gordon, appeals the judgment of the Family Court in and for the Parish of East Baton Rouge that sustained the exceptions raising the objections of improper cumulation of actions and no right of action filed by the plaintiff-appellee, Leslie Nelson Parker, and that sanctioned Ms. Gordon for contempt of court and awarded attorney's fees and costs to Mr. Parker.

Ms. Gordon is the maternal grandmother of REP¹, the child of Mr. Parker and Ms. Gordon's daughter Brittani Leeann Finch. On March 12, 2019, Ms. Gordon filed a petition to intervene in the pending litigation instituted by Mr. Parker against Ms. Finch to establish filiation and child custody, in which she cited "substantial looming threats" to REP, should either or both parents be awarded custody.² On that same date, Mr. Parker and Ms. Finch entered into a stipulation regarding paternity, custody, and visitation. On March 18, 2019, the family court signed a stipulated judgment judicially establishing Mr. Parker as REP's father and awarding joint custody to the parents.

On March 22, 2019, the parents filed a joint motion for ex parte issuance of a civil warrant for the return of their child, in which they alleged that on March 15, 2019, Ms. Gordon checked REP out of school without the permission of either parent, absconded with REP, and refused to return REP to her parents. The family court ordered that a civil warrant be issued to law enforcement for the purpose of locating REP and returning her to the physical custody of her parents. In a motion and rule to show cause filed by Mr. Parker on June 28, 2019, he alleged that Ms. Gordon had absconded with REP from March 15 to March 17, 2019, but did not

¹ The child will be referenced by initials for the sake of anonymity.

² Three days after filing the petition to intervene, Ms. Gordon filed a notice of intent to seek a supervisory writ with this court on March 15, 2019, in which she claimed the family court refused to consider her petition to intervene. This court granted the writ on April 16, 2019, and ordered the family court to set a hearing on the petition to intervene. See *Parker v. Finch*, 2019-0465 (La. App. 1 Cir. 4/16/19).

explain how REP was returned to his custody. Mr. Parker requested in the motion and rule that Ms. Gordon be found in contempt of court for intentionally interfering with his custody of REP, and that he be awarded attorney's fees and costs.

On July 8, 2019, Mr. Parker filed dilatory exceptions raising the objections of vagueness, the unauthorized use of summary proceedings, and improper cumulation of actions. He also filed a peremptory exception raising the objection of no right of action with respect to Ms. Gordon disputing his paternity. Following a hearing on the exceptions and rule for contempt, the family court signed a judgment on August 27, 2019, in which the dilatory exception raising the objection of vagueness and ambiguity was overruled, and all other exceptions were granted. Further, Ms. Gordon was found in contempt of court for intentionally interfering with Mr. Parker's right to visitation. Ms. Gordon was ordered to pay to Mr. Parker \$3,793.55 in attorney's fees and court costs associated with the matter, and Ms. Gordon was sentenced to sixty (60) days in East Baton Rouge Parish Prison, but her sentence was deferred until September 3, 2019, giving Ms. Gordon the opportunity to purge herself of the contempt if she paid Mr. Parker by that date.³

Ms. Gordon then filed the instant appeal.⁴

While the judgment of August 27, 2019 sustains the exceptions raising the objections of unauthorized use of summary proceedings, improper cumulation of actions, and no right of action, it does not dismiss any claims or demands. Because

³ The family court also denied Mr. Parker's request for Ms. Gordon to furnish a bond, since it was determined that she had no right to visitation with REP.

⁴ Ms. Gordon initially filed a supervisory writ with this court challenging the family court's judgment and requesting a stay of its execution. We denied the stay and granted the writ insofar as finding that the ruling on contempt was a final, appealable judgment, and remanded the matter to the family court with the instruction to grant Ms. Gordon an appeal. However, we did not address the finality of the judgment as a whole. See Parker v. Finch, 2019-1076 (La. App. 1 Cir. 8/23/19). Furthermore, we are not bound by the writ panel's decision in determining whether we have subject matter jurisdiction over the instant appeal. See Ponchartrain Natural Gas System v. Texas Brine Company, LLC, 2018-0419 (La. App. 1 Cir. 6/26/19), 280 So.3d 792, 796, writ denied, 2019-01125 (La. 7/17/19), 277 So.3d 1180.

the judgment lacks sufficient decretal language, the ruling on which the appeal is based is not a final appealable judgment. See DeVance v. Tucker, 2018-1440 (La. App. 1 Cir. 5/3/19), 278 So.3d 380, 382. While the portion of the judgment finding Ms. Gordon in contempt of court and awarding Mr. Parker court costs and attorney's fees is a final, appealable judgment, the remaining portions of the judgment render the entire judgment fatally defective, and without a valid, final judgment, this court lacks appellate jurisdiction. See Julien v. Julien, 2018-0804, (La. App. 1 Cir. 1/28/19), 2019 WL 350383, *4 (unpublished). Moreover, in the absence of precise, definite and certain decretal language, the judgment is defective, and this court lacks jurisdiction to review the merits, even if we were to convert the matter to an application for supervisory writs. See Succession of Simms, 2019-0936 (La. App. 1 Cir. 2/21/20), 2020 WL 859937, *4 (unpublished).

