

Regular Session, 2014

HOUSE BILL NO. 603

BY REPRESENTATIVE ABRAMSON

CIVIL/PLEADINGS: To provide relative to exceptions

1 AN ACT

2 To amend and reenact Code of Civil Procedure Articles 930 and 931, relative to exceptions;
3 to provide for evidence on trial of exceptions; to provide for evidence that may be
4 considered under certain circumstances; to provide for submission of and objections
5 to evidence on trial of exceptions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Civil Procedure Articles 930 and 931 are hereby amended and
8 reenacted to read as follows:

9 Art. 930. Evidence on trial of declinatory and dilatory exceptions

10 A. On the trial of the declinatory exception, evidence may be introduced to
11 support or controvert any of the objections pleaded, when the grounds thereof do not
12 appear from the petition, the citation, or return thereon.

13 B. On the trial of the dilatory exception, evidence may be introduced to
14 support or controvert any of the objections pleaded, when the grounds thereof do not
15 appear from the petition.

16 C. Evidence cited in and attached to the pleading urging the exception is
17 deemed admitted for the purposes of the trial of the exception unless excluded in
18 response to an objection made in accordance with Paragraph D of this Article.

19 D. Objections to evidence in support of an exception may be raised in
20 memorandum or written motion to strike stating the specific grounds therefor. Any
21 such memorandum or written motion to strike shall be served pursuant to Article
22 1313 within the time limits provided in District Court Rule 9.9.

1 Art. 931. Evidence on trial of peremptory exception

2 A. On the trial of the peremptory exception pleaded at or prior to the trial of
3 the case, evidence may be introduced to support or controvert any of the objections
4 pleaded, when the grounds thereof do not appear from the petition.

5 B. When the peremptory exception is pleaded in the trial court after the trial
6 of the case, but prior to a submission for a decision, the plaintiff may introduce
7 evidence in opposition thereto, but the defendant may introduce no evidence except
8 to rebut that offered by plaintiff.

9 C. No evidence may be introduced at any time to support or controvert the
10 objection that the petition fails to state a cause of action.

11 D. Evidence cited in and attached to the pleading urging the exception is
12 deemed admitted for the purposes of the trial of the exception unless excluded in
13 response to an objection made in accordance with Paragraph E of this Article.

14 E. Objections to evidence in support of an exception may be raised in
15 memorandum or written motion to strike stating the specific grounds therefor. Any
16 such memorandum or written motion to strike shall be served pursuant to Article
17 1313 within the time limits provided in District Court Rule 9.9.

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)]

Abramson

HB No. 603

Abstract: Provides that evidence cited in and attached to the pleading urging the exception is deemed admitted for the purposes of the trial of the exception unless excluded in response to an objection and provides the procedure for raising the objection.

Present law provides for introduction of evidence to support or controvert any of the objections pleaded in a trial on exceptions.

Proposed law retains present law and provides that evidence cited in and attached to the pleading urging the exception is deemed admitted for the purposes of the trial of the exception unless excluded in response to an objection and provides the procedure for raising the objection.

(Amends C.C.P. Arts. 930 and 931)