

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2025 CA 0032

ROBERT JAMES RAGLAND

VERSUS

KATHERINE DIAMOND RAGLAND

Judgment Rendered: JAN 14 2026

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On Appeal from  
The Family Court,  
In and for the Parish of East Baton Rouge  
State of Louisiana  
Docket No. F209479, Division B

Honorable Judge Erika Green, Presiding

\* \* \* \* \*

Karen D. Downs  
Baton Rouge, LA

Attorney for Plaintiff-Appellee,  
Robert James Ragland

Amira A. Makke  
Baton Rouge, LA

Attorney for Defendant-Appellant,  
Katherine Diamond Ragland

\* \* \* \* \*

**BEFORE: THERIOT, PENZATO, AND BALFOUR, JJ.**

*akp Penzato, J, agrees in part, dissents  
in part and assigns reasons.*

*HEB  
M.G.*

**BALFOUR, J.**

Katherine Diamond Ragland appeals a February 20, 2024 judgment finding her in noncompliance with a December 6, 2023 contempt judgment, ordering her to serve jail time, and imposing sanctions against her. For the following reasons, we affirm the February 20, 2024 judgment, grant the answer to appeal filed by Robert James Ragland, and award \$2,000.00 to Robert James Ragland for defense of this appeal.

**FACTUAL AND PROCEDURAL HISTORY**

The parties to this protracted litigation, Robert James Ragland (“Robert”) and Katherine Diamond Ragland (“Katherine”), were married on June 28, 1997. Two children were born during the marriage, W.R. and P.R. On June 6, 2017, Robert filed a petition for divorce and custody of the minor children. On September 5, 2018, the trial court signed a judgment of divorce. Initially, Robert and Katherine shared joint custody of their children. On July 16, 2019, the trial court signed a written judgment that, by stipulation, maintained the joint custody arrangement, but designated Robert as the domiciliary parent and provided that the children would live primarily with him.

On May 1, 2020, Robert filed a petition for protection from abuse on his behalf and on behalf of the children, pursuant to La. R.S. 46:2131, *et seq.* A hearing on Robert’s petition for protection was initially scheduled for May 20, 2020, but the hearing was continued and reassigned numerous times, with many of the continuances being prompted by Katherine. On February 3, 2022, the trial court granted Robert’s request for a protective order. Katherine appealed the February 3, 2022 judgment and this Court affirmed. *See Ragland v. Ragland*, 2022-0770 (La. App. 1 Cir. 12/22/22) 2022 WL 17847347 (unreported) at \*1-\*3, \*9, *writ not considered*, 2023-00486 (La. 5/23/23), 360 So. 3d 1255. On September 26, 2022, the trial court signed a stipulated judgment granting Robert sole custody of the

children, with Katherine being granted supervised visitation upon proof of her participation in a domestic violence program.

As is relevant to the instant appeal, on August 29, 2023, following a four-day trial, Judge Pamela J. Baker signed written reasons for judgment addressing, in pertinent part, the following pleadings: (1) a rule to modify custody and for contempt, filed by Robert on June 16, 2020; (2) a rule for contempt, filed by Robert on or about July 2, 2021; and (3) a rule for arrearages and contempt, filed by Robert on June 20, 2022. In the written reasons, Judge Baker found Katherine to be in contempt of various judgments. Judge Baker noted her intention to sign a written judgment finding Katherine in contempt, sentencing her to serve time in parish jail and to perform community service, and ordering her to pay Robert's attorney's fees and costs for filing the above-listed rules for contempt.

On September 18, 2023, before a written judgment was signed in accordance with the August 29, 2023 written reasons for judgment, Judge Baker signed an order of recusal on the trial court's own motion. In the incorporated reasons for judgment, Judge Baker noted she had become aware that Katherine "made continuous defamatory and untrue statements about the [trial court] and court staff on social media." Judge Baker further explained that Katherine posted information about Judge Baker's family, including addresses and contact information for her husband and son, which made her fear for her safety, as well as the safety of her family and staff.

On October 11, 2023, after her recusal, Judge Baker signed a written judgment finding Katherine in contempt of court and sentencing her, as summarized below:

Contempt for posting on social media or publicly about custody matters and/or Robert, and for violating a permanent injunction enjoining her from harassing Robert. Katherine was sentenced to serve 20 days in parish prison, suspended conditioned on compliance with the terms of the judgment, and to perform 24 hours of community service within one month of rendition of the judgment.

Contempt for failure to pay the attorney's fees and costs as ordered in a June 8, 2020 judgment. Katherine was ordered to pay \$2,900.00 in attorney's fees plus court costs. Katherine was sentenced to serve 10 days in parish prison, suspended conditioned on compliance with the terms of the underlying judgment, and to perform 16 hours of community service within one month of rendition of the judgment.

Katherine was ordered to pay \$3,500.00 in attorney's fees and court costs to Robert for his filing of a "Rule for Modification of Custody and Contempt" on or about July 12, 2018. Katherine was sentenced to serve 10 days in parish prison, suspended conditioned on compliance with the terms of the judgment, and to perform 16 hours of community service within two months of rendition of the judgment.

Contempt for failure to pay the mortgage note on the former matrimonial domicile. The deferred principle balance of \$39,547.02 was found to be Katherine's separate obligation. Katherine was ordered to reimburse Robert \$2,498.52 for an April 2023 mortgage payment he made. Katherine was sentenced to serve 10 days in parish prison, suspended conditioned on compliance with the terms of the judgment, and to perform 16 hours of community service within two months of rendition of the judgment.