For the above reasons, we dismiss the instant appeal and assess its costs to Ms. Gordon. This memorandum opinion is issued in compliance with Uniform Rules-Courts of Appeal Rule 2-16.1.B.

APPEAL DISMISSED.

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

2019 CU 1473

LESLIE NELSON PARKER

VERSUS

BRITTANI LEEANN FINCH

CONSOLIDATED WITH

2019 CU 1514

BRITTANI LEEANN FINCH

VERSUS

PAULA ANTONIA GORDON

THE FAMILY COURT
PARISH OF EAST BATON ROUGE NO. 215728

ORDER

In consideration of the January 24, 2020 "Motion for Expedited Consideration to Enroll Jeffry L. Sanford as Counsel of Record and to Suspend Enforcement of Contempt Order and Release Appellant, Paula Antonia Gordon from East Baton Rouge Prison Pending Ruling on Appeal."

IT IS HEREBY ORDERED that Jeffry L. Sanford is enrolled as counsel of record for appellant, Paula Antonia Gordon. All other requested relief is **DENIED**.

AHP
WIL

Baton Rouge, Louisiana this 28th day of January 2020:

Sylvia Dubuc
CHIEF DEPUTY CLERK

LESLIE NELSON PARKER
v.
BRITTANI LEEANN FINCH

NO. 2019 CW 1076

STATE OF LOUISIANA COURT OF APPEAL, FIRST CIRCUIT

SEPTEMBER 10, 2019

In Re: Paula Antonia Gordon, applying for rehearing, Family Court in and for the Parish of East Baton Rouge, No. 206930.

BEFORE: McCLENDON, WELCH, AND HOLDRIDGE, JJ.

APPLICATION FOR REHEARING DENIED.

PMc
JEW
GH
COURT OF APPEAL, FIRST CIRCUIT

/s/ _____
DEPUTY CLERK OF COURT
FOR THE COURT...

Parker v. Finch, 19-1076 (La. App. 1 Cir. 9/10/2019) rehearing denied (not eligible)

LESLIE NELSON PARKER

v.

BRITTANI LEEANN FINCH

NO. 2019 CW 1076

STATE OF LOUISIANA COURT OF APPEAL, FIRST CIRCUIT

AUGUST 23, 2019

In Re: Paula Antonia Gordon, applying for supervisory writs, Family Court in and for the Parish of East Baton Rouge, No. 206930.

BEFORE: McCLENDON, WELCH, AND HOLDRIDGE, JJ.

STAY DENIED; WRIT GRANTED IN PART WITH ORDER AND DENIED IN PART. The portion of the district court's June 30, 2019 ruling, finding Relator, Paula Antonia Gordon, in contempt of court and awarding Plaintiff, Leslie Nelson Parker, court costs and attorney fees associated with the Joint Motion for Ex Parte Issuance of a Civil Warrant for the Return of a Child to the Custodial Parent and his Motion and Rule to Show Cause is a final, appealable judgment. See Capital City Press, LLC v. Louisiana State University System Board of Supervisors, 2013-1994 (La. 8/28/13), 120 So.3d 250 ("Insofar as relator is aggrieved by the August 14, 2013 judgment imposing sanctions for contempt, it has an adequate remedy by suspensive appeal."), citing La. Code Civ. P. art. 1915(A)(6). Therefore, it is hereby ordered that this case be remanded to the district court with instruction to grant Relator an appeal pursuant to the August 1, 2019 pleading notifying the district court of her intention to seek writs. See *In re Howard*, 541 So.2d 195 (La. 1989) (per curiam). A copy of this court's action is to be included in the appellate record. In all other respects, this writ application is denied.

PMc

JEW

GH

COURT OF APPEAL, FIRST CIRCUIT

/s/_____

DEPUTY CLERK OF COURT

FOR THE COURT...

Parker v. Finch, 19-1076 (La. App. 8/23/2019) stay denied. Writ granted in part with order to grant appeal

LESLIE NELSON PARKER

v.

BRITTANI LEEANN FINCH

NO. 2019 CW 0465

STATE OF LOUISIANA COURT OF APPEAL, FIRST CIRCUIT

APRIL 16, 2019

In Re: Paula Antonia Gordon, applying for supervisory writs, Family Court in and for the Parish of East Baton Rouge, No. 206930.

BEFORE: WELCH, CHUTZ, AND LANIER, JJ.

WRIT GRANTED IN PART WITH ORDER, DENIED IN PART. This writ is granted for the limited purpose of ordering the trial court to set a hearing on the Petition to Intervene filed by relator, Paula Gordon. In all other respects, this writ is denied.

JEW

WRC

WIL

COURT OF APPEAL, FIRST CIRCUIT

/s/ _____

DEPUTY CLERK OF COURT
FOR THE COURT...

