
DIGEST

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HB 648 Original

2020 Regular Session

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Abstract: Eliminates the preliminary default in civil cases.

Present law provides that in district courts and in workers' compensation cases, if a defendant fails to file an answer or other pleadings within the time prescribed by law or by the court, a preliminary default may be entered against him. Present law further provides that after a delay of either two or 15 days a preliminary default may be confirmed by proof that is sufficient to establish a prima facie case admitted on the record prior to entry of a final default judgment.

Proposed law repeals present law.

Proposed law provides that a final default judgment may be rendered if a defendant fails to file an answer or other pleadings within the time prescribed by law or by the court and the plaintiff establishes a prima facie case that is admitted on the record.

Present law provides that before a final default judgment may be rendered against the state or political subdivision thereof, a certified copy of the petition and the minute entry constituting the preliminary default shall be sent to or served on the attorney general or proper agent.

Proposed law provides that only the petition shall be sent to or served pursuant to present law.

Proposed law eliminates references in present law to "preliminary default."

(Amends C.C.P. Arts. 253.3(A)(3), 1702 (A) and (E), 1702.1, 1704, 4904(A) and 4921(A), R.S. 13:3205(intro. para.) and 4990, and R.S. 23:1316.1(A); repeals C.C.P. Arts. 1701 and 1704(D) and R.S. 23:1316)