Contempt for failure to make all items in the former matrimonial domicile accessible to Robert for inventory and by removing certain items from the former matrimonial domicile. Katherine was sentenced to serve 10 days in parish prison, suspended conditioned on compliance with the terms of the judgment, and to perform 16 hours of community service within two months of rendition of the judgment.

Contempt for failure to pay the remaining balance of attorney's fees and court costs as ordered in a June 17, 2020 temporary restraining order. Katherine was ordered to pay the balance of attorney's fees in the amount of \$5,200.00 plus court costs, was sentenced to serve 10 days in parish prison, suspended conditioned on compliance with the terms of the judgment, and to perform 16 hours of community service within three months of rendition of the judgment.

Contempt for failure to timely pay child support and the retroactive arrearage balance as set forth in Robert's Rule for Arrearages, Contempt, Attorney's Fees and Costs, filed on June 20, 2022. Katherine was sentenced to serve 10 days in parish prison, suspended conditioned on compliance with the terms of the underlying judgment and timely payment of all child support obligations in the future, and to perform 16 hours of community service within three months of rendition of the judgment.

Contempt for failure to pay the remaining balance of attorney's fees as ordered in a February 3, 2022 protective order. Katherine was ordered to pay the balance of attorney's fees in the amount of \$1,986.04, and was sentenced to serve 10 days in parish prison, suspended conditioned on compliance with the terms of the judgment, and to perform 16 hours of community service within four months of rendition of the judgment.

Contempt for failure to pay the attorney's fees and court costs as ordered in a January 18, 2022 judgment. Katherine was ordered to pay the remaining balance of attorney's fees in the amount of \$5,000.00, and was sentenced to serve 10 days in parish prison, suspended conditioned on compliance with the terms of the judgment, and to perform 16 hours of community service within four months of rendition of the judgment.

Contempt for failure to allow Robert access to or entry into the former matrimonial domicile on February 10, 2022. Katherine was sentenced to 10 days in parish prison, suspended conditioned on compliance with the terms of the judgment, to perform 16 hours of community service within four months of rendition of the judgment, and to pay a \$500.00 fine.

Contempt based on the presence of Katherine's mother, Betty Harris, at the former matrimonial domicile on February 10, 2022. Katherine was sentenced to 10 days in parish prison, suspended conditioned on compliance with the terms of the judgment, and to perform 16 hours of community service within five months of rendition of the judgment.

Contempt for removal of a secretary desk from the former matrimonial domicile. Katherine was sentenced to 10 days in parish prison, suspended conditioned on compliance with the terms of the judgment, and to perform 16 hours of community service within five months of rendition of the judgment.

Contempt for failure to provide photographs and/or a sworn statement with explanations of why photographs of items removed from the former matrimonial domicile could not be provided as ordered. Katherine was sentenced to 10 days in parish prison, suspended conditioned on compliance with the terms of the judgment, and to perform 16 hours of community service within five months of rendition of the judgment.

The October 11, 2023 judgment further ordered Katherine to pay Robert a total of \$53,500.00 for attorney's fees and court costs for filing his rules for contempt. All amounts due under the October 11, 2023 judgment were made executory.<sup>1</sup>

Meanwhile, on October 5, 2023, Robert filed peremptory exceptions of *res judicata* and no cause of action and a motion for sanctions. Robert argued that a motion filed by Katherine on June 21, 2023 (hereinafter "Katherine's June 21, 2023

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<sup>1</sup> We note the October 11, 2023 judgment states that judgment was rendered August 29, 2023.

motion”), wherein she sought to quash subpoenas and requested that Robert and his attorney be sanctioned and held in contempt, failed to state a cause of action and was barred by *res judicata*. Robert asserted that Katherine’s motion was frivolous and filed merely to harass him, and sought sanctions against Katherine and her counsel, Kathy Reznik Benoit.

On November 7, 2023, a hearing on Robert’s exceptions and motion for sanctions was held before Judge Erika L. Green, who succeeded Judge Baker after her recusal. Following argument, the trial court took the matter under advisement. On November 14, 2023, the trial court reconvened and orally granted Robert’s motion, finding Katherine’s June 21, 2023 motion was frivolous. The trial court stated it would award attorney’s fees to Robert in an amount to be determined at a later hearing. On December 22, 2023, the trial court signed a written judgment granting Robert’s exceptions of *res judicata* and no cause of action, dismissing Katherine’s July 21, 2023 motion, and granting Robert’s motion for sanctions against Katherine and Ms. Benoit.

A compliance review of the October 11, 2023 contempt judgment was set for hearing on December 6, 2023. However, following discussion, Judge Green continued the compliance review hearing. Thereafter, Judge Green signed the October 11, 2023 judgment previously signed by Judge Baker (hereinafter the “December 6, 2023 contempt judgment”) and struck through Judge Baker’s signature. Katherine appealed the December 6, 2023 contempt judgment, which was the subject of our review in the companion case, *Ragland v. Ragland*, 2025-0397 (La. App. 1 Cir. 12/18/25) --- So. 3d --- (2025 WL 3673300).<sup>2</sup> Therein, we affirmed the December 6, 2023 contempt judgment in its entirety. *Id.* at \*20.

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<sup>2</sup> A more detailed factual and procedural history of this matter may be found in the companion case.

