

Erika Luening

PETITIONER

24th JDC

COURT

PARISH OF Jefferson

STATE OF LOUISIANA

Nader "Anthony" Odeh

DEFENDANT

DIVISION: G NUMBER: 736-203

FILED: _____ CLERK: _____

Parent/Guardian name if defendant is a minor

PETITION FOR PROTECTION FROM STALKING OR SEXUAL ASSAULT

Pursuant to La. R.S. 46:2171 et seq. or La. R.S. 46:2181 et seq.

This petition is: Initial Petition Supplemental and Amending Petition

The petition of Erika Luening, born 8, 1, 2018
your name month, day, year

a resident of the State of Louisiana, respectfully represents:

Paragraph 1

Petitioner files this petition on behalf of:

a. Petitioner, and/or

b. Minor child(ren) as follows: (Name, Date of Birth, Relationship to Petitioner)

<u>Nolan Luening</u>	<u>3/19/16</u>	<u>SON</u>
<u>Riley Luening</u>	<u>4/9/13</u>	<u>daughter</u>
_____	_____	_____
_____	_____	_____

c. _____ Alleged incompetent: (Name, Date of Birth, Relationship to Petitioner)

Paragraph 2

a. Petitioner requests that his/her address, or that of the minor child(ren) or alleged incompetent, remain confidential to the court and files the address pursuant to La. R.S. 46:2134(B).
(Ask clerk of court for the Confidential Address Form.)

OR

b. _____ Petitioner's current address:

_____	_____	_____	_____
No. & Street		Apt. No.	
_____	_____	_____	_____
City		State	Zip Code

c. _____ The minor child's or alleged incompetent's current address:

_____	_____	_____	_____
No. & Street		Apt. No.	
_____	_____	_____	_____
City		State	Zip Code

Paragraph 3

Nader Odeh, defendant, resides in _____ Parish
Defendant's Name

at _____
No. & Street Apt. No. City State Zip Code

Paragraph 4

This Court is the proper venue for this action because:

- The defendant resides in _____ Parish.
- The stalking or sexual assault occurred in Jefferson Parish.
- The protected person(s) resides in _____ Parish.
(Do not fill this out if address is to remain confidential.)

Paragraph 5

The defendant is an acquaintance of or stranger/unknown to the protected person(s).

Paragraph 6

a. **Stalking** (La. R.S. 46:2171 et seq.): Defendant intentionally and repeatedly engaged in the following behavior(s) which caused the protected person to feel alarmed or to suffer emotional distress:

- | | |
|---|--|
| <input type="checkbox"/> Followed protected person(s) | <input checked="" type="checkbox"/> Implied or threatened protected person(s) with bodily injury |
| <input checked="" type="checkbox"/> Harassed protected person(s) | <input checked="" type="checkbox"/> Implied or threatened protected person(s)' life |
| <input type="checkbox"/> Uninvited presence at protected person(s)' home | <input type="checkbox"/> Used tracking device to monitor protected person(s) |
| <input checked="" type="checkbox"/> Uninvited presence at protected person(s)' workplace | <input checked="" type="checkbox"/> Stalked, harmed/threatened to harm protected person(s) or member of protected person(s)' family or acquaintance of protected person(s) |
| <input type="checkbox"/> Uninvited presence at protected person(s)' school | <input type="checkbox"/> Implied or threatened protected person(s) with kidnapping |
| <input type="checkbox"/> Uninvited presence at other places | <input type="checkbox"/> Implied or threatened protected person(s) with sexual assault |
| <input type="checkbox"/> Made/sent telephone calls, texts, emails or other electronic communications to protected person(s) | <input checked="" type="checkbox"/> Possessed a dangerous weapon during any of the foregoing behaviors |
| <input type="checkbox"/> Sent messages via a third party, letters, pictures, public posts to social media | <input checked="" type="checkbox"/> Threatened protected person(s) with a dangerous weapon |
| <input type="checkbox"/> Sent unwanted gifts to protected person(s) | |
| <input type="checkbox"/> Other: _____ | |

b. **Sexual assault** (La. R.S. 46:2181 et seq.): Defendant intentionally assaulted the protected person in the following manner:

