

Regular Session, 2014

HOUSE BILL NO. 301

BY REPRESENTATIVE GREENE

CIVIL/PROCEDURE: Extends the time for motion for new trial

1 AN ACT

2 To amend and reenact Code of Civil Procedure Articles 1974, 2087(A)(1), 2123(A)(1), and
3 4907(B), relative to the delay for filing a motion for new trial; to extend the delay
4 within which to file a motion for new trial; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Civil Procedure Articles 1974, 2087(A)(1), 2123(A)(1), and
7 4907(B) are hereby amended and reenacted to read as follows:

8 Art. 1974. Delay for applying for new trial

9 The delay for applying for a new trial shall be ~~seven~~ twenty-one days,
10 exclusive of legal holidays. The delay for applying for a new trial commences to run
11 on the day after the clerk has mailed, or the sheriff has served, the notice of judgment
12 as required by Article 1913.

13 * * *

14 Art. 2087. Delay for taking devolutive appeal

15 A. Except as otherwise provided in this Article or by other law, an appeal
16 which does not suspend the effect or the execution of an appealable order or
17 judgment may be taken within sixty days of any of the following:

1 (1) The expiration of the delay for applying for a new trial or judgment
2 notwithstanding the verdict, whichever is later, as provided by Article 1974 and
3 Article 1811, if no application has been filed timely.

4 * * *
5 Art. 2123. Delay for taking suspensive appeal

6 A. Except as otherwise provided by law, an appeal that suspends the effect
7 or the execution of an appealable order or judgment may be taken, and the security
8 therefor furnished, only within thirty days of any of the following:

9 (1) The expiration of the delay for applying for a new trial or judgment
10 notwithstanding the verdict, whichever is later, as provided by Article 1974 and
11 Article 1811, if no application has been filed timely.

12 * * *
13 Art. 4907. New trials; delay in parish or city courts

14 * * *
15 B. The delay for applying for a new trial shall be ~~seven~~ twenty-one days,
16 exclusive of legal holidays. Where notice of judgment is required, this delay
17 commences to run on the day after the clerk has mailed, or the sheriff has served, the
18 notice of judgment.

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)]

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Abstract: Extends the delay in which to file a motion for new trial from ~~seven~~ to twenty-one days.

Present law provides that the delay for applying for a new trial shall be seven days, exclusive of legal holidays.

Proposed law retains present law but extends the delay from seven to twenty-one days.

(Amends C.C.P. Arts. 1974, 2087(A)(1), 2123(A)(1), and 4907(B))