

2025 Regular Session

HOUSE BILL NO. 178

BY REPRESENTATIVE MIKE JOHNSON

(On Recommendation of the Louisiana State Law Institute)

AN ACT

To amend and reenact Civil Code Article 3462 and Code of Civil Procedure Articles 74.2(E), 371, 684, 863(F), 927(A)(5), 966(B)(5), 1201(C), 1313(A)(4), 1351, 1551, 1702(A)(5), 1811(A)(1), 1911(B), 1913(A), (C), and (D), 1914(B) and (D), 1915(A)(1), (4), and (5), (B), and (C), 1974, 2088(A)(11), 2595, 3721, 4607, 4873, and 5059, to enact Code of Civil Procedure Article 1915(D), and to repeal Code of Civil Procedure Articles 74.2(F), 2088(A)(12), and 3784, relative to civil procedure; to provide for the interruption of prescription; to provide for the imposition of sanctions; to provide with respect to child custody proceedings; to provide with respect to attorney conduct; to provide with respect to interdicts; to provide with respect to objections raised by peremptory exception; to provide with respect to summary judgment procedure; to provide with respect to service of citation; to provide with respect to electronic service; to provide with respect to the issuance of subpoenas; to provide for pretrial and scheduling conference orders; to provide with respect to default judgments; to provide with respect to motions for judgment notwithstanding the verdict; to provide with respect to the signing of final judgments; to provide for notice of judgments; to provide for final, interlocutory, and partial judgments; to provide with respect to delays for applying for new trial; to provide with respect to divesting the trial court of jurisdiction; to provide with respect to the trial of summary proceedings; relative to methods of enforcing mortgages; to provide relative to civil actions; to provide with respect to provisions of the judgment; to provide relative to specific amounts, costs, expenses, and fees;

1 to provide relative to terms, conditions, procedures, and requirements; to provide
2 relative to judicial process, collection proceedings, and sales under fieri facias; to
3 provide with respect to partitions by licitation or by private sale; to provide with
4 respect to the procedure to transfer to district court; to provide for the computation
5 of time; to provide for applicability; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Civil Code Article 3462 is hereby amended and reenacted to read as
8 follows:

9 Art. 3462. Interruption by filing of ~~suit~~ action or by service of process

10 ~~Prescription~~ Unless otherwise expressly provided by legislation, prescription
11 is interrupted when the owner commences action against the possessor, or when the
12 obligee commences action against the obligor, in a court of competent jurisdiction
13 and venue. If action is commenced in an incompetent court, or in an improper
14 venue, prescription is interrupted only as to a defendant served by process within the
15 prescriptive period. If an action is commenced in a competent court of improper
16 venue, prescription is suspended for a period of seven days as to a defendant not
17 served by process within the prescriptive period.

18 Revision Comments - 2025

19 This amendment changes the law. The filing of an action in a court of
20 competent jurisdiction will interrupt the prescriptive period even if venue is
21 improper. There are, however, numerous more specific statutes that still require an
22 action to be filed in a court of both competent jurisdiction and proper venue in order
23 to interrupt prescription, including R.S. 9:5604 (professional accounting liability),
24 5605 (legal malpractice), 5606 (professional insurance agent liability), 5607
25 (professional engineer, surveyor, interior designer, architect, and real estate
26 developer liability), and 5608 (action against home inspectors).

27 Section 2. Code of Civil Procedure Article 863(F) is hereby amended and reenacted
28 to read as follows:

29 Art. 863. Signing of pleadings; effect

30 * * *

31 F. A sanction authorized in Paragraph D of this Article shall not be imposed
32 with respect to an original petition ~~which~~ that is filed within sixty days of an
33 applicable prescriptive date and then voluntarily dismissed or transferred to a court

of proper venue within ninety days after its filing or on the date of a hearing on the pleading, whichever is earlier.