On January 23, 2024, the trial court held a compliance review hearing of the December 6, 2023 contempt judgment. At the hearing, counsel for Katherine stated that she had completed 80 hours of community service, although no documentary proof of community service. Counsel for Robert stated that no payments had been made by Katherine, including child support payments. Katherine testified at the hearing that she did not know the compliance review of the December 6, 2023 contempt judgment was scheduled to be heard that day and she had no proof that she had made any payments. Katherine further stated that she was told by Ms. Benoit “that [she] was not to do community service.” The trial court pointed out that Katherine’s then-counsel, Charlene Smith, was advised during an earlier status conference that the compliance review would take place on January 23, 2024. The trial court stated it would consider Katherine’s 80 hours of community service and defer a portion of the sentence, but would require her to serve five days in parish prison. Thereafter, the trial court ordered Katherine and Ms. Benoit to pay \$9,873.75 in sanctions to Robert pursuant to its December 22, 2023 judgment granting his motion for sanctions.

On February 20, 2024, the trial court signed a written judgment finding Katherine noncompliant with the December 6, 2023 contempt judgment because she only completed 80 hours of community service and failed to make any payments toward the attorney’s fees and reimbursement owed under the December 6, 2023 contempt judgment. The trial court deferred 135 days of the sentences imposed in the December 6, 2023 contempt judgment, conditioned upon Katherine serving five days in East Baton Rouge Parish Prison and paying a “substantial amount of the monies owed” to Robert under the December 6, 2023 contempt judgment by the next court hearing on February 27, 2024. The trial court ordered Katherine to complete the remaining community service as required by the December 6, 2023 judgment, as well as pay the attorney’s fees, court costs, and reimbursement due to Robert. The

trial court ordered Katherine and Ms. Benoit, as solidary obligors, to pay Robert's attorney's fees in the amount of \$9,873.75 in sanctions. The trial court ordered that a second compliance review of the December 6, 2023 contempt judgment be held on February 27, 2024. The trial court noted that it "may consider [Katherine's] representations of her inability to pay the total funds owed herein due to her lack of employment at the next compliance reviews[.]"

Katherine appeals the February 20, 2024 judgment, raising multiple assignments of error. Robert answered the appeal, seeking attorney's fees incurred in connection with this appeal.

### **MOTION FOR PARTIAL DISMISSAL**

On May 23, 2025, after Katherine filed her appellate brief in this matter, Robert filed a motion for partial dismissal seeking dismissal of nine of the ten issues raised by Katherine in her appellate brief. Robert notes that the nine issues, which are raised in Katherine's appellate brief as assignments of error labeled "A" through "I," were not included in her designation of the record for appeal. Robert argues Katherine's motion for appeal designated certain portions of the record on appeal, and she provided a concise statement of the one point on which she intended to rely for her appeal—the monetary sanctions award against her. Robert contends only one of her assignments of error, assignment of error "J," is directed to the monetary sanctions.

Louisiana Code of Civil Procedure article 2129 provides:

An assignment of errors is not necessary in any appeal. Where the appellant designates only portions of the record as the record on appeal, he must serve with his designation a concise statement of the points on which he intends to rely, and the appeal shall be limited to those points.

Katherine designated only certain portions of the record for appeal. However, Robert has not shown that Katherine's failure to comply with La. Code Civ. P. art. 2129 has prejudiced him and the designated record appears sufficient for our review

of Katherine's assignment of errors. *See Broussard v. Ave Maria Rosary & Cenacle, Inc.*, 2021-508 (La. App. 3 Cir. 6/1/22), 340 So. 3d 1204, 1211 (explaining that absent prejudice, if an appellate record is sufficient to review the appellant's assigned errors, then non-compliance with La. C.C.P. art. 2129 does not require dismissal of an appeal). Additionally, Robert's motion for partial dismissal appears to be untimely as it was filed more than three days after the return date and notice of lodging. *See* La. C.C.P. art. 2161. Accordingly, Robert's motion for partial dismissal is denied.

## **LAW AND DISCUSSION<sup>3</sup>**

### **Validity of the December 6, 2023 Contempt Judgment**

In her first assignment of error, Katherine argues that the December 6, 2023 contempt judgment is not a valid judgment because Judge Green was not a "successor" judge for Judge Baker under La. R.S. 13:4209. The validity of the December 6, 2023 contempt judgment is addressed in the companion case. *See Ragland*, --- So. 3d at --- (2025 WL 3673300, at \*7-\*8).

### **Compliance Review**

In her second assignment of error, Katherine asserts that the trial court failed to provide proper notice of the compliance review hearing on January 23, 2024. Katherine argues the compliance review hearing was in actuality a criminal contempt hearing and points out that the record does not contain written notice from the trial court clerk of court that the compliance review hearing was set for January 23, 2024. Katherine notes that she did not participate in the December 6, 2023 status conference, and therefore, although her attorney received notice of the January 23, 2024 hearing, she did not.

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<sup>3</sup> Katherine labeled her ten assignments of error alphabetically, from "A" to "J." For ease of reading, we refer to her assignments of error in their numerical order.

In her related fourth assignment of error, Katherine argues she was denied due process at the January 23, 2024 compliance review hearing because she was not read her rights and the hearing was “quasi-criminal” in nature. Katherine further argues she was not allowed to introduce evidence to prove her compliance with the December 6, 2023 contempt judgment, and asserts her “newly retained counsel,” Ms. Smith, was not familiar with the proceedings and therefore, Katherine did not receive sufficient advice regarding the criminal nature of the January 23, 2024 compliance review hearing.<sup>4</sup>

A contempt of court is any act or omission tending to obstruct or interfere with the orderly administration of justice, or to impair the dignity of the court or respect for its authority. La. C.C.P. art. 221. A contempt proceeding incidental to a civil action is considered to be a civil matter if its purpose is to force compliance with a court order, but is treated as a criminal matter if its purpose is to punish disobedience of a court order. *See Bents v. Bents*, 2015-1306 (La. App. 1 Cir. 9/9/16) (unpublished) 2016 WL 4719795, \*3, *writ denied*, 2016-1822 (La. 11/29/16), 211 So. 3d 389. If the relief provided is a fine, it is remedial when it is paid to the complainant, and punitive when it is paid to the court, though a fine that would be payable to the court is also remedial when the defendant can avoid paying the fine simply by performing the affirmative act required by the court’s order. *Id.* If the relief provided is a sentence of imprisonment, it is remedial if “the defendant stands committed unless and until he performs the affirmative act required by the court’s order,” and is punitive if “the sentence is limited to imprisonment for a definite period.” *Id.* Nevertheless, a court may impose a determinate prison sentence in a civil contempt matter if the sentence contains a “purge clause.”<sup>5</sup> *Id.*

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<sup>4</sup> The record indicates Katherine retained Ms. Smith as her attorney on November 2, 2023.

