

Judgment rendered September 30, 2026.
Application for rehearing may be filed
within the delay allowed by Art. 2166,
La. C.C.P.

No. 57,031-CW
No. 57,032-CW
(Consolidated Cases)

COURT OF APPEAL
SECOND CIRCUIT
STATE OF LOUISIANA

* * * * *

No. 57,031-CW	No. 57,032-CW
JOHN ALLEN RUSS Plaintiff-Applicant	JOHN ALLEN RUSS Plaintiff-Respondent
versus	versus
CHRISTA LAUREN MICELLI- RUSS Defendant-Respondent	CHRISTA LAUREN MICELLI- RUSS Defendant-Respondent

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On Application for Writs from the
First Judicial District Court for the
Parish of Caddo, Louisiana
Trial Court No. 627,310

Honorable Katherine Clark Dorroh, Judge

* * * * *

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Y.R., Minor Child

* * * * *

Before PITMAN, COX, and STEPHENS, JJ.

STEPHENS, J.,

This appeal arises out of the consolidation of two writs granted to docket filed in a case currently pending in the First Judicial Court, Parish of Caddo, State of Louisiana, the Honorable Katherine Dorroh, Judge, presiding. The only issue before this Court is whether the trial court abused its discretion in declining to approve a “Partial Settlement of Custody and Consent Judgment” filed by three of the parties involved in this highly contested child custody matter. For the reasons set forth below, the writs previously issued are recalled and the applications are denied.

FACTS/PROCEDURAL HISTORY¹

The parents of the minor child Y.R. (“Y.R.”), John Allen Russ (“John Allen”) and Christa Lauren Micelli-Russ (“Lauren”), were married on August 14, 2010, and divorced by a judgment rendered in the First Judicial District Court “JDC” on December 9, 2021. Y.R. was born to the Russes on April 21, 2016.

Initially, the Russes were awarded joint custody of Y.R., with John Allen being named domiciliary parent on April 19, 2021. Lauren was subsequently interdicted by a judgment rendered in the First JDC on May 16, 2022, under a separate docket number which was later consolidated with this case.²

John Allen filed a petition to modify custody on June 9, 2022. A consent judgment awarding him sole custody, agreed to by Lauren’s parents/curators, was rendered on April 13, 2023, with Lauren being

¹ A detailed procedural history is attached to this Opinion as an Appendix.

² Lauren’s mother and stepfather, Lynett and Michael Cockerham, were appointed as her curator and undercurator in the interdiction proceedings.

awarded specified periods of visitation. Currently, John Allen has sole custody, but he has granted provisional custody by mandate by notarial act to his father, Johnny Allen Russ (“Johnny”), the first one from October 23, 2024, to October 20, 2025, and the second one from October 20 (or 21), 2025, to October 20, 2026.

In 2024, the trial court was made aware of criminal charges pending against John Allen arising out of domestic abuse battery incidents involving his former wife, A.W., and an ex-girlfriend, T.A. Additionally, Johnny, the Cockerhams, as Lauren’s curators, and Lauren’s sister Ashley Nicole Flowers (“Nicole F.”) filed petitions seeking sole custody of Y.R. In light of the severity of allegations against John Allen and Lauren made in the instant matter by the Cockerhams and Nicole F., on October 21, 2024, an attorney was appointed to represent Y.R. The trial court further ordered that no one other than Y.R.’s appointed counsel Clinton Bowers was to speak to her about the facts of this case.

On June 10, 2025, a consent judgment was signed by the trial court terminating Lauren’s interdiction based upon the expert opinion rendered by the mental health expert appointed to determine whether termination was warranted; the consent of the curators; and the trial court’s specific finding that the law and evidence supported termination of the interdiction. Once the judgment terminating her interdiction was rendered, Lauren filed a petition to modify custody, in which she sought an award of joint custody to her and Johnny.³

³ Nicole F. filed an amended petition for sole custody on July 18, 2025, in which she claimed that an award of custody to Lauren and/or Johnny was not in the best interest of Y.R.

On October 31, 2025, John Allen, Lauren, and Johnny filed a “Joint Motion for Court Approval of a Partial Settlement of Custody and Consent Judgment.” These parties’ consent judgment provided that:

- (1) Johnny and Lauren would be awarded the joint custody of Y.R. with Y.R. primarily residing with Johnny.
- (2) Johnny’s rule for custody against John Allen pursuant to La. C.C. art. 133 would be dismissed.
- (3) Lauren’s rule to modify custody against John Allen would be dismissed.
- (4) John Allen would be awarded visitation with Y.R. as agreed by and between Johnny and Lauren subject to any restrictions imposed by the trial court.
- (5) Child support shall be set at a later date.
- (6) All other claims of all other parties are hereby maintained unto them.

On January 5, 2026, Nicole F. filed an “Answer to Joint Motion for Court Approval of a Partial Settlement of Custody and Consent Judgment,” and a supporting memorandum, and on the date set for the hearing on the motion, Y.R.’s attorney filed a memorandum in which he expressed his opposition to the proposed consent judgment.

The hearing on the parties’ motion for approval of the settlement and consent judgment was held on January 7, 2026. No evidence was presented by the parties in support of their motion at this hearing, and the trial court took the matter under advisement. The trial court issued its ruling on January 21, 2026, and the judgment denying the motion was signed on February 18, 2026. The following is excerpted from the trial court’s written ruling:

In *Gulledge v. Gulledge*[, 32,561] (La. App. 2 Cir. 8/18/99), 738 So. 2d 1229), the Court held that a “Consent Judgment” is essentially a bilateral contract which is voluntarily signed by

the parties and accepted by the Court. It has binding force from the voluntary acquiescence of the parties, not from the Court's adjudication. The Court notes that the *Gulledge* case involved only two parties, unlike this *Russ v. Russ* case, which involves four parties (Ashley Nicole Flowers, John Allen Russ, Johnny Russ, and Lauren Russ), three of whom are seeking custody of the minor child, Y.R.

Moreover, the Court [in *Gulledge*] concluded:

A transaction or compromise is an agreement between two **OR MORE PERSONS**, who, for preventing or putting an end to a lawsuit, adjust their differences by mutual consent, in the manner which they agree on, and which **EVERY ONE OF THEM** prefers to the hope of gaining by the danger of losing. (Emphasis added). The Court notes that because the partial settlement and proposed "Consent Judgment" does not include all the parties to this litigation, it cannot be approved.

Civil Code Article 3071 specifically states:

"A compromise is a contract whereby the **PARTIES**, through concessions made by one or more of them, settle a dispute or an uncertainty concerning an obligation or other legal relationship." (Emphasis added).

Civil Code Article 132 provides "if the parents agree who is to have custody, the Court shall award custody in accordance with their agreement **UNLESS** the provisions of R.S. 9:364 apply or the best interest of the child requires a different award." (Emphasis added).

The Court specifically finds that the allegations of domestic violence have been a large part of the litigation in this matter and it will be up to the Court to determine if R.S. 9:364 applies once a trial is held. Therefore, the Court specifically finds that the proposed Partial Settlement and proposed Consent Judgment is NOT in the best interest of Y.R. at this time.

Comment b to Article 132 provides:

"Under this article the agreement of the parents, if any, regarding the allocation of custody is controlling **WHEN IT IS CONSISTENT** with the child's best interest." (Emphasis added).

Because the Court cannot determine at this time if the proposed Settlement and the proposed Consent Judgment is in the best interest of Y.R., the Court will deny the motion.

Both Johnny and John Allen filed supervisory writs with this Court seeking reversal of the trial court's ruling which were granted and docketed for appeal.

