

2016 Regular Session

HOUSE BILL NO. 1098

BY REPRESENTATIVE JAY MORRIS

CIVIL/MOTIONS: Provides relative to motions for summary judgment

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 966(A)(4), (B)(1), (C)(1), and (D)(2),
3 relative to motions for summary judgment; to provide for the filing of new
4 allegations and certain documents; to authorize the reference of certain documents
5 filed in the court record; to provide for the filing and hearing of amended motions
6 for summary judgment; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Civil Procedure Article 966(A)(4), (B)(1), (C)(1), and (D)(2) are
9 hereby amended and reenacted to read as follows:

10 Art. 966. Motion for summary judgment; procedure

11 A.

12 * * *

13 (4) The only documents that may be filed in support of or in opposition to
14 the motion are pleadings and exhibits attached to the pleadings, documents attached
15 to the motion, memoranda, affidavits including properly authenticated documents
16 attached to or referenced in the affidavit, depositions including properly
17 authenticated documents attached to or referenced in the deposition, answers to
18 interrogatories, certified medical records, written stipulations, and admissions. The
19 court may permit documents to be filed in any electronically stored format
20 authorized by court rules or approved by the clerk of the court.

1 B. Unless extended by the court and agreed to by all of the parties, a motion
2 for summary judgment shall be filed, opposed, or replied to in accordance with the
3 following provisions:

4 (1) A motion for summary judgment, including any motion for summary
5 judgment that has been amended or supplemented, and all documents in support of
6 the motion shall be filed and served on all parties in accordance with Article 1313
7 not less than sixty-five days prior to the trial.

8 * * *

9 C.(1) Unless otherwise agreed to by all of the parties and the court:

10 (a) A contradictory hearing on the motion for summary judgment or
11 amended motion for summary judgment shall be set not less than thirty days after the
12 filing and not less than thirty days prior to the trial date.

13 (b) If a contradictory hearing on a motion for summary judgment is set more
14 than thirty days after filing the motion, the motion may be amended or supplemented
15 to include additional allegations or to attach or reference additional documents
16 authorized by Subparagraph (A)(4) of this Article or referenced as authorized by
17 Subparagraph (D)(2) of this Article, provided that all new allegations and attached
18 documents are filed and served on all parties in accordance with Article 1313 not less
19 than thirty days prior to the hearing on the motion and not less than sixty-five days
20 prior to trial. ~~(b)(c)~~ Notice of the hearing date shall be served on all parties in
21 accordance with Article 1313(C) or 1314 not less than thirty days prior to the
22 hearing.

23 * * *

24 D.

25 * * *

26 (2) The court may consider only those documents filed in support of or in
27 opposition to the motion for summary judgment and any documents or pleadings
28 previously filed in the record of the case which authorized by Subparagraph (A)(4)
29 of this Article and which are specifically referenced and separately listed in the

Proposed law retains present law and provides that the court may also consider any documents or pleadings previously filed in the record of the case and which are specifically referenced and separately listed in the motion or the memorandum in support of or opposition to the motion.

(Amends C.C.P. Art. 966 (A)(4), (B)(1), (C)(1), and (D)(2))