<sup>5</sup> A “purge clause” is a provision in the contempt judgment which allows the defendant to avoid imprisonment by performance of the required act or compliance with the court’s judgment. *See Leger v. Leger*, 2000-0505 (La. App. 1 Cir. 5/11/01), 808 So. 2d 632, 636 n.3.

Criminal contempt is a crime in every fundamental respect, and the defendant in a criminal contempt proceeding is entitled to the basic constitutional protections such as the presumption of innocence, the right to proof of guilt beyond a reasonable doubt, and the right not to be compelled to testify against himself. *In re Milkovich*, 493 So. 2d 1186, 1189 (La. 1986). In contrast, civil contempt requires a finding of contempt by a preponderance of the evidence and affords the contemnor notice and an opportunity to be heard. *Jackson's Landing North v. Phillips*, 2023-0783 (La. App. 4 Cir. 4/9/24), 401 So. 3d 68, 73, *writ denied*, 2024-00586 (La. 9/24/24), 392 So. 3d 1139.

The December 6, 2023 contempt judgment contains a purge clause for each contempt finding allowing Katherine to avoid parish prison time if she complied with the terms of the December 6, 2023 contempt judgment. Therefore, the relief provided by the December 6, 2023 contempt judgment is remedial and the contempt was civil in nature. *See Bents*, 2016 WL 4719795 at \*3; *see also Succession of Bailey*, 2020-0145 (La. App. 4 Cir. 11/18/20), 311 So. 3d 422, 426 (explaining contempt was civil in nature because contemnor could have avoided imprisonment by complying with previous contempt judgment).

Furthermore, even if the January 23, 2024 proceedings could somehow be construed as “quasi-criminal” based on Katherine’s failure to comply with the December 6, 2023 contempt judgment, thereby subjecting her to parish prison time, she was not denied due process. Katherine does not claim ignorance of the December 6, 2023 contempt judgment or the conditions required thereunder to avoid parish prison time. Instead, Katherine argues that she was personally unaware of the fact that a compliance review hearing was scheduled for January 23, 2024. As noted, the compliance review was initially scheduled for December 6, 2023, but was continued. In doing so, the trial court advised counsel for Katherine, Ms. Smith, to submit proof of Katherine’s community service “prior to the January court date.”

During the January 23, 2024 compliance review hearing, the trial court noted there had been multiple status conferences and Ms. Smith had been advised of the hearing. It is well settled that notice to an attorney of record is notice to the client. *Butler v. Sandberg*, 2018-0917 (La. App. 1 Cir. 10/23/19), 289 So. 3d 638, 642 n.3. As Ms. Smith had knowledge of the January 23, 2024 compliance review hearing, Katherine likewise had notice. Katherine was present at the hearing, was represented by counsel, and willingly chose to testify. Accordingly, these assignments of error lack merit.

In her third and seventh assignments of error, Katherine argues the trial court erred by finding her noncompliant with the December 6, 2023 contempt judgment because the December 6, 2023 contempt judgment was only signed forty-eight days before the compliance review hearing was held. Katherine asserts that the trial court improperly calculated the time she had to comply with the December 6, 2023 contempt judgment because the trial court found it was rendered on August 29, 2023. Katherine argues that the trial court should have considered her compliance with the December 6, 2023 contempt judgment from the date it was signed by Judge Green.

During the January 23, 2024 compliance review hearing, the trial court appeared to use August 29, 2023, as the date of rendition of the December 6, 2023 contempt judgment. For example, the trial court explained that Katherine had until September 29, 2023 to complete the community service and payment requirements for the first two findings of contempt. The trial court found that Katherine was required to complete 216 hours of community service by the date of the compliance review hearing, but had only completed 80 hours.

As determined in the companion case, the October 11, 2023 contempt judgment signed by Judge Baker is an absolute nullity. *Ragland*, --- So. 3d at --- (2025 WL 3673300, at \*7) However, as also determined in the companion case, the December 6, 2023 contempt judgment is a valid judgment and Katherine is required

to comply with that judgment. *Ragland*, --- So. 3d at --- (2025 WL 3673300, at \*8). The issue before the trial court on January 23, 2024 was whether or not Katherine complied with the December 6, 2023 contempt judgment, *i.e.*, whether she was in contempt of that judgment.

The decision to hold a party in contempt of court for disobeying the court's orders is within the trial court's great discretion. Only if the appellate court finds an abuse of that discretion will a trial court's contempt ruling be reversed. *Schmidt v. Schmidt*, 2018-0202 (La. App. 1 Cir. 1/3/19), 270 So. 3d 804, 809. However, the predicate factual determinations underlying the finding of civil contempt of court are reviewed under the manifest error standard of review. *Id.* Thus, on review of facts, we do not decide whether the trial court was right or wrong; rather, we consider the entire record to determine whether a reasonable factual basis exists for the finding. *Marshall v. Marshall*, 2019-0879 (La. App. 1 Cir. 7/14/20), 308 So. 3d 1178, 1182, *writ denied*, 2020-01009 (La. 11/4/20), 303 So. 3d 652.

