

24th JUDICIAL DISTRICT COURT FOR JEFFERSON PARISH

STATE OF LOUISIANA

DOCKET NO. 877-585

DIVISION: L

ALLISON EDWARDS

VERSUS

CANDICE MATTHEWS

FILED: _____

DEPUTY CLERK

MEMORANDUM IN SUPPORT OF MOTION TO ANNUL PROTECTIVE ORDER

MAY IT PLEASE THE COURT:

Now comes Defendant, Candice Matthews (“Defendant” or “Candice”), through undersigned counsel who files this Memorandum in Support of Motion to Annul Protective Order, pursuant to Louisiana Code of Civil Procedure Article 2002(A)(2) and La. R.S. 13:3205, and in support thereof respectfully represents as follows:

I. INTRODUCTION

At the outset, this case should never have reached a contradictory hearing, let alone a ten-year protective order. Petitioner Allison Edwards filed a Petition for Protection from Stalking against Defendant on July 10, 2026. The Court issued a Temporary Restraining Order that same day and set a show-cause hearing for July 23, 2026 at 9:30 a.m. Because Defendant is a Texas resident, Petitioner elected to proceed against her through Louisiana's long-arm statute, La. R.S. 13:3201, purportedly by hand-carried delivery to her Houston residence.

Louisiana law is unambiguous: when a plaintiff invokes the long-arm statute in a summary proceeding, no “contradictory motion, rule to show cause, or other summary proceeding” — which a show-cause hearing on a protective order plainly is — shall be held until thirty days after the affidavit of long-arm service is filed into the record. La. R.S. 13:3205. Here, the affidavit of long-arm service and the show-cause hearing bear the identical date: July 23, 2026. On the face of this record, zero days — not thirty — separated the filing of the affidavit of service from the hearing at which Defendant's rights were adjudicated in her absence.

Because Defendant was not afforded the thirty-day delay Louisiana law guarantees a long-arm defendant before any contradictory hearing may be held against her, La. C.C.P. art. 2002(A)(2)

is properly invoked necessitating annulment. As such, the order is an absolute nullity and must be annulled. Defendant respectfully requests that this Honorable Court annul the protective order issued July 23, 2026, effective through July 23, 2036, and vacate the protective order to be expunged from the Louisiana Protective Order Registry.

II. BACKGROUND FACTS

On July 10, 2026, Petitioner filed a Petition for Protection from Stalking against Defendant, a resident of Houston, Texas. The Court issued a Temporary Restraining Order that same day and set a show-cause hearing on the rule for protective order for July 23, 2026, at 9:30 a.m. Because Defendant resides outside the State of Louisiana, Petitioner proceeded against her by way of Louisiana's long-arm statute, La. R.S. 13:3201, *et seq.*, purportedly effectuating service through hand-carried delivery to Defendant's residence at 13435 Bellhaven Dr., Houston, Texas 77069.¹ The affidavit of long-arm service reflected in the record is dated July 23, 2026 — the same date as the show-cause hearing itself. Defendant did not appear at the July 23, 2026 Hearing, and the Protective Order was entered that day.

Defendant now brings this Motion at her earliest opportunity, has not made a general appearance in this matter, and has not otherwise waived the defect addressed below.

III. LAW & ARGUMENT

Applicable Law

The Louisiana Long-Arm Statute codified as La. R.S. 13:3205 provides, in pertinent part: “[n]o default judgment may be rendered against the defendant and no hearing may be held on a contradictory motion, rule to show cause, or other summary proceeding, except for actions pursuant to R.S. 46:2131 *et seq.*, until thirty days after the filing in the record of the affidavit” of long-arm service.² “[T]he long arm statute does not allow a default judgment until thirty days after filing in the record of an affidavit indicating that the process was mailed or delivered to the defendant as required by the statute.” *Clay v. Clay*, 389 So.2d 31, 37 (La. 1980). As such, a judgment may be annulled for vices of form for purposes of a nonresident Defendant when an invalid default judgment has been entered against them. *See Windward Land, LLC v. Mann*, 56,379, p. 15 (La. App. 2 Cir. 10/29/25), 425 So.3d 139, 150-151 (citing La. C.C.P. art. 2002).

¹ To the extent the record reflects Petitioner effectuated service via USPS certified mail, there does not appear to be a green card indicating a physical return receipt providing Petitioner with signed, tangible proof of delivery.