Parker v. Finch, 19-0465 (La. App. 1 Cir. 04/16/2019) granted in part with order to set hearing on Petition to Intervene

The Family Court in and for the Parish of East Baton Rouge

Appendix B

Parker v. Finch, c/w Finch v. Gordon,
206,930 D c/w 215,728 C

Written Reasons for Judgment By Dennis Stephen Fitzgerald	08/12/2019	p.1
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<u>Order</u> from 1 Cir. re: appeal filed with Judgment	08/23/2019 08/26/2019	7
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<u>Order</u> Return Date for 3/15/19 <u>Notice of Intent to Seek Writ</u>	03/18/2019	13
Letter requesting written reasons for judgment. The Judge replied: “DENIED. La.C.C.P.1917 ... inapplicable where [Grandma] was not a party to the judgment. Further, the case was not contested as the parties entered into a stipulated judgment.”	04/01/2019	14

NOTICE OF ISSUANCE OF
WRITTEN REASONS FOR JUDGMENT

LESLIE NELSON PARKER

No. F206,930

DIVISION D

versus

THE FAMILY COURT

PARISH OF EAST BATON ROUGE

BRITTANI FINCH

STATE OF LOUISIANA

TO: DENNIS S. FITZGERALD, ESQ.; BRITTANI FINCH, PRO SE; PAULA GORDON, PRO SE

GREETINGS:

You are hereby notified that written reasons for judgment were issued and entered into the minutes of The Family Court on the 12th day of August, 2019 in the above entitled and numbered cause and the following is a true copy of the entry of the written reasons for judgment.

This matter came before the Court on July 30, 2019 pursuant to Leslie Parker's *Motion and Rule to Show Cause and Dilatory Exception of Vagueness or Ambiguity of Petition; Unauthorized Use of Summary Proceedings; Improper Cumulations; Peremptory Exception of No Right of Action*.

FACTUAL & PROCEDURAL HISTORY

Leslie Parker and Brittani Finch were involved in a relationship that resulted in the birth of their daughter on May 12, 2014. On November 4, 2016, Mr. Parker filed a *Petition to Judicially Establish Filiation with a Minor Child and Motion to Establish Child Custody*. The hearing set for November 29, 2016, was passed without date. On December 5, 2018, Ms. Finch's mother, Paula Gordon, filed a *Petition to Establish Custody and Ex Parte Provisional/Temporary Custody* and was awarded ex parte temporary custody of the minor child.¹ The matter was set to be heard on January 8, 2019 in Division D, at which time Ms. Gordon appeared in court represented by counsel and did not proceed with a hearing as requested in her *Petition to Establish Custody and Ex Parte Provisional/Temporary Custody*; accordingly, her petition was dismissed and the temporary custody order expired by operation of law.

On February 4, 2019, Mr. Parker filed an *Amended Petition to Judicially Establish Filiation with a Minor Child and Motion to Establish Custody*. The matter was set for a rule to show cause on March 12, 2019, at which time Mr. Parker and Ms. Finch entered into a *Stipulated Judgment*. In addition to recognizing Mr. Parker as the biological father of the minor child, the *Stipulated Judgment* provided that the parties would "share custody" of the minor child with Mr. Parker exercising physical custody of the child every other weekend.

On the same day Mr. Parker and Ms. Finch were present in court and entered into a *Stipulated Judgment*, Ms. Gordon filed a *Petition to Intervene* and had Mr. Parker personally served in open court. Although Ms. Gordon was present in court on March 12, 2019, she was not a party to the *Stipulated Judgment* nor were any visitation or custodial rights awarded to her in the *Stipulated Judgment*. Mr. Parker, counsel for Mr. Parker, and Ms. Finch, signed the written stipulation in court and also signed the final typed judgment that was ultimately signed by this Court on March 18, 2019.

On March 22, 2019, Mr. Parker and Ms. Finch filed a *Joint Motion for Ex Parte Issuance*

¹ Ms. Gordon filed her *Petition to Establish Custody and Ex Parte Provisional/Temporary Custody* in case number 215,728 in Division C. Division C granted Ms. Gordon temporary ex parte custody, and the case was then consolidated with this case number in Division D.

of a Civil Warrant for the Return of a Child to the Custodial Parent, which was signed by the Court that day, after Ms. Gordon absconded with the minor child and refused to return her.

Mr. Parker filed an *Answer* to Ms. Gordon's *Petition to Intervene* on March 26, 2019. Ms. Gordon then filed an *Amended and Supplemental Petition to Intervene, Annul Judgment, and Restore Custody* (hereinafter referred to as *Amended and Supplemental Petition to Intervene*) on June 12, 2019. In this pleading, Ms. Gordon prayed for the following: (1) that the Court deem her petition to be good and sufficient and grant all relief therein, (2) that the Court declare the March 12, 2019 *Stipulated Judgment* null on the grounds of duress, (3) that the Court immediately grant a summary rule awarding her sole custody, (4) that the Court issue a civil warrant for the immediate return of the minor child to her custody, and (5) that Mr. Parker and Ms. Finch answer discovery.

