
DIGEST

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Talbot

HB No. 245

Abstract: Provides venue and forum non conveniens procedures for actions involving asbestos and silica.

Proposed law provides that actions involving latent diseases, including asbestos and silica, shall be brought in the parish in which the plaintiff alleges substantial exposure, except direct actions against a foreign or alien insurer may also be brought in East Baton Rouge Parish.

Proposed law provides that if exposure is alleged in more than one parish, the court shall determine which parish has the most significant contacts based on the amount and length of exposure and may transfer the action to that parish.

Proposed law provides that when two or more venue articles conflict, proposed law governs the venue exclusively.

Proposed law prohibits the transfer of a suit brought in the domicile of the plaintiff and in a court of competent jurisdiction and proper venue.

Proposed law provides that allegations, evidence, and findings in accordance with proposed law shall not result in any presumptions at trial, be conclusive as to liability, be admissible at trial unless admissible under Code of Evidence, or result in any special instructions to the jury.

(Amends C.C.P. Art. 45; Adds C.C.P. Art. 78.1)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill.

1. Deletes the residency requirement.
2. Adds an exception for direct actions against foreign or alien insurers.
3. Changes the transfer of the case from mandatory to discretionary, after contradictory hearing.

4. Prohibits the transfer of a suit brought in the domicile of the plaintiff and in a court of competent jurisdiction and proper venue.
5. Restricts the use of allegations, evidence, and findings resulting from proposed law.