- Touched the protected person's genitals, anus, breasts or buttocks (either directly or through clothing) using defendant's body part(s) or other objects, without consent.
- Forced the protected person to touch the defendant's genitals, anus, breasts or buttocks (either directly or through clothing) using protected person's body part(s) or other objects.
- Penetrated the protected person's vagina or anus using defendant's body part(s) or other objects, without consent.
- Forced the protected person to penetrate the defendant's vagina or anus, using protected person's body part(s) or other objects.
- Displayed genitals, anus, and/or female breast nipples to protected person without consent, in a public place or prison/jail.
- Deceived the protected person into engaging in anal, oral or vaginal intercourse with the defendant by misrepresenting themselves as someone else known to the protected person.
- Sent an electronic communication, letter, photograph, or drawing containing sexually explicit materials or content to the protected person without consent.
- Exposed the protected person to the HIV/AIDS virus through sexual contact without the knowing and lawful consent of the protected person.
- Viewed or spied on the protected person at a private residence without consent for defendant's sexual gratification.
- Used an image or video recording device to view or observe the protected person without consent for a lewd or lascivious purpose.
- Electronically transferred an image or video of the protected person obtained by the above without the consent of the protected person.
- Gave a drug, narcotic, anesthetic, intoxicant agent or other controlled dangerous substance to the protected person without her/his consent.
- Possessed a dangerous weapon at the time of any of the foregoing behaviors.
- Threatened the protected person with a dangerous weapon during any of the foregoing behaviors.
- Other: _____

c. The facts and circumstances of stalking or sexual assault are as follows:

The most recent incident of stalking or sexual assault which caused petitioner to file this petition happened on or about July 28, 30, 31 (date) at which time the defendant did:

This started in November when Anthony came into ~~at~~ my business yelling, cursing and threatening me and my clients. He's been out of town since and immediately upon his return we have had problems. July 28 he became a threat when he was yelling, cursing at a client who parked in his lot. We are very diligent on having our members stay away from him & not park in his lot or near his lot. Monday July 30 a member walked across his parking lot & he cursed her out and was yelling in the streets at us while video recording myself and my members on his cell phone. Police were called out by him & myself because I felt scared and threatened. Tuesday, July 31 a member notified me he was back yelling. He was again in the street in front of my business and on our sidewalk screaming & cursing. The police were called out (about 10 showed up) because he said he had guns and would use them on us if anyone came near his parking lot which is directly next to us. He pushed the officer and was cuffed but they did not arrest him. When the cops left he opened his garage door which opens to our backyard where we work out and him and his children blared violent rap music into our yard. I called the police again because I felt like the situation was escalating quickly. It ended with him shutting himself in his building. The police said they were issuing a warrant for his arrest. They recommended a protection order for myself and children who come to work with me. They also recommended that we get police details because the situation is violent.

Paragraph 7

Because of the immediate and present danger of stalking, or sexual assault, petitioner requests that an *ex parte* Temporary Restraining Order be issued immediately without bond:

- a. prohibiting defendant from abusing, harassing, assaulting, stalking, following, tracking, monitoring or threatening the protected person(s) in any manner whatsoever. This prohibition includes the use, attempted use, or threatened use of physical force that would reasonably be expected to cause bodily injury.
- b. prohibiting the defendant from contacting the protected person(s) personally, through a third party, or via public posting, by any means, including verbal, written, telephone, or electronic (text, email, messaging, or social media) communication, or sending gifts to the protected person(s)
- c. prohibiting defendant from going within one hundred (100) yards of the residence, apartment complex, or multiple family dwelling of the protected person(s).

- d. ordering the defendant to stay away from the protected person(s)' place of employment/school and not to interfere in any manner with such employment/school.
- e. ordering the defendant not to damage any belongings of the protected person(s), not to shut off any utilities, telephone service, or mail delivery to the protected person(s), or in any way interfere with the living conditions of the protected person(s).
- f. granting the petitioner or protected person(s) the use of the residence located at:

_____ No. & Street Apt. No. City State Zip Code

to the exclusion of defendant by **evicting** defendant and ordering the defendant to surrender any keys to that residence to the petitioner, and ordering _____ (Sheriff's office) to **evict** the defendant.

Said residence is:

- jointly owned by defendant and petitioner or protected person(s).
- jointly leased by defendant and petitioner or protected person(s).
- solely owned or leased by petitioner or protected person(s).

Presently occupied by _____

- g. granting petitioner or protected person(s) possession of the following property (including pets) **solely owned or leased by petitioner or protected person(s)** (state location of each item by street address and who is presently in possession).

granting petitioner or protected person(s) the exclusive use and possession of the following property (including pets) **jointly owned or leased by petitioner or protected person(s)** (state location of each item by street address and who is presently in possession).

for the following reasons: _____

And ordering _____ (Sheriff's office) to accompany petitioner to where the above listed property is located to allow petitioner to take possession of the property.