On June 28, 2019, Mr. Parker filed a *Motion and Rule to Show Cause*, in which he requested that Ms. Gordon be held in contempt of court for her intentional interference with Mr. Parker's custodial time and for having to file a civil warrant to have the child returned to her parents. On July 8, 2019, in response to Ms. Gordon's *Amended and Supplemental Petition to Intervene*, Mr. Parker filed a *Dilatory Exception of Vagueness or Ambiguity of Petition; Unauthorized Use of Summary Proceedings; Improper Cumulations; Peremptory Exception of No Right of Action*. That same day Ms. Gordon filed an *Answer and Exceptions to Plaintiff's Motion and Rule to Show Cause*.

Both Ms. Gordon's *Amended and Supplemental Petition to Intervene* and Mr. Parker's *Motion and Rule to Show Cause* were set for hearing on July 9, 2019. After an open-court status conference, the Court passed the matters to July 30, 2019, at which time Mr. Parker's exceptions would also be heard.

On July 30, 2019, a hearing on both Mr. Parker's exceptions and *Motion and Rule to Show Cause* was held. Regarding the exceptions, the Court overruled the dilatory exception raising the objection of vagueness or ambiguity of Ms. Gordon's *Amended and Supplemental Petition to Intervene*, sustained the dilatory exceptions raising the objections of improper cumulation and unauthorized use of a summary proceeding, and sustained the peremptory exception raising the objection of no right of action. The Court also found Ms. Gordon to be in contempt of court for interfering with Mr. Parker's custodial time and for causing him to file a civil warrant. Ms. Gordon was ordered to pay Mr. Parker's court costs and attorney fees associated with the *Joint Motion for Ex Parte Issuance of a Civil Warrant for the Return of a Child to the Custodial Parent and Motion and Rule to Show Cause*. Ms. Gordon was also ordered to pay one half of the total amount by September 3, 2019 at 9:00 a.m. and the remaining balance by October 1, 2019 at 9:00 a.m. The Court sentenced Ms. Gordon to 60 days in prison, but deferred the execution until September 3, 2019 and October 1, 2019, respectively, conditioned on her compliance with the payment schedule.

The Court did not address any custody requests in Ms. Gordon's *Amended and Supplemental Petition to Intervene* because proper service was not made on Ms. Finch, who is an indispensable party. Ms. Gordon incorrectly requested service on Alex St. Amant, who has never enrolled as Ms. Finch's attorney nor has he ever filed anything on her behalf. This Court is aware of the ruling of the First Circuit Court of Appeal remanding this matter to hear Ms. Gordon's intervention. However, without proper service of the *Amended and Supplemental Petition to Intervene*, any hearing would be futile until such time as proper service has been made. The Court also did not address Ms. Gordon's *Answer and Exceptions to Plaintiff's Motion and Rule to Show Cause* because the pleading was never served on any party. At the conclusion of the hearing, Ms. Gordon requested that this Court issue written reasons for judgment.

DISCUSSION

I. DILATORY EXCEPTIONS

Under Louisiana Code of Civil Procedure Article 926 the objections of vagueness or ambiguity, unauthorized use of summary proceeding, and improper cumulation of actions may be raised through the dilatory exception.

Mr. Parker first pleads the dilatory exception raising the objection of vagueness or ambiguity of Ms. Gordon's *Amended and Supplemental Petition to Intervene*. In *Whipple v. Whipple*, 408 So. 2d 390, 392 (La.App. 1st Cir. 1981), the Court stated that the purpose of the exception of vagueness is to place the defendant on notice of the nature of the facts sought to be

proved so as to enable him generally to prepare his defense.

Mr. Parker alleges that it is unclear as to which allegations require a defense. He specifically objects to the catch all phrase contained in the first paragraph of Ms. Gordon's prayer, which states, "That this honorable Court find her Amended and Supplemental Petition to Intervene, Annul Judgment, and Restore Custody to be deemed good and sufficient and grant all relief requested herein."

While the Court recognizes that Ms. Gordon's pleading was 21 pages and 50 paragraphs long, Ms. Gordon did summarize what she was requesting from the Court in her prayer. After reviewing Ms. Gordon's pleading, this Court does not find any requests for relief in the body of her pleading that were not also included in her prayer. The Court finds that Ms. Gordon's five-paragraph prayer sufficiently places Mr. Parker on notice of the facts sought to be proved so that he may prepare his defense. Therefore, the dilatory exception raising the objection of vagueness or ambiguity is overruled.

Second, Mr. Parker pleads dilatory exceptions raising the objections of unauthorized use of a summary proceeding and improper cumulation of actions. In order for a plaintiff to cumulate against the same defendant two or more actions, all of the actions cumulated must be mutually consistent and employ the same form of procedure. La. C.C.P. Art. 462(2).

