

2026 Regular Session

HOUSE BILL NO. 142

BY REPRESENTATIVE MUSCARELLO

(On Recommendation of the Louisiana State Law Institute)

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

1 AN ACT

2 To amend and reenact Code of Civil Procedure Articles 1426(A)(introductory paragraph),
3 (B), and (C), 1572, 1841, 1914(E), 2083(B), and 4922 and R.S. 13:319 and 5206, to
4 enact Code of Civil Procedure Article 2083(D), and to repeal Code of Civil
5 Procedure Article 1425(F)(5), relative to civil procedure; to provide for continuous
6 revisions to the Code of Civil Procedure and related provisions of the Revised
7 Statutes; to provide for motions to quash; to provide for notice of trial; to provide
8 with respect to interlocutory, final, and partial final judgments; to provide with
9 respect to notice of trial; to provide for the assignment and allotment of writs and
10 appeals; to provide with respect to the jurisdiction of small claims; to provide for
11 Comments; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. Code of Civil Procedure Articles 1426(A)(introductory paragraph), (B),
14 and (C), 1572, 1841, 1914(E), 2083(B), and 4922 are hereby amended and reenacted and
15 Code of Civil Procedure Article 2083(D) is hereby enacted to read as follows:

16 Art. 1426. Protective orders; motions to quash

17 A. Upon motion by a party or by the person from whom discovery is sought
18 or to whom a subpoena is issued, and for good cause shown, the court in which the
19 action is pending or alternatively, on matters relating to a deposition or subpoena, the

1 court in the district where the deposition is to be taken or by which the subpoena is
 2 issued may make any order ~~which that~~ justice requires to protect a party or person
 3 from annoyance, embarrassment, oppression, or undue burden or expense, including
 4 one or more of the following:

5 * * *

6 B. If the motion for a protective order or a motion to quash is denied in
 7 whole or in part, the court may, on ~~such~~ terms and conditions as are just, order that
 8 any party or person provide or permit discovery. The provisions of Article 1469
 9 apply to the award of expenses incurred in relation to the motion.

10 C. No provision of this Article authorizes a court to issue a protective order
 11 or grant a motion to quash preventing or limiting discovery or ordering records
 12 sealed if the information or material sought to be protected relates to a public hazard
 13 or relates to information ~~which that~~ may be useful to members of the public in
 14 protecting themselves from injury that might result from ~~such the~~ public hazard,
 15 unless ~~such the~~ information or material sought to be protected is a trade secret or
 16 other confidential research, development, or commercial information.

17 * * *

18 Art. 1572. ~~Written request for notice~~ Notice of trial

19 The clerk shall give written notice of the date of the trial ~~whenever a written~~
 20 ~~request therefor is filed in the record or is made by registered mail by a party or to~~
 21 all counsel of record, or if there is no counsel of record, to a self-represented party.

22 This notice shall be sent in accordance with Article 1313(A)(4) or mailed by the
 23 clerk, by certified mail, properly stamped and addressed, at least ten days before the
 24 date fixed for the trial. The provisions of this ~~article~~ Article may be waived in
 25 writing or on the record by ~~all counsel of record at a pre-trial conference~~ a party or
 26 the party's attorney.

27 Comments - 2026

28 The amendment to this Article removes the requirement that a party must
 29 submit a written request to receive notice of trial. The clerk of court must now
 30 provide notice of trial to all counsel of record, or if there is no counsel of record, to
 31 a self-represented party. The notice must be sent either by electronic means in

1 accordance with the requirements of Article 1313(A)(4) or by certified mail. The
2 amendment also provides that any waiver of notice of trial must be in writing or on
3 the record.

4 * * *

5 Art. 1841. Judgments; interlocutory and final

6 A. A judgment is the determination of the rights of the parties in an action
7 and may award any relief to which the parties are entitled. It may be interlocutory
8 or final.

9 B.(1) A judgment that ~~does not determine the merits but only preliminary~~
10 ~~matters in the course of the action is an interlocutory judgment~~ determines the merits
11 in whole is a final judgment.

12 (2) A judgment that determines the merits ~~in whole or in part is~~ may be a
13 partial final judgment in accordance with Article 1915(A) or an interlocutory
14 judgment in accordance with Article 1915(C).

