

Regular Session, 2010
HOUSE BILL NO. 398

ACT No. 695

BY REPRESENTATIVE LANDRY

1 AN ACT

2 To amend and reenact R.S. 9:2781(E) and to enact R.S. 9:2781(F), relative to suits on open
3 accounts; to provide for the award of reasonable attorney fees in certain
4 circumstances; to provide for definitions; to provide procedures for obtaining a
5 judgment for attorney fees; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 9:2781(E) is hereby amended and reenacted and R.S. 9:2781(F) is
8 hereby enacted to read as follows:

9 §2781. Open accounts; attorney fees; professional fees; open account owed to the
10 state

11 * * *

12 E. As used in this Section; the following terms shall have the following
13 meanings:

14 (1) ~~"person"~~ "Person" means natural and juridical persons.

15 (2) "Reasonable attorney fees" means attorney fees incurred before judgment
16 and after judgment if the judgment creditor is required to enforce the judgment
17 through a writ of fieri facias, writ of seizure and sale, judgment debtor examination,
18 garnishment, or other post-judgment judicial process.

19 F. If the judgment creditor incurs attorney fees after judgment on the
20 principal demand associated with enforcement of the judgment, the judgment
21 creditor may obtain judgment for those attorney fees and additional court costs by
22 filing a rule to show cause along with an affidavit from counsel for the judgment
23 creditor setting forth the attorney fees incurred. If the judgment debtor does not file
24 with the court a memorandum in opposition at least eight days prior to the hearing

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 on the rule, the court may award the attorney fees and court costs as prayed for
 2 without the necessity of an appearance in court by counsel for the judgment creditor.
 3 The rule to show cause shall include notice to the judgment debtor of the
 4 consequences under this Subsection of not timely filing a memorandum in
 5 opposition. The amount of any post-judgment award of attorney fees and costs shall
 6 be added to the total to be recovered on the principal demand through any existing
 7 writ or garnishment proceedings.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____