

2025 Regular Session

HOUSE BILL NO. 178

BY REPRESENTATIVE MIKE JOHNSON

(On Recommendation of the Louisiana State Law Institute)

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CIVIL/PROCEDURE: Provides for the continuous revision of the Code of Civil Procedure

1 AN ACT

2 To amend and reenact Civil Code Article 3462 and Code of Civil Procedure Articles

3 74.2(E), 371, 684, 863(F), 927(A)(5), 966(B)(5), 1201(C), 1313(A)(4), 1351, 1551,

4 1702(A)(5), 1811(A)(1), 1911(B), 1913(A), (C), and (D), 1914(B) and (D),

5 1915(A)(1), (4), and (5), (B), and (C), 1974, 2088(A)(11), 2595, 4607, 4873, and

6 5059, to enact Code of Civil Procedure Article 1915(D), and to repeal Code of Civil

7 Procedure Articles 74.2(F), 2088(A)(12), and 3784, relative to civil procedure; to

8 provide for the interruption of prescription; to provide for the imposition of

9 sanctions; to provide with respect to child custody proceedings; to provide with

10 respect to attorney conduct; to provide with respect to interdicts; to provide with

11 respect to objections raised by peremptory exception; to provide with respect to

12 summary judgment procedure; to provide with respect to service of citation; to

13 provide with respect to electronic service; to provide with respect to the issuance of

14 subpoenas; to provide for pretrial and scheduling conference orders; to provide with

15 respect to default judgments; to provide with respect to motions for judgment

16 notwithstanding the verdict; to provide with respect to the signing of final

17 judgments; to provide for notice of judgments; to provide for final, interlocutory, and

18 partial judgments; to provide with respect to delays for applying for new trial; to

19 provide with respect to divesting the trial court of jurisdiction; to provide with

20 respect to the trial of summary proceedings; to provide with respect to partitions by

1 licitation or by private sale; to provide with respect to the procedure to transfer to
2 district court; to provide for the computation of time; to provide for applicability; and
3 to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. Civil Code Article 3462 is hereby amended and reenacted to read as
6 follows:

7 Art. 3462. Interruption by filing of ~~suit~~ action or by service of process
8 ~~Prescription~~ Unless otherwise expressly provided by legislation, prescription
9 is interrupted when ~~the owner commences action against the possessor, or when the~~
10 ~~obligee commences action against the obligor, an action is commenced~~ in a court of
11 competent jurisdiction ~~and venue~~. If an action is commenced in ~~an incompetent~~
12 ~~court, or in an improper venue, a court without competent jurisdiction~~, prescription
13 is interrupted only as to a defendant served by process within the prescriptive period.

14 Revision Comments - 2025

15 This amendment changes the law. The filing of an action in a court of
16 competent jurisdiction will interrupt the prescriptive period even if venue is
17 improper. There are, however, numerous more specific statutes that still require an
18 action to be filed in a court of both competent jurisdiction and proper venue in order
19 to interrupt prescription, including R.S. 9:5604 (professional accounting liability),
20 5605 (legal malpractice), 5606 (professional insurance agent liability), 5607
21 (professional engineer, surveyor, interior designer, architect, and real estate
22 developer liability), and 5608 (action against home inspectors).

23 Section 2. Code of Civil Procedure Article 863(F) is hereby amended and reenacted
24 to read as follows:

25 Art. 863. Signing of pleadings; effect

26 * * *

27 F. A sanction authorized in Paragraph D of this Article shall not be imposed
28 with respect to an original petition ~~which~~ that is filed within sixty days of an
29 applicable prescriptive date and then voluntarily dismissed or transferred to a court
30 of proper venue within ninety days after its filing or on the date of a hearing on the
31 pleading, whichever is earlier.

32 * * *

1 Section 3. Code of Civil Procedure Articles 74.2(E), 371, 684, 927(A)(5), 966(B)(5),
2 1201(C), 1313(A)(4), 1351, 1551, 1702(A)(5), 1811(A)(1), 1911(B), 1913(A), (C), and (D),
3 1914(B) and (D), 1915(A)(1), (4), and (5), (B), and (C), 1974, 2088(A)(11), 2595, 4607,
4 4873, and 5059 are hereby amended and reenacted, and Code of Civil Procedure Article
5 1915(D) is hereby enacted, to read as follows:

6 Art. 74.2. Custody proceedings; support; forum non conveniens

7 * * *

8 E. For the convenience of the parties and the witnesses and in the interest of
9 justice, a court, upon contradictory motion or upon its own motion after notice and
10 hearing, may transfer the custody or support proceeding to another court where the
11 proceeding ~~might~~ may have been brought.

12 * * *

13 Art. 371. Attorney

14 A. An attorney ~~at law~~ is an officer of the court. ~~He~~ An attorney shall
15 ~~conduct himself~~ at all times act with decorum; and in a manner consistent with the
16 dignity and authority of the court and the role ~~which he himself~~ that the attorney
17 should play in the administration of justice.