* * *

Section 3. Code of Civil Procedure Articles 74.2(E), 371, 684, 927(A)(5), 966(B)(5), 1201(C), 1313(A)(4), 1351, 1551, 1702(A)(5), 1811(A)(1), 1911(B), 1913(A), (C), and (D), 1914(B) and (D), 1915(A)(1), (4), and (5), (B), and (C), 1974, 2088(A)(11), 2595, 3721, 4607, 4873, and 5059 are hereby amended and reenacted, and Code of Civil Procedure Article 1915(D) is hereby enacted, to read as follows:

Art. 74.2. Custody proceedings; support; forum non conveniens

* * *

E. For the convenience of the parties and the witnesses and in the interest of justice, a court, upon contradictory motion or upon its own motion after notice and hearing, may transfer the custody or support proceeding to another court where the proceeding might have been brought.

* * *

Art. 371. Attorney

A. An attorney ~~at law~~ is an officer of the court. He An attorney shall conduct himself at all times act with decorum; and in a manner consistent with the dignity and authority of the court and the role ~~which he himself~~ that the attorney should play in the administration of justice.

B. ~~He~~ An attorney shall treat the court, its officers, jurors, witnesses, the opposing party, and opposing counsel with due respect; shall not interrupt opposing counsel; or otherwise interfere with or impede the orderly dispatch of judicial business by the court; shall not knowingly encourage or produce false evidence, including evidence that is artificially generated or altered by any means; and shall not knowingly make any misrepresentation; or otherwise impose upon or deceive the court.

C. An attorney shall exercise reasonable diligence to verify the authenticity of evidence before offering it to the court. If an attorney knew or should have known through the exercise of reasonable diligence that evidence was false or artificially

1 manipulated, the offering of that evidence without disclosure of that fact shall be
2 considered a violation of this Article.

3 D. For a violation of any of the provisions of this ~~article~~ Article, the attorney
4 ~~at law subjects himself~~ is subject to punishment for contempt of court; and ~~such~~
5 further disciplinary action as is otherwise provided by law.

6 * * *

7 Art. 684. ~~Mental incompetent; interdict~~ Interdict

8 A. ~~A mental incompetent~~ A person fully interdicted or a person whose
9 limited interdiction specifically restricts the procedural capacity to sue does not have
10 the procedural capacity to sue.

11 B. Except as otherwise provided in Articles 4431, 4554, and 4566, the
12 curator is the proper plaintiff to sue to enforce a right of ~~an interdict~~ a person fully
13 interdicted or a person whose limited interdiction specifically restricts the procedural
14 capacity to sue.

15 Comments - 2025

16 This amendment seeks to address an issue raised by the court in Walcott v.
17 Louisiana Department of Health and Valley Services, 341 So. 3d 696 (La. App. 1
18 Cir. 2022), in which the First Circuit held that sustaining an exception of lack of
19 procedural capacity in a civil proceeding against a plaintiff who, in a criminal
20 proceeding, was determined a mental incompetent but was not interdicted would
21 leave the plaintiff with no avenue to pursue a civil claim. Under the amendment to
22 this Article, a person determined in a criminal proceeding to be a mental incompetent
23 has the procedural capacity to file a civil action unless that person is fully interdicted
24 or the person's limited interdiction restricts the capacity to sue. A court may order the
25 full interdiction of a person whose interests cannot be protected by less restrictive
26 means. See Civil Code Article 389. A limited interdiction does not deprive the
27 interdict of the procedural capacity to sue unless the judgment of limited interdiction
28 specifically restricts the ability to sue. See Article 4551 and Civil Code Article 390.

29 * * *

30 Art. 927. Objections raised by peremptory exception

31 A. The objections that may be raised through the peremptory exception
32 include but are not limited to the following:

33 * * *

34 (5) No cause of action, including an objection of no cause of action in part,
35 as to one or more but fewer than all of the claims, demands, issues, or theories

against a party, whether in an original demand, reconventional demand, cross-claim, third-party claim, or intervention.

* * *

Comments - 2025

Subparagraph (A)(5) of this Article was amended to clarify that a partial judgment sustaining an exception raising the objection of no cause of action may be appropriate when two or more actions based on the same operative facts of a single transaction or occurrence are cumulated. This changes the result reached by the Louisiana Supreme Court in *Everything on Wheels Subaru, Inc. v. Subaru South, Inc.*, 616 So. 2d 1234 (La. 1993).