² This delay is mandatory, and the Legislature's express exception for actions under the Domestic Abuse Assistance Act, R.S. 46:2131, *et seq.*, demonstrates — by negative implication — that no comparable exception applies to any other proceeding, including a Protection from Stalking Act proceeding under R.S. 46:2171, *et seq.*

“Judgments suffering from vices of form are absolute nullities[.]” *See Id.* (citing *Rivety v. Regions Bank*, 02-1813 (La. 2/25/03), 838 So.2d 1290) (citation omitted). An action for absolute nullity on this ground is not subject to the peremptive period applicable to other grounds for nullity and may be brought at any time. *See Id.*

Argument

I. The Protective Order Must Be Annulled Because No Contradictory Hearing Could Lawfully Be Held Until Thirty Days After the Long-Arm Affidavit of Service Was Filed.

A show-cause hearing on a protective order is, on its face, both “a contradictory motion” and “a rule to show cause” within the meaning of La. R.S. 13:3205. It is likewise a “summary proceeding” for purposes of the Long-Arm Statute and La. C.C.P. art. 2596, which makes the rules governing ordinary proceedings — including service mechanics and the delays attached to them — applicable to summary proceedings “except as otherwise provided by law.” No law otherwise provides a shortened delay for a stalking-protective-order proceeding against a nonresident. Had the Legislature intended to exempt all protective-order or injunction proceedings from the thirty-day delay, it knew how to say so — it did exactly that for actions under R.S. 46:2131, *et seq.* It said nothing of the kind for actions under R.S. 46:2171, *et seq.* In the case *sub judice*, Petitioner’s affidavit of long-arm service and the show-cause hearing bear the identical date — July 23, 2026 — and the hearing was held only thirteen days after the underlying TRO’s issuance on July 10, 2026. On the face of this record, exactly zero days, not thirty, separated the filing of the affidavit from the hearing at which the protective order was rendered against Defendant in her absence.

Louisiana courts have held that when a plaintiff proceeds against a nonresident by way of the long-arm statute in a summary proceeding, the statute’s mandatory delays must be strictly — not substantially — observed. *See Investor Inns, Inc. v. Wallace*, 14728 (La. App. 2 Cir. 12/7/1981), 408 So.2d 978, 981 (discussing that a summary proceeding affords no exception to the long-arm statute’s mandatory response thirty-day delay to summary eviction proceedings). The same principle controls here: Petitioner’s election to proceed by long-arm service against a nonresident defendant in a summary proceeding carried with it the obligation to observe that statute’s mandatory delay of thirty days in full — not to compress it to nothing.

Because Defendant was not afforded the thirty-day delay to which she was statutorily entitled before any contradictory hearing could lawfully be held against her, any judgment in connection with the same is invalid within the meaning of La. C.C.P. art. 2002(A)(2). This defect is not a mere irregularity of form: the thirty-day delay exists precisely to afford a nonresident

defendant a genuine opportunity to receive process, retain counsel, and prepare a defense before being bound by a Louisiana court's judgment. Collapsing that delay to zero days deprived Defendant of the very protection the Legislature intended the Long-Arm Statute to provide. The protective order is accordingly an invalid default judgment and an absolute nullity, necessitating annulment as Petitioner has failed to comply with the formalities of summary proceedings and long-arm service governing the same. *See Herbert v. Abbey Healthcare Group, Inc.*, 94-1280, p. 6 (La. App. 3 Cir. 5/17/95), 657 So.2d 278, 282 (espousing that “[t]he *Investor Inns* court stated that . . . if a plaintiff in a summary proceeding relies upon the long-arm statute to acquire jurisdiction over a nonresident defendant, the due process requirements of the statute must be strictly followed” to include the thirty-day delay).

Accordingly, Defendant has not made a general appearance in this matter waiving this defect discussed *infra*, has not acquiesced in the judgment within the meaning of La. C.C.P. art. 2003, and raises the objection of absolute nullity of the protective order entered against her on July 23, 2026 at her earliest opportunity, to the extent she was not afforded the thirty-day time delay.

PRAYER FOR RELIEF

WHEREFORE, Defendant, Candice Matthews, respectfully prays that this Honorable Court: (1) annul the protective order entered July 23, 2026, in its entirety, pursuant to La. C.C.P. art. 2002(A)(2), on the grounds that Defendant was not afforded the thirty-day delay mandated by La. R.S. 13:3205 before the contradictory hearing was held; (2) Order that the protective order against Defendant Candice Matthews be removed and expunged from the Louisiana Protective Order Registry upon annulment; and (3) Grant such other and further relief as this Honorable Court deems just and equitable in the premises, to which Defendant may justly be entitled.

Respectfully Submitted,

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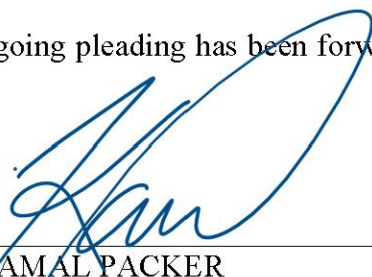
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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading has been forwarded to counsel of record on August 1, 2026, via electronic mail.



KAMAL PACKER