
DIGEST

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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 eight 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))