18 B. ~~He~~ An attorney shall treat the court, its officers, jurors, witnesses, the
19 opposing party, and opposing counsel with due respect; shall not interrupt opposing
20 counsel; or otherwise interfere with or impede the orderly dispatch of judicial
21 business by the court; shall not knowingly encourage or produce false evidence,
22 including evidence that is artificially generated or altered by any means; and shall
23 not knowingly make any misrepresentation; or otherwise impose upon or deceive the
24 court.

25 C. An attorney shall exercise reasonable diligence to verify the authenticity
26 of evidence before offering it to the court. If an attorney knew or should have known
27 through the exercise of reasonable diligence that evidence was false or artificially
28 manipulated, the offering of that evidence without disclosure of that fact shall be
29 considered a violation of this Article.

1 D. For a violation of any of the provisions of this ~~article~~ Article, the attorney
2 ~~at law subjects himself~~ is subject to punishment for contempt of court; and ~~such~~
3 further disciplinary action as is otherwise provided by law.

4 * * *

5 Art. 684. ~~Mental incompetent; interdict~~ Interdict

6 A. ~~A mental incompetent~~ A person fully interdicted or a person whose
7 limited interdiction specifically restricts the procedural capacity to sue does not have
8 the procedural capacity to sue.

9 B. Except as otherwise provided in Articles 4431, 4554, and 4566, the
10 curator is the proper plaintiff to sue to enforce a right of ~~an interdict~~ a person fully
11 interdicted or a person whose limited interdiction specifically restricts the procedural
12 capacity to sue.

13 Comments - 2025

14 This amendment seeks to address an issue raised by the court in Walcott v.
15 Louisiana Department of Health and Valley Services, 341 So. 3d 696 (La. App. 1
16 Cir. 2022), in which the First Circuit held that sustaining an exception of lack of
17 procedural capacity in a civil proceeding against a plaintiff who, in a criminal
18 proceeding, was determined a mental incompetent but was not interdicted would
19 leave the plaintiff with no avenue to pursue a civil claim. Under the amendment to
20 this Article, a person determined in a criminal proceeding to be a mental incompetent
21 has the procedural capacity to file a civil action unless that person is fully interdicted
22 or the person's limited interdiction restricts the capacity to sue. A court may order the
23 full interdiction of a person whose interests cannot be protected by less restrictive
24 means. See Civil Code Article 389. A limited interdiction does not deprive the
25 interdict of the procedural capacity to sue unless the judgment of limited interdiction
26 specifically restricts the ability to sue. See Article 4551 and Civil Code Article 390.

27 * * *

28 Art. 927. Objections raised by peremptory exception

29 A. The objections that may be raised through the peremptory exception
30 include but are not limited to the following:

31 * * *

32 (5) No cause of action, including an objection of no cause of action in part,
33 as to one or more but fewer than all of the claims, demands, issues, or theories
34 against a party, whether in an original demand, reconventional demand, cross-claim,
35 third-party claim, or intervention.

36 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

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Comments - 2025

Subparagraph (A)(5) of this Article was amended to clarify that a partial judgment sustaining an exception raising the objection of no cause of action may be appropriate when two or more actions based on the same operative facts of a single transaction or occurrence are cumulated. This changes the result reached by the Louisiana Supreme Court in *Everything on Wheels Subaru, Inc. v. Subaru South, Inc.*, 616 So. 2d 1234 (La. 1993).

* * *

Art. 966. Motion for summary judgment; procedure

* * *

B. 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 following provisions:

* * *

(5) ~~Notwithstanding Article 1915(B)(2), the~~ The court shall not reconsider or revise the granting of a motion for partial summary judgment on motion of a party who failed to meet the deadlines imposed by this Paragraph, nor shall the court consider any documents filed after those deadlines.

* * *

Art. 1201. Citation; waiver; delay for service

* * *

C. Service of the citation shall be requested on all named defendants within ninety days of commencement of the action. When a supplemental or amended petition is filed naming any additional defendant, service of citation shall be requested within ninety days of its filing, and the additional defendant shall be served with the original petition and the supplemental or amended petition. The defendant may expressly waive the requirements of this Paragraph by any written waiver. The requirement provided by this Paragraph shall be expressly waived by a defendant unless the defendant files, in accordance with the provisions of Article 928, a declinatory exception of insufficiency of service of process specifically alleging the failure to timely request service of citation or a contradictory motion in accordance with Article 1672(C).

* * *

1 Art. 1313. Service by mail, delivery, or electronic means

2 A. Except as otherwise provided by law, every pleading subsequent to the
3 original petition, and every pleading which under an express provision of law may
4 be served as provided in this Article, may be served either by the sheriff or by:

5 * * *

6 (4) Transmitting a copy by electronic means to counsel of record, or if there
7 is no counsel of record, to the adverse party, at the number or addresses expressly
8 designated in a pleading or other writing for receipt of electronic service. Service
9 by electronic means is complete upon transmission but is not effective and shall not
10 be certified if the serving party learns that the transmission did not reach the party
11 to be served. If electronic service cannot be effected in accordance with this
12 Subparagraph, service may be effected in accordance with other provisions of this
13 Paragraph.

