

2026 Regular Session

HOUSE BILL NO. 142

BY REPRESENTATIVE MUSCARELLO

(On Recommendation of the Louisiana State Law Institute)

CIVIL/PROCEDURE: Provides for the continuous revision of the Code of Civil Procedure

1 AN ACT
2 To amend and reenact Code of Civil Procedure Articles 561, 1426(A)(introductory
3 paragraph), (B), and (C), 1572, 1702(C), 1841, 1914(E), 2083(B), 2126, 2128,
4 2166(F), 2167(D), and 4922 and R.S. 13:319 and 5206, to enact Code of Civil
5 Procedure Article 2083(D), and to repeal Code of Civil Procedure Article
6 1425(F)(5), relative to civil procedure; to provide for continuous revisions to the
7 Code of Civil Procedure and related provisions of the Revised Statutes; to provide
8 with respect to abandonment; to provide for motions to quash; to provide for notice
9 of trial; to provide with respect to default judgments; to provide with respect to
10 interlocutory, final, and partial final judgments; to provide with respect to payment
11 of costs and designation of the record on appeal; to provide with respect to
12 transmission of notice; to provide for the assignment and allotment of writs and
13 appeals; to provide with respect to the jurisdiction of small claims; to provide for
14 Comments; and to provide for related matters.

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. Code of Civil Procedure Articles 561, 1426(A)(introductory paragraph),
17 (B), and (C), 1572, 1702(C), 1841, 1914(E), 2083(B), 2126, 2128, 2166(F), 2167(D), and
18 4922 are hereby amended and reenacted and Code of Civil Procedure Article 2083(D) is
19 hereby enacted to read as follows:

1 Art. 561. Abandonment in trial and appellate court

2 A.(1) An action is abandoned when the parties fail to take any step in its
3 prosecution or defense in the trial court for a period of three years; ~~unless it is a~~
4 ~~succession proceeding:~~

5 ~~(a) Which has been opened;~~

6 ~~(b) In which an administrator or executor has been appointed; or~~

7 ~~(c) In which a testament has been probated.~~

8 (2) This ~~provision~~ Article shall be operative without formal order, ~~but, on ex~~
9 ~~parte motion of any party or other interested person by affidavit that states that no~~
10 ~~step has been timely taken in the prosecution or defense of the action, the trial court~~
11 ~~shall enter a formal order of dismissal as of the date of its abandonment. The sheriff~~
12 ~~shall serve the order in the manner provided in Article 1314 and shall execute a~~
13 ~~return pursuant to Article 1292. A step in the prosecution or defense in the trial court~~
14 ~~shall interrupt the abandonment period. After the three-year abandonment period has~~
15 ~~expired, the defendant may renounce the defense of abandonment.~~

16 (3) ~~A motion to set aside a dismissal may be made only within thirty days~~
17 ~~of the date of the sheriff's service of the order of dismissal. If the trial court denies~~
18 ~~a timely motion to set aside the dismissal, the clerk of court shall give notice of the~~
19 ~~order of denial pursuant to Article 1913(A) and shall file a certificate pursuant to~~
20 ~~Article 1913(D): Any formal discovery authorized by this Code, whether or not filed~~
21 ~~of record, including the taking of a deposition with or without formal notice,~~
22 ~~constitutes a step in the prosecution or defense of an action against all parties on~~
23 ~~whom the discovery was served or who were in attendance or represented at the~~
24 ~~deposition.~~

25 (4) ~~An appeal of an order of dismissal may be taken only within sixty days~~
26 ~~of the date of the sheriff's service of the order of dismissal. An appeal of an order of~~
27 ~~denial may be taken only within sixty days of the date of the clerk's mailing of the~~
28 ~~order of denial.~~

1 B.(1) ~~Any formal discovery as authorized by this Code and served on all~~
2 ~~parties whether or not filed of record, including the taking of a deposition with or~~
3 ~~without formal notice, shall be deemed to be a step in the prosecution or defense of~~
4 ~~an action.~~ Any party or other interested person may file an ex parte motion to dismiss
5 based on abandonment and shall attach to the motion to dismiss an affidavit of the
6 mover or the mover's attorney of record certifying all of the following:

7 (a) The three-year abandonment period has expired.

