

Regular Session, 2014

HOUSE BILL NO. 612

BY REPRESENTATIVE ABRAMSON

CIVIL/ACTIONS: Provides relative to class actions

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 592(E)(5), relative to class actions;
3 to require an individual class member to present certain proof relative to individual
4 claims at trial; to prohibit the appointment of experts by the court in certain
5 circumstances; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Civil Procedure Article 592(E)(5) is hereby amended and
8 reenacted to read as follows:

9 Art. 592. Certification procedure; notice; judgment; orders

10 * * *

11 E. In the conduct of actions to which Article 591 and this Article apply, the
12 court may make any of the following appropriate orders:

13 * * *

14 (5) Dealing with similar procedural matters, including but not limited to case
15 management orders providing for consolidation, duties of counsel, the extent and the
16 scheduling of and the delays for pre-certification and post-certification discovery,
17 and other matters which affect the general order of proceedings; however, the court
18 shall not order the class-wide trial of issues dependent for their resolution on proof
19 individual to a member of the class or, without the consent of all parties, appoint or
20 use a special master or an attorney as a court-appointed expert to adjudicate such

1 issues, including but not limited to the causation of the member's injuries, the amount

2 of the member's special or general damages, the individual knowledge or reliance of

3 the member, or the applicability to the member of individual claims or defenses.

4 Any issues dependent for their resolution on proof individual to a member of the

5 class shall be presented by each individual member of the class at a trial of his claim.

6 * * *

7 Section 2. The provisions of Section 1 of this Act shall become effective on August
8 1, 2014, and shall apply to all actions filed on or after that date.

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)]

Abramson

HB No. 612

Abstract: Requires an individual class member to present certain proof relative to individual claims at trial and prohibits the appointment of certain persons by the court absent consent of the parties.

Present law provides certification procedures for class actions. Present law further authorizes the court to determine the general order of proceedings.

Proposed law retains present law but requires an individual class member to present proof relative to individual claims at trial. Further prohibits the court from appointing an expert to adjudicate individual issues without consent of the parties.

(Amends C.C.P. Art. 592(E)(5))