DISCUSSION

John Allen's Argument

John Allen first points out that the law disfavors high-conflict custody litigation, *see, Bergeron v. Bergeron*, 492 So. 2d 1193 (La. 1986), and that he, Johnny, and Lauren, by their compromise agreement, have resolved the conflicts between themselves. As noted by this Court in *Poole v. Poole*, 41,220 (La. App. 2 Cir. 3/22/06), 926 So. 2d 60, “[t]he concerns for ending litigation, preserving the child’s established mode of living, conserving judicial resources, and preventing inconsistent decisions underlay the formulation of the heavy burden of proof rule as recognized ... in *Bergeron*.” *Poole*, 41,220, p. 2, 926 So. 2d at 62.

According to John Allen, Nicole F., a third party with no custody rights to Y.R., has no right to prevent him, Johnny, and Lauren from settling *their* custody disputes via agreement. Their settlement does not affect her right to continue her own La. C.C. art. 133 claim for custody, claims John Allen, citing La. C.C. art. 3075, which provides in part that a compromise entered into by one of multiple persons with an interest in the same matter does not bind the others.

In this case, argues John Allen, both parents (himself and Lauren) and Y.R.’s paternal grandfather (Johnny), with whom the minor child has been living in a stable environment for 18 months, agree that resolution of *their* disputes is in Y.R.’s best interest. As such, they have consented to joint legal custody in favor of Lauren and Johnny. If the settlement is approved, John

Allen will no longer have sole legal custody of Y.R. Instead, he will have supervised visitation.

John Allen suggests that this settlement benefits Nicole F., who would be relieved of having to show that custody in favor of him would result in substantial harm, since he would not have custody as a result of his settlement with Johnny and Lauren.

Additionally, John Allen claims that there is nothing preventing him from voluntarily relinquishing custody to Y.R.'s mother and grandfather. Because amicable resolution of high-conflict custody litigation is favored as in the best interest of the child, this settlement should have been approved.

Johnny's Argument

According to Johnny, as evidenced by the pleadings filed by the curators in their quest for sole custody on behalf of Lauren and Nicole F. seeking sole custody of Y.R., it "should be apparent that Nicole Flowers has embarked on a contentious, highly emotional and expensive war of attrition against Dr. Russ, her sister Lauren Russ, and the paternal grandfather Mr. Russ. Even the trial court, in her ruling of April 14, 2026, questioned many of the allegations made by Nicole Flowers in her various and numerous pleadings." Johnny claims that there are no "substantive" allegations in either the record or Nicole F.'s pleadings as to how Y.R. was harmed by him, John Allen, or Lauren.

Johnny cites the recent case of *J.P. v. L.T.*, 25-0482 (La. App. 1 Cir. 4/30/26), ___ So. 3d ___, 2026 WL 1191824, in support of his argument. In *J.P., supra*, J.P., a non-parent with temporary sole custody of a child pursuant to an *ex parte* order, appealed from the trial court's judgment dismissing her petition for sole custody against both parents. On appeal, J.P.

argued, *inter alia*, that the trial court erred by failing to conduct an inquiry into the best interest of the child, which necessarily includes the factors set forth in La. C.C. arts. 131 and 134, and by not applying the standard applicable to the modification of a consent custody decree. *Id.*, 25-0482, pp. 6-7.

The First Circuit affirmed the trial court's ruling, however, finding that the matter was an initial custody dispute between a parent and a non-parent governed by La. C.C. art. 133. *Id.*, p. 8. Therefore, J.P. had the burden of proving by clear and convincing evidence that an award of custody to the child's biological mother would result in substantial harm to the child. *Id.* Because the trial court reasonably found that J.P. failed to meet that burden, the court was not required to proceed to a best-interest analysis under La. C.C. arts. 131 and 134. *Id.*, p. 9. The appellate court further held that the consent judgment between J.P. and the child's father did not require application of the standard governing modification of consent custody decrees because the mother was not a party to that agreement. *Id.*

Johnny urges that *J.P.*, *supra*, squarely establishes that, in a multi-party custody proceeding, fewer than all parties may settle, and that the non-settling party is not bound or prejudiced by the agreement reached among the other parties. Because the two biological parents and the primary custodian of the minor child for almost two years have reached an amicable agreement, Johnny feels that the trial court should have approved the agreement. "While it is admitted that the allegations against Dr. Russ are troublesome, they are just allegations. There are no such allegations against either Lauren Russ or the paternal grandfather, Mr. Russ."

Johnny asserts that there is neither competent medical or physical evidence nor pleadings to support the claim that Y.R. has been adversely affected by the allegations made against him, John Allen, or Lauren. While Johnny urges that he doesn't want to make light of the numerous allegations against John Allen, he points out that Y.R. is doing well in school and her extracurricular and social activities.

According to Johnny, Nicole F. is a third party with no previous or present custody rights to Y.R. As such, she does not have the right to prevent the other parties from settling their custody dispute. Their settlement does not affect Nicole F.'s right to continue her La. C.C. art. 133 case against the proposed legal custodians. *See*, La. C.C. art. 3075.

Johnny claims that Y.R. will benefit from the agreement entered into by her parents and grandfather. His granddaughter is entitled to a resolution, even if it is just partial. The past two years of litigation have affected her welfare, and a reduction in the current hostility could only benefit her. He urges this Court to reverse the ruling of the trial court.

Lauren's Argument

Lauren begins by noting that this domestic action is captioned under her and John Allen's names, and the two of them as parents have mutually determined what they believe to be in the best interest of their minor child. They have joined with Johnny, Y.R.'s paternal grandfather, who has had provisional custody by mandate and with whom Y.R. has resided in a stable environment since October 2024, to ask the trial court to make their agreement the order of the court.

La. C.C. art. 132 provides that if the parents agree who is to have custody, the court shall award custody in accordance with their agreement

unless the provisions of La. R.S. 9:364 apply or the best interest of the child requires a different award. According to Lauren, C.C. art. 132 reflects a strong policy preference for honoring the parents' agreement when it is consistent with the child's best interest.

Lauren contends that this matter did not go before the court because the parents were not fighting each other over custody. Instead, mother and father had mutually decided what they felt was best for their daughter Y.R. The opposition comes from Nicole F., Y.R.'s maternal aunt. Lauren urges that Nicole F.'s objection should not be permitted to defeat an agreement confected by Y.R.'s mother and father which resolves the dispute between them while also preserving Nicole F.'s ability to pursue her La. C.C. art. 133 claim.

Under the agreement, John Allen would be removed as sole custodian of Y.R. Lauren and Johnny would have joint legal custody with Y.R. residing primarily with her grandfather and visitation and restrictions "as set forth by the Court." This proposed agreement was opposed by Nicole F. and Y.R.'s counsel shortly before the hearing on the motion to approve the consent judgment. No evidence was introduced at the hearing, which was held on January 7, 2026. Instead, the matter was submitted on the pleadings and arguments of counsel. According to Lauren, the trial court erred in denying the motion for approval of settlement and entry of consent judgment based on its reasoning that it was improper because not all parties to the litigation had consented as well as the court's conclusion that it could not find at that time whether the proposed settlement and consent judgment was in the best interest of Y.R.

Lauren emphasizes that no evidence was introduced at the January 7, 2026, hearing to establish that the parents' agreement was contrary to Y.R.'s best interest. The trial court had before it a proposed custodial agreement by Y.R.'s parents and her paternal grandfather who had been providing her day-to-day care. This mutual decision, urges Lauren, should not have been displaced by the objections or speculations of Nicole F.

Lauren cites *Poole, supra*; and *McCready v. McCready*, 41,026 (La. App. 2 Cir. 3/08/06), 924 So. 2d 471, in which this Court recognized the public policy of ending litigation, preserving a child's established mode of living, conserving judicial resources, and preventing inconsistent decisions. Lauren argues that these cases support the finding that the trial court erred in declining to approve the settlement and proposed consent judgment, which would have narrowed the issues, reduced the hostility between the parties, and gone towards promoting stability for Y.R.

