

Regular Session, 2010

SENATE BILL NO. 163

BY SENATOR MURRAY

CIVIL PROCEDURE. Provides relative to procedure for motion for a summary judgment.
(gov sig)

1 AN ACT

2 To enact Code of Civil Procedure Art. 966(F), relative to motion for a summary judgment;
3 to provide with respect to procedure and requirements; to require motions for a
4 summary judgment to be accompanied by a memorandum; to provide for an effective
5 date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Civil Procedure Art. 966(F) is hereby enacted to read as follows:

8 Art. 966. Motion for summary judgment; procedure

9 A.(1) * * *

10 * * *

11 **F.(1) A motion for a summary judgment shall be accompanied by a**
12 **memorandum in support, and any opposition thereto shall contain a**
13 **memorandum in opposition.**

14 **(2) A memorandum in support of a motion for summary judgment shall**
15 **contain:**

16 **(a) A list of the essential legal elements necessary for the mover to be**
17 **entitled to judgment.**

1 **(b) A list of the material facts that the mover contends are not genuinely**
2 **disputed; and**

3 **(c) A reference to the document proving each such fact, with the**
4 **pertinent part containing proof of the fact designated.**

5 **(3) A memorandum in opposition to a motion for summary judgment**
6 **shall contain:**

7 **(a) A list of the material facts that the opponent contends are genuinely**
8 **disputed; and**

9 **(b) A reference to the document proving that each such fact is genuinely**
10 **disputed, with the pertinent part designated.**

11 Section 2. This Act shall become effective upon signature by the governor or, if not
12 signed by the governor, upon expiration of the time for bills to become law without signature
13 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
14 vetoed by the governor and subsequently approved by the legislature, this Act shall become
15 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Angela Lockett De Jean.

DIGEST

Proposed law requires a motion for a summary judgment and any opposition to be
accompanied by a memorandum.

Proposed law provides that a memorandum in support of a motion for summary judgment
must contain:

- (a) A list of the essential legal elements necessary for the mover to be entitled to
judgment;
- (b) A list of the material facts that the mover contend are not genuinely disputed; and
- (c) A reference to the document proving each such fact, with the pertinent part
containing proof of the fact designated.

Proposed law provides that a memorandum in opposition to a motion for summary judgment
must contain:

- (a) A list of the material facts that the opponent contends are genuinely disputed; and

- (b) A reference to the document proving that each such fact is genuinely disputed, with the pertinent part designated.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds C.C.P. Art. 966(F))