15 C. A judgment that does not determine the merits but determines only
16 preliminary matters in the course of the action is an interlocutory judgment.

17 Comments - 2026

18 This amendment seeks to clarify the law. Article 1915(A) provides for
19 partial final judgments that are appealable. Article 1915(C) provides for partial
20 judgments that are interlocutory judgments. Article 2083 provides that a partial final
21 judgment and an interlocutory judgment are appealable only when expressly
22 provided by law.

23 * * *

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

25 * * *

26 E. The provisions of this Article do not apply to ~~an interlocutory injunctive~~
27 ~~order or judgment~~ the certification or denial of a certification of a class action in
28 accordance with Article 592(A)(3)(c) or appealable orders or judgments granting or
29 denying a preliminary injunction in accordance with Article 3612.

30 Comments - 2026

31 This amendment clarifies the law. Articles 592(A)(3)(c) and 3612 provide
32 for interlocutory orders and judgments from which an appeal may be taken as a
33 matter of right. Thus, the notice requirements set forth in this Article are not
34 applicable. Rather, the required notice should satisfy the provisions of Article 1913.

1 This is consistent with Article 2083 providing that an interlocutory judgment is
2 appealable only when expressly provided by law.

3 * * *

4 Art. 2083. Judgments appealable

5 * * *

6 B. ~~In reviewing a judgment reformed in accordance with a remittitur or~~
7 ~~additur, the court shall consider the reasonableness of the underlying jury verdict.~~

8 A partial final judgment rendered in accordance with Article 1915(A) is appealable
9 in all causes in which appeals are given by law. Other partial final judgments are
10 appealable only when expressly provided by law.

11 * * *

12 D. In reviewing a judgment reformed in accordance with a remittitur or
13 additur, the court shall consider the reasonableness of the underlying jury verdict.

14 Comments - 2026

15 The amendment to Paragraph B of this Article clarifies the law and is
16 consistent with the amendments to Article 1841. See also Articles 592(A)(3)(c) and
17 3612 for examples of instances in which an appeal may be taken as a matter of right
18 from an interlocutory order or judgment.

19 * * *

20 Art. 4922. Notice of judgment; justice of the peace courts; district courts with
21 concurrent jurisdiction

22 Notice of the signing of any final judgment shall be given ~~as required by in~~
23 accordance with Article 1913, ~~except that if the party is personally served with the~~
24 ~~judgment in open court, no further notice shall be required.~~

25 Comments - 2026

26 This amendment does not change the law. Article 1913 was previously
27 amended to provide that delivery of the signed judgment in open court shall
28 constitute notice of judgment and shall be documented in the record of the
29 proceeding.

30 Section 2. R.S. 13:319 and 5206 are hereby amended and reenacted to read as
31 follows:

§319. Assignment and allotment of cases

Each civil and criminal appeal and each application for writs shall be randomly assigned by the clerk, subject to the direct supervision of the court. Except for good cause shown, all writs and appeals from contemporaneously rendered orders or judgments from a lower court in the same action or consolidated cases shall be assigned to the same randomly selected panel.

Comments - 2026

This amendment permits the clerk of the court of appeal to assign writs and appeals in accordance with procedures that were commonly used prior to the 2018 amendment of this Section, thus preventing duplicative adjudication of identical issues derived from the same action. See also Code of Civil Procedure Article 2164.1.

* * *

§5206. Reconventional demand beyond jurisdiction; filing in court of competent jurisdiction; transfer of proceedings from small claims division

A. If a defendant in a small claims action ~~shall have~~ has a claim against the plaintiff in ~~such the~~ the action for an amount over the jurisdiction of the small claims division as set forth in R.S. 13:5202(A), but of a nature ~~which that~~ that may be asserted by a reconventional demand as authorized by Code of Civil Procedure Article 1061 ~~of the Louisiana Code of Civil Procedure~~, the defendant may assert ~~his the~~ the claim in the manner provided by this Section; in order to secure consolidation for trial of the small claims action with ~~his~~ the defendant's own claim.

B. At any time prior to trial in the small claims action, the defendant ~~therein~~ may commence an action against the plaintiff in a court of competent jurisdiction to assert a claim of the nature set forth by ~~R.S. 13:5206(A)~~, Subsection A of this Section and file an affidavit that the reconventional demand is in excess of ~~three~~ five thousand dollars with the judge of the small claims division in which the plaintiff has commenced the small claims action.

