

Regular Session, 2012

ACT No. 257

HOUSE BILL NO. 459

BY REPRESENTATIVE ABRAMSON

1 AN ACT

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

6 Be it enacted by the Legislature of Louisiana:

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

9 Art. 966. Motion for summary judgment; procedure

10 * * *

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

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

22 * * *

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

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PRESIDENT OF THE SENATE

APPROVED: _____