At the January 23, 2024 compliance review hearing, Katherine admitted she had no proof of payments made to satisfy her obligations under the December 6, 2023 contempt judgment. As noted above, the December 6, 2023 contempt judgment ordered Katherine to pay Robert amounts owed for attorney's fees, court costs, a reimbursement payment, and child support payments. The December 6, 2023 contempt judgment contains "purge clauses" for each contempt finding, which suspended imposition of parish prison time conditioned on Katherine's compliance with the terms of the December 6, 2023 contempt judgment. As noted by Katherine, the January 23, 2024 compliance review hearing occurred forty-eight days after rendition of the December 6, 2023 contempt judgment. As Katherine failed to make any payment towards fulfilling her obligations under the December 6, 2023 contempt judgment, we find the trial court did not abuse its great discretion by

finding Katherine was noncompliant with the December 6, 2023 contempt judgment. Accordingly, these assignments of error lack merit.

In her fifth and sixth assignments of error, Katherine argues the trial court erred by finding her noncompliant with the December 6, 2023 contempt judgment because there was no evidence that she acted intentionally, knowingly, and purposely without a just excuse. Katherine notes that she testified at the January 23, 2024 compliance review hearing that she was advised by her previous counsel, Ms. Benoit, that she did not need to comply with the October 11, 2023 contempt judgment signed by Judge Baker. According to Katherine, after she retained Ms. Smith, she began to perform community service. Katherine also alleges she was financially unable to make payments required under the December 6, 2023 contempt judgment. Katherine argues the trial court could not hold her in contempt pursuant to La. R.S. 13:4206 because she was unable to pay a money judgment.

Louisiana Revised Statutes 13:4206 provides:

Failure to obey an order or judgment of court, when such order or judgment is in effect an order or judgment for the payment of money, shall not be construed as a contempt, if it appears that the failure to obey is due to inability to comply with the order or judgment which inability existed when the order or judgment was rendered.

In *Trahan v. Trahan*, 2016-0108 (La. App. 1 Cir. 9/16/16), 203 So. 3d 447, 450, 452, this Court considered whether the appellant could be held in contempt of a community property partition judgment pursuant to La. R.S. 13:4206 when she did not have the ability to pay the judgment. In *Trahan*, this Court explained that the appellant could prevail on her argument only if she could demonstrate that her failure to obey the judgment was due to her inability to comply with the judgment, which inability existed when the judgment was rendered. *Trahan*, 203 So. 3d at 452 (citing La. R.S. 13:4206). This Court noted that the appellant had testified at the contempt hearing that in the six months after the underlying partition judgment was rendered, her business had suffered and was operating at a loss. However, the appellant also

stated that she had not attempted to sell the business, her residence, or her car to pay the amount owed under the partition judgment. After reviewing the record, in particular the transcript of the contempt hearing, this Court determined that the trial court did not manifestly err in finding the appellant had the ability to pay the partition judgment at the time it was rendered. *Id.* at 453.

At the close of the January 23, 2024 hearing, the trial court permitted Katherine to testify regarding her inability to pay the December 6, 2023 contempt judgment. Katherine testified that she is an architectural designer and “the architectural field has been very slow lately[.]” Katherine further stated she is self-employed and has been “struggling to meet [her] obligations.” However, Katherine admitted she had a recent “project” that was just completed, and she was paid for projects in 2023 and 2024. Furthermore, as noted in the companion case, Katherine testified during the contempt trial that she was working on some apartment renovation projects at the time of trial. *Ragland*, --- So. 3d at --- (2025 WL 367330 at \*16). As noted in *Trahan*, a trial court’s decision regarding a debtor’s ability to pay a sum of money is a factual determination reviewed on appeal under a manifest error standard of review. *Trahan*, 203 So. 3d at 453. Based on our review of the record, we conclude that the trial court did not manifestly err in finding that Katherine was able to pay the December 6, 2023 contempt judgment.

Furthermore, we note that the instant case is distinguishable from *Trahan*, as it involves Katherine’s noncompliance (or contempt) of a contempt judgment. Several of Katherine’s contempts are based on her failure to pay attorney’s fees as ordered years ago. For example, Katherine was held in contempt for her failure to pay Robert’s attorney’s fees and costs, as previously ordered back in 2020 and 2022. There is no evidence in the record before this Court as to Katherine’s inability to pay those judgments when they were originally rendered. Based on our review of the record, and in particular Katherine’s continued failure to pay these outstanding

amounts over multiple years, we find the trial court did not abuse its discretion by finding Katherine noncompliant with the December 6, 2023 contempt judgment.<sup>6</sup> Accordingly, these assignments of error lack merit.

Katherine argues in her eighth assignment of error that the trial court abused its discretion in modifying the prior sentencing to require her to serve five days in parish prison. Katherine argues she complied with the December 6, 2023 contempt judgment with regards to community service and was financially unable to make payments to satisfy the December 6, 2023 contempt judgment. As discussed, the trial court did not abuse its discretion by finding Katherine noncompliant with the December 6, 2023 contempt judgment. *See Schmidt*, 270 So. 3d at 809. As Katherine failed to comply with the terms of the December 6, 2023 contempt judgment, she was not entitled to continued suspension of the previously imposed parish prison sentences. Accordingly, this assignment of error lacks merit.

