

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

Allison Camille Lartigue a/k/a Allison C. Lartigue and The Freelance Paralegal, LLC v. Karleana L. Farias

Lartigue v. Farias · No. 01-24-00755-CV · Decided April 30, 2026

SUMMARY

The Texas First Court of Appeals affirmed the denial of Allison Camille Lartigue and The Freelance Paralegal, LLC’s motion to dismiss a stalking claim under the Texas Citizens Participation Act. The court held that the stalking claim was based on alleged harassing and threatening conduct, rather than on Lartigue’s exercise of the rights to petition or free speech, or conduct described by Texas Civil Practice and Remedies Code section 27.010(b). The opinion is a memorandum opinion issued per curiam.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas
WRITING FOR THE COURT	Amparo "Amy" Guerra; Chief Justice Adams; Justice Guerra; Justice Guiney
JURISDICTION	Court of Appeals for the First District of Texas
DECIDED	April 30, 2026
DOCKET	01-24-00755-CV
DISPOSITION	affirmed
PROCEDURAL POSTURE	Interlocutory appeal from the denial of a motion to dismiss under the Texas Citizens Participation Act.
STANDARD OF REVIEW	The denial of a TCPA motion to dismiss is reviewed de novo.
PRECEDENTIAL VALUE	published
PARTIES	Allison Camille Lartigue a/k/a Allison C. Lartigue, The Freelance Paralegal, LLC v. Karleana L. Farias

TOPICS

- motions to dismiss
- interlocutory appeal
- appellate procedure
- civil procedure
- free speech

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Farias's stalking claim was based on or in response to Lartigue's exercise of the right to petition under the TCPA.
2. Whether Farias's stalking claim was based on or in response to Lartigue's exercise of the right of free speech under the TCPA.
3. Whether Farias's stalking claim was based on or in response to acts described by Texas Civil Practice and Remedies Code section 27.010(b).
4. Whether the court needed to address whether Farias established a prima facie case or whether Lartigue established an affirmative defense under the TCPA.

HOLDINGS

1. The stalking claim was not based on or in response to Lartigue's exercise of the right to petition because the gravamen of the claim was Lartigue's alleged harassing and threatening conduct, not communications in or pertaining to the related unauthorized-practice-of-law proceeding.
2. The stalking claim was not based on or in response to Lartigue's exercise of the right of free speech because the alleged threats and harassing conduct were not protected communications made in connection with a matter of public concern.
3. The stalking claim was not based on or in response to the communication, gathering, receiving, posting, or processing of consumer opinions, commentary, evaluations of consumer complaints, or business reviews or ratings as described by section 27.010(b)(2).
4. Because Lartigue failed to establish that the TCPA applied at the first step, the court did not need to address whether Farias established a prima facie case or whether Lartigue established an affirmative defense.

KEY QUOTATIONS

"This Court has held that the "based on" component of a movant's step-one burden requires that the activity protected by the TCPA be the "main ingredient" or "fundamental part" of the legal action that the movant challenges." (at 12)

"Because we conclude that Lartigue has not demonstrated that Farias's stalking claim is based on or in response to Lartigue's exercise of a right or act protected by the TCPA, we affirm the trial court's order denying Lartigue's motion to dismiss under the TCPA." (at 22)

FACTUAL BACKGROUND

Farias, an attorney investigating complaints against Lartigue for the Unauthorized Practice of Law Committee, was involved in related litigation concerning alleged unauthorized practice of law. During that litigation, Lartigue sent Farias repeated emails and made repeated calls to her law firm, including statements threatening or implying that she would come to Farias's office and that Farias would suffer. Farias alleged that the

communications were harassing, threatening, and profane, and sued Lartigue for stalking after reporting the conduct to police.

PROCEDURAL HISTORY

Farias sued Lartigue and The Freelance Paralegal, LLC for stalking and sought temporary and permanent injunctive relief. Lartigue moved to dismiss under the TCPA, arguing that the claim was based on protected petitioning, free-speech activity, and acts described by Texas Civil Practice and Remedies Code section 27.010(b). The trial court denied the motion, did not rule on Lartigue's evidentiary objections or motion for reconsideration, and Lartigue brought this interlocutory appeal.