8 (b) No timely step in the prosecution or defense of the action has been taken
9 in accordance with Subparagraph (A)(2) or (3) of this Article.

10 (c) No renunciation has occurred in accordance with Subparagraph (A)(2)
11 of this Article.

12 (2) The affidavit shall also include a list of all pleadings, documents, or
13 judgments that have been filed in the record during the three years preceding the date
14 on which the mover claims that the abandonment period expired. The mover shall
15 also list and attach all written communication pertaining to the action between the
16 mover and any adverse party or their attorneys of record in the one year preceding
17 the date on which the mover claims that the abandonment period expired.

18 C. The court shall enter an ex parte judgment of dismissal without prejudice
19 as of the date of the abandonment of the action if the record confirms and the
20 mover's accompanying affidavit attests to all of the following:

21 (1) The three-year abandonment period has expired.

22 (2) No timely step in the prosecution or defense of an action has been taken
23 in accordance with Subparagraph (A)(2) or (3) of this Article.

24 (3) The defendant has not renounced the defense of abandonment in
25 accordance with Subparagraph (A)(2) of this Article.

26 (4) No pleadings, documents, or judgments have been filed in the record
27 during the three years immediately preceding the expiration of the abandonment
28 period.

1 (5) There has been no written communication pertaining to the action
2 between the mover and any adverse party or their attorneys of record during the last
3 year of the abandonment period.

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

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

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

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

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

26 (3) An appeal of a denial of the motion to set aside a dismissal filed pursuant
27 to Paragraph F of this Article may be taken within sixty days after the clerk's
28 transmission of the order of denial.

€ H. An appeal is abandoned when the parties fail to take any step in its prosecution or disposition for the period provided in the rules of the appellate court.

I. The granting of a motion to set aside a judgment of dismissal based on abandonment and the reversal of a judgment of dismissal on appeal shall each constitute a step in the prosecution or defense of an action.

J. For the purposes of this Article, "transmission" means the sending of
notice via the United States Postal Service, a commercial courier, or electronic mail.

K. This Article does not apply to succession proceedings.

Comments – 2026

(a) The amendments to Subparagraph (A)(2) of this Article retain the rule that abandonment is operative without formal order. The amendments also adopt current jurisprudential rules providing that a step in the prosecution or defense of an action interrupts the three-year abandonment period and that, after the three-year abandonment period has expired, the defendant may renounce the defense of abandonment. See *Foundation Elevation & Repair, LLC v. Miller*, 408 So. 3d 893 (La. 2025).

(b) Subparagraph (B)(1) of this Article is new and requires that a more detailed affidavit be included with the ex parte motion to dismiss based on abandonment.

(c) Paragraph C of this Article now requires the court to sign an ex parte judgment of dismissal without prejudice if the mover's affidavit attests to all of the following: the abandonment period has expired; no timely step in the prosecution or defense of the action has occurred; the defendant has not renounced the defense of abandonment; no pleadings, documents, or judgments have been filed in the record during the three years immediately preceding the expiration of the abandonment period; and there has been no written communication pertaining to the action between the mover and any adverse party or their attorneys of record during the year preceding the expiration of the abandonment period.

(d) Paragraph D of this Article is new and requires the court to either sign a judgment of dismissal *ex parte* or set the motion to dismiss for a contradictory hearing if the mover's affidavit indicates that pleadings, documents, or judgments have been filed in the record during the three-year abandonment period or that there has been written communication pertaining to the action between the mover and any adverse party or their attorneys of record during the year immediately preceding the expiration of the abandonment period.

(e) Paragraph F of this Article establishes a new rule that the burden of proof at a hearing on a motion to set aside a dismissal rests upon the mover of the initial motion to dismiss based on abandonment.

