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HOUSE FLOOR AMENDMENTS

2026 Regular Session

Amendments proposed by Representative Muscarello to Engrossed House Bill No. 142 by Representative Muscarello

1 AMENDMENT NO. 1

2 On page 4, delete lines 4 through 25 in their entirety and insert:

3 "D. If the mover's affidavit certifies that any pleadings, documents, or
4 judgments have been filed in the record during the three years preceding the
5 expiration of the abandonment period or that there has been written communication
6 pertaining to the action between the mover and any adverse party or their attorneys
7 of record during the one year preceding the expiration of the abandonment period,
8 the court shall either sign the judgment of dismissal ex parte or set the motion to
9 dismiss for a contradictory hearing.

10 E. The sheriff shall serve the ex parte judgment of dismissal in accordance
11 with Article 1314 and shall execute a return pursuant to Article 1292.

12 F. If an ex parte judgment of dismissal is granted, a motion to set aside the
13 dismissal may be filed within thirty days after the date of the sheriff's service of the
14 judgment of dismissal. At the hearing to set aside the dismissal, the burden of proof
15 rests with the mover of the original motion to dismiss based on abandonment. If the
16 trial court denies a timely motion to set aside the dismissal, the clerk of court shall
17 send notice of the order of denial pursuant to Article 1913(A) and shall file a
18 certificate pursuant to Article 1913(D).

19 G.(1) An appeal of a judgment of dismissal rendered ex parte may be taken
20 within sixty days after the date of the sheriff's service of the judgment of dismissal
21 pursuant to Paragraph E of this Article.

22 (2) An appeal of a judgment of dismissal rendered after a contradictory
23 hearing may be taken within sixty days after the clerk's transmission of that
24 judgment."