
DIGEST

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HB 230 Original

2023 Regular Session

Gregory Miller

Abstract: Provides for the continuous revision of the Code of Civil Procedure.

Present law (C.C.P. Art. 531) provides for suits pending in La. courts.

Proposed law retains present law but makes minor semantic changes.

Present law (C.C.P. Art. 561) provides for abandonment in trial and appellate courts.

Proposed law retains present law but repeals outdated provisions relative to abandonment of actions as a result of Hurricanes Katrina and Rita.

Present law (C.C.P. Art. 925) provides for objections raised by declinatory exception.

Proposed law retains present law but removes the court's lack of jurisdiction over the subject matter of the action as a declinatory exception. Proposed law also makes minor semantic changes.

Present law (C.C.P. Art. 927) provides for objections raised by peremptory exception.

Proposed law adds to present law that an objection to the court's lack of jurisdiction over the subject matter of the action is a peremptory exception. Proposed law further provides for the procedure when the objection is raised by the parties or noticed by the trial or appellate court and makes minor semantic changes.

Present law (C.C.P. Art. 963) provides for ex parte and contradictory motions.

Proposed law adds to present law that an unopposed motion is one to which all affected parties have consented and sets forth the procedure for certifying the unopposed motion.

Present law (C.C.P. Art. 1155) provides that the court may permit the filing of a supplemental petition or answer on motion of a party, upon reasonable notice, and upon such terms as are just.

Proposed law changes present law by providing that the mover may file a supplemental petition or answer by written consent of the parties. Proposed law further provides that if the parties do not consent, the court may grant leave to file a supplemental petition or answer upon contradictory motion.

Present law (C.C.P. Art. 1424) provides that a party withholding otherwise discoverable information as trial preparation material subject to protection or privilege shall make that claim expressly and describe the nature of the information not produced or disclosed to enable the other party to assess the applicability of the privilege or protection.

Proposed law retains present law and adds that the party claiming the protection or privilege shall prepare and send to the other parties a privilege log.

Present law (C.C.P. Art. 1702) provides for the procedure to send notice that the plaintiff intends to obtain a default judgment if a party who fails to answer has made an appearance of record in the case or if the party has contacted the plaintiff or the plaintiff's attorney.

Proposed law retains present law and adds that actual delivery of notice shall constitute sufficient notice. Proposed law further adds that no default judgment shall be rendered against the defendant unless proof of the required notice is made under R.S. 13:3205.

Present law (C.C.P. Art. 1810) provides for directed verdicts.

Proposed law corrects the heading of present law.

Present law (C.C.P. Art. 1912) sets forth that a final judgment may be signed in any parish within the state and sent to the clerk of the parish in which the case is pending.

Proposed law changes present law by providing that a final judgment may be signed in any place where the judge is physically located and sent to the clerk of the court in which the case is pending.

Present law (C.C.P. Art. 3603) provides the circumstances that permit the granting of a temporary restraining order without notice.

Proposed law retains present law but adds that the notice shall be sent from the court and makes minor semantic changes.

Present law (R.S. 40:1231.8) provides with respect to medical review panels.

Proposed law retains present law but updates cross-references.

Present law (R.S. 40:1237.2) provides with respect to state medical review panels.

Proposed law retains present law but updates cross-references.

Present law (C.C.P. Art. 5183(A)(3)) requires an application to proceed in forma pauperis to include a recommendation from the clerk of court's office as to whether it feels that the applicant is indigent.

Proposed law repeals present law.

(Amends C.C.P. Arts. 531, 561(A), 925(A)(intro. para.) and (C), 927(A)(intro. para.) and (B), 963, 1155, 1424(C), 1702(A)(2) and (3), 1810(heading), 1912, and 3603(A)(intro. para.) and (2) and R.S. 40:1231.8(B)(2)(a) and 1237.2(B)(2)(a); Adds C.C.P. Arts. 927(A)(8) and 1702(A)(5); Repeals C.C.P. Arts. 925(A)(6) and 5183(A)(3))