14 * * *

15 Comments - 2025

16 The amendment to Subparagraph (A)(4) of this Article clarifies that if service
17 cannot be effected by electronic means, service may be effected in accordance with
18 the other provisions of Paragraph A. See Article 966(B)(1) and (2) providing that a
19 motion for summary judgment, all documents in support of the motion, any
20 opposition to the motion, and all documents in support of the opposition shall be
21 filed and served in accordance with Subparagraph (A)(4) of this Article.

22 * * *

23 Art. 1351. Issuance; form

24 The clerk ~~or judge~~ of the court wherein the action is pending, at the request
25 of the court or a party, shall issue subpoenas for the attendance of witnesses at
26 hearings or trials. A subpoena shall issue under the seal of the court. It shall state
27 the name of the court; and the title of the action; and shall command the attendance
28 of the witness at a time and place specified, until discharged.

29 Comments - 2025

30 The amendment to this Article is not intended to remove the authority of a
31 justice of the peace to issue a summons pursuant to Article 4921.2.

32 * * *

1 Art. 1551. Pretrial and scheduling conference; order

2 A. In any civil action in a district court, the court may, in its discretion,
3 direct the attorneys for the parties to appear before it for conferences that may be
4 conducted in chambers, by telephone, or by video teleconference to consider any of
5 the following:

6 (1) ~~The simplification of the issues, including the elimination of frivolous~~
7 ~~claims or defenses~~ The setting of deadlines for the filing of a motion in accordance
8 with Article 1425(F), motion for summary judgment, motion in limine, and any other
9 pretrial motion.

10 (2) The setting of the trial and the deadline for the filing of any jury bond.

11 (3) The necessity or desirability of, and the deadline for filing, any
12 amendments to the pleadings.

13 (3) ~~What material facts and issues exist without substantial controversy, and~~
14 ~~what material facts and issues are actually and in good faith controverted.~~

15 (4) ~~Proof, stipulations regarding the authenticity of documents, and advance~~
16 ~~rulings from the court on the admissibility of evidence.~~ The simplification of the
17 issues, including stipulations as to material facts, exhibits, and issues that are not
18 disputed, and a determination of the facts, exhibits, and issues to be tried.

19 (5) The authenticity and admissibility of exhibits that a party intends to
20 introduce at trial, including a pretrial ruling on the admissibility of exhibits or the
21 setting of a hearing date as to the admissibility of exhibits.

22 (a) If a party has reasonable suspicion that an opposing party's exhibits are
23 falsified, including having been generated by artificial intelligence or altered by any
24 means, the party shall raise these concerns at the pretrial conference or at a pretrial
25 hearing on the admissibility of the exhibits.

26 (b) If a party knows or has reason to know that its exhibits have been
27 falsified, including having been generated by artificial intelligence or altered by any
28 means, the party shall disclose this fact in accordance with Article 371.

1 ~~(c)~~ Subsubparagraphs (a) and (b) of this Subparagraph shall not apply to
2 demonstrative exhibits.

3 ~~(5)~~ (6) Limitations or restrictions on or regulation of the use of expert
4 testimony under Louisiana pursuant to Code of Evidence Article 702.

5 ~~(6)~~ (7) The control and scheduling of discovery including any issues relating
6 to disclosure or discovery of electronically stored information, and the form or forms
7 in which it should be produced.

8 ~~(7)~~ (8) Any issues relating to claims of privilege or protection of trial
9 preparation material, and whether the court should include agreements between
10 counsel relating to such those issues in an order.

11 ~~(8)~~ (9) The identification of witnesses, documents, and exhibits.

12 ~~(9) The presentation of testimony or other evidence by electronic devices.~~

13 (10) The setting of any trial, motion, or exception hearing by audiovisual
14 means, or the presentation of any evidence or testimony by audiovisual means, in
15 accordance with Article 195.1.

16 ~~(11) Such other~~ Other matters as that may aid in the disposition of the action.

17 B. The court shall render an order ~~which~~ that recites the action taken at the
18 conference, ~~the amendments allowed to the pleadings, and the agreements made by~~
19 ~~the parties as to any of the matters considered, and which limits the issues for trial~~
20 ~~to those not disposed of by admissions or agreements of counsel pursuant to~~
21 Paragraph A of this Article. Such The order controls shall control the subsequent
22 course of the action, unless modified ~~at the trial~~ by the court to prevent manifest
23 injustice.

24 C.(1) In all actions in which a party intends to file the affidavit of an expert
25 in a summary judgment proceeding or call upon an expert to serve as a witness at a
26 hearing or trial, upon notice from a party, the court shall conduct a pretrial or
27 scheduling conference and shall issue an order establishing deadlines for the
28 following:

29 (a) The identification of the expert.

