

2024 Regular Session

SENATE BILL NO. 84

BY SENATOR SEABAUGH

CIVIL PROCEDURE. Provides for motion for judgment on offer of judgment. (8/1/24)

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AN ACT

To amend and reenact Code of Civil Procedure Art. 970, relative to motions for judgment on offer of judgment; to provide for costs and attorney fees; to provide relative to parties; to provide for certain terms, conditions, and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Art. 970 is hereby amended and reenacted to read as follows:

Art. 970. Motion for judgment on offer of judgment

A. At any time more than twenty days before the time specified for the trial of the matter, without any admission of liability, ~~any party~~ **any defendant** may serve upon ~~an adverse party~~ **any plaintiff** an offer of judgment for the purpose of settling all of the claims between them. The offer of judgment shall be in writing and state that it is made under this Article; specify the total amount of money of the settlement offer; and specify whether that amount is inclusive or exclusive of costs, interest, attorney fees, and any other amount which may be awarded pursuant to statute or rule. Unless accepted, an offer of judgment shall remain confidential between the



adverse party" is "any plaintiff".

Present law provides that if the final judgment obtained by the plaintiff-offeree is at least 25% less than the amount of the offer of judgment made by the defendant-offeror or if the final judgment obtained against the defendant-offeree is at least 25% greater than the amount of the offer of judgment made by the plaintiff-offeror, the offeree must pay the offeror's costs, exclusive of attorney fees, incurred after the offer was made, as fixed by the court.

Proposed law provides that if the final judgment obtained by the plaintiff-offeree is at least 25% less than the amount of the offer of judgment made by the defendant-offeror or if the final judgment is in favor of the defendant, the offeree must pay the offeror's costs and attorney fees incurred after the offer was made, as fixed by the court.

Present law provides that the fact that an offer is made but not accepted does not preclude a subsequent offer or a counter offer. When the liability of one party to another has been determined by verdict, order, or judgment, but the amount or extent of the damages remains to be determined by future proceedings, either party may make an offer of judgment, which shall have the same effect as an offer made before trial if it is served within a reasonable time not less than 30 days before the start of hearings to determine the amount or extent of damages.

Proposed law retains present law but changes "either party" to "any defendant".

Effective August 1, 2024.

(Amends C.C.P. Art. 970)