

2018 Regular Session

HOUSE BILL NO. 550

BY REPRESENTATIVE MAGEE

CIVIL/DISCOVERY: Provides relative to the delays for responding to discovery requests in certain proceedings

1 AN ACT

2 To amend and reenact Code of Civil Procedure Articles 1458 and 1462(B), relative to delays  
3 for responding to written discovery requests; to provide relative to delays for  
4 answering interrogatories in family law matters; to provide relative to delays for  
5 answering requests for production of documents in family law matters; and to  
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Civil Procedure Articles 1458 and 1462(B) are hereby amended  
9 and reenacted to read as follows:

10 Art. 1458. Interrogatories to parties; procedures for use

11 A. Each interrogatory shall be answered separately and fully in writing under  
12 oath, unless it is objected to, in which event the reasons for objection shall be stated  
13 in lieu of an answer. The written answer or reasons for objection to each  
14 interrogatory shall immediately follow a restatement of the interrogatory to which  
15 the answer or objection is responding. The answers are to be signed by the person  
16 making them. When interrogatories are served on a specific party, that party shall  
17 verify he has read and confirmed the answers and objections. The party upon whom  
18 the interrogatories have been served shall serve a copy of the answers, and objections  
19 if any, within thirty days after the service of the interrogatories, except as set forth  
20 in Paragraph B of this Article. The court may allow a shorter or longer time. The

1 party submitting the interrogatories may move for an order under Article 1469 with  
2 respect to any objection to or other failure to answer an interrogatory.

3 B. The delay for serving a copy of the answers to interrogatories in family  
4 law cases, including divorce, custody, spousal and child support, community  
5 property, and matters incidental to family law proceedings, shall be fifteen days after  
6 service of the discovery, unless the interrogatories are served with an original  
7 petition, in which case the party who has been served shall have thirty days from the  
8 date of service to serve a copy of the answers to interrogatories.

9 \* \* \*

10 Art. 1462. Production of documents and things; entry upon land; procedure

11 \* \* \*

12 B.(1) The party upon whom the request is served shall serve a written  
13 response within thirty days after service of the request, except as set forth in  
14 Subparagraph (2) of this Paragraph. The court may allow a shorter or longer time.  
15 With respect to each item or category, the response shall state that inspection and  
16 related activities will be permitted as requested, unless the request is objected to, in  
17 which event the reasons for objection shall be stated. If objection is made to part of  
18 an item or category, the part shall be specified. The written answer or reasons for  
19 objection to each request for production of documents shall immediately follow a  
20 restatement of the request for production of documents to which the answer or  
21 objection is responding. The party submitting the request may move for an order  
22 under Article 1469 with respect to any objection to or other failure to respond to the  
23 request, or any part thereof, or any failure to permit inspection as requested. If  
24 objection is made to the requested form or forms for producing information,  
25 including electronically stored information, or if no form was specified in the  
26 request, the responding party shall state in its response the form or forms it intends  
27 to use.

28 (2) The delay for serving a copy of the responses to requests in family law  
29 cases, including divorce, custody, spousal and child support, community property,

1        and matters incidental to family law proceedings, shall be fifteen days after service  
 2        of the discovery, unless the request is served with an original petition, in which case  
 3        the party who has been served shall have thirty days from the date of service to serve  
 4        a copy of the answers to the request.

5                ~~(2)~~(3) A party need not provide discovery of electronically stored  
 6        information from sources that the party identifies as not reasonably accessible  
 7        because of undue burden or cost. On motion to compel discovery or for a protective  
 8        order, the party from whom discovery is sought shall show that the information is not  
 9        reasonably accessible because of undue burden or cost. If that showing is made, the  
 10       court may nonetheless order discovery from such sources if the requesting party  
 11       shows good cause. The court may specify conditions for the discovery considering  
 12       the criteria and limitations of Article 1426.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 550 Original

2018 Regular Session

Magee

**Abstract:** Reduces the time delay to respond to written discovery requests in family law matters from 30 days to 15 days.

Present law requires that a party respond to written interrogatories and requests for production of documents within 30 days of service of the written discovery requests.

Proposed law reduces the time delay to respond to written interrogatories from 30 days to 15 days in family law matters, including divorce, custody, support, community property, and incidental matters.

(Amends C.C.P. Arts. 1458 and 1462(B))