ENROLLED

Regular Session, 2012

HOUSE BILL NO. 459

BY REPRESENTATIVE ABRAMSON

AN ACT

To amend and reenact Code of Civil Procedure Article 966(B), (E), and (F), relative to motions for summary judgment; to provide for evidence which may be considered under certain circumstances; to provide for the inclusion of certain information in judgments; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 966(B), (E), and (F) are hereby amended and reenacted to read as follows:

Art. 966. Motion for summary judgment; procedure

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B.(1) The motion for summary judgment, memorandum in support thereof, and supporting affidavits shall be served within the time limits provided in District Court Rule 9.9. For good cause, the court shall give the adverse party additional time to file a response, including opposing affidavits or depositions. The adverse party may serve opposing affidavits, and if such opposing affidavits are served, the opposing affidavits and any memorandum in support thereof shall be served pursuant to Article 1313 within the time limits provided in District Court Rule 9.9.

(2) The judgment sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions ~~on file~~, together with the affidavits, if any, show that there is no genuine issue as to material fact, and that mover is entitled to judgment as a matter of law.

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E.(1) A summary judgment may be rendered dispositive of a particular issue, theory of recovery, cause of action, or defense, in favor of one or more parties, even though the granting of the summary judgment does not dispose of the entire case;

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however, a summary judgment shall be rendered or affirmed only as to those issues set forth in the motion under consideration by the court at that time.

(2) Only evidence admitted for purposes of the motion for summary judgment shall be considered by the court in its ruling on the motion.

F.(1) When the court ~~determines,~~ grants a motion for summary judgment in accordance with the provisions of this Article, that a party or nonparty is not negligent, not at fault, or did not cause, whether in whole or in part, the injury or harm alleged, that party or nonparty ~~may~~ shall not be considered in any subsequent allocation of fault. Evidence shall not be admitted at trial to establish the fault of that party or nonparty nor shall the issue be submitted to the jury nor included on the jury verdict form. This Paragraph shall not apply when a summary judgment is granted solely on the basis of the successful assertion of an affirmative defense in accordance with Article 1005, except for negligence or fault.

(2) If the provisions of this Paragraph are applicable to the summary judgment, the court shall so specify in the judgment. If the court fails to specify that the provisions of this Paragraph are applicable, then the provisions of this Paragraph shall not apply to the judgment.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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