Lauren next asserts that Nicole F.'s opposition has no effect on the analysis under La. C.C. art. 132, which gives legal significance to parental agreement, not third-party disagreement. "If Nicole believes she can satisfy the substantial burden applicable to a third-party custody claim under La. C.C. art. 133, she can attempt to do so. But her desire to pursue a separate claim should not prevent the child's parents from resolving their own custody dispute."

According to Lauren, the trial court's reasoning that the partial settlement would not be approved because not all parties to the litigation joined in was legally erroneous. La. C.C. art. 3075 provides that a compromise entered into by multiple persons with an interest in the same matter does not bind the others unless the matter compromised is a solidary

obligation. Article 3076 provides that a compromise settles only those differences that the parties clearly intended to settle. The proposed settlement did not require Nicole F.'s consent because it did not purport to bind her, urges Lauren. The only disputes being resolved were those among the parties to the agreement—Lauren, John Allen, and Johnny. Nicole F.'s custodial claim still remains viable, and her burden of proof has not changed. Lauren asserts that it is contrary to the best interest of Y.R. to let Nicole F. force the agreeing parties, Y.R.'s parents and grandfather, to litigate disputes that they have already resolved via mutual agreement.

Lauren concludes her argument by pointing out that the proposed consent judgment puts the focus on where it belongs—the best interest of Y.R., not litigating every possible dispute simply because Nicole F. wants to continue pursuing a broader case. Lauren urges that the wishes of the parents should be respected and their agreement made the order of the trial court.

Nicole F.'s Argument

Nicole F. asserts that the trial court did not err in denying the joint motion for approval of the partial settlement and entry of a consent judgment. First, because the proposed consent judgment lacked the agreement of all parties to this matter, it is not a valid consent judgment. Neither Nicole F. nor Mr. Bowers, Y.R.'s attorney, consented to the settlement; therefore, there can be no consent judgment, and the trial court's interpretation of La. C.C. art. 3071 was proper. Furthermore, a compromise between three of the four parties in this case would not end the litigation.

Additionally, urges Nicole F., the fitness of Lauren, John Allen, and Johnny as it pertains to custody must be examined. Given John Allen's

problems,⁴ queries Nicole F., should he even be in a position to determine who gets custody of Y.R.? John Allen’s alleged influence over Lauren and “all of her issues” must also be addressed.⁵ The same goes for Johnny and the claims that have been raised against him, which include past allegations of abuse made against him by his son and that Johnny does not believe the abuse allegations that have been levelled against his son. Nicole F. also points out that the trial court has not yet considered whether the Post-Separation Family Violence Relief Act (“PSFVRA”), La. R.S. 9:361, *et seq.*, is applicable in this case, which it is required to do.

Contrary to arguments made by the parties to the proposed settlement agreement, this is not a general civil matter, it is a custody case. The ultimate goal in custody matters is not to end litigation between the parties—it is to assure that the best interest of the child is served by the final custody decree. *See*, La. C.C. arts. 131, 132. Nicole F. contends that there is no advantage to ending litigation between some of the parties, notwithstanding the self-serving allegations of John Allen and Johnny that the proposed resolution would benefit her.

Nicole F. points out that she has claimed that the best interest of Y.R. will be served by the trial court granting her sole custody, and furthermore, that substantial harm would result from the custody arrangement proposed by the other three parties in their settlement agreement/consent judgment.

⁴ There are ongoing criminal proceedings against John Allen in both Caddo and Bossier Parishes involving alleged domestic violence against one of his ex-wives and another dating partner. Some of these events were alleged to have been witnessed by Y.R.

⁵ Nicole F. has alleged that Lauren, although no longer interdicted, still has PTSD as a result of John Allen’s abuse and is unable to protect Y.R. Nicole F. has also asserted that Lauren has a history of severe mental illness and just because her interdiction was terminated does not mean she should be a joint custodian of Y.R.

She will have to litigate her position regardless, which will involve all of the parties. According to Nicole F., the trial court correctly recognized that there are serious unaddressed allegations concerning the three parties to the proposed settlement which ultimately must be resolved only after a trial on the merits.

Nicole F. also argues that the proposed consent judgment does not serve the best interest of Y.R.; and, as such, it was rightfully rejected. She points out that under La. C.C. art. 134's non-exclusive list of factors that a trial court must consider in determining the best interest of the child, (A)(1) provides that the primary consideration is the potential for the child to be abused.

According to Nicole F., serious allegations against the three parties who have proposed the consent judgment have been raised concerning Y.R.—specifically, Nicole F. has claimed that an award of custody to any of them would result in substantial harm to Y.R. The trial court is obligated under La. C.C. arts. 131 and 132, notwithstanding the parents' agreement, to determine whether their proposed arrangement is in the child's best interest. This determination will, in the instant case, necessarily involve consideration of any third-party objections to the proposed agreement that have been asserted pursuant to La. C.C. art. 133 such as those asserted by Nicole F. and Y.R.'s attorney.

Counsel for Y.R.'s Argument

Counsel for Y.R. points out that Johnny, John Allen, and Lauren's proposed agreement sought relief that would have materially altered the existing custody arrangement which had been established by the April 2023 consent judgment in which John Allen was awarded sole custody of Y.R.

The proposed consent judgment would have awarded joint custody to Johnny and Lauren, with Johnny, a non-parent, designated as domiciliary custodian, and dismissed the pending custody claims of Johnny and Lauren which sought to modify John Allen's sole custody. Because the existing custody award was a consent decree, the parties seeking modification had the burden of proving both a material change in circumstances and that their proposed modification was in the best interest of Y.R. *O'Neal v. Addis*, 52,377 (La. App. 2 Cir. 9/26/18), 256 So. 3d 493. This burden was on the parties proposing the custody settlement and consent judgment, not those opposing it, notes Y.R.'s attorney.

Furthermore, argues Attorney Bowers, the proposed award of joint custody to Johnny requires a factual basis sufficient to support an award of custody to a non-parent. La. C.C. art. 133 requires proof that substantial harm would result from parental custody before custody may be awarded to a non-parent. *Cook v. Sullivan*, 20-01471 (La. 9/30/21), 330 So. 3d 152; *Diamond v. Jenkins*, 56,330 (La. App. 2 Cir. 5/21/25), 412 So. 3d 1131. At a minimum, urges counsel, the agreement seeking a consent decree implementing joint custody between a parent and non-parent requires an evidentiary basis from which the trial court could determine that this arrangement served Y.R.'s best interest.

According to counsel for Y.R., the proposed agreement did not do away with the trial court's independent obligation to determine the best interest of Y.R. The best interest of the child is the paramount goal in all custody determinations in Louisiana, including those between a biological parent and a non-parent. *Cook*, 20-01471, p. 6, 330 So. 3d at 157. Courts possess the inherent authority to determine a child's best interest and to

tailor custody orders that minimize the risk of harm. *O'Neal*, 52,377, p. 7, 256 So. 3d at 498.

The trial court could not enter the consent judgment without first determining that the custodial arrangement proposed therein served Y.R.'s best interests, urges Attorney Bowers. At the hearing on the motion, the attorneys argued the merits of their proposed settlement and consent decree to the trial court but did not call witnesses or introduce any documentary evidence. Pleadings and arguments are not evidence. *See, Morgan v. Foster*, 20-363 (La. App. 5 Cir. 4/07/21), 347 So. 3d 963; *Black v. Anderson*, 06-891 (La. App. 5 Cir. 3/13/07), 956 So. 2d 20, *writ denied*, 07-0794 (La. 6/1/07), 957 So. 2d 180. There was no evidence upon which the trial court could have made a best-interest determination in this case, states Y.R.'s counsel.