* * *

Art. 966. Motion for summary judgment; procedure

* * *

B. Unless extended by the court and agreed to by all of the parties, a motion for summary judgment shall be filed, opposed, or replied to in accordance with the following provisions:

* * *

(5) ~~Notwithstanding Article 1915(B)(2), the~~ The court shall not reconsider or revise the granting of a motion for partial summary judgment on motion of a party who failed to meet the deadlines imposed by this Paragraph, nor shall the court consider any documents filed after those deadlines.

* * *

Art. 1201. Citation; waiver; delay for service

* * *

C. Service of the citation shall be requested on all named defendants within ninety days of commencement of the action. When a supplemental or amended petition is filed naming any additional defendant, service of citation shall be requested within ninety days of its filing, and the additional defendant shall be served with the original petition and the supplemental or amended petition. The defendant may expressly waive the requirements of this Paragraph by any written waiver. The requirement provided by this Paragraph shall be expressly waived by a defendant unless the defendant files, in accordance with the provisions of Article 928, a declinatory exception of insufficiency of service of process specifically alleging the

1 failure to timely request service of citation or a contradictory motion in accordance
2 with Article 1672(C).

3 * * *

4 Art. 1313. Service by mail, delivery, or electronic means

5 A. Except as otherwise provided by law, every pleading subsequent to the
6 original petition, and every pleading which under an express provision of law may
7 be served as provided in this Article, may be served either by the sheriff or by:

8 * * *

9 (4) Transmitting a copy by electronic means to counsel of record, or if there
10 is no counsel of record, to the adverse party, at the number or addresses expressly
11 designated in a pleading or other writing for receipt of electronic service. Service
12 by electronic means is complete upon transmission but is not effective and shall not
13 be certified if the serving party learns that the transmission did not reach the party
14 to be served. If electronic service cannot be effected in accordance with this
15 Subparagraph, service may be effected in accordance with other provisions of this
16 Paragraph.

17 * * *

18 Comments - 2025

19 The amendment to Subparagraph (A)(4) of this Article clarifies that if service
20 cannot be effected by electronic means, service may be effected in accordance with
21 the other provisions of Paragraph A. See Article 966(B)(1) and (2) providing that a
22 motion for summary judgment, all documents in support of the motion, any
23 opposition to the motion, and all documents in support of the opposition shall be
24 filed and served in accordance with Subparagraph (A)(4) of this Article.

25 * * *

26 Art. 1351. Issuance; form

27 The clerk ~~or judge~~ of the court wherein the action is pending, at the request
28 of the court or a party, shall issue subpoenas for the attendance of witnesses at
29 hearings or trials. A subpoena shall issue under the seal of the court. It shall state
30 the name of the court; and the title of the action; and shall command the attendance
31 of the witness at a time and place specified, until discharged.

Comments - 2025

The amendment to this Article is not intended to remove the authority of a justice of the peace to issue a summons pursuant to Article 4921.2.

* * *

Art. 1551. Pretrial and scheduling conference; order

A. In any civil action in a district court, the court may, in its discretion, direct the attorneys for the parties to appear before it for conferences that may be conducted in chambers, by telephone, or by video teleconference to consider any of the following:

(1) ~~The simplification of the issues, including the elimination of frivolous claims or defenses~~ The setting of deadlines for the filing of a motion in accordance with Article 1425(F), motion for summary judgment, motion in limine, and any other pretrial motion.

(2) The setting of the trial and the deadline for the filing of any jury bond.

(3) The necessity or desirability of, and the deadline for filing, any amendments to the pleadings.

~~(3) What material facts and issues exist without substantial controversy, and what material facts and issues are actually and in good faith controverted.~~

(4) ~~Proof, stipulations regarding the authenticity of documents, and advance rulings from the court on the admissibility of evidence.~~ The simplification of the issues, including stipulations as to material facts, exhibits, and issues that are not disputed, and a determination of the facts, exhibits, and issues to be tried.

