SLS 12RS-866 ENGROSSED

Regular Session, 2012

SENATE BILL NO. 429

BY SENATOR NEVERS

CIVIL PROCEDURE. Provides relative to motions for judgment on offers of judgment and time periods (8/1/12)

1 AN ACT

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To amend and reenact Code of Civil Procedure Article 970(A), relative to motions for judgment on offer of judgment; to provide relative to time periods; to provide for

certain terms, conditions and procedures; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 970(A) is hereby amended and reenacted to read as follows:

Art. 970. Motion for judgment on offer of judgment

A. At any time more than thirty twenty days before the time specified for the trial of the matter, without any admission of liability, any party may serve upon an adverse party an offer of judgment for the purpose of settling all of the claims between them. The offer of judgment shall be in writing and state that it is made under this Article; specify the total amount of money of the settlement offer; and specify whether that amount is inclusive or exclusive of costs, interest, attorney fees, and any other amount which may be awarded pursuant to statute or rule. Unless accepted, an offer of judgment shall remain confidential between the offeror and offeree. If the adverse party, within ten days after service, serves written notice that

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the offer is accepted, either party may move for judgment on the offer. The court shall grant such judgment on the motion of either party.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Julie J. Baxter

DIGEST

Nevers (SB 429)

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<u>Present law</u> allows a party at any time more than 30 days before the date of trial, without any admission of liability, to serve upon an adverse party an offer of judgment to settle all claims between them.

Proposed law changes the time period to 20 days before date of trial.

Effective August 1, 2012.

(Amends C.C.P. Art. 970(A))