* * *

Art. 1426. Protective orders; motions to quash

A. Upon motion by a party or by the person from whom discovery is sought or to whom a subpoena is issued, and for good cause shown, the court in which the action is pending or alternatively, on matters relating to a deposition or subpoena, the

1 court in the district where the deposition is to be taken or by which the subpoena is
2 issued may make any order ~~which that~~ justice requires to protect a party or person
3 from annoyance, embarrassment, oppression, or undue burden or expense, including
4 one or more of the following:

5 * * *

6 B. If the motion for a protective order or a motion to quash is denied in
7 whole or in part, the court may, on ~~such~~ terms and conditions as are just, order that
8 any party or person provide or permit discovery. The provisions of Article 1469
9 apply to the award of expenses incurred in relation to the motion.

10 C. No provision of this Article authorizes a court to issue a protective order
11 or grant a motion to quash preventing or limiting discovery or ordering records
12 sealed if the information or material sought to be protected relates to a public hazard
13 or relates to information ~~which that~~ may be useful to members of the public in
14 protecting themselves from injury that might result from ~~such the~~ public hazard,
15 unless ~~such the~~ information or material sought to be protected is a trade secret or
16 other confidential research, development, or commercial information.

17 * * *

18 Art. 1572. ~~Written request for notice~~ Notice of trial

19 The clerk shall give written notice of the date of the trial ~~whenever a written~~
20 ~~request therefor is filed in the record or is made by registered mail by a party or to~~
21 all counsel of record, or if there is no counsel of record, to a self-represented party.

22 This notice shall be sent in accordance with Article 1313(A)(4) or mailed by the
23 clerk, by certified mail, properly stamped and addressed, at least ten days before the
24 date fixed for the trial. The provisions of this ~~article~~ Article may be waived in
25 writing or on the record by ~~all counsel of record at a pre-trial conference~~ a party or
26 the party's attorney.

27 Comments - 2026

28 The amendment to this Article removes the requirement that a party must
29 submit a written request to receive notice of trial. The clerk of court must now
30 provide notice of trial to all counsel of record, or if there is no counsel of record, to
31 a self-represented party. The notice must be sent either by electronic means in

1 accordance with the requirements of Article 1313(A)(4) or by certified mail. The
2 amendment also provides that any waiver of notice of trial must be in writing or on
3 the record.

4 * * *

5 Art. 1702. Default judgment

6 * * *

7 C. In those proceedings in which the sum due is on an open account or a
8 promissory note, other negotiable instrument, or other conventional obligation, or a
9 deficiency judgment derived therefrom, including those proceedings in which one
10 or more mortgages, pledges, or other security for the open account, promissory note,
11 negotiable instrument, conventional obligation, or deficiency judgment derived
12 therefrom is sought to be enforced, maintained, or recognized, or in which the
13 amount sought is that authorized by R.S. 9:2782 for a check dishonored for
14 nonsufficient funds, a hearing in open court shall not be required unless the ~~judge~~
15 court, in ~~his~~ its discretion, directs that ~~such a~~ the hearing be held. The plaintiff shall
16 submit to the clerk of court the proof required by law and the ~~original and not less~~
17 ~~than one copy of the~~ proposed default judgment. The ~~judge~~ court shall, within
18 seventy-two hours ~~of~~ after receipt of ~~such~~ the submission from the clerk of court,
19 sign the proposed default judgment or direct that a hearing be held. ~~The~~ Before the
20 default judgment is signed, the clerk of court shall certify that no answer or other
21 pleading has been filed by the defendant. The minute clerk shall make an entry
22 showing the dates of receipt of proof, review of the record, and rendition of the
23 default judgment. A certified copy of the signed default judgment shall be sent to the
24 plaintiff by the clerk of court, and notice of the signing of the default judgment shall
25 be given ~~as provided~~ in accordance with Article 1913.

26 * * *

27 Art. 1841. Judgments; ~~interlocutory and final~~

28 A. A judgment is the determination of the rights of the parties in an action
29 and may award any relief to which the parties are entitled. It may be interlocutory
30 or final.

B.(1) A judgment that does not determine the merits but only preliminary matters in the course of the action is an interlocutory judgment determines the merits in whole is a final judgment.