(5) The authenticity and admissibility of exhibits that a party intends to introduce at trial, including a pretrial ruling on the admissibility of exhibits or the setting of a hearing date as to the admissibility of exhibits.

(a) If a party has reasonable suspicion that an opposing party's exhibits are falsified, including having been generated by artificial intelligence or altered by any means, the party shall raise these concerns at the pretrial conference or at a pretrial hearing on the admissibility of the exhibits.

1 **(b) If a party knows or has reason to know that its exhibits have been**
2 **falsified, including having been generated by artificial intelligence or altered by any**
3 **means, the party shall disclose this fact in accordance with Article 371.**

4 **(c) Subsubparagraphs (a) and (b) of this Subparagraph shall not apply to**
5 **demonstrative exhibits.**

6 ~~(5)~~ **(6) Limitations or restrictions on or regulation of the use of expert**
7 **testimony under Louisiana pursuant to Code of Evidence Article 702.**

8 ~~(6)~~ **(7) The control and scheduling of discovery including any issues relating**
9 **to disclosure or discovery of electronically stored information, and the form or forms**
10 **in which it should be produced.**

11 ~~(7)~~ **(8) Any issues relating to claims of privilege or protection of trial**
12 **preparation material, and whether the court should include agreements between**
13 **counsel relating to ~~such~~ those issues in an order.**

14 ~~(8)~~ **(9) The identification of witnesses, documents, and exhibits.**

15 ~~(9) The presentation of testimony or other evidence by electronic devices.~~

16 **(10) The setting of any trial, motion, or exception hearing by audiovisual**
17 **means, or the presentation of any evidence or testimony by audiovisual means, in**
18 **accordance with Article 195.1.**

19 ~~(11) ~~Such other~~ Other matters as ~~that~~~~ **may aid in the disposition of the action.**

20 B. The court shall render an order ~~which~~ **that** recites the action taken at the
21 ~~conference, the amendments allowed to the pleadings, and the agreements made by~~
22 ~~the parties as to any of the matters considered, and which limits the issues for trial~~
23 ~~to those not disposed of by admissions or agreements of counsel~~ **pursuant to**
24 **Paragraph A of this Article. ~~Such~~ The order ~~controls~~ shall control** the subsequent
25 course of the action, unless modified ~~at the trial by the court~~ to prevent manifest
26 injustice.

27 C. If a party's attorney fails to obey a pretrial order, or to appear at the
28 pretrial and scheduling conference, or is substantially unprepared to participate in the
29 conference or fails to participate in good faith, the court, on its own motion or on the
30 motion of a party, after hearing, may make ~~such~~ orders as are just, including orders

provided in Article 1471(A) (2), (3), and (4). In lieu of or in addition to any other sanction, the court may require the party or the attorney representing the party or both to pay the reasonable expenses incurred by noncompliance with this Paragraph, including attorney fees.

D. If a suit has been pending for more than one year since the date of ~~filing~~ service of the original petition on all defendants and no trial date has been assigned, upon motion of any party, the court shall set the matter for conference for the purpose of resolving all matters subject to the provisions of this Article, including the scheduling of discovery, assignment for trial, and any other matters that will expedite the resolution of the suit. ~~The conference may be conducted in chambers, by telephone, or by video teleconference.~~

Comments - 2025

(a) Subparagraph (A)(5) of this Article requires that the parties address at a pretrial conference or hearing the authenticity and admissibility of exhibits that are suspected to have been created, altered, or manipulated. The Article's use of "artificial intelligence" is broad and encompasses the suspected use of "deepfakes". R.S. 14:73:13 defines "deepfake" to mean "any audio or visual media in an electronic format . . . that is created, altered, or digitally manipulated in a manner that would falsely appear to a reasonable observer to be an authentic record of the actual speech or conduct of the individual or replace an individual's likeness with another individual and depicted in the recording." Black's Law Dictionary (12th ed. 2024) defines "deepfake" to mean a "false video, audio recording, or other medium that is generated or manipulated by computer, often using artificial intelligence, with the intent to deceive viewers or listeners."