Attorney Bowers notes the opposing attorneys' argument that the proposed agreement should have been approved because Nicole F. and counsel for Y.R. introduced no evidence to show that the proposed settlement and consent judgment would be harmful to Y.R. However, argues counsel, it was not Nicole F. or Y.R.'s attorney who requested the custody agreement/consent decree—it was Johnny, John Allen, and Lauren. As the Second Circuit noted in *O'Neal, supra*, the parties seeking modification bear the burden of establishing that their proposed arrangement serves the child's best interest. The absence of evidence that the agreement was not in Y.R.'s best interest did not establish the movers' entitlement to relief, nor did it require the trial court to presume that an unsupported parent/non-parent custodial arrangement was in the best interest of Y.R. All this did was emphasize the lack of evidence in support, urges Y.R.'s attorney.

Attorney Bowers notes that the trial court did not conclude that Lauren and Johnny would not be awarded custody. What the trial court found was that the proposed custodial agreement had not been shown to be in Y.R.'s best interest "at this time." On the record presented, urges Y.R.'s attorney, the trial court's determination was neither manifestly erroneous nor an abuse of discretion.

Analysis

In a proceeding for divorce or thereafter, the court shall award custody of a child in accordance with the best interest of the child. La. C.C. art. 131. The best interest of the child is the sole criterion to be met in making a custody award, as the trial court sits as a sort of fiduciary on behalf of the child and must pursue actively that course of conduct which will be of the greatest benefit to the child. *Hodges v. Hodges*, 15-0585 (La. 11/23/15), 181 So. 3d 700; *C.M.J. v. L.M.C.*, 14-1119, p. 17 (La.10/15/14), 156 So. 3d 16, 28, quoting *Turner v. Turner*, 455 So. 2d 1374, 1378 (La. 1984). It is the child's emotional, physical, material, and social well-being and health that are the court's very purpose in child custody cases; the court must protect the child from the real possibility that the parents are engaged in a bitter, vengeful, and highly emotional conflict. *Hodges*, 15-0585, p. 3, 181 So. 3d at 702; *C.M.J.*, 14-1119, p. 17, 156 So. 3d at 28. The legislature has mandated that the court look only to the child's interests so that the court can fulfill its obligations to the child. *Id.*, 156 So. 3d at 28-29.

If the parents agree as to who is to have custody, the court shall award custody in accordance with their agreement unless the best interest of the child requires a different award. La. C.C. art. 132. In the absence of an agreement, or if the agreement is not in the best interest of the child, the

court shall award custody to the parents jointly; however, if custody in one parent is shown by clear and convincing evidence to serve the best interest of the child, the court shall award custody to that parent. *Hodges, supra*.

La. C.C. art. 134 provides:

- A. Except as provided in Paragraph B of this Article, the court shall consider all relevant factors in determining the best interest of the child, including:
- (1) The potential for the child to be abused, as defined by the Children’s Code Article 603, which shall be the primary consideration.⁶
 - (2) The love, affection, and other emotional ties between each party and the child.
 - (3) The capacity and disposition of each party to give the child love, affection, and spiritual guidance and to continue the education and rearing of the child.
 - (4) The capacity and disposition of each party to provide the child with food, clothing, medical care, and other material needs.
 - (5) The length of time the child has lived in a stable, adequate environment and the desirability of maintaining continuity of that environment.
 - (6) The permanence, as a family unit, of the existing or proposed custodial home or homes.
 - (7) The moral fitness of each party, insofar as it affects the welfare of the child.
 - (8) The history of substance abuse, violence, or criminal activity of any party.
 - (9) The mental and physical health of each party. Evidence that an abused parent suffers from the effects of past abuse by the other parent shall not be grounds for denying that parent custody.
 - (10) The home, school, and community history of the child.
 - (11) the reasonable preference of the child, if the court deems the child to be of sufficient age to express a preference.
 - (12) The willingness and ability of each party to facilitate and encourage a close and continuing relationship between the child and the other party; except when objectively substantial evidence of specific abusive, reckless, or illegal conduct has caused one party to have reasonable concerns

⁶As it applies to this case, Ch. C. art. 603(2)(a) provides that “[a]buse” means the infliction, attempted infliction, or, as a result of inadequate supervision, the allowance of the infliction or attempted infliction of physical or mental injury upon the child by a parent or any other person.

for the child's safety or well-being while in the care of the other party.

(13) The distance between the respective residences of the parties.

(14) The responsibility for the care and rearing of the child previously exercised by each party.

B. In cases involving a history of committing family violence, as defined in R.S. 9:362, or domestic abuse, as defined in R.S. 46:2132,⁷ including sexual abuse, as defined in R.S. 14:402, whether or not a party has sought relief under any applicable law, the court shall determine an award of custody in accordance with R.S. 9:341 and 364.⁸ The court may only find a history of committing family violence if the court finds that one incident of family violence has resulted in serious bodily injury or the court finds more than one incident of family violence.

The list of factors provided in Article 134 is nonexclusive, and the determination as to the weight to be given each factor is left to the discretion of the trial court. *See*, La. C.C. art. 134, 1993 Revision Comment (b). The illustrative nature of the listing of factors contained in Article 134 gives the court freedom to consider additional factors; and, in general, the court should consider the totality of the facts and circumstances of the individual case. *Id*; *Hodges*, 15-0585, p. 4, 181 So. 3d at 703.

A compromise is a contract whereby the parties, through concessions made by one or more of them, settle a dispute or an uncertainty concerning an obligation or other legal relationship. La. C.C. art. 3071. A stipulated or consent judgment is a bilateral contract between the parties and as such, constitutes the law between them. *Bagwell v. Bagwell*, 48,913 (La. App. 2 Cir. 1/15/14), 132 So. 3d 426, *writ denied*, 18-1025 (La. 8/31/18), 251 So.

⁷ La. R.S. 46:2132(3) provides that “[d]omestic abuse includes, but is not limited to, physical or sexual abuse and any offense against the person, physical or non-physical, ... committed by one family member, household member, or dating partner against another.”

⁸ La. R.S. 9:364 provides for custody and visitation awards when the PSFVRA is applicable.

3d 1062; *Mobley v. Mobley*, 37,364 (La. App. 2 Cir. 8/20/03), 852 So. 2d 1136. Although a consent judgment implementing the parties' compromise or settlement agreement has the same binding force as a judgment rendered by the trial court after a trial on the merits, the difference is that a consent judgment's binding force is from the voluntary acquiescence of the parties, not from adjudication by the trial court on the merits. *Ritchey v. Azar*, 383 So. 2d 360 (La. 1980); *Thomas v. Thomas*, 17-295 (La. App. 3 Cir. 11/22/17), 234 So. 3d 950.

Child custody cases are reviewed under the abuse of discretion standard. *Leard v. Schenker*, 06-1116 (La. 6/16/06), 931 So. 2d 355; *Fuller v. Fuller*, 54,098 (La. App. 2 Cir. 7/21/21), 324 So. 3d 1103, *writ denied*, 21-01223 (La. 9/27/21), 324 So. 3d 621. The determination of the trial court in child custody matters is entitled to great weight, and its discretion will not be disturbed on appeal absent a clear showing of abuse. *C.M.J., supra*; *Leard, supra*; *Fuller, supra*.

In most child custody matters, consent judgments based upon the mutual agreement of the parents are preferred, as they demonstrate the parents having put aside their personal, often self-serving interests in favor of what is best for the child or children involved. Comment (b) to La. C.C. art. 132 provides that the agreement of the parents regarding the allocation of custody is controlling when it is consistent with the child's best interest. However, as La. C.C. art. 132 clearly recognizes, even if the parents agree regarding custody allocation, the best interest of the child may require a different award. By its very nature, a consent judgment confected by the parties is not based on a decision made by a neutral fact-finder after evidence regarding the best interest of the child has been presented.

