
DIGEST

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HB 405 Original

2016 Regular Session

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Abstract: Changes the period within which to file and serve an opposition to a motion for summary judgment from 15 days to 10 days prior to the hearing on the motion.

Present law provides that unless extended by the court and agreed to by all of the parties, a motion for summary judgment shall be filed, opposed, or replied to in accordance with the provisions of present law.

Proposed law removes the requirement that the extension of time be agreed to by all of the parties.

Present law provides that a motion for summary judgment and all documents in support of the motion shall be filed and served on all parties in accordance with C.C.P. Art. 1313 not less than 65 days prior to the trial.

Present law provides that any opposition to the motion and all documents in support of the opposition shall be filed and served in accordance with C.C.P. Art. 1313 not less than 15 days prior to the hearing on the motion.

Proposed law retains present law but changes the period of time within which to file and serve an opposition to the motion from 15 days to 10 days prior to the hearing on the motion.

(Amends C.C.P. Art. 966(B)(intro. para.) and (2))