

## RÉSUMÉ DIGEST

**ACT 5 (HB 230)**

**2023 Regular Session**

**Gregory Miller**

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

New law makes minor semantic changes.

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

New law repeals outdated provisions relative to abandonment of actions as a result of Hurricanes Katrina and Rita.

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

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

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

New law adds that an objection to the court's lack of jurisdiction over the subject matter of the action is a peremptory exception. New 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.

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

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

Existing 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.

New law changes existing law by providing that the mover may file a supplemental petition or answer by written consent of the parties. New 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.

Existing 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.

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

Existing 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.

New law adds that actual delivery of notice shall constitute sufficient notice. New 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.

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

New law corrects the heading of existing law.

Existing 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.

New law provides 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.

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

New law adds that the notice shall not be sent from the court and makes minor semantic changes.

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

New law updates cross-references.

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

New law updates cross-references.

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

New law repeals prior law.

Effective August 1, 2023.

(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))