Each custody case is to be considered based on its own unique facts and circumstances. The trial court has concluded, as this case has played out before it, with concerning allegations made against the three parties to the proposed settlement agreement, that a trial on the merits is required for the court to determine whether the best interest of this child is served by this proposed agreement and consent judgment or by some other custody arrangement. This matter has been before this trial judge since its inception in 2021, and it involves more parties and issues than the average child custody case. This voluminous record shows the trial court's careful consideration of all issues it has been presented with thus far and reflects that each decision has been made with Y.R.'s best interest in mind. In light of the potential applicability of the provisions of La. R.S. 9:364 and the myriad of issues involved, we agree with the trial judge that Y.R.'s best interest can only be determined after the presentation of evidence at a trial on the merits. As such, we find that the trial court did not abuse its discretion in this case by declining to approve that the proposed settlement and consent judgment without a best interest of the child determination.

CONCLUSION

For the reasons set forth above, the writs previously issued are recalled and the applications are denied. Costs are assessed to the applicant, John Allen Russ, in No. 57,031-CW. Costs are assessed to the applicant, Johnny Allen Russ, in No. 57,032-CW.

WRITS RECALLED AND DENIED; RULING AFFIRMED.

APPENDIX

Extensive procedural history taken in part from a summary set forth by the Trial Court in its Ruling on a Motion to Strike and/or for Sanctions filed by Mr. Russ rendered on April 13, 2026

- 11-24-20: Petition for divorce filed by Dr. John Allen Russ (“John Allen”) against Lauren Russ (“Lauren”). The Russes were married on August 14, 2010, and last lived together as husband and wife on October 20, 2020. Of their marriage, one child was born—Y.R., on April 21, 2016. John Allen requested that the parties be awarded joint custody, with him being named domiciliary parent.
- 01-22-21: John Allen filed a First Amended Petition for Divorce, repeating allegations of original petition for divorce, and adding that on September 15, 2019, Lauren suffered a mental breakdown, was hospitalized at several hospitals and psychiatric facilities from September 2019 through April 2020.
- 04-19-21: *Ex parte* hearing on custody held, as John Allen and his attorney were the only ones present. Parents were awarded joint custody of Y.R., John Allen named domiciliary parent, Lauren given reasonable visitation per agreement of parties.
- 11-04-21: John Allen filed a Second Amended Petition converting action from a 102 divorce to a 103 divorce.
- 12-09-21: The Amended Petition for 103 divorce was heard, a divorce was granted, and the Russes’ community property regime was terminated retroactively to 11-04-21.
- 04-11-22: In Docket #636,438 of the First JDC, a petition for Temporary Interdiction of Lauren Russ was filed by Lauren’s mother and stepfather, Lynett Ruth Grant Cockerham and Michael Bret Cockerham.
- 05-11-22: A Judgment of Interdiction was entered. Mrs. Cockerham was appointed Curator and Mr. Cockerham was appointed Undercurator of Lauren.
- 06-08-22: The Cockerhams/Curators filed a Rule to Show Cause in the Custody suit against John Allen asking that all communication between John Allen and Lauren cease and that all communication be directed to them. According to the Cockerhams, communication with John Allen was “detrimental” to Lauren’s progress, but communication and visitation with Y.R. was beneficial to Lauren’s progress and treatment. The Cockerhams sought a specific visitation schedule for Lauren and Y.R. and asked that these visitations be supervised. In this rule, the Cockerhams alleged abuse by John Allen towards Lauren that had been observed by them and/or other family members.
- 06-09-22: John Allen filed a Petition to Modify Custody, with the Cockerhams, Lauren’s curators, being named as defendants. John Allen alleged that a material change of circumstances had occurred since the 4-29-21 judgment. According to John Allen, since Lauren had moved in with the Cockerhams in January

- 2022, they began a “campaign” to cut off all contact between Lauren and John Allen, “whom they blame for her psychosis and schizophrenia.” John Allen also noted animosity between himself and the Cockerhams which affects Lauren. Due to the interdiction proceedings filed by the Cockerhams and their failure to let Lauren communicate with him, John Allen sought sole custody of Y.R. He also asked to be the supervisor of Lauren’s visitation with Y.R.
- 09-19-22: John Allen filed Exceptions to the Cockerhams’ June 2022 Rule to Show Cause.
- 11-07-22: The Cockerhams filed a Rule to Show Cause in the Interdiction proceeding in Docket #636,438. The allegations were similar to those made in the June 2022 Rule to Show Cause filed in the Divorce proceeding in Docket #627,310. In the November 2022 Rule, the Cockerhams asked the Court to issue an order prohibiting John Allen from communicating directly with Lauren. Instead, they asked that John Allen communicate with them on matters concerning Lauren and with all communication regarding Y.R. to be done through the “Our Family Wizard” app.
- 11-28-22: The parties appeared and entered into a stipulation that the Interdiction proceeding (Docket #636,438) be consolidated with the Divorce proceeding (Docket #627,310) with the older docket number, #627,310, being the controlling docket number.
- 4-12-23: All parties appeared. By the agreement of the parties, John Allen was awarded sole custody of Y.R., “subject to the visitation schedule and directive” in the Consent Judgment rendered, signed, and filed that day. The Consent Judgment set forth specific periods of physical custody for Lauren Russ and attempted to limit the direct communication between Lauren and John Allen. Additionally, all communication was to occur through the “Our Family Wizard” app.
- 01-03-24: The Cockerhams filed a Petition for Rule Nisi to Modify Visitation naming John Allen as defendant seeking modification based on a substantial change in circumstances since the April 2023 Custody and Consent Judgment.
The allegations in the Rule: John Allen married A.W. in January 2022; A.W. gave birth to their child in March 2022; John Allen and A.W. separated in June 2022 and were divorced in Texarkana, TX in September 2023; John Allen’s visitation with his and Ashley’s child was limited to supervised visitation on alternating Sundays; John Allen was no longer employed as a dentist in Shreveport/Bossier City area, but instead, since the summer of 2023, he had become a traveling dentist and was working in the Monroe area or South Louisiana overnight three nights a week; John Allen left Y.R. with babysitters or his father, Johnny Allen Russ (“Johnny”).
The Cockerhams asked that Lauren be able to care for Y.R. while John Allen was working out of town.
- 06-04-24: John Allen answered the Petition to Modify Custody filed by the Cockerhams, denying most of the allegations asserted

- therein. Specifically, he denied that he was restricted from visiting his daughter from his marriage to A.W. or that he was required to travel out of town for work.
- 09-18-24: With new counsel, the Cockerhams filed a Petition for Relief pursuant to the Post-Separation Family Violence Act (“PSFVA”) and/or Petition to Modify Child Custody and/or Petition for Injunctive Relief pursuant to Art. 3945. A voluminous pleading, there were allegations of abuse by John Allen on Lauren and two other women. Disturbing to the trial judge was the timeline for the alleged abuse on Lauren, which was allegedly confided to Lauren’s mother and sister Nicole Flowers (“Nicole F.”) *during her marriage to Dr. Russ*. (The trial judge wrote, “if these allegations are true, the Cockerhams and [Nicole F.] had knowledge of the alleged abuse of Lauren at least seven years prior to agreeing to give Dr. Russ sole custody.... The Cockerhams’ September 2024 pleadings containing allegations of abuse of Lauren by Dr. Russ were alarming, but they were suspect because of the time frame, and due to the history of the case most notably, the Cockerhams giving the alleged “abuser” sole custody.” The Court denied the request for an immediate Order of Protection for Lauren pursuant to R.S. 46:2131 and denied the request for an *ex parte* Order granting Lauren (still under full interdiction) sole custody.
- 09-23-24: Nicole F., Y.R.’s maternal aunt, filed a Motion and Rule for Sole Custody, alleging her support for her sister, but recognizing “the Court may have reservations about granting sole custody to Lauren Russ through her court-appointed curators. As such, she is filing this Petition for Sole Custody Pursuant to La. C.C. art. 133. She adamantly believes the child is in imminent danger in John Allen Russ’s custody.”
- 10-01-24: Responding to the Cockerhams’ September 2024 pleadings, John Allen filed Exceptions of Vagueness, Lack of Procedural Capacity, Improper Joinder of Parties, Res Judicata, No Right of Action, and No Cause of Action.
- 10-08-24: Nicole F. filed a Petition for Injunctive Relief and Temporary *Ex Parte* Custody pursuant to La. C.C.P. art. 3945 and Amended Motion and Rule for Custody pursuant to C.C. art. 134 seeking emergency custody alleging that John Allen had been arrested for domestic abuse battery of a former partner (not Lauren). Nicole F.’s request for temporary and immediate custody was denied.
- 10-11-24: The Cockerhams filed a Motion to Allow Curators to Pursue a Petition for Relief Pursuant to the Post-Separation Family Violence Relief Act and/or in the Alternative, a Petition to Modify Child Custody, Petition for Injunctive Relief pursuant to La. C.C. art. 3945 and Other Incidental Matters.
- 10-18-24: John Allen filed a Petition for Sole Custody of Y.R.
- 10-11-24: The Cockerhams filed a Motion to Allow Curators to Pursue Petition for Relief Pursuant to Post-Separation Family Violence