In her *Amended and Supplemental Petition to Intervene*, Ms. Gordon included a request for sole custody and a request for annulment of the March 12, 2019 *Stipulated Judgment*. Under La. C.C.P. Art. 2592, the original granting of, subsequent change in, or termination of custody may be brought as a summary proceeding. On the other hand, an action to annul is an ordinary proceeding because it is not included in the exclusive list of actions that may be brought by summary proceeding in La. C.C.P. Art. 2592. Under La. C.C.P. Art. 462, Ms. Gordon cannot cumulate her custody action, which is a summary proceeding, and her annulment action, which is an ordinary proceeding. As a result, Mr. Parker's dilatory exceptions raising the objections of unauthorized use of summary proceedings and improper cumulation of actions are sustained.

II. PEREMPTORY EXCEPTION

The final exception Mr. Parker pleads is the peremptory exception raising the objection of no right of action in reference to Ms. Gordon's request to have the March 12, 2019 *Stipulated Judgment* annulled. Under La. C.C.P. Art. 927, the objection of no right of action may be raised through the peremptory exception. The function of an exception of no right of action is to determine whether the plaintiff belongs to the class of persons that has a legal interest in the subject matter of the litigation. *LeCompte v. Cont'l. Cas. Co.*, 224 So. 3d 1005, 1009 (La. App. 1st Cir. 2017).

Ms. Gordon cited Louisiana Civil Code Article 2031 in alleging that her daughter, Ms. Finch, did not give free consent at the time she entered into the March 12, 2019 *Stipulated Judgment*. However, the second paragraph of La. C.C. Art. 2031 states, "Relative nullity may be invoked only by those persons for whose interest the ground for nullity was established, and may not be declared by the court on its own initiative." Applying this provision to the case at hand, only Ms. Finch and/or Mr. Parker may bring an action to declare the *Stipulated Judgment* relatively null. Ms. Gordon cannot allege her daughter's duress in an attempt to nullify a custody judgment to which Ms. Gordon herself is not a party. Because the facts alleged in Ms. Gordon's *Amended and Supplemental Petition to Intervene* provide a remedy under the law for her daughter and not for herself, Mr. Parker's peremptory exception raising the objection of no right of action is sustained.

III. CONTEMPT

In Mr. Parker's *Motion and Rule to Show Cause*, he alleged that on March 15, 2019, only two days after Mr. Parker and Ms. Finch entered into the *Stipulated Judgment*, Ms. Gordon absconded with the minor child with the intent to deprive Mr. Parker of his custodial time. The Court signed the *Joint Motion for Ex Parte Issuance of a Civil Warrant for the Return of a Child to the Custodial Parent* on March 22, 2019.

During the July 30, 2019 hearing, Ms. Gordon admitted that she took the minor child and

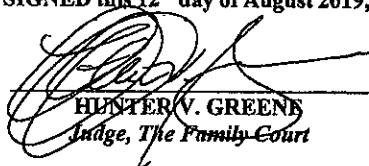
would not return her until she was contacted by the FBI, despite having knowledge of the *Stipulated Judgment* that ordered Mr. Parker to have custody during that time. She failed to provide any reasons for her actions other than conclusory statements pertaining to Mr. Parker's character. Ms. Gordon intentionally, knowingly, and purposefully violated and interfered with a custody order of this Court without justification. As such, this Court finds Ms. Gordon to be in contempt of court.

CONCLUSION

The dilatory exception raising the objection of vagueness or ambiguity of Ms. Gordon's *Amended and Supplemental Petition to Intervene* is overruled. The dilatory exceptions raising the objections of improper cumulation and unauthorized use of a summary proceedings are sustained. The peremptory exception raising the objection of no right of action is sustained. Further, Ms. Gordon is in contempt of court for her interference with Mr. Parker's custodial time in violation of the March 12, 2019 *Stipulated Judgment*. Ms. Gordon is to pay Mr. Parker's court costs and attorney fees associated with the *Joint Motion for Ex Parte Issuance of a Civil Warrant for the Return of a Child to the Custodial Parent* and *Motion and Rule to Show Cause*. The Court sentences Ms. Gordon to 60 days in prison and defers execution of the sentence conditioned upon her compliance with the payment schedule outlined above.

Judgment will be prepared and signed accordingly. Counsel for Mr. Parker is to prepare and Ms. Gordon shall file the judgment. This matter is set for a judgment review on August 27, 2019. The parties and/or counsel for parties are hereby ordered to return to court on that date unless a judgment in accordance with these written reasons is submitted prior to that date.

THUS DONE AND SIGNED this 12th day of August 2019, in Baton Rouge, Louisiana.



HUNTER V. GREENE
Judge, The Family Court

LESLIE NELSON PARKER

NUMBER 206,930 DIVISION "D"

VERSUS

THE FAMILY COURT

BRITTANI LEEANN FINCH

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

JUDGMENT ON RULE

THIS CAUSE came before the Court on the 30th day of July 2019, pursuant to regular assignment. Present in court were Leslie Nelson Parker and his attorney, Dennis S. Fitzgerald, and Paula Antonia Gordon (intervener), in proper person.

