

Regular Session, 2014

HOUSE BILL NO. 599

BY REPRESENTATIVE ABRAMSON

CIVIL/MOTIONS: Provides relative to motions for summary judgment

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 966(F)(2) and (3), relative to motions  
3 for summary judgment; to provide for documentary evidence to be filed in electronic  
4 format; to provide for time limits within which to serve certain memoranda and  
5 motions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Civil Procedure Article 966(F)(2) and (3) are hereby amended  
8 and reenacted to read as follows:

9 Art. 966. Motion for summary judgment; procedure

10 \* \* \*

11 F.

12 \* \* \*

13 (2) Evidence cited in and attached to the motion for summary judgment or  
14 memorandum filed by an adverse party is deemed admitted for purposes of the  
15 motion for summary judgment unless excluded in response to an objection made in  
16 accordance with Subparagraph (3) of this Paragraph. Only evidence admitted for  
17 purposes of the motion for summary judgment may be considered by the court in its  
18 ruling on the motion. The court may permit documentary evidence to be filed in the  
19 record with the motion or opposition in any electronically stored format authorized  
20 by the local court rules of the district court or approved by the clerk of the district  
21 court for receipt of evidence.

1           (3) Objections to evidence in support of or in opposition to a motion for  
2 summary judgment may be raised in memorandum or written motion to strike stating  
3 the specific grounds therefor. Any such memorandum or written motion to strike  
4 shall be served pursuant to Article 1313 within the time limits provided in District  
5 Court Rule 9.9.

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#### 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)]

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Abramson

HB No. 599

**Abstract:** Provides time limits within which to serve a memorandum or motion to strike objecting to evidence in support of or opposition to a motion for summary judgment and authorizes documentary evidence to be presented in an electronic format in motions for summary judgment.

Present law provides procedure for motions for summary judgment.

Present law provides that evidence cited in or attached to the motion for summary judgment or memorandum filed by an adverse party is deemed admitted unless excluded in response to an objection raised in a memorandum or written motion to strike stating the specific grounds of the objection.

Proposed law retains present law and authorizes the court to permit documentary evidence to be filed in an electronic format authorized by the local rules or the clerk of the district court.

Present law provides that memorandum and affidavits in support of or opposition to the motion for summary judgment shall be served within the time limits provided by District Court Rule 9.9, which provides, in part, that the memorandum in support of the motion for summary judgment shall be served so that it is received by all other parties at least 15 days prior to the hearing, and that the memorandum in opposition shall be served so that it is received by the other parties at least 8 calendar days before the hearing. Rule 9.9 further provides that a reply memorandum shall be served on all other parties so that it is received before 4:00 p.m. on a day that allows one full working day before the hearing.

Proposed law provides that a memorandum or motion to strike objecting to evidence in support of or opposition to a motion for summary judgment shall be served pursuant to Art. 1313 within the time limits provided by District Court Rule 9.9.

(Amends C.C.P. Art. 966(F)(2) and (3))