2020 Regular Session

HOUSE BILL NO. 483

BY REPRESENTATIVE MCKNIGHT

CIVIL/MOTIONS: Provides relative to motions for summary judgment

1	AN ACT
2	To amend and reenact Code of Civil Procedure Articles 966(A)(4), (B)(3), and (D)(2),
3	relative to motions for summary judgment; to provide for the submission of
4	additional documents in reply for the purpose of rebuttal; and to provide for related
5	matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. Code of Civil Procedure Articles 966(A)(4), (B)(3), and (D)(2) are hereby
8	amended and reenacted to read as follows:
9	Art. 966. Motion for summary judgment; procedure
10	А.
11	* * *
12	(4) The only documents that may be filed in support of or in opposition to
13	the motion are pleadings, memoranda, affidavits, depositions, answers to
14	interrogatories, certified medical records, written stipulations, and admissions, and
15	certified records received through subpoena. The court may permit documents to be
16	filed in any electronically stored format authorized by court rules or approved by the
17	clerk of the court.
18	B. Unless extended by the court and agreed to by all of the parties, a motion
19	for summary judgment shall be filed, opposed, or replied to in accordance with the
20	following provisions:
21	* * *

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	(3) Any reply memorandum shall be filed and served in accordance with
2	Article 1313 not less than five days prior to the hearing on the motion. No additional
3	documents may be filed with the reply memorandum, except documents filed to
4	rebut arguments made in the opposition memorandum and a complete certified copy
5	of a deposition that was only partially produced in the opposition memorandum.
6	* * *
7	D.
8	* * *
9	(2) The court may consider only those documents filed in support of or in
10	opposition to the motion for summary judgment or in a reply memorandum and shall
11	consider any documents to which no objection is made. Any objection to a
12	document shall be raised in a timely filed opposition or reply memorandum. The
13	court shall consider all objections prior to rendering judgment. The court shall
14	specifically state on the record or in writing which documents, if any, it held to be
15	inadmissible or declined to consider.
16	* * *

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)]

HB 483 Original 2020 Regular Session McKnight

Abstract: Provides relative to the submission of certified records in reply memorandum.

<u>Present law</u> does not provide for certified records received through subpoena to be filed in support of or opposition to motions for summary judgment.

<u>Proposed law</u> authorizes certified records received through subpoena to be filed in support of or opposition to motions for summary judgment.

Present law provides that no additional documents may be filed with a reply memorandum.

<u>Proposed law</u> provides that a reply memorandum may include a complete certified copy of a deposition that was partially produced in the opposition memorandum and documents filed to rebut arguments made in the opposition memorandum.

(Amends C.C.P. Arts. 966(A)(4), (B)(3), and (D)(2))