

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 196

2023 Regular Session

Brown

CIVIL/PROCEDURE: Provides relative to summary judgment

Synopsis of Senate Amendments

1. Adds authentic acts, private acts duly acknowledged, promissory notes, and assignments thereof as documents that may be filed or referenced in support of or opposition to a motion for summary judgment.

Digest of Bill as Finally Passed by Senate

Present law (C.C.P. Art. 966(A)(4)) sets forth the documents that may be filed in support of or in opposition to a motion for summary judgment.

Proposed law (C.C.P. Art. 966(A)(4)(a)) adds to the documents listed under present law certified copies of public documents or public records, certified copies of insurance policies, authentic acts, private acts duly acknowledged, promissory notes, and assignments of such documents.

Proposed law (C.C.P. Art. 966(A)(4)(b)) provides that any document previously filed into the record in support of or in opposition to the motion for summary judgment may be referenced in the motion or opposition if the party referencing the document furnishes to the court and the opposing party a copy of the document with the pertinent part designated and with the filing information.

Present law (C.C.P. Art. 966(B)(1)-(3)) provides relative to filing, opposing, and replying to motions for summary judgment and requires any motion, opposition, or reply memorandum to be filed and served in accordance with Article 1313.

Proposed law changes present law by requiring that motions for summary judgment, oppositions, and reply memoranda be filed and served electronically in accordance with Article 1313(A)(4).

Proposed law (C.C.P. Art. 966(B)(3)) also clarifies present law relative to the timely filing of reply memoranda.

Proposed law (C.C.P. Art. 966(B)(5)) provides that the granting of a motion for partial summary judgment shall not be reconsidered or revised if the party seeking the reconsideration or revision fails to meet the applicable deadlines set forth in this Article.

Present law (C.C.P. Art. 966(D)(2)) provides that the court shall consider only those documents filed in support of or in opposition to the motion for summary judgment.

Proposed law retains present law but makes semantic changes and adds that the court shall also consider documents that are referenced in support of or in opposition to the motion for summary judgment, with the exception of any document that is excluded pursuant to a timely filed objection.

Proposed law (C.C.P. Art. 966(D)(3)) provides that objections made in accordance with Art. 1425(F) to determine whether an expert is qualified or whether the expert's methodologies are reliable shall be filed, heard, and decided prior to the hearing on the motion for summary judgment.

Present law (C.C.P. Art. 966(G)) provides that when the court grants a motion for summary

judgment, a party or nonparty that is not negligent, is not at fault, or did not cause in whole or in part the injury or harm alleged shall not be considered in any subsequent allocation of fault.

Proposed law retains present law and adds that this provision does not apply if the court's judgment is reversed. Proposed law further specifies that if the judgment is reversed by an appellate court, the reversal is applicable to all parties.

(Amends C.C.P. Art. 966(A)(4), (B)(1), (2), and (3), (D)(2), and (G); Adds C.C.P. Art. 966(B)(5) and (D)(3))