(b) Paragraph C of this Article is new and mandatory. To resolve the many issues with respect to the timing of challenging an expert's qualifications or methodologies, the court shall either provide for deadlines in a pretrial or scheduling order in accordance with Paragraph A of this Article or, upon being notified by a party that it intends to use an expert in a summary judgment proceeding or at trial, issue an order in accordance with Paragraph C of this Article. These deadlines aim to ensure that motions are filed, and hearing dates are set, in accordance with applicable law and in consideration of the court's calendar.

(c) The requirements of this Article are not meant to supersede the requirements of Article 1571

* * *

Art. 1702. Default judgment

A.

* * *

(5) No default judgment shall be rendered against a defendant when notice is required ~~under~~ pursuant to Subparagraph (2) or (3) of this Paragraph unless ~~proof~~ of the required notice is ~~made in the manner provided by R.S. 13:3205.~~ given in accordance with any of the following:

(a) By mailing the notice to the defendant or attorney, in which case the plaintiff shall provide proof that the notice was enclosed in an envelope properly addressed to the defendant or attorney, with sufficient postage affixed, and the date on which it was deposited in the United States mail, and the plaintiff shall file the return receipt of the defendant or attorney.

(b) By utilizing the services of a commercial courier to make delivery of the notice to the defendant or attorney, in which case the plaintiff shall provide proof of the name of the commercial courier, the date, and the address at which the notice was delivered to the defendant or attorney, and the plaintiff shall file the commercial courier's confirmation of delivery.

(c) By actual delivery of the notice to the defendant or attorney, in which case the plaintiff shall provide proof of the date, place, and manner of delivery.

* * *

Art. 1811. Motion for judgment notwithstanding the verdict

A.(1) Not later than seven days, exclusive of legal holidays, after the clerk has mailed or delivered in open court, or the sheriff has served, the notice of judgment ~~under~~ in accordance with Article 1913, a party may move for a judgment notwithstanding the verdict. If a verdict was not returned, a party may move for a judgment notwithstanding the verdict not later than seven days, exclusive of legal holidays, after the jury was discharged.

* * *

Art. 1911. Final judgment; ~~partial final judgment~~; signing; appeals

* * *

B. For the purpose of an appeal as provided in Article 2083, no appeal ~~may~~ shall be taken from a final judgment until the ~~requirement of this Article has been fulfilled~~ judgment has been signed by the judge. ~~No appeal may be taken from a partial final judgment under Article 1915(B) until the judgment has been designated~~

~~a final judgment under Article 1915(B). An appeal may be taken from a final judgment under Article 1915(A) without the judgment being so designated.~~

* * *

Art. 1913. Notice of judgment

A. Except as otherwise provided by law, notice of the signing of a final judgment, ~~including a partial final judgment under Article 1915,~~ is required in all contested cases; and shall be mailed or delivered in open court by the clerk of court to the counsel of record for each party, and to each party not represented by counsel. Delivery of the signed judgment in open court shall constitute notice of judgment and shall be documented in the record of the proceeding.

* * *

C. Except when service is required ~~under~~ in accordance with Paragraph B of this Article, notice of the signing of a default judgment shall be mailed by the clerk of court to the defendant at the address where personal service was obtained or to the last known address of the defendant.

D. The clerk shall file a certificate in the record showing the date on which, and the counsel and parties to whom, notice of the signing of the judgment was mailed or delivered in open court.

Art. 1914. Interlocutory judgments; notice; delay for further action

* * *

B. The interlocutory judgment shall be reduced to writing if the court so orders, if a party requests within ten days of rendition in open court that it be reduced to writing, if a judgment is granted or an exception is sustained in accordance with Article 1915(C), or if the court takes the interlocutory matter under advisement. The clerk shall mail or deliver in open court notice of the ~~subsequent~~ judgment to each party. Delivery of the signed judgment in open court shall constitute notice of judgment and shall be documented in the record of the proceeding.