1 **(b) The production of the report of the expert.**

2 **(c) The filing of any motion in accordance with Article 1425(F), the hearing**
3 **date of the motion, and the ruling date by the trial court.**

4 **(d) The filing of any motion for summary judgment and the hearing date of**
5 **the motion.**

6 **(e) The trial date.**

7 **(2) This Paragraph does not apply to testimony in an action for divorce or**
8 **annulment of marriage, to a separation in a covenant marriage, to a property**
9 **partition, to an administration of a succession, or to testimony in any incidental or**
10 **ancillary proceedings or matters arising from those actions.**

11 ~~€~~ D. If a party's attorney fails to obey a pretrial order, or to appear at the
12 pretrial and scheduling conference, or is substantially unprepared to participate in the
13 conference or fails to participate in good faith, the court, on its own motion or on the
14 motion of a party, after hearing, may make ~~such~~ orders as are just, including orders
15 provided in Article 1471(A) (2), (3), and (4). In lieu of or in addition to any other
16 sanction, the court may require the party or the attorney representing the party or
17 both to pay the reasonable expenses incurred by noncompliance with this Paragraph,
18 including attorney fees.

19 ~~Ð~~ E. If a suit has been pending for more than one year since the date of
20 ~~filing~~ service of the original petition on all defendants and no trial date has been
21 assigned, upon motion of any party, the court shall set the matter for conference for
22 the purpose of resolving all matters subject to the provisions of this Article,
23 including the scheduling of discovery, assignment for trial, and any other matters
24 that will expedite the resolution of the suit. ~~The conference may be conducted in~~
25 ~~chambers, by telephone, or by video teleconference.~~

26 Comments - 2025

27 (a) Subparagraph (A)(5) of this Article requires that the parties address at a
28 pretrial conference or hearing the authenticity and admissibility of exhibits that are
29 suspected to have been created, altered, or manipulated. The Article's use of
30 "artificial intelligence" is broad and encompasses the suspected use of "deepfakes".
31 R.S. 14:73:13 defines "deepfake" to mean "any audio or visual media in an electronic
32 format . . . that is created, altered, or digitally manipulated in a manner that would

1 falsely appear to a reasonable observer to be an authentic record of the actual speech
2 or conduct of the individual or replace an individual's likeness with another
3 individual and depicted in the recording." Black's Law Dictionary (12th ed. 2024)
4 defines "deepfake" to mean a "false video, audio recording, or other medium that is
5 generated or manipulated by computer, often using artificial intelligence, with the
6 intent to deceive viewers or listeners."

7 (b) Paragraph C of this Article is new and mandatory. To resolve the many
8 issues with respect to the timing of challenging an expert's qualifications or
9 methodologies, the court shall either provide for deadlines in a pretrial or scheduling
10 order in accordance with Paragraph A of this Article or, upon being notified by a
11 party that it intends to use an expert in a summary judgment proceeding or at trial,
12 issue an order in accordance with Paragraph C of this Article. These deadlines aim
13 to ensure that motions are filed, and hearing dates are set, in accordance with
14 applicable law and in consideration of the court's calendar.

15 (c) The requirements of this Article are not meant to supersede the
16 requirements of Article 1571

17 * * *

18 Art. 1702. Default judgment

19 A.

20 * * *

21 (5) No default judgment shall be rendered against a defendant when notice
22 is required ~~under~~ pursuant to Subparagraph (2) or (3) of this Paragraph unless ~~proof~~
23 ~~of the required notice is made in the manner provided by R.S. 13:3205. given in~~
24 accordance with any of the following:

25 (a) By mailing the notice to the defendant or attorney, in which case the
26 plaintiff shall provide proof that the notice was enclosed in an envelope properly
27 addressed to the defendant or attorney, with sufficient postage affixed, and the date
28 on which it was deposited in the United States mail, and the plaintiff shall file the
29 return receipt of the defendant or attorney.

30 (b) By utilizing the services of a commercial courier to make delivery of the
31 notice to the defendant or attorney, in which case the plaintiff shall provide proof of
32 the name of the commercial courier, the date, and the address at which the notice was
33 delivered to the defendant or attorney, and the plaintiff shall file the commercial
34 courier's confirmation of delivery.

35 (c) By actual delivery of the notice to the defendant or attorney, in which
36 case the plaintiff shall provide proof of the date, place, and manner of delivery.

37 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 Art. 1811. Motion for judgment notwithstanding the verdict

2 A.(1) Not later than seven days, exclusive of legal holidays, after the clerk
3 has mailed or delivered in open court, or the sheriff has served, the notice of
4 judgment ~~under~~ in accordance with Article 1913, a party may move for a judgment
5 notwithstanding the verdict. If a verdict was not returned, a party may move for a
6 judgment notwithstanding the verdict not later than seven days, exclusive of legal
7 holidays, after the jury was discharged.

