

2016 Regular Session

SENATE BILL NO. 401

BY SENATOR GATTI

CIVIL PROCEDURE. Provides relative to civil jury trial threshold. (gov sig)

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 1732(1), relative to jury trials; to
3 provide certain limitations upon jury trials; to provide relative to certain monetary
4 threshold amounts; to provide certain terms and conditions; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Civil Procedure Article 1732(1) is hereby amended and reenacted
8 to read as follows:

9 Art. 1732. Limitation upon jury trials

10 A trial by jury shall not be available in:

11 (1) A suit where the amount of no individual petitioner's cause of action
12 exceeds ~~fifty thousand dollars~~ **that amount in controversy set forth in 28 U.S.C.**
13 **1332(a)**, exclusive of interest and costs, except as follows:

14 (a) If an individual petitioner stipulates or otherwise judicially admits sixty
15 days or more prior to trial that the amount of the individual petitioner's cause of
16 action does not exceed ~~fifty thousand dollars~~ **that amount in controversy set forth**
17 **in 28 U.S.C. 1332(a)**, exclusive of interest and costs, a defendant shall not be

1 entitled to a trial by jury.

2 (b) If an individual petitioner stipulates or otherwise judicially admits for the
3 first time less than sixty days prior to trial that the amount of the individual
4 petitioner's cause of action does not exceed ~~fifty thousand dollars~~ **that amount in**
5 **controversy set forth in 28 U.S.C. 1332(a)**, exclusive of interest and costs, any
6 other party may retain the right to a trial by jury if that party is entitled to a trial by
7 jury pursuant to this Article and has otherwise complied with the procedural
8 requirements for obtaining a trial by jury.

9 (c) Notwithstanding Subsubparagraphs (a) and (b) of this Subparagraph, if,
10 as a result of a compromise or dismissal of one or more claims or parties which
11 occurs less than sixty days prior to trial, an individual petitioner stipulates or
12 otherwise judicially admits that the amount of the individual petitioner's cause of
13 action does not exceed ~~fifty thousand dollars~~ **that amount in controversy set forth**
14 **in 28 U.S.C. 1332(a)**, exclusive of interest and costs, a defendant shall not be
15 entitled to a trial by jury.

16 * * *

17 Section 2. This Act shall become effective upon signature by the governor or, if not
18 signed by the governor, upon expiration of the time for bills to become law without signature
19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
20 vetoed by the governor and subsequently approved by the legislature, this Act shall become
21 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 Ben Huxen.

DIGEST

SB 401 Original 2016 Regular Session Gatti

Present law in Code of Civil Procedure provides that a trial by jury shall not be available in certain matters, including a suit where the amount of no individual petitioner's cause of action exceeds \$50,000 exclusive of interest and costs, except as follows:

- (1) If an individual petitioner stipulates or otherwise judicially admits 60 days or more prior to trial that the amount of the individual petitioner's cause of action does not exceed \$50,000 exclusive of interest and costs, a defendant shall not be entitled to a trial by jury.

- (2) If an individual petitioner stipulates or otherwise judicially admits for the first time less than 60 days prior to trial that the amount of the individual petitioner's cause of action does not exceed \$50,000 exclusive of interest and costs, any other party may retain the right to a trial by jury if that party is entitled to a trial by jury pursuant to the present law and has otherwise complied with the procedural requirements for obtaining a trial by jury.
- (3) Notwithstanding the provisions of (1) and (2) above, if, as a result of a compromise or dismissal of one or more claims or parties that occurs less than 60 days prior to trial, an individual petitioner stipulates or otherwise judicially admits that the amount of the individual petitioner's cause of action does not exceed \$50,000 exclusive of interest and costs, a defendant shall not be entitled to a trial by jury.

Proposed law changes "\$50,000" to "that amount in controversy set forth in 28 U.S.C. 1332(a)" and retains remainder of present law.

[NOTE: 28 U.S.C. 1332(a) provides:

"§1332. Diversity of citizenship; amount in controversy; costs

- (a) The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between –
- (1) citizens of different States;
 - (2) citizens of a State and citizens or subjects of a foreign state, except that the district courts shall not have original jurisdiction under this subsection of an action between citizens of a State and citizens or subjects of a foreign state who are lawfully admitted for permanent residence in the United States and are domiciled in the same State;
 - (3) citizens of different States and in which citizens or subjects of a foreign state are additional parties; and
 - (4) a foreign state, defined in section 1603(a) of this title, as plaintiff and citizens of a State or of different States."]

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

(Amends C.C.P. Art. 1732(1))