

SENATE BILL NO. 84

BY SENATOR SEABAUGH

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AN ACT

To amend and reenact Code of Civil Procedure Art. 970(A) and (C), 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(A) and (C), are hereby amended and reenacted to read as follows:

Art. 970. Motion for judgment on offer of judgment

A. ~~At any time more than~~ **After an opportunity for adequate discovery, but not less than** twenty days before the time specified for the trial of the matter, without any admission of liability, any party may serve upon an adverse party 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 offeror and offeree. If the adverse party, within ten days after service, serves written notice that the offer is accepted, either party may move for judgment on the offer. The court shall grant such judgment on the motion of either party.

* * *

C. If the final judgment obtained by the plaintiff-offeree is at least twenty-five percent 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

1 at least twenty-five percent greater than the amount of the offer of judgment made
2 by the plaintiff-offeror, or if the final judgment is in favor of the defendant-
3 offeror, the offeree must pay the offeror's costs, exclusive of attorney fees, incurred
4 after the offer was made, as fixed by the court.

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PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____