

Prior law provided time limitations in which motions for summary judgment, memos in support, and opposing affidavits must be served.

New law 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.

Existing 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.

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

New 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.

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

Effective August 15, 2010.

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