
DIGEST

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Abramson

HB No. 607

Abstract: Provides for continuous revision of the Code of Civil Procedure including requiring the deadline for answering incidental demands the same as provided for the principal demand, clarifying that a party is under no obligation to identify a testifying expert absent a discovery request or order for an expert report, providing for persons before whom depositions are taken, and extending the time period within which the state has to respond to a request for production of documents.

Present law (C.C.P. Art.1035) provides for answer in incidental demands.

Proposed law makes the deadline for answering incidental demands the same as provided for principal demands.

Present law (C.C.P. Art.1425) provides for identifying testifying experts.

Proposed law specifies that a party is under no obligation to identify a testifying expert absent a discovery request or order for an expert report.

Present law (C.C.P. Art. 1434) requires that a deposition be taken before an officer authorized to administer oaths and who is not an employee or attorney of any of the parties. Further defines an employee to include a person who has a contractual relationship with or is employed part or full time by a person who has a contractual relationship with a party litigant to provide certain reporting services.

Proposed law retains present law and exempts those persons who do not have actual knowledge of the existence of an employment or contractual relationship and who have obtained certification that they do not have a prohibited employment or contractual relationship with a party litigant from those defined as employees.

Present law (C.C.P. Art.1462) provides for discovery-production of documents and things.

Proposed law extends the period for the state and its political subdivisions to respond to a request for production of documents and things from 15 to 30 days.

(Amends C.C.P. Arts. 1035, 1425(C), and 1462(B)(1); Adds C.C.P. Art. 1434(A)(3))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill.

1. Deleted changes to C.C.P. Art. 1469(4), authorizing the court to award costs and attorney's fees when a response to discovery is unreasonably delayed, from the bill.

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Added provisions regarding persons before whom depositions are taken, exempting those persons who do not have actual knowledge of the existence of an employment or contractual relationship and who have obtained certification that they do not have a prohibited employment or contractual relationship with a party litigant from those defined as employees.