

Regular Session, 2014

HOUSE BILL NO. 123

BY REPRESENTATIVE SEABAUGH

CIVIL/MOTIONS: Provides relative to service of motions for summary judgment

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 966(B)(1), relative to motions for
3 summary judgment; to provide for service of motions for summary judgment,
4 memorandum in support, and supporting affidavits; and to provide for related
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Civil Procedure Article 966(B)(1) is hereby amended and
8 reenacted to read as follows:

9 Art. 966. Motion for summary judgment; procedure

10 * * *

11 B.(1) The motion for summary judgment, memorandum in support thereof,
12 and supporting affidavits shall be served pursuant to Article 1314 within the time
13 limits provided in District Court Rule 9.9. For good cause, the court shall give the
14 adverse party additional time to file a response, including opposing affidavits or
15 depositions. The adverse party may serve opposing affidavits, and if such opposing
16 affidavits are served, the opposing affidavits and any memorandum in support
17 thereof shall be served pursuant to Article 1313 within the time limits provided in
18 District Court Rule 9.9.

19 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Seabaugh

HB No. 123

Abstract: Requires that motions for summary judgment, memorandum in support, and supporting affidavits be served pursuant to C.C.P. Art. 1314.

Present law (C.C.P. Art. 966) provides procedures for motions for summary judgment, including service of process.

Present law (C.C.P. Art. 1314) requires certain pleadings to be served by the sheriff in a manner permitted under Arts. 1231 through 1266, through personal service on counsel of record, or through delivery of a copy to the clerk of court when there is no counsel of record.

Proposed law retains present law and requires that motions for summary judgment, memorandum in support, and supporting affidavits be served pursuant to C.C.P. Art. 1314.

(Amends C.C.P. Art. 966(B)(1))