C. The defendant shall attach to the affidavit a true copy of ~~his petition or the~~ defendant's reconventional demand ~~so~~ filed and shall pay the clerk of the small claims division a transmittal fee of ten dollars, in addition to the prescribed court

1 costs for filing the reconventional demand, furnishing a copy of the affidavit and
2 pleading to the plaintiff.

3 D. The judge of the small claims division shall order that the small claims
4 division action be transferred to the ordinary docket of the court set forth in ~~said the~~ the
5 affidavit; and ~~he~~ shall transmit to ~~such that~~ that court, (if it is other than the court of the
6 small claims division), 2 copies of the citation and any pleadings in the small claims
7 action, ~~and the~~. The actions shall then be consolidated for trial in ~~such the~~ the other
8 docket or court.

9 E. The plaintiff in the small claims action shall not be required to pay to the
10 clerk of the court to which the action is so transferred any transmittal, appearance,
11 or filing fee; ~~although~~, but upon adverse judgment, ~~he the plaintiff~~ the plaintiff may be taxed with
12 costs as in the case of any other defendant.

13 Section 3. Code of Civil Procedure Article 1425(F)(5) is hereby repealed in its
14 entirety.

15 Section 4. The Louisiana State Law Institute is hereby directed to print the following
16 Comment to Code of Civil Procedure Article 1425:

17 Art. 1425. Experts; pretrial disclosures; scope of discovery

18 * * *

19 Comments - 2026

20 A ruling allowing or excluding an expert or an expert's report due to the
21 expert's lack of qualifications or use of unreliable methodologies is an interlocutory
22 order that is not appealable in accordance with Article 2083.

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 142 Original

2026 Regular Session

Muscarello

Abstract: Provides for continuous revisions relative to civil procedure.

Present law (C.C.P. Art. 1425(F)(5)) provides that a ruling allowing or excluding an expert or an expert's report due to the expert's lack of qualifications or use of unreliable methodologies is subject to appellate review.

Proposed law repeals present law.

Present law (C.C.P. Art. 1426) provides for protective orders.

Proposed law retains present law but adds that the court may grant a motion to quash in whole or in part with respect to a subpoena.

Present law (C.C.P. Art. 1572) provides for written request for notice of trial.

Proposed law changes present law by removing the requirement that to receive notice of trial, a party must submit a written request.

Proposed law further requires the clerk of court to send notice to attorneys and self-represented parties and permits the notice to be sent by electronic means.

Proposed law further requires that waiver of notice be in writing or on the record.

Present law (C.C.P. Art. 1841) provides for interlocutory and final judgments.

Proposed law retains present law but clarifies that a judgment that determines the merits in part may be a partial final judgment or an interlocutory judgment.

Present law (C.C.P. Art. 1914(E)) provides for interlocutory judgments.

Proposed law clarifies present law and provides that present law does not apply to the certification or denial of a certification of a class action or appealable orders or judgments granting or denying a preliminary injunction.

Present law (C.C.P. Art. 2083) provides for appealable judgments.

Proposed law retains present law but adds that a partial final judgment is appealable only when expressly provided by law.

Present law (C.C.P. Art. 4922) provides for notice of judgment.

Proposed law clarifies present law and provides that notice of the signing of any final judgment may be given pursuant to present law (C.C.P. Art. 1913), including delivery in open court.

Present law (R.S. 13:319) provides for the assignment and allotment of cases.

Proposed law retains present law but adds that absent good cause, writs and appeals arising from contemporaneously rendered orders or judgments in the same action or consolidated cases shall be heard by the same randomly assigned panel.

Present law (R.S. 13:5206) provides that the jurisdictional limit of a defendant's reconventional demand in a small claims action is \$3,000.

Proposed law changes present law to provide that the jurisdictional limit of a defendant's reconventional demand in a small claims action is \$5,000.

(Amends C.C.P. Arts. 1426(A)(intro. para.), (B), and (C), 1572, 1841, 1914(E), 2083(B), and 4922 and R.S. 13:319 and 5206; Adds C.C.P. Art. 2083(D); Repeals C.C.P. Art. 1425(F)(5))