(2) A judgment that determines the merits ~~in whole or in part~~ is ~~may be~~ a
partial final judgment in accordance with Article 1915(A) or an interlocutory
judgment in accordance with Article 1915(C).

7 C. A judgment that does not determine the merits but determines only
8 preliminary matters in the course of the action is an interlocutory judgment.

9 Comments - 2026

10 This amendment seeks to clarify the law. Article 1915(A) provides for
11 partial final judgments that are appealable. Article 1915(C) provides for partial
12 judgments that are interlocutory judgments. Article 2083 provides that a partial final
13 judgment and an interlocutory judgment are appealable only when expressly
14 provided by law.

15 * * *

16 Art. 1914. Interlocutory judgments; notice; delay for further action

17 * * *

E. The provisions of this Article do not apply to ~~an interlocutory injunctive order or judgment~~ the certification or denial of a certification of a class action in accordance with Article 592(A)(3)(c) or appealable orders or judgments granting or denying a preliminary injunction in accordance with Article 3612.

22 Comments - 2026

23 This amendment clarifies the law. Articles 592(A)(3)(c) and 3612 provide
24 for interlocutory orders and judgments from which an appeal may be taken as a
25 matter of right. Thus, the notice requirements set forth in this Article are not
26 applicable. Rather, the required notice should satisfy the provisions of Article 1913.
27 This is consistent with Article 2083 providing that an interlocutory judgment is
28 appealable only when expressly provided by law.

29 * * *

30 Art. 2083. Judgments appealable

31 * * *

~~B. In reviewing a judgment reformed in accordance with a remittitur or additur, the court shall consider the reasonableness of the underlying jury verdict.~~

* * *

Comments - 2026

* * *

C. If the parties have designated the record on appeal pursuant to Article 2128, the clerk shall transmit a revised notice of the estimated costs to the appellant and appellee. The appellant shall, within twenty days after transmission of the revised notice of estimated costs, pay the amount of the estimated costs to the clerk.

The trial court may grant one extension of the period for paying the amount of the

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 revised estimated costs for not more than an additional twenty days upon written
2 motion showing good cause for the extension.

3 D. The appellant may question the excessiveness of the estimated costs by
4 filing a written ~~application~~ motion for reduction in the trial court within the first
5 twenty-day time limit, ~~and the~~ if the record has not been designated pursuant to
6 Article 2128, or within twenty days after transmission of the revised notice of
7 estimated costs if the record has been designated pursuant to Article 2128. The trial
8 court may order reduction of the estimate upon proper showing. If an application the
9 motion for reduction has been timely filed, the appellant shall have twenty days to
10 pay the costs beginning from the date of the action by the trial court on ~~application~~
11 the motion for reduction.

12 ~~D.~~ E. After the preparation of the record on appeal has been completed, the
13 clerk of the trial court shall, as the situation may require, either refund to the
14 appellant the difference between the estimated costs and the actual costs, if the
15 estimated costs exceed the actual costs, or ~~send a~~ transmit notice ~~by certified mail~~ to
16 the appellant of the amount of additional costs due, if the actual costs exceed the
17 estimated costs. If the payment of additional costs is required, the appellant shall pay
18 the amount of additional costs within twenty days ~~of the mailing~~ after transmission
19 of the notice.

20 ~~E.~~ F. If the appellant fails to pay the estimated costs, or the difference
21 between the estimated costs and the actual costs, within the time specified, the trial
22 judge, on his own motion or upon motion by the clerk or by any party, and after a
23 hearing, shall do one of the following:

24 (1) Enter a formal order of dismissal of the appeal on the grounds of
25 abandonment, ~~or~~.

26 (2) Grant a ~~ten-day~~ ten-day period within which costs ~~must~~ shall be paid in
27 full, in default of which the appeal is dismissed as abandoned.

1 F. G. If the appellant pays the costs required by this Article, the appeal ~~may~~
2 shall not be dismissed because of the passage of the return day without an extension
3 being obtained or because of an untimely lodging of the record on appeal.

