

Regular Session, 2012

HOUSE BILL NO. 12

BY REPRESENTATIVE ABRAMSON

EVIDENCE: Provides relative to expert witnesses for class certification purposes

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 592(A)(3)(a)(ii), relative to
3 certification of class actions; to provide for discovery and admissibility of expert
4 witness testimony and evidence under certain circumstances; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Civil Procedure Article 592(A)(3)(a)(ii) is hereby amended and
8 reenacted to read as follows:

9 Art. 592. Certification procedure; notice; judgment; orders

10 A.

11 * * *

12 (3)(a) No motion to certify an action as a class action shall be granted prior
13 to a hearing on the motion. Such hearing shall be held as soon as practicable, but in
14 no event before:

15 * * *

16 (ii) The parties have had a reasonable opportunity to obtain discovery on
17 class certification issues, on such terms and conditions as the court deems necessary,
18 which may include expert witness testimony or evidence. The admissibility of
19 expert witness testimony or evidence for class certification purposes shall also be
20 governed by Article 1425(F), although the court in its discretion may change the

1 deadlines for filing or hearing a motion as set forth in Article 1425(F) provided such

2 deadlines are prior to or contemporaneous with the class certification hearing.

3 * * *

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)]

Abramson

HB No. 12

Abstract: Provides for the discovery and admissibility of expert witness testimony or evidence with regard to the certification of class actions.

Present law provides procedures for certification of class actions and requires that parties have a reasonable opportunity to obtain discovery on class certification issues.

Present law, with regard to discovery in general, provides procedures for determining whether a witness qualifies as an expert or whether the methodologies employed by the witness are reliable.

Proposed law provides for discovery of expert witness testimony or evidence and provides for the determination of admissibility of expert witness testimony or evidence for class certification purposes pursuant to present law.

(Amends C.C.P. Art. 592(A)(3)(a)(ii))