- h. prohibiting either party from transferring, encumbering, or otherwise disposing of property jointly owned or leased, except in the normal course of business or necessary for the support of the petitioner and/or the minor child(ren) or alleged incompetent.
- i. allowing _____ to return to the residence at a date and time to be agreed upon by petitioner and law enforcement agency, to recover his/her personal clothing and necessities, only if s/he is accompanied by a law enforcement officer to ensure the protection and safety of the parties. **NO FORCED ENTRY ALLOWED.**
- j. ordering a representative of _____ (Sheriff's office) to accompany _____ to the residence to recover her/his personal clothing and necessities.
- k. prohibiting the defendant from contacting protected person(s)' family members, or individuals with whom protected person(s) is acquainted.

Paragraph 8

Petitioner desires that a rule issue herein ordering defendant to show cause why the orders requested in Paragraph 7 should not be made into protective orders, and why defendant should not also be ordered:

- to seek professional counseling.
- to pay costs of court in this matter.
- to pay attorney fees.
- to pay evaluation fees.
- to pay expert witness fees.
- to pay cost of medical and/or psychological care for the protected person(s), necessitated by the stalking or sexual assault.
- other: _____

PRAYER

WHEREFORE, petitioner prays that service and citation issue herein, and: (check all that apply)

- that ex parte orders requested in Paragraph 7 be granted.
- a rule issue to show cause why protective orders as requested in Paragraph 8 should not be granted.
- defendant be cast with costs.
- defendant be advised of penalties for violating Stalking or Sexual Assault Prevention Orders.
- all other equitable relief as the court deems proper and necessary.

Respectfully submitted by



PETITIONER, IN PROPER PERSON

PLEASE SERVE DEFENDANT:

4405 Zenith Street Nader Odeh personally at his/her home or place of employment at the following
address: Metairie, LA 70001

4405 Zenith St.
Metairie, La 70001

or

**INFORMATION FOR SERVICE OF PROCESS
PROVIDED BY PETITIONER/PETITIONER-IN-RECONVENTION**

PLEASE PROVIDE AS MUCH INFORMATION AS POSSIBLE. THIS INFORMATION WILL HELP LAW ENFORCEMENT LOCATE DEFENDANT (or DEFENDANT-IN-RECONVENTION) TO SERVE A COPY OF THE PETITION AND TEMPORARY RESTRAINING ORDER (IF ISSUED). THE FOLLOWING INFORMATION IS NEEDED ON THE DEFENDANT (or DEFENDANT-IN-RECONVENTION).

NAME Nader Odeh

Name of minor defendant's (or defendant-in-reconvension's) parent or guardian: _____

OTHER NAMES USED Anthony

DATE OF BIRTH _____ (month/day/year) SOCIAL SECURITY # _____

DRIVERS LICENSE # _____ STATE _____ EXP. DATE _____

HOME ADDRESS
No. & Street _____ Apt. No. _____
City _____ State _____ Zip Code _____ TEL. NO. _____

WORK ADDRESS
Name of employer Claims Consulting & Contracting LLC
No. & Street 4405 Zenith Street
City _____ State _____ Zip Code _____ Apt. No. _____
DEPARTMENT _____
City _____ State _____ Zip Code _____
TEL. NO. _____ WORK DAYS/HOURS _____

PHYSICAL DESCRIPTION: MALE FEMALE RACE Hispanic possibly?
EYE COLOR _____ HAIR COLOR Bald HEIGHT 5'10"? WEIGHT 250?
DISTINGUISHING FEATURES (scars, tattoos, facial hair, etc.) _____

MOTOR VEHICLE:
LICENSE PLATE # _____ YEAR _____ MAKE Cadillac COLOR gray
TRUCK White

DOES THE DEFENDANT (or DEFENDANT-IN-RECONVENTION):
HAVE A HISTORY OF VIOLENCE TOWARDS OTHERS (OTHER THAN VICTIM)? YES NO
HAVE A HISTORY OF USING/ABUSING DRUGS OR ALCOHOL? YES NO
CARRY A WEAPON? YES NO
IF YES, WHAT KIND OF WEAPON? .38 revolver

OTHER PLACES AND TIMES S/HE MAY BE FOUND: (Friends, relatives, bars, hangouts)

DEFENDANT/DEFENDANT-IN-RECONVENTION CURRENTLY INCARCERATED
Where: _____

DEFENDANT/DEFENDANT-IN-RECONVENTION CURRENTLY ON PROBATION/PAROLE
Probation or parole officer/department: _____

ANY OTHER INFORMATION WHICH MAY BE HELPFUL: _____

8/1/18
Date

[Signature]
Petitioner's / Petitioner-in-Reconvension's Signature