- Relief Act and/or in the Alternative, Petition to Modify Child Custody; Petition for Injunctive Relief pursuant to La. C.C. art. 3945 and Other Incidental Matters (with attached Memo).
- 10-11-24: The Cockerhams filed a Motion in Limine (and Memo) seeking permission to introduce testimony and/or evidence re: incidents of physical or psychological abuse that occurred *prior to* the April 13, 2023, Consent Judgment of Custody.
- 10-21-24: Hearing was held and issues were raised re: Cockerhams capacity to seek custody as Curators of Lauren who was still under interdiction.
Pre-trial Conference held for discussion of these issues and also on issue of need for John Allen's counsel to file exceptions to pleadings of other opposing counsel.
John Allen's attorney stated that John Allen would grant provisional custody of Y.R. to Johnny (John Allen's father).
Back on the record, the trial court ordered that John Allen have supervised visitation with Y.R. and that Johnny be appointed as supervisor.
The Court ordered that an attorney be appointed to represent Y.R..
The Court ordered that an attorney be appointed to represent Lauren.
The Court ordered that none of the parties speak to Y.R. about any aspect of the case other than her court-appointed attorney Clint Bowers. [at this time, Y.R. 8 years old].
John Allen's exceptions were ruled on—No Right of Action filed by John Allen against the Cockerhams as Curators for Lauren was granted and their petition for custody was dismissed without prejudice.
The Cockerhams' Motion in Limine was considered to be a request on their behalf to gain authority to proceed with custody on Lauren's behalf.
- 10-24-24: The Cockerhams filed a Petition for Rule Nisi for Contempt, Attorney Fees, Costs, and Other Incidentals against John Allen, alleging he violated the 2022 and 2023 court orders prohibiting him from communicating with Lauren.
- 10-24-24: Nicole F. filed a Motion and Rule for Contempt and for Immediate Modification of Temporary Custody Order and Request for Expedited Hearing, claiming that both John Allen and Johnny violated the order of supervised visitation.
- 11-06-24: Hearing held. Stipulation entered by Nicole F.'s and John Allen's attorneys. Court held John Allen and Johnny in contempt for violation of October 21, 2024, Order for failure to exercise supervised visitation 100% of the time [rather than staying with John Allen, his wife and Y.R., Mr. Russ dropped them off at an event and went by himself to park the car before returning to and rejoining the others].
The Court noted that there was no temporary custody order granting Johnny provisional custody since John Allen had signed a provisional custody order in favor of Johnny. Thus,

- the trial court denied Nicole F.'s' request to modify a nonexistent temporary custody order.
- 11-18-24: Y.R.'s attorney filed a Motion to Appoint an Expert Physician to examine Y.R.. This motion was granted at the hearing on this same date. Y.R.'s attorney was instructed to find a psychologist to perform the exam.
- The Cockerhams filed a Second Motion to Request that John Allen be drug tested.
- Because the trial court felt the request to have Y.R. evaluated was vital, all 3945 and art. 133 claims were continued.
- 02-03-25: The Cockerhams filed a Petition for Protection from Abuse o/b/o the interdict Lauren.
- Nicole F. filed a Motion and Rule for Interim Visitation and Communication between her daughter Madison and Y.R. who were as close "as sisters."
- While the trial court felt it was in the best interest of Y.R. for the two girls to have visitation, it had no legal authority to order such visitation. The court encouraged contact, noted the "acrimony" between the two families, and nonetheless encouraged them to resolve the issue for the girls.
- 02-04-25: The Petition for Protection from Abuse was heard and denied by the trial court.
- The Cockerhams filed a Motion and Order for Lauren to be evaluated by Dr. Todd Lobrano to determine whether the interdiction should be lifted.
- 02-13-25: Johnny filed an Answer and Exception to the Rule for Interim Visitation between Y.R. and Madison Flowers. (although filed on 02-13, it was given to the trial court prior to the 02-04 hearing). This exception was taken up by the trial court on 02-04 and denied.
- 02-18-25: Nicole F. filed an Amended Motion and Rule for Interim Visitation and Communication between Y.R. and Madison Flowers, as well as a Request for Visitation between Ms. Flowers and Y.R..
- 02-24-25: John Allen filed Motions and Orders to Quash the Production of Medical Records Depositions against Nicole F. (who had filed a Records Only Deposition requesting counseling and medical records of John Allen).
- 03-24-25: Nicole F. filed a Motion and Order for an In Camera Inspection of Records requesting that the Court conduct an in camera inspection of an April 27, 2022, forensic interview of Madison Flowers at the Gingerbread House in Shreveport in connection with a complaint made by Nicole F. to Bossier Parish Sheriff's Office reporting alleged physical abuse of Lauren by John Allen that occurred in December 2018. Nicole F. claims that she, the then-two-year-old Y.R., and her own daughter Madison witnessed this incident. The delay in reporting, according to Nicole F., was because she waited until Lauren "was safe/no longer in the home with Dr. Russ." Lauren complained of a second incident that occurred in July 2019 at Nicole F.'s Claiborne Parish lake house wherein John Allen is alleged to

- have choked Lauren and pinned her against the wall. There was no report to authorities of this incident.
- 03-31-25: Johnny filed a First Amended Petition for Sole Custody of Y.R., alleging that it was in Y.R.'s best interest to remain with him because Lauren was interdicted, his son John Allen was facing criminal charges of domestic abuse in two parishes and was unemployable and unable to provide for Y.R..
- 04-01-25: Nicole F. filed a Second Amended Motion and Rule for Sole Custody under La. C.C. art. 133, Motion to Reset C.C.P. art. 3945 hearing, Motion and Rule for Drug Testing, and Matters Incidental Thereto. This petition also contained allegations of John Allen abusing Lauren that occurred prior to the 2023 Consent Judgment awarding sole custody to John Allen, as well as allegations of John Allen abusing subsequent partners. There are references to recorded telephone conversations between John Allen and various parties and allegations that John Allen suffers from a "variety" of mental issues. Nicole F. alleges that because John Allen is guilty of family violence, he doesn't get to "choose" who shall have custody of his child.
- 04-04-25: A hearing on Nicole F.'s Exceptions of No Cause of Action and Prematurity filed against Johnny's Petition for Sole Custody; John Allen's Exceptions of No Cause and No Right of Action filed against Nicole F.'s Motions and Rules for Interim Visitation; Johnny's Exceptions of No Cause and No Right of Action to Nicole F.'s Motions and Rules for Interim Visitation; and John Allen's Motion to Quash Nicole F.'s Request for his medical records. Rulings:
- (1) Nicole F.'s Exception vs. Johnny's 10-18-24 Petition was granted. He was given 30 days to amend.
 - (2) John Allen's Exceptions vs. Nicole F.'s Motions were denied.
 - (3) Johnny's Exceptions vs. Nicole F.'s Motions were denied.
 - (4) John Allen's 02-24-25 Motions to Quash Nicole F.'s Request for his medical records were granted in part and denied in part. They were granted to the extent that a protective order was issued directing the medical providers to produce the records to the Court for an in camera inspection.
 - (5) A separate order was signed appointing Dr. Amy Cavanaugh to perform a full mental and psychological evaluation of Y.R..
 - (6) Dr. Todd Lobrano was appointed to evaluate Lauren to determine whether the interdiction proceeding should be terminated.
 - (7) The Cockerhams, by stipulation of all parties, withdrew their requests for custody on behalf of Lauren, in light of the fact that the interdiction would likely be lifted, potentially allowing Lauren to pursue custody herself.
- 04-16-25: John Allen filed an Opposition to Nicole F.'s Motion for an In Camera Inspection of the forensic interview of her daughter Madison.

