

RÉSUMÉ DIGEST

ACT 502 (SB 84)

2024 Regular Session

Seabaugh

Existing law (C.C.P. Art. 970) provides at any time more than 20 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.

Existing law provides that the offer of judgment shall be in writing and state that it is made pursuant to existing law, 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.

Existing law provides that unless accepted, an offer of judgment shall remain confidential between the offeror and offeree.

Existing law provides that if the adverse party, within 10 days after service, serves written notice that the offer is accepted, either party may move for judgment on the offer. Existing law further provides that the court shall grant such judgment on the motion of either party.

New law changes existing law to provide that a party may serve upon an adverse party an offer of judgment after an opportunity for adequate discovery, but not less than 20 days before the time specified for trial.

Existing 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.

New 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, or if the final judgment is in favor of the defendant-offeror, the offeree must pay the offeror's costs, exclusive of attorney fees, incurred after the offer was made, as fixed by the court.

Effective August 1, 2024.

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