

Regular Session, 2011

HOUSE BILL NO. 120

BY REPRESENTATIVE CONNICK

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CIVIL/PROCEDURE: Provides for the suspension of liberative prescription in class action suits

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 596(A), relative to liberative
3 prescription; to provide for the suspension of liberative prescription in class action
4 suits; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Civil Procedure Article 596(A) is hereby amended and reenacted
7 to read as follows:

8 Art. 596. Prescription; suspension

9 A. Liberative prescription on the claims arising out of the transactions or
10 occurrences described in a petition brought on behalf of a class is suspended on the
11 filing of the petition as to all members of the class as defined or described therein.

12 Prescription which has been suspended as provided herein, continues to be
13 suspended as to all putative class members even if a putative class member files suit
14 individually after the filing of the petition brought on behalf of the class, and begins
15 to run again only when any of the following conditions are met:

16 (1) As to any person electing to be excluded from the class, thirty days from
17 the submission of that person's election form;

18 (2) As to any person excluded from the class pursuant to Article 592, thirty
19 days after mailing or other delivery or publication of a notice to such person that the
20 class has been restricted or otherwise redefined so as to exclude him; ~~or,~~

