

**REV. NORWOOD
THOMPSON, JR., AND HIS
WIFE WYNNETTE
THOMPSON**

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NO. 2000-CA-1085

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COURT OF APPEAL

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FOURTH CIRCUIT

VERSUS

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STATE OF LOUISIANA

**BANK ONE OF LOUISIANA,
NA; FIRST ZION BAPTIST
CHURCH OF NEW ORLEANS;
ANTHONY BRIDGES
INDIVIDUALLY AND IN HIS
CAPACITY AS CHAIRMAN OF
THE FIRST ZION BAPTIST
CHURCH, TRUSTEE BOARD;
DIANNE W. ROSE
INDIVIDUALLY AND IN HER
CAPACITY AS SECRETARY,
ET AL.**

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**APPEAL FROM
CIVIL DISTRICT COURT, ORLEANS PARISH
NO. 99-17279, DIVISION "D-16"
HONORABLE LLOYD J. MEDLEY, JUDGE**

JUDGE MICHAEL E. KIRBY

(Court composed of Chief Judge William H. Byrnes, III, Judge Charles R. Jones, Judge Patricia Rivet Murray, Judge Michael E. Kirby, Judge Max N. Tobias, Jr.)

JONES, J. - DISSENTS

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Defendants, First Zion Baptist Church of New Orleans, Anthony Bridges, Diane Rose, Frank Ben, Theada Bridges, Hilda Butler, Harold Rose, Joycelyn Patterson, and Lillian Decquir, appeal the trial court's judgment granting a permanent injunction in favor of plaintiff, Reverend Norwood Thompson, Jr.

The record in this case reveals the following events that led to the injunction at issue. On October 22, 1999, Reverend Norwood Thompson, Jr., and his wife, Wynnette Thompson, filed a petition for damages against the above-named defendants, among others. In that petition, plaintiffs alleged causes of action in defamation and negligence and asked for injunctive relief. The individual defendants are members of the Board of Trustees and Board of Deacons of the First Zion Baptist Church of New Orleans. Plaintiffs and the individual defendants have been involved in a dispute regarding the handling of the church's finances. Although the parties involved have presented substantially different versions of the events

occurring in late 1999 and early 2000, Reverend Thompson alleged in his petition that his right to conduct business for the church was terminated by Board members prior to the filing of the petition.

Upon the motion of plaintiffs, the trial court issued temporary restraining orders against the defendants, in which each was ordered to refrain from conducting any further business in the name of the First Zion Baptist Church during the pendency of plaintiffs' motion for an injunction. The trial court rendered judgment issuing a preliminary injunction on November 5, 1999 and amended that judgment on November 12, 1999. The judgment, as amended, ordered, among other things, that Reverend Thompson be restored to full pastoral duties at the First Zion Baptist Church of New Orleans.

On January 6, 2000, the trial court issued another set of temporary restraining orders against the defendants, ordering that the Board's earlier actions taken against Reverend Thompson be vacated, and that Reverend Thompson be provided with keys and access to all properties belonging to the First Zion Baptist Church. The orders also restrained defendants from interfering with Reverend Thompson's operation of the church, and restored Reverend Thompson and two board members as the only persons authorized as signatories on financial accounts of the church. On January 28, 2000, the

trial court rendered judgment granting plaintiffs' request for a permanent injunction to Reverend Thompson "to protect his right to access and use of the First Zion Baptist Church of New Orleans as the presiding pastor, pending a full hearing on the merits before this Court." Defendants now appeal the January 28, 2000 judgment.

On appeal, the defendants raise several assignments of error, including an argument that the trial court erred in granting an injunction that is vague and does not describe in reasonable detail the acts sought to be restrained as required by La. C.C.P. art. 3605. Because we find merit in this argument and are reversing the judgment on that basis, we pretermitt discussion of the remaining assignments of error.

In the recent case of Lucky Coin Machine Co., Inc. v. Hillensbeck, 2000-0313 (La.App. 4 Cir. 2/16/01), 778 So.2d 1262, this Court reversed a judgment that granted an injunction after finding that the judgment was fatally defective under La. C.C.P. art. 3605 for failing to describe in reasonable detail the conduct sought to be restrained. La. C.C.P. art. 3605 states as follows:

An order granting either a preliminary or a final injunction or a temporary restraining order shall describe in reasonable detail, and not by mere reference to the petition or other documents, the act or acts sought to be restrained. The order shall be effective against the parties restrained, their officers, agents, employees, and counsel, and those

persons in active concert or participation with them, from the time they receive actual knowledge of the order by personal service or otherwise.

The injunction in the instant matter does not describe in reasonable detail the act or acts sought to be restrained. We find merit in defendants' argument that the judgment does not provide the detail necessary for them to determine whether actions they might take would be in violation of the judgment. Because of the vagueness of the January 28, 2000 judgment, we find it to be fatally defective under La. C.C.P. art. 3605 and, as such, null and void. See, Lucky Coin Machine Co., Inc. v. Hillensbeck, *supra*; Vanvrancken v. Roy, 296 So.2d 460 (La.App. 4 Cir. 1974); Ormond Country Club v. Dorvin Developments, Inc., 498 So.2d 144 (La.App. 5 Cir. 1986).

For these reasons, the trial court judgment of January 28, 2000 is hereby reversed and the matter remanded for further proceedings not inconsistent with this opinion.

REVERSED AND REMANDED