* * *

D. Except as provided in Paragraph C of this Article, each party shall have ten days either from notice of the interlocutory judgment; or from the mailing of

1 notice when required to take any action or file any pleadings in the trial court;
 2 ~~however, this.~~ This provision does not suspend or otherwise affect the time for
 3 applying for supervisory writs, nor does it affect the time for appealing an
 4 interlocutory judgment ~~under~~ in accordance with Article 2083.

5 * * *

6 Art. 1915. ~~Partial-final judgment~~ Final and interlocutory judgments; partial
 7 judgment; partial exception; partial summary judgment

8 A. A final judgment may be rendered ~~and signed by the court~~, even though
 9 it may not grant the successful party or parties all of the relief prayed for, or may not
 10 adjudicate all of the issues in the case, when the court:

11 (1) Dismisses the suit as to ~~less~~ fewer than all of the parties, defendants, ~~third~~
 12 ~~party~~ third-party plaintiffs, ~~third-party~~ third-party defendants, or ~~intervenors~~
 13 interveners.

14 * * *

15 (4) ~~Signs~~ Grants a judgment on either the principal or incidental demand,
 16 when the two have been tried separately, as provided by Article 1038.

17 (5) ~~Signs~~ Grants a judgment on the issue of liability when that issue has been
 18 tried separately by the court, or when, in a jury trial, the issue of liability has been
 19 tried before a jury and the issue of damages is to be tried before a different jury.

20 * * *

21 ~~B.(1) When a court renders a partial judgment or partial summary judgment~~
 22 ~~or sustains an exception in part, as to one or more but less than all of the claims,~~
 23 ~~demands, issues, or theories against a party, whether in an original demand,~~
 24 ~~reconventional demand, cross-claim, third-party claim, or intervention, the judgment~~
 25 ~~shall not constitute a final judgment unless it is designated as a final judgment by the~~
 26 ~~court after an express determination that there is no just reason for delay.~~

27 (2) ~~In the absence of such a determination and designation, any such order~~
 28 ~~or decision shall not constitute a final judgment for the purpose of an immediate~~
 29 ~~appeal and may be revised at any time prior to rendition of the judgment adjudicating~~
 30 ~~all the claims and the rights and liabilities of all the parties.~~

¶ B. If an appeal is taken from any judgment rendered ~~under the provisions~~
~~of~~ in accordance with Paragraph A this Article, the trial court shall retain jurisdiction
to adjudicate the remaining issues in the case.

C. Except as otherwise provided by law, when a court grants a judgment or summary judgment, or sustains an exception in part, as to one or more but fewer than all of the claims, demands, issues, or theories by or against a party, whether in an original demand, reconventional demand, cross-claim, third-party claim, or intervention, that judgment is an interlocutory judgment.

D. All judgments rendered in accordance with this Article shall be reduced
to writing and signed by the court.

Comments - 2025

(a) These amendments largely restore the Article to its pre-1997 form. The revisions remove from Paragraph B of this Article the authority of the trial court to designate a judgment as final and appealable after an express determination that there is no just reason for delay. As a result, Paragraph A of this Article now provides a list of judgments from which an appeal may be taken. This change seeks to remove uncertainty as to whether an appeal or a supervisory writ should be taken from a judgment that does not grant the successful party or parties all of the relief prayed for or may not adjudicate all of the issues in the case.

(b) Paragraph B of this Article retains much of the language of former Paragraph C. The language of Paragraph C of this Article is new and provides for interlocutory judgments that are not appealable. See Article 2083(C). Paragraph D of this Article provides that all judgments rendered in accordance with this Article shall be reduced to writing and signed by the court, thus clearly defining the commencement of the delay to apply for a supervisory writ from a judgment rendered in accordance with Paragraph C. See La. Ct. App. Unif. Rules 4-2 and 4-3 and Article 1914.

* * *

Art. 1974. Delay for applying for new trial

A party may file a motion for a new trial not later than seven days, exclusive of legal holidays, after the clerk has mailed or delivered in open court, or the sheriff has served, the notice of judgment as required by Article 1913.