8 * * *

9 Art. 1911. Final judgment; ~~partial final judgment~~; signing; appeals

10 * * *

11 B. For the purpose of an appeal as provided in Article 2083, no appeal ~~may~~
12 shall be taken from a final judgment until the ~~requirement of this Article has been~~
13 ~~fulfilled~~ judgment has been signed by the judge. ~~No appeal may be taken from a~~
14 ~~partial final judgment under Article 1915(B) until the judgment has been designated~~
15 ~~a final judgment under Article 1915(B). An appeal may be taken from a final~~
16 ~~judgment under Article 1915(A) without the judgment being so designated.~~

17 * * *

18 Art. 1913. Notice of judgment

19 A. Except as otherwise provided by law, notice of the signing of a final
20 judgment, ~~including a partial final judgment under Article 1915~~, is required in all
21 contested cases; and shall be mailed or delivered in open court by the clerk of court
22 to the counsel of record for each party, and to each party not represented by counsel.
23 Delivery of the signed judgment in open court shall constitute notice of judgment
24 and shall be documented in the record of the proceeding.

25 * * *

26 C. Except when service is required ~~under~~ in accordance with Paragraph B
27 of this Article, notice of the signing of a default judgment shall be mailed by the
28 clerk of court to the defendant at the address where personal service was obtained or
29 to the last known address of the defendant.

1 D. The clerk shall file a certificate in the record showing the date on which,
2 and the counsel and parties to whom, notice of the signing of the judgment was
3 mailed or delivered in open court.

4 Art. 1914. Interlocutory judgments; notice; delay for further action

5 * * *

6 B. The interlocutory judgment shall be reduced to writing if the court so
7 orders, if a party requests within ten days of rendition in open court that it be reduced
8 to writing, if a judgment is granted or an exception is sustained in accordance with
9 Article 1915(C), or if the court takes the interlocutory matter under advisement. The
10 clerk shall mail or deliver in open court notice of the ~~subsequent~~ judgment to each
11 party. Delivery of the signed judgment in open court shall constitute notice of
12 judgment and shall be documented in the record of the proceeding.

13 * * *

14 D. Except as provided in Paragraph C of this Article, each party shall have
15 ten days either from notice of the interlocutory judgment; or from the mailing of
16 notice when required to take any action or file any pleadings in the trial court;
17 ~~however, this.~~ This provision does not suspend or otherwise affect the time for
18 applying for supervisory writs, nor does it affect the time for appealing an
19 interlocutory judgment ~~under~~ in accordance with Article 2083.

20 * * *

21 Art. 1915. ~~Partial final judgment~~ Final and interlocutory judgments; partial
22 judgment; partial exception; partial summary judgment

23 A. A final judgment may be rendered ~~and signed by the court~~, even though
24 it may not grant the successful party or parties all of the relief prayed for, or may not
25 adjudicate all of the issues in the case, when the court:

26 (1) Dismisses the suit as to ~~less~~ fewer than all of the parties, defendants, ~~third~~
27 ~~party~~ third-party plaintiffs, ~~third-party~~ third-party defendants, or ~~interveners~~
28 interveners.

29 * * *

1 (4) ~~Signs~~ Grants a judgment on either the principal or incidental demand,
2 when the two have been tried separately, as provided by Article 1038.

3 (5) ~~Signs~~ Grants a judgment on the issue of liability when that issue has been
4 tried separately by the court, or when, in a jury trial, the issue of liability has been
5 tried before a jury and the issue of damages is to be tried before a different jury.

6 * * *

7 ~~B.(1) When a court renders a partial judgment or partial summary judgment~~
8 ~~or sustains an exception in part, as to one or more but less than all of the claims,~~
9 ~~demands, issues, or theories against a party, whether in an original demand,~~
10 ~~reconventional demand, cross-claim, third-party claim, or intervention, the judgment~~
11 ~~shall not constitute a final judgment unless it is designated as a final judgment by the~~
12 ~~court after an express determination that there is no just reason for delay.~~

13 ~~(2) In the absence of such a determination and designation, any such order~~
14 ~~or decision shall not constitute a final judgment for the purpose of an immediate~~
15 ~~appeal and may be revised at any time prior to rendition of the judgment adjudicating~~
16 ~~all the claims and the rights and liabilities of all the parties.~~

17 ~~E. B.~~ B. If an appeal is taken from any judgment rendered ~~under the provisions~~
18 ~~of in accordance with Paragraph A~~ this Article, the trial court shall retain jurisdiction
19 to adjudicate the remaining issues in the case.

20 C. Except as otherwise provided by law, when a court grants a judgment or
21 summary judgment, or sustains an exception in part, as to one or more but fewer than
22 all of the claims, demands, issues, or theories by or against a party, whether in an
23 original demand, reconventional demand, cross-claim, third-party claim, or
24 intervention, that judgment is an interlocutory judgment.

25 D. All judgments rendered in accordance with this Article shall be reduced
26 to writing and signed by the court.

27 Comments - 2025

28 (a) These amendments largely restore the Article to its pre-1997 form. The
29 revisions remove from Paragraph B of this Article the authority of the trial court to
30 designate a judgment as final and appealable after an express determination that

1 there is no just reason for delay. As a result, Paragraph A of this Article now
2 provides a list of judgments from which an appeal may be taken. This change seeks
3 to remove uncertainty as to whether an appeal or a supervisory writ should be taken
4 from a judgment that does not grant the successful party or parties all of the relief
5 prayed for or may not adjudicate all of the issues in the case.

6 (b) Paragraph B of this Article retains much of the language of former
7 Paragraph C. The language of Paragraph C of this Article is new and provides for
8 interlocutory judgments that are not appealable. See Article 2083(C). Paragraph D
9 of this Article provides that all judgments rendered in accordance with this Article
10 shall be reduced to writing and signed by the court, thus clearly defining the
11 commencement of the delay to apply for a supervisory writ from a judgment
12 rendered in accordance with Paragraph C. See La. Ct. App. Unif. Rules 4-2 and 4-3
13 and Article 1914.

14 * * *

15 Art. 1974. Delay for applying for new trial

16 A party may file a motion for a new trial not later than seven days, exclusive
17 of legal holidays, after the clerk has mailed or delivered in open court, or the sheriff
18 has served₂ the notice of judgment as required by Article 1913.

19 * * *

20 Art. 2088. Divesting of jurisdiction of trial court

21 A. The jurisdiction of the trial court over all matters in the case reviewable
22 under the appeal is divested, and that of the appellate court attaches, on the granting
23 of the order of appeal and the timely filing of the appeal bond, in the case of a
24 suspensive appeal₂ or on the granting of the order of appeal, in the case of a
25 devolutive appeal. Thereafter, the trial court has jurisdiction in the case only over
26 those matters not reviewable under the appeal, including the right to do any of the
27 following:

28 * * *

29 (11) ~~Certify a partial judgment or partial summary judgment in accordance~~
30 ~~with Article 1915(B).~~

31 (12) Amend a judgment to provide proper decretal language under in
32 accordance with Article 1918 or 1951.

33 * * *

1 Art. 2595. Trial; decision

2 A. Upon reasonable notice a summary proceeding ~~may be tried in open court~~
3 ~~or in chambers, in term or in vacation;~~ and shall be tried by preference over ordinary
4 proceedings, and without a jury, except as otherwise provided by law.

5 B. The court shall render its decision as soon as practicable after the
6 conclusion of the trial of a summary proceeding and, whenever practicable, without
7 taking the matter under advisement.

8 * * *

9 Art. 4607. Partition by licitation or by private sale

10 When a partition is to be made by licitation, the sale shall be conducted at
11 public auction and after the advertisements required for judicial sales under
12 execution. When a partition is to be made at private sale without the consent of all
13 co-owners, the sale shall be for not less than the appraised value of the property, and
14 documents required pursuant to a court order shall be executed on behalf of the
15 absentee or nonconsenting co-owner by a court-appointed representative, who may
16 be a co-owner, after the advertisements required for judicial sales under execution
17 are made. All counsel of record, including ~~curators~~ attorneys appointed to represent
18 absentee defendants, and persons appearing in proper person shall be given notice
19 of the sale date. At any time prior to the sale, the parties may agree upon a
20 nonjudicial partition.

21 * * *

22 Art. 4873. Transfer to district court; procedure; contest; effect

23 A party entitled thereto under the provisions of Article 4872 may transfer the
24 action to the district court in the following manner:

25 (1) Within the delay allowed for answer in the trial court of the limited
26 jurisdiction, or within ten days after answer has been filed, ~~he~~ the party shall file a
27 motion to transfer with the clerk of the court in which the suit is pending. The
28 motion shall include a declaration that the matter is one to which the defendant
29 would have been entitled to a trial by jury if commenced in district court, and that

1 the defendant desires a trial by jury. If a party fails to file a motion to transfer within
2 the delays required by this Subparagraph, the matter shall not be transferred.

3 (2) A plaintiff may oppose the transfer of the action to a district court only
4 if the plaintiff stipulates that the action does not exceed ten thousand dollars
5 exclusive of interest and costs.

6 ~~(2)~~ (3) If no opposition is filed within ten days after the filing of the motion
7 to transfer, the judge of the court in which the suit is pending shall order the transfer
8 to the district court. If an opposition is timely filed, it shall be tried summarily.

9 ~~(3)~~ (4)(a) Where a transfer is ordered, the clerk of the court in which the
10 action was initially filed shall forward to the clerk of the court to which the action
11 is transferred a certified copy of the record in the initial court, including pleadings,
12 minute entries, and all other proceedings.

13 (b) The clerk of the district court shall file the action as a new proceeding in
14 that court, upon payment by the defendant of a filing fee as provided by rule of the
15 district court. All costs accruing thereafter, however, shall be advanced in the same
16 manner as though the action ~~initially~~ had initially been commenced in the district
17 court by the original plaintiff.

18 ~~(4)~~ (5) When the matter is docketed by the clerk of the district court, the
19 proceeding shall continue in that court as though originally commenced therein. In
20 the event that transfer is effected prior to answer, the defendant shall file ~~his~~ the
21 answer in the district court within the delays provided by Article 1001, commencing
22 from the date on which the transferred proceeding is filed in that court.

23 ~~(5)~~ (6) The disposition of a motion to transfer and any opposition thereto
24 shall not be appealable; but shall be reviewable through the exercise of its
25 supervisory jurisdiction by the court of appeal having appellate jurisdiction over the
26 case.

