

Existing law (C.C. Art. 40.1) provides for the domicile of military personnel in the Civil Code.

Existing law (C.C.P. Art. 927) provides for the objections which may be raised by the peremptory exception.

New law retains existing law, but adds "peremption" and "discharge in bankruptcy" to the list of peremptory exceptions and permits the court to supply those objections and the objection of res judicata.

Existing law (C.C.P. Art. 1005) provides for affirmative defenses.

New law retains existing law but eliminates arbitration and award, transaction or compromise, assumption of the risk, discharge in bankruptcy, and division from the affirmative defenses; replaces the term "contributory negligence" with "negligence, or fault of the plaintiff..."; and allows the court to consider an affirmative defense as either an incidental demand or a peremptory exception, in the interest of justice.

Existing law (C.C.P. Art. 1354) provides for the subpoena duces tecum.

New law retains existing law, and adds "electronically stored information" to the provision for subpoena duces tecum and provides for compliance and objections to the subpoena duces tecum in line with federal procedure, mainly by including requests for electronically stored information, and by allowing the subpoenaed party to reply to a subpoena duces tecum with written objections.

Existing law (C.C.P. Art. 1355) provides for service of the subpoena.

New law retains existing law and adds provisions for the service of subpoenas by private persons without the need of a motion and order.

Existing law (C.C.P. Art. 1471) provides for sanctions for failure to comply with an order compelling discovery.

New law retains existing law but provides that sanctions are generally not available against a person who fails to provide electronically stored information which was lost as a result of the routine, good-faith operation of an electronic information system.

Existing law (C.C.P. Art. 1551) provides for the matters that can be considered at a pretrial conference.

New law retains existing law and adds issues that can be considered in a pretrial conference including those relating to discovery of electronically stored information, and the form in which it should be produced; issues relating to claims of privilege or protection of trial preparation material; and issues relating to the presentation of testimony or other evidence by electronic devices.

Existing law provides that when two or more separate actions are pending in the same court, the section or division of the court in which the first filed action is pending may order consolidation of the actions for trial after a contradictory hearing, and upon a finding that common issues of fact and law predominate.

New law retains existing law but also provides that if a trial date has been set in any of the subsequently filed actions that have not yet been consolidated, then the written consent of each section or division of the court shall be required.

Prior law (C.C.P. Art. 1913(E)) allowed for the waiver of notice of the signing of final judgments.

New law repeals prior law.

Prior law (C.C.P. Art. 1916(B) and (C)) provided that when the court rendered a decision in open court and a judgment was not signed immediately, the court was required to prepare and sign a judgment within 10 days of rendition in open court, or the court could order counsel for a party in the case to prepare and submit a judgment to the court for signature no later than 30 days after rendition in open court.

New law repeals prior law to eliminate the conflict with Article 1914(B).

Existing law (C.C.P. Art. 2592) provides for the use of summary proceedings.

New law retains existing law and authorizes summary proceedings in an action for dissolution or specific performance of a compromise entered pursuant to Article 1916(B) or by consent judgment.

Effective January 1, 2009.

(Amends C.C.P. Arts. 927, 1005, 1354, 1355, 1471, 1551(A), 1561(A), 1916, and 2592;
Repeals C.C.P. Art. 1913(E))