

2020 Regular Session

HOUSE BILL NO. 574

BY REPRESENTATIVE SEABAUGH

JUDGMENTS/CIVIL: Provides relative to motions for summary judgment

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 966(H) and to enact Code of Civil
3 Procedure Article 966(I), relative to motions for summary judgment; to provide for
4 the awarding of court costs and attorney fees for the party found not at fault or
5 negligent; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Civil Procedure Article 966(H) is hereby amended and reenacted
8 and Code of Civil Procedure Article 966(I) is hereby enacted to read as follows:

9 Art. 966. Motion for summary judgment; procedure

10 * * *

11 H. If summary judgment is granted pursuant to this Article dismissing a
12 party from an action, the court shall award court costs and attorney fees to the party
13 dismissed.

14 I. On review, an appellate court shall not reverse a trial court's denial of a
15 motion for summary judgment and grant a summary judgment dismissing a case or
16 a party without assigning the case for briefing and permitting the parties an
17 opportunity to request oral argument.

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)]

HB 574 Original

2020 Regular Session

Seabaugh

Abstract: Provides for the awarding of court costs and attorney fees for parties dismissed in a motion for summary judgment.

Present law provides that parties or non-parties found not negligent or at fault in a motion for summary judgment shall not be considered in any subsequent allocation of fault.

Proposed law provides for the awarding of court costs and attorney fees for parties dismissed.

(Amends C.C.P. Art. 966(H); Adds C.C.P. Art. 966(I))