

2018 Regular Session

HOUSE BILL NO. 550

BY REPRESENTATIVE MAGEE

1 AN ACT

2 To amend and reenact Code of Civil Procedure Articles 1458 and 1462(B), relative to delays
3 for responding to written discovery requests; to provide relative to delays for
4 answering interrogatories in family law matters; to provide relative to delays for
5 answering requests for production of documents in family law matters; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Civil Procedure Articles 1458 and 1462(B) are hereby amended
9 and reenacted to read as follows:

10 Art. 1458. Interrogatories to parties; procedures for use

11 A. Each interrogatory shall be answered separately and fully in writing under
12 oath, unless it is objected to, in which event the reasons for objection shall be stated
13 in lieu of an answer. The written answer or reasons for objection to each
14 interrogatory shall immediately follow a restatement of the interrogatory to which
15 the answer or objection is responding. The answers are to be signed by the person
16 making them. When interrogatories are served on a specific party, that party shall
17 verify he has read and confirmed the answers and objections. The party upon whom
18 the interrogatories have been served shall serve a copy of the answers, and objections
19 if any, within thirty days after the service of the interrogatories, except as set forth
20 in Paragraph B of this Article. The court may allow a shorter or longer time. The
21 party submitting the interrogatories may move for an order under Article 1469 with
22 respect to any objection to or other failure to answer an interrogatory.

1 B. The delay for serving a copy of the answers to interrogatories in family
 2 law cases, including divorce, custody, spousal and child support, community
 3 property, and matters incidental to family law proceedings, shall be fifteen days after
 4 service of the discovery, unless the interrogatories are served with an original
 5 petition, in which case the party who has been served shall have thirty days from the
 6 date of service to serve a copy of the answers to interrogatories.

7 * * *

8 Art. 1462. Production of documents and things; entry upon land; procedure

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10 B.(1) The party upon whom the request is served shall serve a written
 11 response within thirty days after service of the request, except as set forth in
 12 Subparagraph (2) of this Paragraph. The court may allow a shorter or longer time.
 13 With respect to each item or category, the response shall state that inspection and
 14 related activities will be permitted as requested, unless the request is objected to, in
 15 which event the reasons for objection shall be stated. If objection is made to part of
 16 an item or category, the part shall be specified. The written answer or reasons for
 17 objection to each request for production of documents shall immediately follow a
 18 restatement of the request for production of documents to which the answer or
 19 objection is responding. The party submitting the request may move for an order
 20 under Article 1469 with respect to any objection to or other failure to respond to the
 21 request, or any part thereof, or any failure to permit inspection as requested. If
 22 objection is made to the requested form or forms for producing information,
 23 including electronically stored information, or if no form was specified in the
 24 request, the responding party shall state in its response the form or forms it intends
 25 to use.

26 (2) The delay for serving a copy of the responses to requests in family law
 27 cases, including divorce, custody, spousal and child support, community property,
 28 and matters incidental to family law proceedings, shall be fifteen days after service
 29 of the discovery, unless the request is served with an original petition, in which case

1 the party who has been served shall have thirty days from the date of service to serve
 2 a copy of the answers to the request.

3 ~~(2)~~(3) A party need not provide discovery of electronically stored
 4 information from sources that the party identifies as not reasonably accessible
 5 because of undue burden or cost. On motion to compel discovery or for a protective
 6 order, the party from whom discovery is sought shall show that the information is not
 7 reasonably accessible because of undue burden or cost. If that showing is made, the
 8 court may nonetheless order discovery from such sources if the requesting party
 9 shows good cause. The court may specify conditions for the discovery considering
 10 the criteria and limitations of Article 1426.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____