In her ninth assignment of error, Katherine argues the trial court erred by ordering her to pay “a substantial amount” of the money owed to Robert by the next hearing on February 27, 2024. Katherine argues this portion of the February 20, 2024 judgment is “vague, ambiguous, and subjective.”

The record of this matter reveals the compliance review hearing scheduled for February 27, 2024 was passed to May 7, 2024 without opposition, and passed without date on May 7, 2024. Accordingly, this assignment of error is moot.

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<sup>6</sup> Katherine cites *David v. David*, 2014-126 (La. App. 3 Cir. 6/4/14), 144 So. 3d 1110, 1111, where an ex-husband was ordered to pay a money judgment to his ex-wife within 15 days or serve ninety days in jail. On appeal, the ex-husband argued the trial court erred by ordering damages and jail time for his failure to pay a money judgment. *Id.* at 1115. The Third Circuit, without addressing the merits of the issue, adopted the reasons stated in an earlier writ action wherein the court found the trial court erred by finding the ex-husband in contempt and imposing jail time because “the penalty of imprisonment imposed upon the [ex-husband] for contempt of court arising from his failure to pay a money judgment to the plaintiff is not provided for by law.” *Id.* We find *David*, which contains no discussion of the ex-husband’s inability to pay, to be inapposite and unpersuasive.

## Sanctions

Katherine argues in her tenth assignment of error that the trial court erred by ordering her to pay sanctions under La. C.C.P. art. 863, because she had no notice of the evidentiary hearing on November 7, 2023, and therefore, could not present evidence at the hearing. Katherine argues she should have been served personally with a copy of Robert's motion for sanctions since "a conflict clearly arose between" herself and Ms. Benoit since they were both subject to sanctions. Katherine also points out Ms. Smith had only been retained five days before the hearing on Robert's motion for sanctions, and was unfamiliar with the case. Katherine also argues the trial court should have detailed what specific pleadings in her June 21, 2023 motion were frivolous.

As discussed, on October 5, 2023 Robert filed exceptions of no cause of action and *res judicata*, and a motion for sanctions, directed to Katherine's June 21, 2023 motion. Robert sought sanctions against Ms. Benoit and Katherine,<sup>7</sup> arguing Katherine's June 21, 2023 motion contained "untrue statements, ambiguous and vague statements, and false assumptions, which have no evidentiary support and hold no weight under the law." Robert argued the motion was baseless, and filed to harass him and increase the costs of litigation. Robert requested Katherine and Ms. Benoit be sanctioned and ordered to pay the costs and attorney's fees incurred by Robert as a result of Katherine's frivolous motion. Robert requested service of his motion on Katherine through Ms. Benoit, her attorney of record at the time.

In Katherine's June 21, 2023 motion, she alleged Robert was in contempt of court for propounding more interrogatories than permitted under La. C.C.P. art. 1457. Katherine noted that on October 11, 2019, the trial court granted Robert leave of court to issue interrogatories exceeding thirty-five in number, but asserted that he

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<sup>7</sup> We note that Katherine signed a verification attached to her June 21, 2023 motion, verifying the allegations contained therein were true and correct to the best of her knowledge.

propounded more than thirty-five additional interrogatories, which is not permitted by La. C.C.P. art. 1457(B). Katherine argued that Robert and his attorney should be sanctioned pursuant to La. C.C.P. art. 863 because after propounding the additional interrogatories, Robert filed two motions to compel against Katherine, seeking her responses to the additional interrogatories. Katherine asserted the motions to compel were frivolous and asked the trial court to order Robert to pay Katherine the attorney's fees that he was previously awarded when the trial court granted his motions to compel.

Katherine also sought to quash subpoenas duces tecum issued to three of Katherine's medical providers after the discovery deadline set by the trial court for trial on June 23, 2023. Katherine asked the trial court to hold Robert and his attorney in contempt for issuing the subpoenas duces tecum. Katherine further argued Robert was in contempt of the February 3, 2022 order of protection, which was in effect until September 26, 2022, when the trial court signed a stipulated judgment modifying the terms of the order of protection. Katherine asserted Robert was in contempt of the September 26, 2022 stipulated judgment because Robert's attorney did not schedule a time with Katherine's attorney to discuss Katherine's visitation with the minor children. Katherine also alleged that Robert is in contempt of a July 19, 2019 judgment because he did not return the children to Katherine during her custodial periods in 2020.

At the November 7, 2023 hearing on Katherine's June 21, 2023 motion and Robert's motion for sanctions, Katherine appeared and was represented by two attorneys, Ms. Smith and Ms. Benoit. Ms. Benoit noted she was served with Robert's exceptions and motion for sanctions on October 20, 2023. Ms. Smith orally requested a continuance, arguing she was only hired five days before the hearing. The trial denied the motion for continuance, finding Katherine's decision to retain an attorney five days before the hearing did not amount to good cause. The trial

court also noted that a status conference was held on October 30, 2023, with Ms. Benoit and she did not seek a continuance at that time or inform the trial court that Katherine would be retaining another attorney. Following argument by Robert's counsel, he introduced into evidence his attorney's affidavit detailing his attorney's fees and costs expended in filing his exceptions and motion for sanctions, and defending against Katherine's June 21, 2023 motion.<sup>8</sup> Ms. Smith argued the merits on Katherine's June 21, 2023 motion, but no evidence was introduced by Ms. Smith or Ms. Benoit. Thereafter, the trial court took the matter under advisement.