DISPOSITION

affirmed

CASES CITED

- McLane Champions, LLC v. Hou. Baseball Partners LLC, 671 S.W.3d 907, 913-14, 914 n.6, 920 (Tex. 2023)
- Gaskamp v. WSP USA, Inc., 596 S.W.3d 457, 470 (Tex. App.—Houston [1st Dist.] 2020, pet. dismiss'd) (en banc)
- Better Bus. Bureau of Metro. Hou., Inc. v. John Moore Servs., Inc., 441 S.W.3d 345, 353 (Tex. App.—Houston [1st Dist.] 2013, pet. denied)
- Hersh v. Tatum, 526 S.W.3d 462, 467 (Tex. 2017)
- Kassab v. Pohl, 612 S.W.3d 571, 577 (Tex. App.—Houston [1st Dist.] 2020, pet. denied)
- Sloat v. Rathbun, 513 S.W.3d 500, 504, 508 (Tex. App.—Austin 2015, pet. dismiss'd)
- Ernst & Young, LLP v. Ryan, LLC, No. 01-21-00603-CV, 2023 WL 4239350, at *5-8 (Tex. App.—Houston [1st Dist.] June 29, 2023, pet. denied) (mem. op.)
- Jetall Cos. v. Johanson, No. 01-19-00305-CV, 2020 WL 6435778, at *3 (Tex. App.—Houston [1st Dist.] Nov. 3, 2020, no pet.) (mem. op.)
- Abundant Life Therapeutic Servs. Tex., LLC v. Headen, No. 05-20-00145-CV, 2020 WL 7296801, at *3 (Tex. App.—Dallas Dec. 11, 2020, pet. denied) (mem. op.)
- Ruff v. Ruff, No. 05-24-00095-CV, 2025 WL 757148, at *4 (Tex. App.—Dallas Mar. 10, 2025, pet. denied) (mem. op.)
- Choudhri v. Lee, No. 01-20-00098-CV, 2020 WL 4689204, at *3 (Tex. App.—Houston [1st Dist.] Aug. 13, 2020, pet. denied) (mem. op.)
- Walgreens v. McKenzie, 713 S.W.3d 394, 400-02 (Tex. 2025)
- Garcia v. Semler, 663 S.W.3d 270, 280 (Tex. App.—Dallas 2022, no pet.)
- Bibby v. Bibby, 634 S.W.3d 401, 409 (Tex. App.—Houston [1st Dist.] 2021, no pet.)
- Holcomb v. Waller Cnty., 546 S.W.3d 833, 839-40 (Tex. App.—Houston [1st Dist.] 2018, pet. denied)
- Kostura v. Judge, 627 S.W.3d 380, 384, 386 (Tex. App.—Amarillo 2021, pet. denied)
- Whitelock v. Stewart, 661 S.W.3d 583, 596-97, 605-06 (Tex. App.—El Paso 2023, pet. denied)

- Grant v. Finecy, No. 02-23-00310-CV, 2023 WL 8940395, at *7 (Tex. App.—Fort Worth Dec. 28, 2023, no pet.) (mem. op.)
- Pecan St. Owners Ass'n v. Mala Vida, LLC, No. 03-25-00216-CV, 2025 WL 2981633, at *8 n.7 (Tex. App.—Austin Oct. 23, 2025, no pet.) (mem. op.)
- Rouzier v. Biote Med., LLC, No. 05-19-00277-CV, 2019 WL 6242305, at *3 n.2 (Tex. App.—Dallas Nov. 22, 2019, no pet.) (mem. op.)
- Wayne Dolcefino & Dolcefino Commc'ns, LLC v. Cypress Creek EMS, 540 S.W.3d 194, 202 (Tex. App.—Houston [1st Dist.] 2017, no pet.)
- Pate v. Haven at Thorpe Lane, LLC, 681 S.W.3d 476, 488-89 (Tex. App.—Austin 2023), rev'd on other grounds sub nom. Ferchichi v. Whataburger Rests. LLC, 713 S.W.3d 330 (Tex. 2025)
- Gulf Coast Pros, LLC v. Sweeney, No. 09-23-00320-CV, 2024 WL 3057494, at *9 (Tex. App.—Beaumont June 20, 2024, no pet.) (mem. op.)