

CONFERENCE COMMITTEE REPORT DIGEST

House Bill No. 260 by Representative Abramson

Digest of Bill as Finally Passed by the House

Present law provides that a summary judgment may be rendered dispositive of an issue, theory, cause of action, or defense in favor of one or more parties, even though it does not dispose of the entire case.

Proposed law retains present law and further provides that a summary judgment shall be rendered or affirmed only as to the issues presently before the court.

Proposed law provides that when the court determines that a party or nonparty in a motion for summary judgment is not negligent, not at fault, or did not cause the injury or harm alleged, that party or nonparty may not be considered in any subsequent allocation of fault, evidence shall not be admitted at trial, and the issue shall not be submitted to the jury.

Proposed law provides that the provisions of proposed law shall not apply when a summary judgment is granted on the basis of an affirmative defense.

(Amends C.C.P. Art. 966(E); Adds C.C.P. Art. 966(F))

Summary of Amendments Adopted by the Senate

Senate Floor Amendments to the Reengrossed Bill.

1. Deleted provisions which (a) specified that a summary judgment shall be rendered or affirmed only as to issues presently before the court, (b) added that a party or nonparty may not be considered in the allocation of fault if the court determines that it did not cause the injury or harm, and (c) excluded the application to affirmative defenses.
2. Required all motions for summary judgment, memos in support, and opposing affidavits to comply with and be served within the time limits in the district court rules.

Digest of Bill as Proposed by Conference Committee

Same as finally passed by the House except it requires all motions for summary judgment, memos in support, and opposing affidavits to comply with and be served within the time limits in the district court rules.