4 H. For the purposes of this Article, "transmit" means the sending of notice
5 via certified mail, electronic mail to the email address designated by counsel or the
6 party, or commercial courier. The sending of notice by electronic means is complete
7 upon transmission, provided that the sender receives an electronic confirmation of
8 delivery.

9 Comments – 2026

10 Requirements relative to the transmission of the notice for the payment of
11 estimated costs are adapted from the service requirements set forth in Article
12 1313(C) applicable to pleadings and orders that set a court date and from Article
13 2166(F) defining "transmission of notice" with respect to the appellate court.

14 * * *

15 Art. 2128. Same; determination of content

16 The form and content of the record on appeal shall be in accordance with the
17 rules of the appellate court, except as provided in the ~~constitution~~ Constitution of
18 Louisiana and as provided in Article 2128.1. ~~However, within three days, exclusive~~
19 ~~of holidays, after taking the appeal~~ Within ten days after transmission of the notices
20 of estimated costs by the clerk of court as provided in Article 2126, however, the
21 appellant may designate in a writing by written notice filed with the trial court ~~such~~
22 the portions of the record which he that the appellant desires to constitute the record
23 on appeal. Within ~~five~~ fourteen days, ~~exclusive of holidays,~~ after service of a copy
24 of this designation on the other party, that party may also designate ~~in a writing by~~
25 written notice filed with the trial court ~~such~~ other portions of the record as ~~he~~ the
26 party considers necessary. In ~~such~~ those cases, the clerk shall prepare the record on
27 appeal as so directed, but a party or the trial court may cause to be filed thereafter
28 any omitted portion of the record as a supplemental record. When no designation is
29 made, the record shall be a transcript of all of the proceedings as well as all
30 documents filed in the trial court.

31 * * *

1 Art. 2166. Court of appeal judgment rehearing; finality; stay

2 * * *

3 F. For the purposes of this Article, "transmission of the notice" means the
4 sending of the notice via the United States Postal Service; or electronic mail, ~~or~~
5 ~~facsimile.~~

6 * * *

7 Art. 2167. Supreme court judgment rehearing; finality; stay

8 * * *

9 D. For the purposes of this Article, "transmission of the notice" means the
10 sending of the notice via the United States Postal Service; or electronic mail, ~~or~~
11 ~~facsimile.~~

12 * * *

13 Art. 4922. Notice of judgment; justice of the peace courts; district courts with
14 concurrent jurisdiction

15 Notice of the signing of any final judgment shall be given ~~as required by~~ in
16 accordance with Article 1913, ~~except that if the party is personally served with the~~
17 ~~judgment in open court, no further notice shall be required.~~

18 Comments - 2026

19 This amendment does not change the law. Article 1913 was previously
20 amended to provide that delivery of the signed judgment in open court shall
21 constitute notice of judgment and shall be documented in the record of the
22 proceeding.

23 Section 2. R.S. 13:319 and 5206 are hereby amended and reenacted to read as
24 follows:

25 §319. Assignment and allotment of cases

26 Each civil and criminal appeal and each application for writs shall be
27 randomly assigned by the clerk, subject to the direct supervision of the court. Except
28 for good cause shown, all writs and appeals from contemporaneously rendered orders
29 or judgments from a lower court in the same action or consolidated cases shall be
30 assigned to the same randomly selected panel.

Comments - 2026

This amendment permits the clerk of the court of appeal to assign writs and appeals in accordance with procedures that were commonly used prior to the 2018 amendment of this Section, thus preventing duplicative adjudication of identical issues derived from the same action. See also Code of Civil Procedure Article 2164.1.

* * *

§5206. Reconventional demand beyond jurisdiction; filing in court of competent jurisdiction; transfer of proceedings from small claims division

A. If a defendant in a small claims action ~~shall have~~ has a claim against the plaintiff in ~~such the~~ the action for an amount over the jurisdiction of the small claims division as set forth in R.S. 13:5202(A), but of a nature ~~which that~~ that may be asserted by a reconventional demand as authorized by Code of Civil Procedure Article 1061 ~~of the Louisiana Code of Civil Procedure~~, the defendant may assert ~~his the~~ the claim in the manner provided by this Section; in order to secure consolidation for trial of the small claims action with ~~his the defendant's~~ the defendant's own claim.

