
SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 373
by Senator Johns

1 AMENDMENT NO. 1

2 On page 1, at the end of line 14, insert:

3 **"All parties shall be allowed adequate discovery to be conducted within a**
4 **reasonable period of time in advance of the hearing on the motion for summary**
5 **judgment."**

6 AMENDMENT NO. 2

7 On page 2, delete lines 7 through 15 and insert:

8 ~~"to Article 1313 within the time limits provided in District Court Rule 9.9:(a) The~~
9 **movant in a motion for summary judgment shall file with his motion a**
10 **memorandum and list of the exhibits, along with a copy of all exhibits, he**
11 **intends to offer into evidence at the hearing, which shall be served on all other**
12 **parties at least twenty calendar days prior to the hearing on the motion for**
13 **summary judgment.**

14 **(b) The adverse party shall file and serve his opposing memorandum**
15 **and list of exhibits, along with a copy of all exhibits, he intends to offer into**
16 **evidence at the hearing at least ten calendar days prior to the hearing.**

17 **(c) Documentary evidence may be filed in the record with the motion or**
18 **opposition in any electronically stored format authorized by the local court**
19 **rules of the district court or approved by the clerk of the district court for**
20 **receipt of evidence.**

21 **(d) Movant may file a reply memorandum provided it is filed and served**
22 **on all other parties at least five calendar days prior to the hearing on the motion**
23 **for summary judgment.**

24 **(e) Any party may supplement his list of exhibits provided the**
25 **supplemental list of exhibits, and copy of all exhibits, is filed and served on all**
26 **other parties at least five calendar days prior to the hearing on the motion for**
27 **summary judgment.**

28 **(f) No other exhibits shall be considered by the court at the hearing on**
29 **the motion for summary judgment.**

30 **(g) All service requirements shall be made in accordance with Article**
31 **1313.**

32 **(h) The court may set longer time periods herein as it deems necessary.**

33 **(i) All parties shall furnish a copy of their respective pleadings,**
34 **memoranda, lists of exhibits, and copy of all exhibits, to the judge when filed.**

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36 AMENDMENT NO. 3

37 On page 2, line 17, after "**three**" insert "**calendar**"

38 AMENDMENT NO. 4

39 On page 2, delete lines 18 and 19, and insert:

40 **"summary judgment and shall be heard and decided by the court prior to the**
41 **hearing on the motion for summary judgment."**

42 AMENDMENT NO. 5

43 On page 2, line 23, delete "**or motions**"

1 AMENDMENT NO. 6

2 On page 3, at the end of line 3, insert:

3 **"The court is not permitted to make a judicial determination of subjective facts,**
4 **such as motive, intent, good faith or knowledge, nor shall it make any credibility**
5 **determinations or weigh the evidence. Factual inferences reasonably drawn**
6 **from the evidence must be construed in favor of the party opposing the motion."**

7 AMENDMENT NO. 7

8 On page 3, at the end of line 26, insert:

9 **"If a party requests written reasons for judgment within ten days of rendition**
10 **of the judgment, the court shall provide written reasons for judgment within ten**
11 **days of receipt of the request provided the court can do so at least ten days prior**
12 **to trial."**

13 AMENDMENT NO. 8

14 On page 4, delete lines 2 and 3 and insert:

15 ~~"F.(1) A summary judgment may be rendered or affirmed only as to those issues set~~
16 ~~forth in the motion under consideration by the court at that time."~~

17 AMENDMENT NO. 9

18 On page 4, at the end of line 25, insert

19 **"E. The time periods set forth in this Article shall supersede and control to the**
20 **extent of conflict with any court rule."**