On November 14, 2023, the trial court orally granted Robert's motion for sanctions, explaining that Katherine and Ms. Benoit were aware of final judgments that precluded, on *res judicata* grounds, the relief requested in Katherine's June 21, 2023 motion. The trial court found the timing of Katherine's June 21, 2023 motion "proves it to be frivolous[.]" The trial court noted it would grant sanctions in the form of dismissal of Katherine's June 21, 2023 motion and would award Robert reasonable attorney's fees. On December 11, 2023, the trial court signed written reasons for judgment, explaining in pertinent part, that Katherine's June 21, 2023 motion "is deemed frivolous as every issue raised had been previously addressed or was in the process of being addressed during the four-day trial for which the motion was filed two days before its conclusion." On December 22, 2023, the trial court signed a written judgment granting Robert's exceptions of no cause of action and *res judicata*, dismissing Katherine's June 21, 2023 motion, granting Robert's motion for sanctions, and ordering that the amount of attorney's fees and costs to be awarded to Robert would be determined at the January 23, 2024 hearing.

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<sup>8</sup> The affidavit is not contained in the record before this Court. Katherine, as the appellant, is charged with the responsibility of completeness of the record for appellate review, and the inadequacy of the record is imputable to her. See *Niemann v. Crosby Development Co., L.L.C.*, 2011-1337 (La. App. 1 Cir. 5/3/12), 92 So. 3d 1039, 1044.

On January 23, 2024, following the compliance review, the trial court awarded Robert attorney's fees and costs in the amount of \$9,873.75 as sanctions against Katherine and Ms. Benoit, as solidary obligors. The ruling was memorialized in the February 20, 2024 written judgment.

Louisiana Code of Civil Procedure article 863, prior to its amendment by 2025

La. Acts No. 250, § 2, provided, in pertinent part:

A. Every pleading of a party represented by an attorney shall be signed by at least one attorney of record in his individual name, whose physical address and email address for service of process shall be stated. A party who is not represented by an attorney shall sign his pleading and state his physical address and email address, if the party has an email address, for service of process. If mail is not received at the physical address for service of process, a designated mailing address shall also be provided. A party or attorney may sign a pleading by electronic signature in accordance with Article 253.

B. Pleadings need not be verified or accompanied by affidavit or certificate, except as otherwise provided by law, but the signature of an attorney or party shall constitute a certification by him that he has read the pleading, and that to the best of his knowledge, information, and belief formed after reasonable inquiry, he certifies all of the following:

(1) The pleading is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

(2) Each claim, defense, or other legal assertion in the pleading is warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law.

(3) Each allegation or other factual assertion in the pleading has evidentiary support or, for a specifically identified allegation or factual assertion, is likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.

(4) Each denial in the pleading of a factual assertion is warranted by the evidence or, for a specifically identified denial, is reasonably based on a lack of information or belief.

\* \* \*

D. If, upon motion of any party or upon its own motion, the court determines that a certification has been made in violation of the provisions of this Article, the court shall impose upon the person who made the certification or the represented party, or both, an appropriate sanction which may include an order to pay to the other party the amount of the reasonable expenses incurred because of the filing of the pleading, including reasonable attorney fees.

\* \* \*

G. If the court imposes a sanction, it shall describe the conduct determined to constitute a violation of the provisions of this Article and explain the basis for the sanction imposed.

Accordingly, under La. C.C.P. art. 863, there is an affirmative duty imposed on attorneys and litigants to make an objectively reasonable inquiry into the facts and the law. *Landry v. Landry*, 2021-0337 (La. App. 1 Cir. 10/8/21), 331 So. 3d 351, 356, *writ denied*, 2022-00044 (La. 3/2/22), 333 So. 3d 835. Article 863 does not empower a trial court to impose sanctions simply because a particular argument or ground for relief is subsequently found to be unjustified; failure to prevail does not trigger an award of sanctions. *Landry*, 331 So. 3d at 356. Furthermore, La. C.C.P. art. 863 is intended to be used only in exceptional circumstances; where there is even the slightest justification for the assertion of a legal right, sanctions are not warranted. *Landry*, 331 So. 3d at 356.

A trial court's determination regarding the imposition of sanctions is subject to the manifest error or clearly wrong standard of review. *Id.* Once the trial court finds a violation of La. C.C.P. art. 863 and imposes sanctions, the determination of the type and/or the amount of the sanction is reviewed on appeal utilizing the abuse of discretion standard. *Landry*, 331 So. 3d at 356. Louisiana Code of Civil Procedure article 863 authorizes an award of "reasonable attorney fees," which is not necessarily actual attorney fees. The goal to be served by imposing sanctions is not wholesale fee shifting but correction of litigation abuse. *Landry*, 331 So. 3d at 356.

As to the issue of notice, Ms. Benoit, Katherine's then attorney, stated at the November 7, 2023 hearing that she was served with Robert's exceptions and motion for sanctions on October 20, 2023. As discussed, notice to an attorney of record is notice to the client. *Butler*, 289 So. 3d at 642 n.3. Additionally, Katherine was

clearly made aware of the hearing because she retained Ms. Smith as additional counsel and appeared at the hearing. Although Katherine argues she should have been personally served with Robert's motion for sanctions, she cites no authority for this proposition, and we have located none. Katherine also fails to provide support for her assertion that she was not permitted to introduce evidence at the November 7, 2023 hearing. Although she moved for a continuance, which was denied, her attorney argued on her behalf, but simply did not introduce evidence at the hearing. Notably, Katherine does not mention what evidence she would have presented.