B. At any time prior to trial in the small claims action, the defendant ~~therein~~ may commence an action against the plaintiff in a court of competent jurisdiction to assert a claim of the nature set forth by ~~R.S. 13:5206(A)~~; Subsection A of this Section and file an affidavit that the reconventional demand is in excess of ~~three~~ five thousand dollars with the judge of the small claims division in which the plaintiff has commenced the small claims action.

C. The defendant shall attach to the affidavit a true copy of ~~his petition or the~~ defendant's reconventional demand ~~so~~ filed and shall pay the clerk of the small claims division a transmittal fee of ten dollars, in addition to the prescribed court costs for filing the reconventional demand, furnishing a copy of the affidavit and pleading to the plaintiff.

D. The judge of the small claims division shall order that the small claims division action be transferred to the ordinary docket of the court set forth in ~~said the~~ the affidavit; and ~~he~~ shall transmit to ~~such that~~ that court, (if it is other than the court of the

small claims division), copies of the citation and any pleadings in the small claims action, ~~and the~~. The actions shall then be consolidated for trial in ~~such~~ the other docket or court.

E. The plaintiff in the small claims action shall not be required to pay to the clerk of the court to which the action is so transferred any transmittal, appearance, or filing fee; ~~although~~, but upon adverse judgment, ~~he~~ the plaintiff may be taxed with costs as in the case of any other defendant.

Section 3. Code of Civil Procedure Article 1425(F)(5) is hereby repealed in its entirety.

Section 4. The Louisiana State Law Institute is hereby directed to print the following Comment to Code of Civil Procedure Article 1425:

Art. 1425. Experts; pretrial disclosures; scope of discovery

* * *

Comments - 2026

A ruling allowing or excluding an expert or an expert's report due to the expert's lack of qualifications or use of unreliable methodologies is an interlocutory order that is not appealable in accordance with Article 2083.

Section 5. The provisions of Code of Civil Procedure Article 561 as amended by Section 1 of this Act shall have prospective application only and shall apply to motions to dismiss based on abandonment filed on or after the effective date of this Act.

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)]

HB 142 Reengrossed

2026 Regular Session

Muscarello

Abstract: Provides for continuous revisions relative to civil procedure with respect to abandonment of actions, matters on appeal, default judgments, and certain costs.

Present law (C.C.P. Art. 561) provides for the abandonment of an action in trial or appellate court.

Proposed law retains present law and requires a more detailed affidavit to be attached to the ex parte motion to dismiss based on abandonment, requires the court to sign an ex parte judgment of dismissal without prejudice if the mover's affidavit attests to the provisions of proposed law, and requires the court to either sign a judgment of dismissal ex parte or set the motion to dismiss for a contradictory hearing if the mover's affidavit indicates there were

steps in the furthering of a prosecution or defense of an action prior to the abandonment period expiring pursuant to proposed law.

Proposed law also establishes that the burden of proof at a hearing on a motion to set aside a dismissal rests upon the mover of the initial motion to dismiss based on abandonment.

Present law (C.C.P. Art. 1425(F)(5)) provides that a ruling allowing or excluding an expert or an expert's report due to the expert's lack of qualifications or use of unreliable methodologies is subject to appellate review.

Proposed law repeals present law.

Present law (C.C.P. Art. 1426) provides for protective orders.

Proposed law retains present law but adds that the court may grant a motion to quash in whole or in part with respect to a subpoena.

Present law (C.C.P. Art. 1572) provides for written request for notice of trial.

Proposed law changes present law by removing the requirement that to receive notice of trial, a party must submit a written request.

Proposed law further requires the clerk of court to send notice to attorneys and self-represented parties and permits the notice to be sent by electronic means.

Proposed law further requires that waiver of notice be in writing or on the record.

