

360

LOUISIANA UNIFORM ABUSE PREVENTION ORDER

COURT NAME AND PARISH/CITY: _____ DOCKET No. 786-208 DIV.: _____
FILED: _____ CLERK: _____

TEMPORARY RESTRAINING ORDER

Pursuant to:

La. R.S. 46:2131 et seq. (Domestic Abuse) La. R.S. 46:2171 et seq. (Non-intimate stalking)
 La. R.S. 46:2151 (Dating Violence) La. R.S. 46:2181 et seq. (Non-intimate sexual assault)
 La. Ch. C. Article 1564 et seq. (Children's Code Domestic Abuse)

PETITIONER'S NAME: Erika Szabo Luening
Date of Birth April 10 1985 Maiden/Middle _____ Sex: F M Last Race: white
Protected person is: Petitioner other(s) List other(s) name & date of birth:
Noian Luening 3/19/10 Riley Luening 4/9/13

V.

DEFENDANT'S NAME: Nader Odeh
Parent/Guardian name if defendant is a minor: _____
Alias: Anthony Date of Birth: _____ Sex: F M Race: hispanic?
Address: 4405 Zenith Street Metairie La 70001
Social Security #: _____ Dr. Lic. # _____ State _____ Exp. _____ (date)

The protected person(s) is related to the defendant as: (check all that apply)

A 1. current or former spouse
 2. current or former intimate cohabitant
 3. child, stepchild, or foster child
 4. child of defendant's current or former intimate partner
 5. protected person and defendant have a child(ren) in common
B 1. current or former dating partner
 2. parent, stepparent, or foster parent
 3. grandparent
 4. grandchild
C (Stalking or sexual assault only)
 1. stranger/no relationship
 2. acquaintance/co-worker/neighbor or other:

D FINDING: Domestic Abuse or Dating Violence
THE COURT FINDS THAT THE ALLEGATIONS PRESENTED CONSTITUTE AN IMMEDIATE AND PRESENT DANGER TO THE PHYSICAL SAFETY OF THE PROTECTED PERSON(S),
 FINDING: Stalking
THE COURT FINDS THAT THE ALLEGATIONS PRESENTED CONSTITUTE AN IMMEDIATE AND PRESENT DANGER OF STALKING,
 FINDING: Sexual Assault
THE COURT FINDS THAT THE ALLEGATIONS PRESENTED CONSTITUTE A SEXUAL ASSAULT,
THUS THE COURT ISSUES THE FOLLOWING ORDERS, WITHOUT A HEARING: (only orders checked and initialed apply)

IT IS ORDERED THAT THE DEFENDANT BE SERVED WITH A COPY OF THIS ORDER.



DOMESTIC ABUSE, DATING VIOLENCE, STALKING OR SEXUAL ASSAULT

1. THE DEFENDANT IS ORDERED NOT TO abuse, harass, assault, stalk, follow, track, monitor, or threaten 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.

2. THE DEFENDANT IS ORDERED NOT TO contact the protected person(s) personally, through a third party, or via public posting, by any means, including written, telephone, or electronic (text, email, messaging, or social media) communication without the express written permission of this court.
 Exceptions (if any): _____

3. THE DEFENDANT IS ORDERED NOT TO go within 100 feet (distance) of the protected person(s), without the express written permission of this court.
 Exceptions (if any) 4409 Zenith street
Metairie, LA 70001

4. THE DEFENDANT IS ORDERED NOT TO go within one hundred (100) yards of the residence, apartment complex, or multiple family dwelling of the protected person(s).

5. THE DEFENDANT IS ORDERED TO STAY AWAY from protected person(s)' place of employment/school and not to interfere in any manner with such employment/school.

<u>4409 Zenith Street</u>	<u>Metairie</u>	<u>LA</u>	<u>70001</u>
<small>Employment/School</small>	<small>Address</small>	<small>City</small>	<small>State Zip Code</small>

<small>Employment/School</small>	<small>Address</small>	<small>City</small>	<small>State Zip Code</small>
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6. THE DEFENDANT IS ORDERED NOT TO damage any belongings or property of the protected person(s) and 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).

7. THE COURT GRANTS THE PETITIONER or protected person(s) the use of the residence located at:

<small>No. & Street</small>	<small>Apt. No.</small>	<small>City</small>	<small>State</small>	<small>Zip Code</small>
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to the exclusion of defendant by **evicting** defendant. The Court orders the defendant to surrender any keys to that residence to the petitioner.

_____ (Sheriff's office) is ordered to **evict** the defendant.

8. THE COURT GRANTS THE PETITIONER or protected person(s) the use and possession of the following property (including pets) and/or the return of protected person(s) property:



- 9. THE COURT ORDERS a representative of _____ (Sheriff's office) to accompany petitioner to obtain property listed in Order No. 8 above.
- 10. THE COURT PROHIBITS EITHER PARTY from transferring, encumbering, or otherwise disposing of property jointly owned or leased, except in the normal course of business or that which is necessary for the support of the petitioner and/or the minor child(ren).
- 11. THE COURT WILL ALLOW _____ 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, provided that s/he is accompanied by a law enforcement officer to ensure the protection and safety of the parties. NO FORCED ENTRY ALLOWED.
- 12. THE COURT ORDERS a representative of _____ (Sheriff's office) to accompany _____ to the residence located at _____ to recover her/his personal clothing and necessities.