* * *

Art. 2088. Divesting of jurisdiction of trial court

A. The jurisdiction of the trial court over all matters in the case reviewable under the appeal is divested, and that of the appellate court attaches, on the granting

1 of the order of appeal and the timely filing of the appeal bond, in the case of a
2 suspensive appeal, or on the granting of the order of appeal, in the case of a
3 devolutive appeal. Thereafter, the trial court has jurisdiction in the case only over
4 those matters not reviewable under the appeal, including the right to do any of the
5 following:

6 * * *

7 (11) ~~Certify a partial judgment or partial summary judgment in accordance~~
8 ~~with Article 1915(B).~~

9 (12) Amend a judgment to provide proper decretal language ~~under in~~
10 accordance with Article 1918 or 1951.

11 * * *

12 Art. 2595. Trial; decision

13 A. Upon reasonable notice a summary proceeding ~~may be tried in open court~~
14 ~~or in chambers, in term or in vacation; and~~ shall be tried by preference over ordinary
15 proceedings, and without a jury, except as otherwise provided by law.

16 B. The court shall render its decision as soon as practicable after the
17 conclusion of the trial of a summary proceeding and, whenever practicable, without
18 taking the matter under advisement.

19 * * *

20 Art. 3721. Methods of enforcing mortgage

21 A. A conventional mortgage is enforced by ordinary or executory
22 proceedings.

23 B. In any ordinary or executory proceeding to enforce a promissory note or
24 other debt instrument combined with a mortgage or other security device, the
25 judgment or order of executory process granted may include any amounts which
26 accrue after the rendition of the judgment or order, including until the collateral is
27 sold by judicial process pursuant to the provisions of the promissory note, debt
28 interest, or security device, including, without limitation, obligations to reimburse
29 advances for taxes and insurance, inspection or other fees provided for by contract,
30 reasonable attorney fees, and court costs. The provisions of this Article shall be

1 enforceable notwithstanding any other provision of law requiring that a judgment or
2 order specify a definite amount.

3 C. Prior to the date of the sheriff's sale, the seizing creditor or his counsel
4 shall file into the record the payoff amount of the obligation being enforced,
5 including any amounts which have accrued after the filing of the petition, or
6 rendition of the judgment or order in the case of ordinary process.

7 D. Any party with an interest in the property seized, including but not limited
8 to mortgage and lien holders, may file a rule to show cause to traverse the payoff
9 amount filed in accordance with Subsection C of this Article. The rule to show cause
10 shall be filed before the sheriff disburses any funds from the judicial sale pursuant
11 to the writ being executed.

12 E. A sheriff's or other sale held pursuant to court order shall be valid
13 notwithstanding failure of an interested party to comply with the provisions of this
14 Article.

15 * * *

16 Art. 4607. Partition by licitation or by private sale

17 When a partition is to be made by licitation, the sale shall be conducted at
18 public auction and after the advertisements required for judicial sales under
19 execution. When a partition is to be made at private sale without the consent of all
20 co-owners, the sale shall be for not less than the appraised value of the property, and
21 documents required pursuant to a court order shall be executed on behalf of the
22 absentee or nonconsenting co-owner by a court-appointed representative, who may
23 be a co-owner, after the advertisements required for judicial sales under execution
24 are made. All counsel of record, including ~~curators~~ attorneys appointed to represent
25 absentee defendants, and persons appearing in proper person shall be given notice
26 of the sale date. At any time prior to the sale, the parties may agree upon a
27 nonjudicial partition.

28 * * *

1 Art. 4873. Transfer to district court; procedure; contest; effect

2 A party entitled thereto under the provisions of Article 4872 may transfer the
3 action to the district court in the following manner:

4 (1) Within the delay allowed for answer in the trial court of the limited
5 jurisdiction, or within ten days after answer has been filed, ~~he~~ the party shall file a
6 motion to transfer with the clerk of the court in which the suit is pending. The
7 motion shall include a declaration that the matter is one to which the defendant
8 would have been entitled to a trial by jury if commenced in district court, and that
9 the defendant desires a trial by jury. If a party fails to file a motion to transfer within
10 the delays required by this Subparagraph, the matter shall not be transferred.