Present law (C.C.P. Art. 1702(C)) provides for default judgments.

Proposed law generally retains present law but requires that before the default judgment is signed, the clerk of court certifies there is no answer or other pleading filed by the defendant.

Present law (C.C.P. Art. 1841) provides for interlocutory and final judgments.

Proposed law retains present law but clarifies that a judgment that determines the merits in part may be a partial final judgment or an interlocutory judgment.

Present law (C.C.P. Art. 1914(E)) provides for interlocutory judgments.

Proposed law clarifies present law and provides that present law does not apply to the certification or denial of a certification of a class action or appealable orders or judgments granting or denying a preliminary injunction.

Present law (C.C.P. Art. 2083) provides for appealable judgments.

Proposed law retains present law but adds that a partial final judgment is appealable only when expressly provided by law.

Present law (C.C.P. Art. 2126) provides for the payment of costs in appellate proceedings.

Proposed law defines "transmit" and requires that if the parties have not designated the record on appeal pursuant to present law, the clerk shall transmit a revised notice of the estimated costs to the appellant and appellee. The appellant is then required to pay the amount of the estimated costs to the clerk within 20 days after transmission of the revised notice of estimated costs.

Proposed law also authorizes the trial court to grant one extension for good cause shown for paying the amount of the revised estimated costs for not more than an additional 20 days.

Present law (C.C.P. Art. 2128) provides for the time delays for transmitting a written notice to the trial court for an appealable record.

Proposed law increases the time for an appellant to designate, in a written notice filed with the trial court, the portion of record appellant to be included in the appeal from three days to 10 days.

Proposed law also increases the time for an appellee to designate, in a written notice filed with the trial court, portions of the record the appellee considers necessary from five days to 14 days.

Present law (C.C.P. Art. 2166) provides for the transmission of a notice in a court of appeal judgment rehearing.

Proposed law removes facsimile as a method of transmitting the notice as authorized by present law.

Present law (C.C.P. Art. 2167) provides for transmission of a notice in a La. Supreme Court judgment rehearing.

Proposed law removes facsimile as a method of transmitting the notice as authorized by present law.

Present law (C.C.P. Art. 4922) provides for notice of judgment.

Proposed law clarifies present law and provides that notice of the signing of any final judgment may be given pursuant to present law (C.C.P. Art. 1913), including delivery in open court.

Present law (R.S. 13:319) provides for the assignment and allotment of cases.

Proposed law retains present law but adds that absent good cause, writs and appeals arising from contemporaneously rendered orders or judgments in the same action or consolidated cases shall be heard by the same randomly assigned panel.

Present law (R.S. 13:5206) provides that the jurisdictional limit of a defendant's reconventional demand in a small claims action is \$3,000.

Proposed law changes present law to provide that the jurisdictional limit of a defendant's reconventional demand in a small claims action is \$5,000.

Proposed law provides for applicability.

(Amends C.C.P. Arts. 561, 1426(A)(intro. para.), (B), and (C), 1572, 1702(C), 1841, 1914(E), 2083(B), 2126, 2128, 2166(F), 2167(D), and 4922 and R.S. 13:319 and 5206; Adds C.C.P. Art. 2083(D); Repeals C.C.P. Art. 1425(F)(5))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Make technical changes.
2. Increase the time for an appellant to designate, in a written notice filed with the trial court, the portion of record to be included in the appeal from three days to 10 days.

3. Increase the time for an appellee to designate, in a written notice filed with the trial court, portions of the record the appellee considers necessary from five days to 14 days.
4. Require the appellant to pay the amount of the estimated costs to the clerk within 20 days after transmission of the revised notice of estimated costs if the parties have not designated the record on appeal and permits extension of payment for not more than 20 days for good cause.
5. Remove facsimile as a method in transmitting a notice for a rehearing in an appellate or La. Supreme Court judgment rehearing.
6. Provide for applicability.
7. Require certain provisions of proposed law to have prospective application.

The House Floor Amendments to the engrossed bill:

1. Make technical corrections.