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## DIGEST

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HB 1098 Original

2016 Regular Session

Jay Morris

**Abstract:** Provides for the filing and hearing of amended motions for summary judgment and for the filing and reference of certain documents.

Present law provides the procedures for filing and hearing a motion for summary judgment.

Present law provides that the only documents that may be filed in support of or in opposition to the motion are pleadings, memoranda, affidavits, depositions, answers to interrogatories, certified medical records, written stipulations, and admissions. The court may permit documents to be filed in any electronically stored format authorized by court rules or approved by the clerk of the court.

Proposed law retains present law and authorizes exhibits attached to the pleadings, documents attached to the motion, and properly authenticated documents attached to or referenced in an affidavit or a deposition.

Present law provides that a motion for summary judgment and all documents in support of the motion shall be filed and served on all parties in accordance with Article 1313 not less than 65 days prior to the trial and set for hearing not less than 30 days after filing and not less than 30 days prior to trial.

Proposed law provides that an amended motion for summary judgment shall also be filed and served and set according to the same time limitations provided by present law.

Proposed law provides that if a contradictory hearing on a motion for summary judgment is set more than 30 days after filing the motion, the motion may be amended to include additional allegations or to attach or reference additional documents, provided that all new allegations and attached documents are filed and served on all parties in accordance with Article 1313 not less than 30 days prior to the hearing on the motion and not less than 65 days prior to trial.

Present law provides that the court may consider only those documents filed in support of or in opposition to the motion for summary judgment and shall consider any documents to which no objection is made.

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))