

RÉSUMÉ DIGEST

ACT 250 (HB 178)

2025 Regular Session

Mike Johnson

Existing law (C.C. Art. 3462) provides that if an action is commenced in a competent court of improper venue, prescription is suspended for a period of seven days as to a defendant not served by process within the prescriptive period.

Existing law (C.C.P. Art. 863(F)) provides for the imposition of sanctions.

New law retains existing law but provides that sanctions shall not be imposed with respect to an original petition that is filed within 60 days of an applicable prescriptive date and then transferred to a court of proper venue.

Existing law (C.C.P. Art. 74.2 (E)) provides for custody proceedings.

New law retains existing law but makes minor semantic changes.

Existing law (C.C.P. Art. 74.2(F)) provides for motions made prior to Dec. 31, 2007.

New law repeals outdated existing law.

Existing law (C.C.P. Art. 371) provides for attorney conduct.

New law retains existing law but adds that an attorney shall exercise reasonable diligence with respect to the authentication of evidence that may be false or artificially manipulated. New law also makes minor semantic changes.

Prior law (C.C.P. Art. 684) provided that a mental incompetent did not have the procedural capacity to sue.

New law changes prior law by providing that a person fully interdicted or a person whose limited interdiction specifically restricts the procedural capacity to sue does not have the procedural capacity to sue.

Existing law (C.C.P. Art. 927(A)(5)) provides that the objection of no cause of action may be raised through the peremptory exception.

New law retains existing law but specifically includes objections of no cause of action in part.

Existing law (C.C.P. Art. 966(B)(5)) provides for summary judgment procedure.

New law retains existing law but removes a reference to Art. 1915(B)(2).

Existing law (C.C.P. Art. 1201(C)) sets forth that a defendant may waive service of citation unless the defendant files a declinatory exception of insufficiency of service of process specifically alleging the failure to timely request service of citation.

New law retains existing law but adds that a defendant may also file a contradictory motion in accordance with C.C.P. Art. 1672(C).

Existing law (C.C.P. Art. 1313(A)(4)) provides for service by electronic means.

New law retains existing law but adds that if service cannot be effected electronically, service may be effected by mail or delivery.

Existing law (C.C.P. Art. 1351) provides for the issuance of a subpoena.

New law clarifies existing law and sets forth that the clerk of the court in which the action is pending, at the request of the court or a party, shall issue subpoenas.

Existing law (C.C.P. Art. 1551) provides for pretrial and scheduling conferences and orders.

New law clarifies existing law, further provides for the setting of deadlines for pretrial motions relative to the authenticity and admissibility of purportedly false evidence, and makes minor semantic changes.

Existing law (C.C.P. Art. 1702(A)(5)) provides for proof of the required notice to render a default judgment.

New law clarifies existing law and sets forth the manner in which proof of the required notice may be made.

Existing law (C.C.P. Art. 1811(A)) sets forth that a party may move for a judgment notwithstanding the verdict not less than seven days after the clerk has mailed the notice of judgment.

New law retains existing law but adds that the notice may be delivered in open court.

Prior law (C.C.P. Art. 1911(B)) set forth the requirements to take an appeal from a final judgment.

New law changes prior law by providing that no appeal shall be taken from a final judgment until the judgment has been signed by the judge. New law also removes references to Art. 1915(A) and (B).

Existing law (C.C.P. Art. 1913(A)) provides that notice of the signing of a final judgment is required and shall be mailed by the clerk.

New law retains existing law but adds that notice of the signing of a final judgment may be delivered in open court. New law further adds that delivery of the signed judgment in open court shall constitute notice of judgment and shall be documented in the record of the proceeding.

Existing law (C.C.P. Art. 1913(C)) provides that notice of the signing of a default judgment shall be mailed by the clerk to the defendant at the address where personal service was obtained or to the last known address of the defendant.

New law retains existing law and makes minor semantic changes.

