HLS 12RS-1185 ORIGINAL

Regular Session, 2012

HOUSE BILL NO. 434

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BY REPRESENTATIVE CONNICK

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

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: (1) As to any person electing to be excluded from the class, thirty days from 16 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.

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

(3) As to all members, thirty days after mailing or other delivery or 2 publication of a notice to the class that the action has been dismissed, that the 3 demand for class relief has been stricken pursuant to Article 592, or that the court has denied a motion to certify the class or has vacated a previous order certifying the class.

## **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)]

Connick HB No. 434

**Abstract:** Provides for the suspension of liberative prescription in class actions.

<u>Present law</u> provides that liberative prescription in class actions is suspended when a petition is filed as to all of the members of the class.

<u>Present law</u> also provides when prescription begins to run again.

Proposed law retains present law and provides for the continuation of the suspension of liberative prescription even if a member of the class action files suit individually after the petition is filed on behalf of the class.

(Amends C.C.P. Art. 596(A))

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