- 04-17-25: Nicole F. filed a Motion to Quash/Motion for Protective Order re: Notice of Deposition of her daughter Madison, alleging concern about subjecting Madison to a contentious deposition including 8 attorneys and their clients and requesting a *Watermeier* hearing by the Court instead of a deposition.
- 4-23-25: Nicole F. filed an Exception of Prematurity, Exception of No Cause of action against Johnny's Amended Petition claiming that because he cannot admit or deny the allegations of abuse against his son John Allen, his petition fails to state a cause of action.
- 05-12-25: John Allen filed a Motion for Protective Order and/or for Extension of Time to Respond to Interrogatories filed by Nicole F. seeking his whereabouts and discovery re: any mental health treatment he is/may be receiving.
- 05-13-25: Johnny filed a Memo in Opposition to the Motion to Quash the deposition of Madison Flowers filed by Nicole F. on April 23, 2025. According to Johnny, it is clear from Nicole F.'s first petition that Madison was intended to be an "integral part" of her request for custody. Madison was listed as a witness in this matter, numerous allegations made by Nicole F. include Madison, and as allegations must be proven at trial, the Motion to Quash and Request for Protective Order should be denied.
- 05-13-25: Nicole F. filed an Answer to John Allen's Request for Protective Order and/or Extension of Time.
- 05-16-25: Hearing was held. Rulings:
 (1) Motion for in camera Inspection of John Allen's medical records was granted.
 (2) John Allen's Motion for Protective Order was granted.
 (3) Nicole F.'s Motion to Quash Madison's Deposition was granted, with a Protective Order in place with restrictions on how deposition would proceed.
 (4) Nicole F.'s Motion for in camera Inspection of Gingerbread Interview of Madison was denied.
 (5) The parties were ordered to submit requests for the time needed to try the matter so it could set time limitations per *Goodwin v. Goodwin*.
- 06-12-25: Lauren filed a Petition to Terminate the Interdiction based on Dr. Lobrano's evaluation and report. After initially opposing termination, the Cockerhams agreed to stipulate to termination. A consent judgment terminating the interdiction was signed on June 10, 2025.
- 06-12-25: John Allen filed a Motion for Partial Protective Order re: use of Nicole F.'s Discovery Responses. Specifically, there was a request that the responses not be disseminated to anyone not a party to the litigation.
- 06-13-25: Nicole F. filed an Amended Memo in Support of her Exceptions to John Allen's First Amended Petition for Sole Custody.
- 06-17-25: Johnny filed a Memo in Response to the Exceptions of No Cause of Action and Prematurity filed by Nicole F. in response to his Amended Motion for Custody.

- 06-18-25: Lauren filed a Motion to Modify Custody, seeking custody of Y.R. Lauren asked for a gradual transition from custody with Johnny to her. According to Lauren, an award of custody to Nicole F. would be detrimental to her own relationship with Y.R. Lauren asserts that Y.R. has been maintained in a stable environment in her grandfather's home and has never spent more than an overnight in Nicole F.'s care.
- 06-18-25: Nicole F. filed a Motion and Rule to Compel Discovery against Johnny.
- 06-18-25: The hearing was held and the following rulings were made.
- (1) The Interdiction (Docket #636,438) was severed from the Custody Proceeding (Docket #627,310).
 - (2) All pending matters filed by the Cockerhams o/b/o Lauren Russ, Interdict, were dismissed as moot.
 - (3) An Order requiring the parties to share legal fees of attorney for Interdict Lauren Russ was terminated.
 - (4) John Allen was directed to execute HIPAA releases and to produce those to Lauren F.'s attorney after the parties' agreement to a judgment limiting the use of medical records produced.⁹
- 06-26-25: The trial court issued a scheduling order setting deadlines and a trial date for September 22, 2025.
- 06-27-25: Counsel for the Cockerhams filed a motion and Order to Withdraw since the Interdiction was terminated.
- 06-30-25: The Order allowing the Cockerhams' counsel to withdraw was signed by the trial court.
- 07-11-25: An Order was signed by the trial court memorializing an agreement made by the parties re: confidentiality of any documents produced during discovery.
- 07-14-25: A hearing was held on the Motion for Protective Order and/or Extension of Time and Motion and Rule to Compel Discovery and for Production of John Allen's Mental Health/Counseling Records filed by Nicole F. on May 13, 2025; the Motion and Rule to Compel Discovery filed by Nicole F. on June 18, 2025; and a Motion for Amendment or Clarification of October 21, 2024, Order re: Payment of the Minor Child's Attorney's Fees filed by Attorney Bowers on July 14, 2025.
- (1) Two orders regarding discovery production were issued to Johnny's counsel.
 - (2) An arrangement regarding Atty. Bowers' legal fees and costs for his representation of Y.R. was set up as follows:
 - Beginning on July 1, 2025, Nicole F., John Allen, and Johnny are each to pay 33.33% of Atty. Bowers' fees.

⁹ At the April 4, 2025, hearing, the trial court ruled that counseling records of John Allen and his wife A.W. would be produced to the judge's office for an in camera inspection. At the June 18, 2025, hearing, the trial court concluded that John Allen's medical and mental health records were relevant and discoverable and it was inclined to have the records sent directly to Nicole F.'s counsel. On June 27, 2025, Nicole F. filed a memo in which she argued that spousal privilege was inapplicable to these counseling records. This was in response to an argument raised at the hearing on June 18, 2025, by John Allen's counsel about spousal privilege.

- Prior to July 1, 2025, any fees or costs due to Atty. Bowers are to be split evenly between Nicole F., John Allen, Johnny, and the Cockerhams, each paying 25%.
- 07-18-25: Johnny filed an Answer to Lauren's Petition to Modify Custody.
 - 07-18-25: Johnny filed an Answer to Nicole F.'s Motion and Rule for Sole Custody.
 - 07-18-25: Johnny filed an Answer to Nicole F.'s Second Amended Motion and Rule for Sole Custody.
 - 07-18-25: Johnny filed an Answer to Nicole F.'s Petition for Injunctive Relief and *Ex Parte* Order pursuant to La. C.C.P. art. 3945.
 - 07-18-25: Johnny filed Answers to Supplemental Requests for Production of Documents filed by Ms. Flowers.
 - 07-18-25: Johnny filed a Second Amending Petition and Motion for Sole Custody Pursuant to La. C.C. art. 133.
 - 07-18-25: Nicole F. filed a Third Amended Motion and Supplemental Rule for Sole Custody Pursuant to La. C.C. art. 133, Motion for La. C.C.P. art. 3945 Hearing, and for Matters Incidental Thereto.
 - 07-31-25: Johnny filed a Motion to Strike and/or for Sanctions regarding allegations in Nicole F.'s Third Amended Petition.
 - 07-31-25: Johnny filed Exceptions of Vagueness, No Right of Action, No Cause of Action, and Res Judicata to the pleadings filed by Ashley F. John Allen also filed a Motion in Limine to Exclude Expert and Witness Testimony.
 - 08-01-25: Lauren's Answer to Third Amended Petition filed by Nicole F.
 - 08-07-25: Nicole F. filed a Memo in Opposition to John Allen's Exceptions.
 - 08-07-25: Nicole F. filed an Answer to John Allen's Motion in Limine.
 - 08-07-25: Johnny filed a Rebuttal Memo to Nicole F.'s Third Exception of No Cause of Action.
 - 08-11-25: John Allen filed a Reply Memo re: Nicole F.'s Opposition to his Exceptions.
 - 08-11-25: Johnny filed Motion to Adopt Exceptions filed by John Allen on July 31, 2025.
 - 08-21-25: John Allen filed a Motion to Extend the Discovery Deadline and/or Motion to Continue to depose T.A. prior to trial.¹⁰
 - 08-25-25: Nicole F. filed an Answer to John Allen's Motion to Extend Discovery Deadline and/or For Continuance.
 - 08-29-25: Nicole F. filed Requests for Production of Documents to Lauren.
 - 09-04-25: Nicole F. filed a Motion to Adjudicate Mr. Russ in Contempt of Court.
 - 09-04-25: John Allen filed a Supplemental Motion in Limine.
 - 09-05-25: Lauren filed Motion to Adopt Motions in Limine filed by John Allen.