Existing law (C.C.P. Art. 1913(D)) provides that the clerk shall file a certificate in the record showing the date on which notice of the signing of the judgment was mailed

New law retains existing law but adds that the clerk shall file the certificate for notice delivered in open court.

Existing law (C.C.P. Art. 1914(B) and (D)) provides for notice of interlocutory judgments.

New law retains existing law but adds that a judgment granted or an exception sustained in accordance with Article 1915(C) shall be reduced to writing, and makes minor semantic changes. New law further adds that delivery of the signed judgment in open court shall constitute notice of judgment and shall be documented in the record of the proceeding.

Prior law (C.C.P. Art. 1915) provided for judgments that did not adjudicate all of the issues in the case.

New law changes prior law by removing that a judgment may be designated as final by the court after an express determination that there is no just reason for delay. New law adds that when a court grants a judgment, or sustains an exception in part, that judgment is an interlocutory judgment.

New law further adds a requirement that all judgments rendered in accordance with new law shall be reduced to writing and signed by the court. New law also makes minor semantic

changes, applies prospectively only, and does not apply to appeals and supervisory writs filed prior to the effective date.

Existing law (C.C.P. Art. 1974) provides that a party may file a motion for new trial after the clerk has mailed the notice of judgment as required by Art. 1913.

New law retains existing law but adds that a party may file a motion for new trial after the clerk has delivered in open court the notice of judgment.

Prior law (C.C.P. Art. 2088(A)(11) and (12)) set forth that the jurisdiction of a trial court in matters not reviewable under appeal included certification of a partial judgment or partial summary judgment in accordance with Art. 1915(B) and amendment of a judgment to provide proper decretal language.

New law changes prior law by removing from the jurisdiction of the trial court certification of a partial judgment or partial summary judgment in accordance with Art. 1915(B).

Prior law (C.C.P. Art. 2595) provided that, upon reasonable notice, a summary proceeding was allowed to be tried in open court or in chambers, in term or in vacation.

New law removes from prior law outdated provisions as to where a summary proceeding may be tried.

Existing law (C.C.P. Art. 3721) provides that a conventional mortgage is enforced by ordinary or executory proceedings.

New law retains existing law but provides that in an ordinary proceeding to enforce a promissory note combined with a security device, the judgment or order of executory process granted may include any amounts which accrue after the rendition of the judgment or order.

New law provides that prior to the sheriff's sale, the seizing creditor or his counsel shall file the payoff amount to the obligation being enforced, including amounts which have accrued after the filing of the petition or rendition of the judgment or order.

New law provides that any party with an interest in the property seized may file a rule to show cause to traverse the payoff amount filed, and the rule to show cause shall be filed prior to the sheriff's disbursement of funds from the judicial sale.

Existing law (C.C.P. Art. 4607) provides that all counsel of record, including curators, shall be given notice of the sale date.

New law retains existing law and makes minor semantic changes.

Existing law (C.C.P. Art. 4873) provides for transfers to district court.

New law retains existing law but adds that a plaintiff may oppose the transfer only if the plaintiff stipulates that the action does not exceed \$10,000 exclusive of interest and costs.

Prior law (C.C.P. Art. 5059) provided that in computing a period of time, the date of the act after which the period began to run was included.

New law changes prior law by providing that in computing a period of time, the date of the act from which the period begins to run is included. New law also provides for the definition of "next day" to mean the subsequent calendar day that is not a legal holiday following a legal holiday and makes minor semantic changes.

Effective August 1, 2025.

(Amends C.C. Art. 3462 and C.C.P. Arts. 74.2(E), 371, 684, 863(F), 927(A)(5), 966(B)(5), 1201(C), 1313(A)(4), 1351, 1551, 1702(A)(5), 1811(A)(1), 1911(B), 1913(A), (C), and (D), 1914(B) and (D), 1915(A)(1), (4), and (5), (B), and (C), 1974, 2088(A)(11), 2595, 3721, 4607, 4873, and 5059; Adds C.C.P. Art. 1915(D); Repeals C.C.P. Arts. 74.2(F), 2088(A)(12), and 3784)

