
DIGEST

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Abramson

HB No. 464

Abstract: Provides relative to the domicile of certain persons and venue of certain actions for purposes of forum non conveniens and lis pendens.

Present law provides that a district court upon contradictory motion, or upon the court's own motion after contradictory hearing, may transfer a civil case to another district court where it might have been brought in certain circumstances. Also provides that no suit brought in the parish in which the plaintiff is domiciled, and in a court which is otherwise a court of competent jurisdiction and proper venue, shall be transferred to any other court.

Proposed law retains present law and provides that domicile shall be the location pursuant to the general rules of venue (Article 42) where the plaintiff would be subject to suit had he been a defendant.

Proposed law provides that when two or more class actions are pending in a La. court or courts of different parishes on the same transaction or occurrence, between the same parties in the same capacities, the defendant may have all but the first suit dismissed by filing an exception, and provides that if the defendant does not so except, the plaintiff may continue the prosecution of any of the class actions, but the first final judgment rendered shall be conclusive of all.

Proposed law provides that notwithstanding present law provisions of forum non conveniens, a district court upon contradictory motion, or upon the court's own motion after contradictory hearing, may transfer a class action to another district court where it might have been brought.

Present law defines the domicile of a natural person as the place of his habitual residence.

Proposed law defines the domicile of a juridical person as either the state of its formation or the state of its principal place of business, whichever is most pertinent to the particular issue, unless otherwise specifically provided by law.

(Amends C.C.P. Art. 123 and C.C. Art. 38; Adds C.C.P. Arts. 593.1 and 593.2)