THE COURT, at the conclusion of the testimony and evidence presented, and after hearing the arguments of the parties, granted judgment as follows:

IT IS ORDERED, ADJUDGED AND DECREED that the exception of vagueness and ambiguity is overruled.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the exceptions of the unauthorized use of summary proceedings; improper cumulation of actions; no right of action for another party's duress and no right of action for annulment of the judgment based upon the duress of another party is sustained.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the request by Leslie Nelson Parker for Paula Antonia Gordon furnish a bond is denied at this point, since Paula Antonia Gordon has no visitation right with the minor child of the parties.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that at the close of the testimony, evidence and arguments, Leslie Nelson Parker proved by clear and convincing evidence that Paula Antonia Gordon willfully and knowingly violated the judgment rendered herein on March 12, 2019 and signed on March 18, 2019 by intentionally interfering with the visitation rights of Leslie Nelson Parker with his minor child the weekend of March 15th through March 17th 2019. Paula Antonia Gordon shall pay Leslie Nelson Parker attorney's fees and court cost associated with the action as



Page 1 of 2
Judgment on Rule, July 30, 2019
Leslie Nelson Parker v Brittani Leeann Finch
NUMBER 206,930 DIVISION "D"
The Family Court
D.S.F.

OBJECTION
P.A.G.
[Signature]

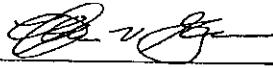
Leslie Nelson Parker submitted into evidence as "LP-1", in the amount of \$3,793.55, to be paid to Leslie Nelson Parker by Paula Antonio Gordon as follows: Paula Antonio Gordon shall deliver one-half the the total amount (\$1896.77) to Leslie Nelson Parker's attorney, Dennis S. Fitzgerald, no later than September 3, 2019; and Paula Antonio Gordon shall deliver the remaining half of the the total amount ordered (\$1896.78) to Leslie Nelson Parker's attorney, Dennis S. Fitzgerald, no later than October 1, 2019.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a hearing to review compliance with this order is set on the Court's docket in this matter to be heard on September 3, 2019 at 9:00 a.m., and October 1, 2019 at 9:00 a.m.

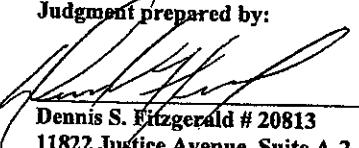
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Paula Antonia Gordon is sentenced to sixty (60) days in the Parish Prison for contempt of court, and sentencing is deferred until September 3, 2019 at noon (12:00 p.m.). In the event that Paula Antonio Gordon complies with the judgment by paying as per the Court's orders, she will have purged herself of the contempt of court finding.

JUDGMENT RENDERED in open court on the 30th day of July 2019.

JUDGMENT READ and SIGNED, at Baton Rouge, Louisiana, this 27 day of August, 2019.


The Honorable Hunter Greene
JUDGE, The Family Court, Division "D"

Judgment prepared by:


Dennis S. Fitzgerald # 20813
11822 Justice Avenue, Suite A-2
Baton Rouge, LA 70816
(225) 292-6222 (fax) 297-5646
Attorney for Leslie Nelson Parker

Judgment approved as to content and form, and submitted by:

OBJECTION

Paula Antonia Gordon, In proper person
2223 Cherokee Street
Baton Rouge, Louisiana 70806
Telephone: 225-937-0406

**See ORDER from Court of Appeal,
First Circuit dated Aug. 23, 2019**

Please send by mail a certified copy of the forgoing judgment on rule, and the Clerk of Court's Notice of the Signing Date of the Judgment, to Leslie Nelson Parker, through his attorney of record, Dennis S. Fitzgerald, 11822 Justice Avenue, Suite A-2, Baton Rouge, Louisiana 70816, and to Paula Antonia Gordon, at her home located 2223 Cherokee Street, Baton Rouge, LA 70806.

Page 2 of 2
Judgment on Rule, July 30, 2019
Leslie Nelson Parker v Brittani Leeann Finch
NUMBER 206,930 DIVISION "D"
The Family Court

**I OBJECT TO THIS JUDGMENT ON RULE. PLEASE
SEE EXHIBIT "A"**

EXHIBIT A

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

LESLIE NELSON PARKER

NO. 2019 CW 1076

VERSUS

BRITTANI LEEANN FINCH

AUGUST 23, 2019

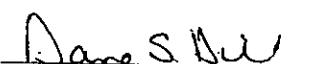
In Re: Paula Antonia Gordon, applying for supervisory writs, Family Court in and for the Parish of East Baton Rouge, No. 206930.

BEFORE: McCLENDON, WELCH, AND HOLDRIDGE, JJ.

