
DIGEST

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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))