

## HOUSE SUMMARY OF SENATE AMENDMENTS

HB 142

2026 Regular Session

Muscarello

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

### Synopsis of Senate Amendments

1. Provides that in an action to enforce a conventional obligation, a dismissal for abandonment pursuant to proposed law interrupts applicable liberative prescriptive periods as though the dismissal had not occurred.
2. Makes technical changes.

### Digest of Bill as Finally Passed by Senate

Present law (C.C.P. Art. 561) provides for the abandonment of an action in a trial or appellate court.

Proposed law retains present law and requires a more detailed affidavit to be attached to the ex parte motion to dismiss based on abandonment, requires the court to sign an ex parte judgment of dismissal without prejudice if the mover's affidavit attests to the provisions of proposed law, and requires the court to either sign a judgment of dismissal ex parte or set the motion to dismiss for a contradictory hearing if the mover's affidavit indicates there were steps in the furthering of a prosecution or defense of an action prior to the abandonment period expiring pursuant to proposed law.

Proposed law also establishes that the burden of proof at a hearing on a motion to set aside a dismissal rests upon the mover of the initial motion to dismiss based on abandonment. Further provides that a dismissal for abandonment pursuant to proposed law in an action to enforce a conventional obligation interrupts applicable liberative prescriptive periods as though the dismissal had not occurred.

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 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. 1702(C)) provides for default judgments.

Proposed law generally retains present law but requires that before the default judgment is signed, the clerk of court certifies there is no answer or other pleading filed by the defendant.

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, 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. 2126) provides for the payment of costs in appellate proceedings. Proposed law retains present law.

Proposed law defines "transmit" and requires that if the parties have not designated the record on appeal pursuant to present law, the clerk is required to transmit a revised notice of the estimated costs to the appellant and appellee. The appellant is then required to pay the amount of the estimated costs to the clerk within 20 days after transmission of the revised notice of estimated costs.

Proposed law further authorizes the trial court to grant one extension for good cause shown for paying the amount of the revised estimated costs for not more than an additional 20 days.

Present law (C.C.P. Art. 2128) provides for the time delays for transmitting a written notice to the trial court for an appealable record.

Proposed law increases the time for an appellant to designate, in a written notice filed with the trial court, the portion of the record to include in the appeal from three days to 10 days.

Proposed law further increases the time for an appellee to designate, in a written notice filed with the trial court, portions of the record the appellee considers necessary from five days to 14 days.

Present law (C.C.P. Art. 2166) provides for the transmission of a notice in a court of appeal judgment rehearing.

Proposed law removes facsimile as a method of transmitting the notice as authorized by present law. Otherwise retains present law.

Present law (C.C.P. Art. 2167) provides for transmission of a notice in a La. Supreme Court judgment rehearing.

Proposed law removes facsimile as a method of transmitting the notice as authorized by present law. Otherwise retains present 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 are to 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.

Proposed law provides for applicability.

(Amends C.C.P. Arts. 561, 1426(A)(intro. para.), (B), and (C), 1572, 1702(C), 1841, 1914(E), 2083(B), 2126, 2128, 2166(F), 2167(D), and 4922 and R.S. 13:319 and 5206; Adds C.C.P. Art. 2083(D); Repeals C.C.P. Art. 1425(F)(5))