27 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 Art. 5059. Computation of time

2 A. In computing a period of time allowed or prescribed by law or by order
3 of court, the date of the act, event, or default ~~after~~ from which the period begins to
4 run is not ~~to be~~ included. The last day of the period is ~~to be~~ included, unless it is a
5 legal holiday, in which event the period runs until the end of the next day ~~which~~ that
6 is not a legal holiday.

7 B. The "next day" as set forth in Paragraph A of this Article means the
8 subsequent calendar day that is not a legal holiday following a legal holiday.

9 ~~B. C.~~ C. A half-holiday is considered ~~as~~ a legal holiday. A legal holiday is ~~to~~
10 ~~be~~ included in the computation of a period of time allowed or prescribed, except
11 when:

12 (1) It is expressly excluded;

13 (2) It would otherwise be the last day of the period; ~~or,~~

14 (3) The period is less than seven days.

15 ~~E. D.~~ (1) A legal holiday shall be excluded in the computation of a period of
16 time allowed or prescribed to seek rehearing, reconsideration, or judicial review or
17 appeal of a decision or order by an agency in the executive branch of state
18 government.

19 (2) Subparagraph (1) of this Paragraph shall not apply to the computation of
20 a period of time allowed or prescribed to seek rehearing, reconsideration, or judicial
21 review or appeal of a decision or order by the Department of Revenue, the
22 Department of Environmental Quality, or the Department of Insurance relative to
23 examination reports in R.S. 22:1983.

24 Comments -2025

25 The revisions to this Article clarify existing law and conform to the
26 computation of time set forth in *Becnel v. Northrop Grumman Ship Systems, Inc.*,
27 18 So. 3d 1269 (La. 2009) and Article 966(B)(4). Paragraph B of this Article makes
28 clear that if the last day in a period of time allowed or prescribed by law or court
29 order falls on a legal holiday, the period runs until the subsequent, later-in-time
30 calendar day that is not a legal holiday. For example, if the legal deadline to file a
31 pretrial motion is due sixty days prior to trial and that day is a Saturday, the motion
32 is not due until the subsequent Monday as long as that Monday is not a legal holiday.

1 Section 4. Code of Civil Procedure Articles 74.2(F), 2088(A)(12), and 3784 are
2 hereby repealed in their entirety.

3 Section 5. The provisions of Civil Code Article 3462 as amended by Section 1 of
4 this Act shall not apply to actions that have prescribed prior to the effective date of this Act.

5 Section 6. The provisions of Article 1915 as amended by Section 3 of this Act shall
6 have prospective application only and shall not apply to appeals and supervisory writs filed
7 prior to the effective date of this Act.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 178 Original

2025 Regular Session

Mike Johnson

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

Present law (C.C. Art. 3462) provides that prescription is interrupted when an action is commenced in a court of competent jurisdiction and venue.

Proposed law retains present law but removes the requirement of venue.

Present law (C.C.P. Art. 863(F)) provides for the imposition of sanctions.

Proposed law retains present law but provides that sanctions shall not be imposed with respect to an original petition that is filed within 60 days of an applicable prescriptive date and then transferred to a court of proper venue.

Present law (C.C.P. Art. 74.2 (E)) provides for custody proceedings.

Proposed law retains present law but makes minor semantic changes.

Present law (C.C.P. Art. 74.2(F)) provides for motions made prior to Dec. 31, 2007.

Proposed law repeals outdated present law.

Present law (C.C.P. Art. 371) provides for attorney conduct.

Proposed law retains present law but adds that an attorney shall exercise reasonable diligence with respect to the authentication of evidence that may be false or artificially manipulated. Proposed law also makes minor semantic changes.

Present law (C.C.P. Art. 684) provides that a mental incompetent does not have the procedural capacity to sue.

Proposed law changes present law by providing that a person fully interdicted or a person whose limited interdiction specifically restricts the procedural capacity to sue does not have the procedural capacity to sue.

Present law (C.C.P. Art. 927(A)(5)) provides that the objection of no cause of action may be raised through the peremptory exception.

Proposed law retains present law but specifically includes objections of no cause of action in part.

Present law (C.C.P. Art. 966(B)(5)) provides for summary judgment procedure.

Proposed law retains present law but removes a reference to Art. 1915(B)(2).

Present law (C.C.P. Art. 1201(C)) sets forth that a defendant may waive service of citation unless the defendant files a declinatory exception of insufficiency of service of process specifically alleging the failure to timely request service of citation.

Proposed law retains present law but adds that a defendant may also file a contradictory motion in accordance with Art. 1672(C).

Present law (C.C.P. Art. 1313(A)(4)) provides for service by electronic means.

Proposed law retains present law but adds that if service cannot be effected electronically, service may be effected by mail or delivery.

Present law (C.C.P. Art. 1351) provides for the issuance of a subpoena.

Proposed law clarifies present law and sets forth that the clerk of the court in which the action is pending, at the request of the court or a party, shall issue subpoenas.

Present law (C.C.P. Art. 1551) provides for pretrial and scheduling conferences and orders.