DOMESTIC ABUSE, DATING VIOLENCE ONLY

- 13. THE COURT GRANTS TEMPORARY CUSTODY of the following child(ren) or alleged incompetent to the petitioner: *(name, date of birth, and relationship to petitioner)*

- 14. THE COURT ORDERS a representative of _____ (Sheriff's office) to accompany petitioner to where the minor child(ren) or alleged incompetent mentioned in paragraph above is/are currently, and to effect petitioner obtaining physical custody of said child(ren) or alleged incompetent.
- 15. THE DEFENDANT IS ORDERED NOT TO interfere with the physical custody of the minor child(ren) or alleged incompetent.
- 16. THE DEFENDANT IS ORDERED TO show cause on the below hearing date why s/he should not be evicted from the solely owned residence or household and the petitioner granted possession.
- 17. THE DEFENDANT IS ORDERED TO show cause on the below hearing date why s/he should not be ordered to pay child support and/or spousal support (alimony) pursuant to Louisiana Law. **The court further orders the defendant to produce at the hearing: most recent income tax returns AND pay stubs or an employer statement documenting gross income to date for the CURRENT year. If the defendant is self-employed, income and expense statements shall be produced.**

STALKING, SEXUAL ASSAULT ONLY

- 18. THE DEFENDANT IS ORDERED NOT TO contact family members or acquaintances of the protected person(s).

DOMESTIC ABUSE, DATING VIOLENCE, STALKING OR SEXUAL ASSAULT

- 19. THE DEFENDANT IS ORDERED TO show cause on the below hearing date why s/he should not be ordered to pay the following:
 - all court costs
 - attorney fees
 - evaluation fees
 - expert witness fees
 - cost of medical and/or psychological care for the petitioner, the minor child(ren), alleged incompetent, and/or other protected person(s) necessitated by the domestic abuse, dating violence, stalking or sexual assault.
- 20. THE DEFENDANT IS ORDERED TO show cause on the below hearing date why s/he should not be ordered to seek professional counseling and/or complete a court-monitored domestic abuse intervention program.



NOTICE TO DEFENDANT – FIREARMS (Domestic abuse or dating violence ONLY):

AS A RESULT OF THIS ORDER, IT MAY BE UNLAWFUL FOR YOU TO POSSESS, RECEIVE, SHIP, TRANSPORT OR PURCHASE A FIREARM, INCLUDING A RIFLE, PISTOL, OR REVOLVER, OR AMMUNITION, FOR THE DURATION OF THIS ORDER PURSUANT TO STATE AND/OR FEDERAL LAWS. See below.

If you have any questions whether these laws make it illegal for you to possess or purchase a firearm or ammunition, consult an attorney.

Federal law: 18 U.S.C. 922 (g)(8) prohibits a defendant from purchasing, possessing, shipping, transporting, or receiving firearms or ammunition* for the duration of this order if the following conditions apply:

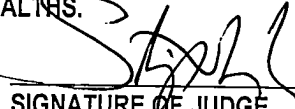
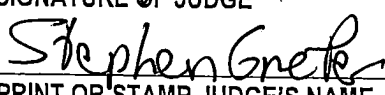
- Protected person(s) relationship to defendant is checked in Box A on page 2 of this order
- AND
- Notice and opportunity for a hearing provided
- AND
- EITHER Judicial finding of credible threat, OR
- Certain behaviors are prohibited (item 1 on page 3 of this order is initialed)

*Under 18 U.S.C. 921 the term "firearm" means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm. The term "ammunition" means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

FULL FAITH AND CREDIT pursuant to 18 U.S.C. § 2265

The issuing court certifies that it has jurisdiction over the parties and the subject matter under the laws of the State of Louisiana; that the defendant was given reasonable notice and an opportunity to be heard sufficient to protect the defendant's right to due process before this order was issued; or if the order was issued *ex parte*, the court ordered that the defendant be given reasonable notice and an opportunity to be heard within the time required by the laws of the State of Louisiana, and in any event, within a reasonable time after the order was issued, sufficient to protect the defendant's due process rights.

THIS ORDER SHALL BE PRESUMED VALID AND ENFORCEABLE IN ALL 50 STATES, THE DISTRICT OF COLUMBIA, TRIBAL LANDS, U.S. TERRITORIES, AND COMMONWEALTHS.


 SIGNATURE OF JUDGE

 PRINT OR STAMP JUDGE'S NAME

NOTICE TO LAW ENFORCEMENT

Pursuant to La. R.S. 14:79, the crime of violation of protective orders – you shall use every reasonable means, including but not limited to immediate arrest of the violator, to enforce this order. Further, you shall at a minimum issue a summons to the person in violation.

Pursuant to La. R.S. 46:2140(A), if you have reason to believe that a family or household member or dating partner has been abused AND the abusing party is in violation of this order, you SHALL immediately arrest the abusing party.

When issued as a temporary restraining order, if the expiration date of this order falls on or within five (5) days of the conclusion of a declared state of emergency, this order/injunction shall be enforced throughout that time period.

- DEFENDANT WAS SERVED AT CLOSE OF HEARING.
Date _____ Clerk _____
- FAXED or ELECTRONICALLY TRANSMITTED TO LOUISIANA PROTECTIVE ORDER REGISTRY.
Date 8-1-18 @ 3:40 pm Clerk [Signature]

E-mailed NCIC
 8-1-18 @ 3:32 pm
 [Signature]

Copies to: 1) Court file 2) Petitioner/protected person(s) 3) Defendant 4) Chief Law Enforcement Official of the parish where the protected person(s) resides 5) Louisiana Protective Order Registry.

Sent out of parish 8-1-18
 @ 3:40 pm [Signature]