

RÉSUMÉ DIGEST

ACT 317 (HB 196)

2023 Regular Session

Brown

Existing 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.

New law (C.C.P. Art. 966(A)(4)(a)) adds 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 to the documents listed under existing law.

New 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.

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

New law requires that motions for summary judgment, oppositions, and reply memoranda be filed and served electronically in accordance with C.C.P. Art. 1313(A)(4).

New law (C.C.P. Art. 966(B)(3)) also provides relative to the timely filing of reply memoranda.

New 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 new law.

Existing 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.

New law 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.

New law (C.C.P. Art. 966(D)(3)) provides that objections made in accordance with C.C.P. 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.

Existing 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.

New law adds that new law does not apply if the court's judgment is reversed. New law further specifies that if the judgment is reversed by an appellate court, the reversal is applicable to all parties.

Effective August 1, 2023.

(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))