STAY DENIED; WRIT GRANTED IN PART WITH ORDER AND DENIED IN PART. The portion of the district court's June 30, 2019 ruling, finding Relator, Paula Antonia Gordon, in contempt of court and awarding Plaintiff, Leslie Nelson Parker, court costs and attorney fees associated with the Joint Motion for Ex Parte Issuance of a Civil Warrant for the Return of a Child to the Custodial Parent and his Motion and Rule to Show Cause is a final, appealable judgment. See Capital City Press, LLC v. Louisiana State University System Board of Supervisors, 2013-1994 (La. 8/28/13), 120 So.3d 250 ("Insofar as relator is aggrieved by the August 14, 2013 judgment imposing sanctions for contempt, it has an adequate remedy by suspensive appeal."), citing La. Code Civ. P. art. 1915(A)(6). Therefore, it is hereby ordered that this case be remanded to the district court with instruction to grant Relator an appeal pursuant to the August 1, 2019 pleading notifying the district court of her intention to seek writs. See In re Howard, 541 So.2d 195 (La. 1989) (per curiam). A copy of this court's action is to be included in the appellate record. In all other respects, this writ application is denied.

PMc
JEW
GH

COURT OF APPEAL, FIRST CIRCUIT


DEPUTY CLERK OF COURT

FOR THE COURT

EAST BATON ROUGE PARISH F-206930
Filed Sep 11, 2019 7:28 AM D
Deputy Clerk of Court

NOTICE OF APPEAL

Leslie Parker

NO. F206930

VS

Brittani Finch

The Family Court
Parish of East Baton Rouge
State of Louisiana

Hunter Greene

Judge Presiding

Karen Allars

Court Reporter

TO: Paula Gerdon and Dennis Fitzgerald

Notice is hereby given that on August 1, 2019,
upon motion of Paula Gerdon

in the above numbered and entitled cause, an order of
appeal was entered granting a devolutive

appeal from the judgement of July 30, 2019 which
appeal is returnable to First Circuit Court of Appeal

as provided by law.

Clerk's Office, Baton Rouge, Louisiana, this 11th day of
September, 20 19.

Approximately:

75pgs x 6⁵⁰ - Reporter Fee \$ 487⁵⁰

75pgs x 2 copies x 1²⁰ - Appeal copies \$ 180⁰⁰

July 30, 2019 Admin Fee \$5⁰⁰ K. M. Mai

Trial Date

Deputy Clerk of Court for
Doug Welborn, Clerk of Court

2 hours

Estimated Hours of Testimony Taken

\$ 672⁵⁰

Estimated Costs of Testimony

Family #38 Rev. 2/06
Clerk of Court / Family Court Minute Clerk

WHITE / ORIGINAL TO BE FILED

LESLIE NELSON PARKER

No. F206,930 DIVISION D

versus

THE FAMILY COURT

BRITTANI FINCH

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

ORDER OF APPEAL

On August 23, 2019, the Louisiana First Circuit Court of Appeal ordered this case to be remanded to the district court with instruction to grant Paula Antonia Gordon an appeal on the issue of this Court's ruling of July 30, 2019, finding Paula Antonia Gordon in contempt of court and awarding Leslie Nelson Parker court costs and attorney fees.

Pursuant to Paula Antonia Gordon's August 1, 2019 pleading, it is ordered that a devolutive appeal be granted to Paula Antonia Gordon from the judgment rendered in open court on July 30, 2019 and later signed on August 27, 2019.

It is further ordered that the return date is hereby set on October 11, 2019.

Signed on this the 11th day of September 2019, in Baton Rouge, Louisiana.



JUDGE HUNTER GREENE

ATTENTION CLERK: Please send notice to counsel of record and all parties.

LESLIE NELSON PARKER

NUMBER 206,930 DIVISION "D"

VERSUS

THE FAMILY COURT

BRITTANI LEEANN FINCH

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

STIPULATED JUDGMENT ON RULE

THIS CAUSE came before the Court on the 12th day of March 2018, pursuant to regular assignment. Present in court were Leslie Nelson Parker and his attorney, Dennis S. Fitzgerald, and Brittani Leeann Finch, in proper person. The parties elected to pass on a hearing and submitted their written stipulations to the Court, as contained herein, and jointly requested that the Court enter a stipulated judgment pursuant to their agreement.

THE COURT, upon finding that the law is in favor and that a hearing is not necessary, and after hearing the sworn attestations of the parties to their understanding of the written stipulations submitted, and their voluntary agreement thereto, accepted the written stipulations of the parties and granted judgment as follows:

IT IS ORDERED, ADJUDGED AND DECREED that LESLIE NELSON PARKER is hereby determined to be the natural father of the minor child **ROWAN ESTHER PARKER**, born to BRITTANI LEEANN FINCH on May 12, 2014.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that temporarily and in the interim, pending further order of the Court, the parties shall share custody of the child with the father being granted physical custody of the child: every other weekend, from Friday at 6:00 p.m. through 6:00 p.m. on Sunday, effective March 15, 2019; alternating major holidays as shall be agreed upon by the parties, which the parties may submit a schedule signed by the parties fixing holiday physical custody rights to the parties with the child, and such other times as may be mutually agreed upon by the parties, all set without prejudice and any party can reset or file custody motions without showing any change in circumstances. All other physical custody rights to the child which are not specifically allocated to the father are granted to the mother, Brittani Leeann Finch.

