

Regular Session, 2012

HOUSE CONCURRENT RESOLUTION NO. 134

BY REPRESENTATIVE FOIL

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study procedures relative to the abandonment of civil actions and to report its findings and recommendations to the legislature on or before January 1, 2014.

WHEREAS, the policy underlying dismissal of abandoned actions is prevention of protracted litigation filed for the purpose of harassment or without a serious intent to pursue the claim; and

WHEREAS, Code of Civil Procedure Article 561 provides for the dismissal of cases in which a plaintiff's inaction demonstrates abandonment of his action; and

WHEREAS, inaction by a judgment creditor may sometimes be due to his inability to serve a sophisticated judgment debtor who is intentionally avoiding service of process; and

WHEREAS, it is inherently unfair to allow a sophisticated judgment debtor to avoid service of process with the intent of having the action declared abandoned and dismissed by the court.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to study procedures relative to the abandonment of civil actions and to report its findings and recommendations in the form of specific proposed legislation to the Legislature of Louisiana on or before January 1, 2014.

BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted to the director of the Louisiana State Law Institute.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE