

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Reengrossed House Bill No. 589 by Representative Abramson

1 AMENDMENT NO. 1

2 On page 1, line 2, after "Articles 966" insert "(B),"

3 AMENDMENT NO. 2

4 On page 1, line 9, after "Articles 966" insert "(B),"

5 AMENDMENT NO. 3

6 On page 1, after line 13, add the following:

7 "B.(2) The judgment sought shall be rendered forthwith if the pleadings, depositions,
8 answers to interrogatories, and admissions, together with the affidavits, if any,
9 **admitted for purposes of the motion for summary judgment**, show that there is
10 no genuine issue as to material fact, and that mover is entitled to judgment as a
11 matter of law. If the motion for summary judgment is denied, the court should
12 provide reasons for the denial on the record, either orally upon rendition or in writing
13 sua sponte or upon request of a party within ten days of rendition.

14 * * *

15 AMENDMENT NO. 4

16 On page 1, delete lines 20 and 21, and insert:

17 "~~(2) Only evidence admitted~~ **Evidence cited in and attached to** the motion for
18 summary judgment ~~shall~~ **or memorandum filed by an adverse party is deemed**
19 **admitted for purposes of the motion for summary judgment unless excluded in**
20 **response to an objection made in accordance with Paragraph (F)(3). Only**
21 **evidence admitted for purposes of the motion for summary judgment may** be
22 considered by the court in its ruling on the motion."

23 AMENDMENT NO. 5

24 On page 2, delete lines 1 through 3 and insert:

25 "**(3) Objections to evidence in support of or in opposition to a motion for**
26 **summary judgment may be raised in memorandum or written motion to strike**
27 **stating the specific grounds therefor.**"

28 AMENDMENT NO. 6

29 On page 2, line 23, after "**days or more prior to**" and before "**trial**" delete "**a**"

30 AMENDMENT NO. 7

31 On page 3, after line 2, add the following:

32 "**(c) Notwithstanding (a) and (b), if, as a result of a compromise or dismissal of**
33 **one or more claims or parties which occurs less than 90 days prior to trial, an**
34 **individual petitioner stipulates or otherwise judicially admits that the amount**
35 **of the individual petitioner's cause of action does not exceed fifty-thousand**
36 **dollars exclusive of interest and costs, a defendant shall not be entitled to a trial**
37 **by jury.**"

1 AMENDMENT NO. 8

2 On page 3, line 25, after "served upon the attorney" delete "from the Mental Health
3 Advocacy Service"