

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

CIVIL/ACTIONS: Provides relative to civil procedure.

DIGEST

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 actions requesting the certification of a class are filed in two or more Louisiana courts regarding the same single event or occurrence, and such classes, if certified, would encompass one or more of the same plaintiffs suing in the same capacities against one or more of the same defendants in the same capacities, the defendant may, by excepting as provided in Article 925, have all such actions transferred to the district court where the event occurred.

Proposed law also provides that when two or more actions requesting the certification of a class are filed in two or more Louisiana courts regarding multiple related transactions or occurrences and such classes, if certified, would encompass one or more of the same plaintiffs suing in the same capacities against one or more of the same defendants in the same capacities, the defendant may, by excepting as provided in Article 925, have all such actions transferred to the district court where the first suit was brought.

Proposed law further provides that within 30 days of the certification of a class by a different Louisiana court regarding the same transaction or occurrence and encompassing one or more of the same plaintiffs suing in the same capacities against one or more of the same defendants in the same capacities, any court where a related putative class action is pending may, upon contradictory motion, in the interests of justice and for good cause shown, transfer the putative class action to the district where the related action has been certified.

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.

Proposed law provides procedures for depositions of minors who are victims of sexual abuse. Provides that no minor who is the victim of sexual abuse by a party to the proceeding shall be deposed except by agreement of the parties, absent objection by the minor's mental health counselor, social worker, or psychologist, or after approval of the court. Provides that "minor" shall mean a person under the age of seventeen years.

Proposed law further provides that the court shall not approve a deposition unless the court finds that the testimony of the minor is necessary to assist the trial, the evidence sought is not reasonably available by any other means, and the probative value of the testimony outweighs the potential detriment to the minor of being deposed. Provides for the issuance of a protective order by the court to protect the deponent and specify time, place, manner and conditions of deposition. Further provides that if a deposition of the minor is taken, the court shall appoint an attorney to represent the minor for the purposes of the deposition.

Proposed law provides that provisions of Act shall have prospective application only and shall not apply to any action pending prior to effective date of Act.

(Amends C.C.P. Art. 123(A) and C.C. Art. 38; Adds C.C.P. Arts. 593.1, 593.2 and 1476)

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Added provisions relative to the applicability of lis pendens to multiple actions filed pursuant to C.C.P. Art. 591 between any of the same parties.
2. Added authority of plaintiff to elect transfer of the suit in lieu of dismissal.
3. Added technical amendments.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the reengrossed bill

1. Revised language relative to two or more actions requesting the certification of a class.
2. Revised language relative to class actions and forum non conveniens.
3. Added language concerning depositions of minors who are victims of sexual abuse.
4. Provided for prospective application only of Act.