11 (2) A plaintiff may oppose the transfer of the action to a district court only
12 if the plaintiff stipulates that the action does not exceed ten thousand dollars
13 exclusive of interest and costs.

14 ~~(2)~~ (3) If no opposition is filed within ten days after the filing of the motion
15 to transfer, the judge of the court in which the suit is pending shall order the transfer
16 to the district court. If an opposition is timely filed, it shall be tried summarily.

17 ~~(3)~~ (4)(a) Where a transfer is ordered, the clerk of the court in which the
18 action was initially filed shall forward to the clerk of the court to which the action
19 is transferred a certified copy of the record in the initial court, including pleadings,
20 minute entries, and all other proceedings.

21 (b) The clerk of the district court shall file the action as a new proceeding in
22 that court, upon payment by the defendant of a filing fee as provided by rule of the
23 district court. All costs accruing thereafter, however, shall be advanced in the same
24 manner as though the action ~~initially~~ had initially been commenced in the district
25 court by the original plaintiff.

26 ~~(4)~~ (5) When the matter is docketed by the clerk of the district court, the
27 proceeding shall continue in that court as though originally commenced therein. In
28 the event that transfer is effected prior to answer, the defendant shall file ~~his~~ the
29 answer in the district court within the delays provided by Article 1001, commencing
30 from the date on which the transferred proceeding is filed in that court.

(5) (6) The disposition of a motion to transfer and any opposition thereto shall not be appealable; but shall be reviewable through the exercise of its supervisory jurisdiction by the court of appeal having appellate jurisdiction over the case.

* * *

Art. 5059. Computation of time

A. In computing a period of time allowed or prescribed by law or by order of court, the date of the act, event, or default ~~after~~ from which the period begins to run is not ~~to be~~ included. The last day of the period is ~~to be~~ included, unless it is a legal holiday, in which event the period runs until the end of the next day ~~which~~ that is not a legal holiday.

B. The "next day" as set forth in Paragraph A of this Article means the subsequent calendar day that is not a legal holiday following a legal holiday.

~~B. C.~~ C. A half-holiday is considered ~~as~~ a legal holiday. A legal holiday is ~~to be~~ included in the computation of a period of time allowed or prescribed, except when:

- (1) It is expressly excluded;
- (2) It would otherwise be the last day of the period; ~~or,~~
- (3) The period is less than seven days.

~~C. D.~~ (1) A legal holiday shall be excluded in the computation of a period of time allowed or prescribed to seek rehearing, reconsideration, or judicial review or appeal of a decision or order by an agency in the executive branch of state government.

(2) Subparagraph (1) of this Paragraph shall not apply to the computation of a period of time allowed or prescribed to seek rehearing, reconsideration, or judicial review or appeal of a decision or order by the Department of Revenue, the Department of Environmental Quality, or the Department of Insurance relative to examination reports in R.S. 22:1983.

1 Comments -2025

2 The revisions to this Article clarify existing law and conform to the
 3 computation of time set forth in *Becnel v. Northrop Grumman Ship Systems, Inc.*,
 4 18 So. 3d 1269 (La. 2009) and Article 966(B)(4). Paragraph B of this Article makes
 5 clear that if the last day in a period of time allowed or prescribed by law or court
 6 order falls on a legal holiday, the period runs until the subsequent, later-in-time
 7 calendar day that is not a legal holiday. For example, if the legal deadline to file a
 8 pretrial motion is due sixty days prior to trial and that day is a Saturday, the motion
 9 is not due until the subsequent Monday as long as that Monday is not a legal holiday.

10 Section 4. Code of Civil Procedure Articles 74.2(F), 2088(A)(12), and 3784 are
 11 hereby repealed in their entirety.

12 Section 5. The provisions of Civil Code Article 3462 as amended by Section 1 of
 13 this Act shall not apply to actions that have prescribed prior to the effective date of this Act.

14 Section 6. The provisions of Article 1915 as amended by Section 3 of this Act shall
 15 have prospective application only and shall not apply to appeals and supervisory writs filed
 16 prior to the effective date of this Act.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____