
DIGEST

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HB 5 Engrossed

2018 Regular Session

Connick

Abstract: Provides for the continued suspension of prescription upon the dismissal of a defendant under certain circumstances.

Present law provides that the filing of a suit in a competent court and in the proper venue or from service of process interrupts prescription as long as the suit is pending.

Present law provides that interruption is considered never to have occurred if the plaintiff abandons, voluntarily dismisses the action at any time either before the defendant has made any appearance of record or thereafter, or fails to prosecute the suit at the trial.

Proposed law specifies that a settlement and subsequent dismissal of a defendant does not qualify as a voluntary dismissal.

The provisions of proposed law are intended to codify the ruling of the court in *Pierce v. Foster Wheeler Constructors, Inc.*, 906 So.2d 605 (La.App. 1st Cir. 2005).

(Amends C.C. Art. 3463)