(Page 1 of 2)

LESLIE NELSON PARKER
VERSUS
BRITTANI LEEANN FINCH

NUMBER 206,930 DIVISION "D"
THE FAMILY COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

(PAGE 2 OF 2, STIPULATED JUDGMENT ON RULE CONTINUED)

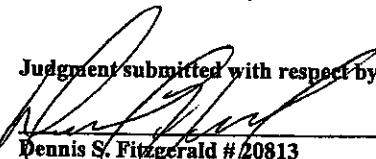
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the parties shall exchange the child at City Park, at the LSU Lakes, unless the parties mutually agreed upon another place of exchange of the child.

JUDGMENT RENDERED in open court on the 12th day of March, 2019.

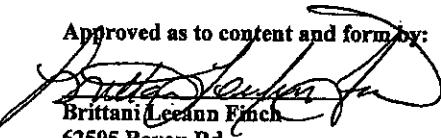
JUDGMENT READ and SIGNED, at Baton Rouge, Louisiana, this 18 day of March, 2019.

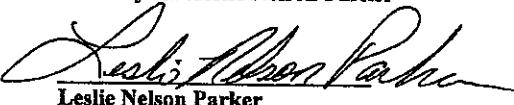

The Honorable Hunter Greene
JUDGE, The Family Court, Division "D"

Judgment submitted with respect by:


Dennis S. Fitzgerald #20813
11822 Justice Avenue, Suite A-2
Baton Rouge, LA 70816
(225) 292-6222 (fax) 297-5646
Attorney for Leslie Nelson Parker

Approved as to content and form by:


Brittani Leeann Finch
62505 Bayou Rd.
Plaquemine, Louisiana 70764
Telephone: 225-502-4539
Defendant, in proper person


Leslie Nelson Parker

PLEASE SEND BY MAIL Notice of the Signing of the judgment to the parties as listed above.

LESLIE PARKER

NUMBER: F206930 DIVISION: D

VERSUS

THE FAMILY COURT

BRITTANI LEEANN FINCH

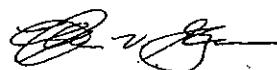
PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

ORDER

Considering the notice of intent to seek a supervisory writ filed by PAULA ANTONIA GORDON, and the March 12, 2019 ruling at issue, it is ordered that the application for a supervisory writ in the Court of Appeal, First Circuit, be filed no later than Thursday, April 11, 2019.

So ordered in Baton Rouge, Louisiana on March 18 2019.



The Honorable Hunter Greene, Judge

Paula A. Gordon
2223 Cherokee Street
Baton Rouge, Louisiana 70806-6608
(225) 937-0406
Email: paula.sanfordlaw@gmail.com

April 1, 2019

THE FAMILY COURT
THE HONORABLE HUNTER GREENE
300 NORTH BOULEVARD Suite 4301
BATON ROUGE, LOUISIANA 70801

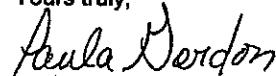
Re: LESLIE NELSON PARKER V. BRITTANI LEEANN FINCH
NUMBER: F-206930 DIVISION: D

Dear Judge Greene:

Pursuant to La. C.C.P. art. 1917. *Findings of the court and reasons for judgment*, I respectfully request that you give, in writing, your findings of fact and reasons for judgment entitled **STIPULATED JUDGMENT ON RULE** rendered in open court on the 12th day of March, 2019.

With kindest regards, I remain,

Yours truly,



Paula Gordon
2223 Cherokee Street
Baton Rouge, LA 70806
225-937-0406

DENIED. La. CCP Art. 1917 is inapplicable where requesting person was not a party to the judgment. Further, the case was not contested as the parties entered into a stipulated judgment.

Thus ordered, adjudged, and decreed on this the 3rd day of April, 2019, in Baton Rouge, Louisiana.



JUDGE HUNTER GREENE

Supreme Court of Louisiana

Appendix C

Gordon, In re: Parker v. Finch

2021-00973	09/27/2021	writ denied	p. 1
2020-0987	09/23/2020	writ granted.....	2
2019-1506	09/26/2019	writ denied.....	3

LESLIE NELSON PARKER

v.

BRITTANI LEEANN FINCH

No. 2021-CJ-00973

Supreme Court of Louisiana

September 27, 2021

IN RE: Paula Antonia Gordon - Applicant Intervenor; Applying For Writ Of Certiorari, Parish of East Baton Rouge, East Baton Rouge Family Court Number(s) 206, 930, Court of Appeal, First Circuit, Number(s) 2019 CU 1473 C/W 2019 CU 1514;

Writ application denied.

JTG

JLW

JDH

SJC

WJC

JBM

PDG...

Parker v. Finch (La. 2021)

Parker v. Finch, 21-973 (La. 9/27/2021) writ denied