Proposed law clarifies present law, further provides for the setting of deadlines for pretrial motions relative to the authenticity and admissibility of purportedly false evidence, and makes minor semantic changes.

Proposed law also adds a requirement that a court shall conduct a pretrial or scheduling conference to establish deadlines in all actions in which a party intends to file the affidavit of an expert in a summary judgment proceeding or call upon an expert to serve as a witness at a hearing or trial.

Present law (C.C.P. Art. 1702(A)(5)) provides for proof of the required notice to render a default judgment.

Proposed law clarifies present law and sets forth the manner in which proof of the required notice may be made.

Present law (C.C.P. Art. 1811(A)) sets forth that a party may move for a judgment notwithstanding the verdict not less than seven days after the clerk has mailed the notice of judgment.

Proposed law retains present law but adds that the notice may be delivered in open court.

Present law (C.C.P. Art. 1911(B)) sets forth the requirements to take an appeal from a final judgment.

Proposed law changes present law by providing that no appeal shall be taken from a final judgment until the judgment has been signed by the judge. Proposed law also removes references to Art. 1915(A) and (B).

Present law (C.C.P. Art. 1913(A)) provides that notice of the signing of a final judgment is required and shall be mailed by the clerk.

Proposed law retains present law but adds that notice of the signing of a final judgment may be delivered in open court. Proposed law further adds that delivery of the signed judgment in open court shall constitute notice of judgment and shall be documented in the record of the proceeding.

Present law (C.C.P. Art. 1913(C)) provides that notice of the signing of a default judgment shall be mailed by the clerk to the defendant at the address where personal service was obtained or to the last known address of the defendant.

Proposed law retains present law and makes minor semantic changes.

Present law (C.C.P. Art. 1913(D)) provides that the clerk shall file a certificate in the record showing the date on which notice of the signing of the judgment was mailed

Proposed law retains present law but adds that the clerk shall file the certificate for notice delivered in open court.

Present law (C.C.P. Art. 1914(B) and (D)) provides for notice of interlocutory judgments.

Proposed law retains present law, adds that a judgment granted or an exception sustained in accordance with Article 1915(C) shall be reduced to writing, and makes minor semantic changes. Proposed law further adds that delivery of the signed judgment in open court shall constitute notice of judgment and shall be documented in the record of the proceeding.

Present law (C.C.P. Art. 1915) provides for judgments that may not adjudicate all of the issues in the case.

Proposed law changes present law by removing that a judgment may be designated as final by the court after an express determination that there is no just reason for delay. Proposed law adds that when a court grants a judgment, or sustains an exception in part, that judgment is an interlocutory judgment.

Proposed law further adds a requirement that all judgments rendered in accordance with proposed law shall be reduced to writing and signed by the court. Proposed law also makes minor semantic changes, applies prospectively only, and does not apply to appeals and supervisory writs filed prior to the effective date.

Present law (C.C.P. Art. 1974) provides that a party may file a motion for new trial after the clerk has mailed the notice of judgment as required by Art. 1913.

Proposed law retains present law but adds that a party may file a motion for new trial after the clerk has delivered in open court the notice of judgment.

Present law (C.C.P. Art. 2088(A)(11) and (12)) sets forth that the jurisdiction of a trial court in matters not reviewable under appeal includes certification of a partial judgment or partial summary judgment in accordance with Art. 1915(B) and amendment of a judgment to provide proper decretal language.

Proposed law changes present law by removing from the jurisdiction of the trial court certification of a partial judgment or partial summary judgment in accordance with Art. 1915(B).

Present law (C.C.P. Art. 2595) provides that, upon reasonable notice, a summary proceeding may be tried in open court or in chambers, in term or in vacation.

Proposed law removes from present law outdated provisions as to where a summary proceeding may be tried.

Present law (C.C.P. Art. 4607) provides that all counsel of record, including curators, shall be given notice of the sale date.

Proposed law retains present law and makes minor semantic changes.

Present law (C.C.P. Art. 4873) provides for transfers to district court.

Proposed law retains present law but adds that a plaintiff may oppose the transfer only if the plaintiff stipulates that the action does not exceed ten thousand dollars exclusive of interest and costs.

Present law (C.C.P. Art. 5059) provides that in computing a period of time, the date of the act after which the period begins to run is included.

Proposed law changes present law by providing that in computing a period of time, the date of the act from which the period begins to run is included. Proposed law also provides for the definition of "next day" to mean the subsequent calendar day that is not a legal holiday following a legal holiday and makes minor semantic changes.

(Amends C.C. Art. 3462 and C.C.P. Arts. 74.2(E), 371, 684, 863(F), 927(A)(5), 966(B)(5), 1201(C), 1313(A)(4), 1351, 1551, 1702(A)(5), 1811(A)(1), 1911(B), 1913(A), (C), and (D), 1914(B) and (D), 1915(A)(1), (4), and (5), (B), and (C), 1974, 2088(A)(11), 2595, 4607, 4873, and 5059; Adds C.C.P. Art. 1915(D); Repeals C.C.P. Arts. 74.2(F), 2088(A)(12), and 3784)