HLS 14RS-881 **ENGROSSED** 

Regular Session, 2014

HOUSE BILL NO. 613

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## BY REPRESENTATIVES ABRAMSON AND HENRY

CIVIL/JURY TRIALS: Provides relative to the monetary amount in controversy necessary for a jury trial

AN ACT

2	To amend and reenact Code of Civil Procedure Article 1732(1), relative to jury trials; to
3	provide for the limitations on the availability of jury trials in certain circumstances;
4	and to provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. Code of Civil Procedure Article 1732(1) is hereby amended and reenacted
7	to read as follows:
8	Art. 1732. Limitation upon jury trials
9	A trial by jury shall not be available in:
10	(1) A suit where the amount of no individual petitioner's cause of action
11	exceeds fifty thousand dollars exclusive of interest and costs, except as follows: or
12	proceeding, including consolidated and class actions, involving:
13	(a) Only one petitioner where the amount of the petitioner's cause of action
14	does not exceed fifty thousand dollars exclusive of interest and costs; or
15	(b) Two or more petitioners where:
16	(i) No individual petitioner's cause of action exceeds fifty thousand dollars
17	exclusive of interest and costs; or
18	(ii) The aggregate amount of all petitioners' causes of action does not exceed
19	one hundred thousand dollars exclusive of interest and costs.
20	(a)(c) If an individual petitioner stipulates the petitioner in an action under
21	Subsubparagraph (a) of this Subparagraph or all of the petitioners in an action under

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1	Subsubparagraph (b) of this Subparagraph stipulate or otherwise judicially admits
2	sixty admit:
3	(i) Sixty days or more prior to trial that the amount of the individual
4	petitioner's cause of action or the aggregate amount of all of the petitioners' causes
5	of action does not exceed fifty thousand dollars the applicable monetary limitations
6	provided by Subsubparagraph (a) or (b) of this Subparagraph, exclusive of interest
7	and costs, $\frac{1}{a}$ no defendant shall $\frac{1}{a}$ be entitled to a trial by jury.
8	(b) If an individual petitioner stipulates or otherwise judicially admits for the
9	first time less
10	(ii) Less than sixty days prior to trial that the amount of the individual
11	petitioner's cause of action or the aggregate of all of the petitioners' causes of action
12	does not exceed fifty thousand dollars the applicable monetary limitations provided
13	by Subsubparagraph (a) or (b) of this Subparagraph, exclusive of interest and costs,
14	any other party a defendant may retain the right to a trial by jury if that party is
15	entitled to a trial by jury pursuant to this Article and defendant has otherwise
16	complied with the procedural requirements for obtaining a trial by jury.
17	(c)(d) Notwithstanding Subsubparagraphs (a) and (b) Subsubparagraph (c)
18	of this Subparagraph, if, as a result of a compromise or dismissal of one or more
19	claims or parties which occurs less than sixty days prior to trial, an individual
20	petitioner stipulates or otherwise judicially admits that the amount of the individual
21	petitioner's cause of action does not exceed fifty thousand dollars exclusive of
22	interest and costs, a defendant shall not be entitled to a trial by jury the petitioner in
23	an action under Subsubparagraph (a) of this Subparagraph or all of the petitioners
24	under Subsubparagraph (b) of this Subparagraph stipulate or otherwise judicially
25	admit that the amount of all of the remaining causes of action do not exceed the
26	applicable monetary limitations provided by Subparagraph (a) or (b) of this
27	Paragraph, exclusive of interest and costs, no defendant shall be entitled to a trial by
28	jury.

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1 Section 2. The provisions of this Act shall become effective on August 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. 613

**Abstract:** Provides that a trial by jury shall be available in a suit where at least one petitioner's cause of action exceeds \$50,000 and in a suit where the aggregate of multiple petitioners' causes of action exceed \$100,000, regardless of whether any cause of action exceeds \$50,000.

<u>Present law</u> provides that a trial by jury shall not be available in a suit where the amount of no individual petitioner's cause of action exceeds \$50,000, exclusive of interest and costs.

<u>Present law</u> provides that a trial by jury is not available in certain actions, including: suits on certain unconditional obligations; summary, executory, probate, partition, mandamus, habeas corpus, quo warranto, injunction, concursus, workers' compensation, emancipation, tutorship, interdiction, curatorship, filiation, annulment of marriage, or divorce proceedings; proceedings to determine custody, visitation, alimony, or child support; proceedings to review an action by an administrative or municipal body; and all cases where a jury trial is specifically denied by law.

<u>Proposed law</u> provides that a trial by jury shall not be available in a suit unless at least one petitioner's cause of action exceeds \$50,000, or in a suit where the aggregate of multiple petitioners' causes of action exceed \$100,000, regardless of whether any cause of action exceeds \$50,000.

<u>Present law</u> provides that if an individual petitioner stipulates or otherwise judicially admits 60 days or more prior to trial that the amount of the individual petitioner's cause of action does not exceed \$50,000, exclusive of interest and costs, a defendant shall not be entitled to a trial by jury.

<u>Proposed law</u> applies the <u>present law</u> procedure to the aggregate of all of the petitioners' causes of action.

<u>Present law</u> provides that if an individual petitioner stipulates or otherwise judicially admits for the first time less than 60 days prior to trial that the amount of the individual petitioner's cause of action does not exceed \$50,000, exclusive of interest and costs, any other party may retain the right to a trial by jury if that party is otherwise entitled to a trial by jury and has otherwise complied with the procedural requirements for obtaining a trial by jury.

<u>Proposed law</u> applies <u>present law</u> procedure to the aggregate of all of the petitioners' causes of action.

<u>Present law</u> provides that notwithstanding C.C.P. Art. 1732(1)(a) and (b), if, as a result of a compromise or dismissal of one or more claims or parties which occurs less than 60 days prior to trial, an individual petitioner stipulates or otherwise judicially admits that the amount of the individual petitioner's cause of action does not exceed \$50,000 exclusive of interest and costs, a defendant shall not be entitled to a trial by jury.

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<u>Proposed law</u> applies <u>present law</u> procedure to the aggregate of all of the petitioners' causes of action.

Proposed law provides for prospective application to actions filed on or after Aug. 1, 2014.

(Amends C.C.P. Art. 1732(1))

## Summary of Amendments Adopted by House

Committee Amendments Proposed by <u>House Committee on Civil Law and Procedure</u> to the <u>original</u> bill.

- 1. Deleted all provisions of <u>proposed law</u> amending C.C.P. Art. 1732(1).
- 2. Added provisions amending C.C.P. Art. 1732(1) to authorize a trial by jury for matters where at least one petitioner's cause of action exceeds \$50,000 and for matters where the aggregate of multiple petitioners' causes of action exceed \$100,000, regardless of whether any cause of action exceeds \$50,000.
- 3. Added provisions regarding a defendant's ability to demand a jury trial when the petitioner stipulates that the cause of action does not exceed the monetary limitation.