

2016 Regular Session

HOUSE BILL NO. 405

BY REPRESENTATIVE FOIL

CIVIL/MOTIONS: Provides relative to the motion for summary judgment

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 966(B)(introductory paragraph) and
3 (2), relative to motions for summary judgment; to provide for the period of time
4 within which to file an opposition to a motion for summary judgment; and to provide
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Civil Procedure Article 966(B)(introductory paragraph) and (2)
8 is hereby amended and reenacted to read as follows:

9 Art. 966. Motion for summary judgment; procedure

10 * * *

11 B. Unless extended by the court ~~and agreed to by all of the parties~~, a motion
12 for summary judgment shall be filed, opposed, or replied to in accordance with the
13 following provisions:

14 * * *

15 (2) Any opposition to the motion and all documents in support of the
16 opposition shall be filed and served in accordance with Article 1313 not less than
17 ~~fifteen~~ ten days prior to the hearing on the motion.

18 * * *

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)]

HB 405 Original

2016 Regular Session

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Abstract: Changes the period within which to file and serve an opposition to a motion for summary judgment from 15 days to 10 days prior to the hearing on the motion.

Present law provides that unless extended by the court and agreed to by all of the parties, a motion for summary judgment shall be filed, opposed, or replied to in accordance with the provisions of present law.

Proposed law removes the requirement that the extension of time be agreed to by all of the parties.

Present law provides that a motion for summary judgment and all documents in support of the motion shall be filed and served on all parties in accordance with C.C.P. Art. 1313 not less than 65 days prior to the trial.

Present law provides that any opposition to the motion and all documents in support of the opposition shall be filed and served in accordance with C.C.P. Art. 1313 not less than 15 days prior to the hearing on the motion.

Proposed law retains present law but changes the period of time within which to file and serve an opposition to the motion from 15 days to 10 days prior to the hearing on the motion.

(Amends C.C.P. Art. 966(B)(intro. para.) and (2))