

The Supreme Court of the State of Louisiana

LONESOME DEVELOPMENT, LLC

No. 2025-C-00124

VS.

TOWN OF ABITA SPRINGS

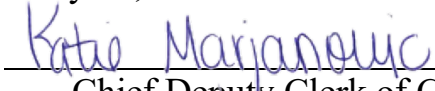
IN RE: Mayor Dan Curtis, in his individual and official capacity - Applicant
Defendant; Applying For Writ Of Certiorari, Parish of St. Tammany, 22nd Judicial
District Court Number(s) 2019-14436, Court of Appeal, First Circuit, Number(s)
2024 CA 0396;

May 29, 2025

Writ application granted. See per curiam.

- WJC
- JLW
- JDH
- JBM
- PDG
- JMG
- CRC

Supreme Court of Louisiana
May 29, 2025



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

**No. 2025-C-00124
consolidated with
No. 2025-C-00154**

LONESOME DEVELOPMENT, LLC

VS.

TOWN OF ABITA SPRINGS

On Writ of Certiorari to the Court of Appeal, First Circuit, Parish of St. Tammany

PER CURIAM

Louisiana Code of Civil Procedure article 225(A) sets forth the mandatory procedure applicable to punishment for constructive contempt of court, pertinently providing:

Except as otherwise provided by law, a person charged with committing a constructive contempt of court may be found guilty thereof and punished therefor only after the trial by the judge of a rule against him to show cause why he should not be adjudged guilty of contempt and punished accordingly. The rule to show cause may issue on the court's own motion or on motion of a party to the action or proceeding and shall state the facts alleged to constitute the contempt. In all ... cases [other than those involving constructive contempt of an appellate court], a certified copy of the motion, and of the rule to show cause, shall be served upon the person charged with contempt in the same manner as a subpoena at least forty-eight hours before the time assigned for the trial of the rule.

A person charged with contempt is entitled to notice of the charge against him, in the form of a formal rule to show cause, which must be served in the same manner as a subpoena. These procedural requirements are intended to clearly and fairly apprise the accused of the nature and cause of the charge against him, so he can defend himself. *Lang v. Asten, Inc.*, 2005-1119 (La. 1/13/06), 918 So. 2d 453, 455.

Here, plaintiff filed a motion to enforce a final judgment and for contempt and sanctions, asserting the Town of Abita Springs was not complying with the portion of the final judgment ordering specific performance of a Public Unit Development

Agreement. Plaintiff sought imprisonment of the Town's mayor, Dan Curtis. Plaintiff served the motion by email to counsel for the Town, not Mayor Curtis. The trial court rendered judgment against the mayor, not the Town, holding him in contempt and ordering his incarceration.¹

An email does not satisfy Article 225(A)'s requirement of service *in the same manner as service of a subpoena*. Subpoenas are served in the same manner as a citation, except when a party is summoned as a witness, in which case service of the subpoena may be made by *personal service* on the witness's attorney of record. La. Code Civ. P. art. 1355. The court of appeal relied on La. Code Civ. P. art. 1313(B), which allows pleadings subsequent to the original petition to be served by email. However, contempt proceedings are specifically governed by Article 225, which prevails over the general service provision of Article 1313(B). *See Davis v. State through Louisiana Racing Comm'n*, 2020-01020 (La. 5/13/21), 320 So. 3d 1028, 1032.

Email service of the motion was not sufficient to support a contempt judgment against either the Town or Mayor Curtis. *See* La. Code Civ. P. art. 225. Without proper service, the contempt judgment against Mayor Curtis is invalid.² These writ applications are granted, the judgment of the court of appeal is reversed, and the judgment holding Mayor Curtis in contempt is vacated.

¹ Our jurisprudence is clear that a trial court's reasons for judgment form no part of the judgment, and appellate courts review judgments, not reasons for judgment. *T.S. v. Congregation of Holy Cross S. Province, Inc.*, 2022-01826 (La. 6/27/23), 366 So. 3d 64, 67 n.6.

² Although the motion for contempt also sought to hold the Town of Abita Springs in contempt, the judgment held only Mayor Curtis in contempt. We note, however, that service by email was likewise ineffective as to the Town of Abita Springs. *See* La. Code Civ. P. art. 225(A).