Katherine argues generally that the trial court erred by granting sanctions and should have specified what pleading it found to be frivolous. Upon our review of Katherine's June 21, 2023 motion, and the pertinent record of this matter, we find the trial court did not manifestly err by imposing sanctions against Katherine. Much of the relief requested in Katherine's June 21, 2023 motion, including claims of Robert's alleged contempt of previous judgments that were no longer in effect at the time Katherine filed her motion, was clearly barred by *res judicata* and should have been raised previously. Moreover, Katherine sought sanctions against Robert and his attorney for these meritless claims. Katherine's June 21, 2023 motion required Robert's attorney to review several judgments in the protracted proceedings of this matter and to draft a lengthy response to Katherine's baseless allegations. We find no abuse of the trial court's discretion in its determination that the sanctions were warranted and the amount of sanctions awarded. Accordingly, this assignment of error lacks merit.

#### **ANSWER TO APPEAL**

Robert answered the appeal requesting that he be awarded additional attorney's fees incurred in answering and defending this appeal. An increase in attorney's fees is usually awarded where a party who was awarded attorney's fees by the trial court is forced to and successfully defends an appeal. *Zeigler Tree &*

*Timber, Inc. v. Old River of New Orleans, LLC*, 2022-1247 (La. App. 1 Cir. 7/5/23), 371 So. 3d 82, 94. The award of additional attorney's fees is to keep the appellate judgment consistent with the underlying judgment. *Id.* To determine the amount of attorney's fees, factors that are considered include the skill exercised by the attorney and the time and work required on appeal. *Lewnau v. Board of Supervisors of Southern State University*, 2019-0943 (La. App. 1 Cir. 1/9/20), 295 So. 3d 419, 427, writ denied, 2020-00240 (La. 5/1/20), 295 So. 3d 937. Since Robert has successfully defended this appeal, we award additional attorney's fees for the work performed defending this appeal in the amount of \$2,000.00.

### **CONCLUSION**

For the reasons set forth herein, we affirm the trial court's February 20, 2024 judgment. The motion for partial dismissal filed by Robert James Ragland is denied. We grant the answer to appeal filed by Robert James Ragland and award additional attorney's fees in the amount of \$2,000.00 to Robert James Ragland for defense of this appeal. Costs of this appeal are assessed to Appellant, Katherine Diamond Ragland.

**AFFIRMED; MOTION FOR PARTIAL DISMISSAL DENIED;  
ANSWER TO APPEAL GRANTED.**

STATE OF LOUISIANA  
COURT OF APPEAL  
FIRST CIRCUIT

2025 CA 0032

**ROBERT JAMES RAGLAND**

**VERSUS**

**KATHERINE DIAMOND RAGLAND**

*akp*  
**PENZATO, J., dissenting in part.**

At the start of the January 23, 2024 compliance review hearing, the trial court acknowledged, “There is a motion for new trial and rule for modification pending for February 27[, 2024].”<sup>1</sup>

On appeal, Katherine asserts that the trial court should have deferred sentencing on January 23, 2024 since the hearing on the motion for new trial was set for February 27, 2024. However, she did not assign this as error or allege the trial court erred by considering her compliance with the contempt judgment prior to ruling on her motion for new trial.<sup>2</sup> Nevertheless, this court has the authority to raise an issue *sua sponte* on appeal in the absence of an assignment of error. See *Wooley v. Lucksinger*, 2009-0571 (La. 4/1/11), 61 So.3d 507, 562-63, *citing* La. Const. art. 5, § 10(A) and (B) and La. C.C.P. art. 2129. I would address this procedural issue *sua sponte*, first giving the parties notice and an opportunity to

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<sup>1</sup> As stated in *Ragland v. Ragland*, 2025-0397 (La. App. 1 Cir. 12/18/25) --- So.3d ---, --- (2025 WL 3673300, \*4), Katherine’s motion for new trial from the December 6, 2023 contempt judgment was denied on April 4, 2024. The December 6, 2023 contempt judgment was an immediately appealable final judgment from which Katherine properly filed a motion for new trial. See La. C.C.P. art. 1915(A)(6); *Dougherty v. Dougherty*, 2021-0433 (La. App. 1 Cir. 3/29/22), 341 So.3d 669, 674; *Kott v. Kott*, 2018-1639 (La. App. 1 Cir. 4/12/19), 2019 WL 1589739, 2 (unpublished); *Capital City Press, L.L.C. v. Louisiana State University System Board of Supervisors*, 2013-1803 (La. App. 1 Cir. 12/30/14), 168 So.3d 669, 673. See also La. C.C.P. art. 1971; *Kimball v. Kamenitz*, 2021-0101 (La. App. 4 Cir. 10/26/21), 331 So.3d 474, 482.

<sup>2</sup> See *Brehm v. Amacker*, 2015-1531 (La. App. 1 Cir. 12/7/17), 236 So.3d 621, 631 (the fact that defendants filed a motion for new trial and later an immediate appeal of the December 29, 2014 judgment constituted reasonable justification for their failure to strictly adhere to the prohibitions of the December 29, 2014 judgment); and *Lang v. Asten, Inc.*, 2005-1119 (La. 1/13/06), 918 So.2d 453, 454 (finding the filing of a new trial and/or an appeal challenging an order provided justification for appellant’s failure to obey the order).

respond to this court's decision to consider whether the trial court erred by determining Katherine's compliance with the contempt judgment before ruling on her pending motion for new trial. See *Wooley*, 61 So.3d at 564.

Thus, I disagree with the majority's decision to affirm the portion of the February 20, 2024 judgment finding Katherine not in compliance with the October 11, 2023 judgment signed by Judge Baker (and later signed by Judge Green on December 6, 2023), ordering Katherine to serve five days in the East Baton Rouge Parish Prison, and ordering Katherine to pay a substantial amount of the monies owed to Robert for the outstanding fees from the previous judgment by the next court hearing of February 24, 2024.

Accordingly, I dissent in part.