¹⁰ T.A. was a prior partner of John Allen's, alleged to have been abused by him during their relationship. T.A. was alleged to be in treatment for drug addiction and could not be located. Because there was a temporary restraining order against T.A. in another parish, she was in treatment, and there was a Writ Application (on a writ filed by Nicole F.) pending with the Second Circuit, the trial court granted the Motion to Continue.

09-05-25: Lauren filed a Motion in Limine and *Daubert* Challenge to Exclude Testimony re: “Stockholm Syndrome.”

09-10-25: Nicole F. filed a Motion in Limine.

09-19-25: Johnny filed an Answer and Responses to Motion to Adjudicate him in Contempt of Court.

09-19-25: Opposition to Nicole F.’s Motion in Limine filed by Lauren.

09-22-25: *Daubert* Hearing held. Judgment rendered:

- (1) The trial court held that Dr. Bonia shall not testify at trial on the subject of “Stockholm Syndrome.”
- (2) Motion for in Limine and *Daubert* Challenge filed by Lauren were dismissed as moot.
- (3) Supplemental Motion in Limine filed by Lauren on September 4, 2025, and the Motion to Adopt the Motions in Limine filed by Lauren were denied.
- (4) The trial court accepts Dr. Rae Taylor as an expert witness in the fields of domestic violence and intimate partner violence.
- (5) The Motion for Contempt filed by Nicole F. was denied.

09-23-25: Judgment referred to above was filed.

09-24-25: Opinion from Court of Appeal denying supervisory review of the trial court’s ruling continuing the hearing on Nicole F.’s Motion for Temporary Custody of Y.R. under La. C.C.P. art. 3945 was filed.

10-31-25: *A Joint Motion for Court Approval of a Partial Settlement of Custody and a Consent Judgment was filed by the attorneys for John Allen, Lauren, and Johnny.*

11-06-25: Memo filed by Nicole F. in Support of Adequate Time at Custody Trial to Properly Present Her Case.

11-13-25: Motion and Order to Reset Trial Date on All Pending Matters and Signed Order Setting Hearing filed by Nicole F.

11-20-25: Judgment denying Motion in Limine filed by Johnny.

11-20-25: Judgment denying Exceptions of No Cause and No Right of Action and Prematurity filed by Nicole F. against Johnny.

01-05-26: Answer to Joint Motion for Court Approval of a Partial Settlement of Custody and Consent Judgment filed by Nicole F.

01-07-26: Reply Memo filed by John Allen.

01-07-26: Memo Opposing Approval of Proposed Consent Judgment filed by Y.R.’s Attorney.

01-07-26: Hearing on Motion for Court Approval of Settlement. Matter taken under advisement by Trial Court.

01-12-26: Judgment rendered, signed, and filed by trial court denying Exceptions of Vagueness, No Right and No Cause of Action filed by John Allen re: Nicole F.’s pleadings and Lauren’s Motion to Adopt those Exceptions.

01-12-26: Order read, signed, and filed by trial court continuing trial without date.

01-22-26: *Ruling/Reasons denying Approval of Settlement read, signed, and filed.*

02-11-26: Arguments on Motion to Strike filed by John Allen on July 31, 2025, held. Matter submitted.

02-18-26: ***Judgment Denying Joint Motion for Approval of a Partial Settlement of Custody and Consent Judgment Signed and Filed.***

03-06-26: ***Notice of Intent to File Supervisory Writ Application and Signed Order filed by Dr. Russ***

03-11-26: ***Notice of Intent to File Supervisory Writ Application and Signed Order filed by Mr. Russ.***

03-18-26: Judgment and Order rendered. Issues adjudicated include:

- (1) Trial on Custody petitions and Visitation rule set for week of June 15, 2026.
- (2) Discovery and motions deadlines to remain closed except that Lauren has an opportunity to file a motion re: PSVRA as it applies to her should she so choose.
- (3) Parties are allowed to depose T.A. by no later than May 14, 2026.
- (4) John Allen's Motion in Limine seeking to exclude as wiretapping recordings Nicole F. made of conversations between herself and John Allen was denied. Condition: certified transcripts of such recordings could be admitted provided Nicole F. laid the proper foundation and showed that at least one party to the conversations knew they were being recorded.
- (5) John Allen's Motion in Limine seeking to exclude as wiretapping recordings Mr. and Mrs. Cockerham made of Lauren, John Allen, and Johnny while the Cockerhams were Curators for Lauren was denied. Condition: Nicole F. can admit such recordings and/or certified transcripts of such recordings provided she lays the proper foundation and can show that at least party to any such conversation knew the conversation was being recorded.
- (6) John Allen's July 31, 2025, Motion in Limine seeking to exclude Madison Flowers from testifying at trial was denied.

03-23-26: Notice of Deposition for T.A. was filed.

04-07-26: The State of Louisiana filed an Expedited Motion to Quash Subpoena or, in the Alternative, Motion to Stay Deposition during Pendency of Criminal Case.

**According to the State, John Allen was charged with multiple domestic violence offenses involving T.A., who is the primary victim and a material witness for the prosecution.

04-13-26: Opposition to the State's Motion filed by John Allen.

**John Allen claimed that these charges have been pending for two years, and T.A. is a witness, but not a victim.

04-14-26: Opposition to the State's Motion filed by Lauren.

04-14-26: Ruling Denying Motion to Strike/for Sanctions filed by John Allen on July 31, 2025.

04-15-26: Opposition to the State's Motion filed by John Allen.

04-15-26: Opposition to the State's Motion filed by Nicole F.

04-15-26: Memo Opposing the State's Motion filed by Y.R..

04-16-26: Arguments heard on Motion to Quash filed by the State. Matter submitted.

- 04-22-26: Judgment denying Motion to Quash filed by the State of Louisiana rendered.
- 04-28-26: Motion to Compel and for Contempt of Court filed by John Allen re: T.A.'s deposition.
- 05-04-26: Answer to Motion to Compel and for Contempt and Motion to Quash Resumption of T.A.'s Deposition filed by Nicole F.
- 05-06-26: Argument on Motion to Compel and Motion for Sanctions filed by John Allen re: T.A.'s Deposition. Motion to Compel granted with limitations and Rule for Sanctions denied.
- 05-11-26: Judgment on Motion and Rule read, signed and filed. Motion to Compel granted in part, denied in part. Motion to Quash granted in part, denied in part. Date set for deposition, limitations set forth in protective order. Motion for contempt denied.
- 05-15-26: *Writs granted to docket in both 57,031-CW (John Allen) and 57,032-CW (Johnny).***