

RÉSUMÉ DIGEST

ACT 127 (HB 142)

2026 Regular Session

Muscarello

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

New law requires a 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 new 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 new law.

New 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. Further provides that a dismissal for abandonment pursuant to new law in an action to enforce a conventional obligation interrupts applicable liberative prescriptive periods as though the dismissal had not occurred.

Prior law (C.C.P. Art. 1425(F)(5)) provided 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 was subject to appellate review.

New law repeals prior law.

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

New law adds that the court may grant a motion to quash in whole or in part with respect to a subpoena.

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

New law removes the requirement that to receive notice of trial, a party must submit a written request.

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

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

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

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

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

New law clarifies that a judgment that determines the merits in part may be a partial final judgment or an interlocutory judgment.

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

New law provides that existing law does not apply to the certification or denial of a certification of a class action, appealable orders, or judgments granting or denying a preliminary injunction.

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

New law adds that a partial final judgment is appealable only when expressly provided by law.

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

New law defines "transmit" and provides that if the parties have not designated the record on appeal pursuant to existing law, the clerk is required to 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.

New law further 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.

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

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

New law further 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.

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

New law removes facsimile as a method of transmitting the notice as authorized by existing law.

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

New law removes facsimile as a method of transmitting the notice as authorized by existing law.

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

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

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

New law adds that absent good cause, writs and appeals arising from contemporaneously rendered orders or judgments in the same action or consolidated cases are to be heard by the same randomly assigned panel.

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

New law provides that the jurisdictional limit of a defendant's reconventional demand in a small claims action is \$5,000.

New law provides for applicability.

Effective August 1, 2026.

(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))