

Regular Session, 2012

ACT No. 713

HOUSE BILL NO. 464

BY REPRESENTATIVE ABRAMSON

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 123(A) and Civil Code Article 38
3 and to enact Code of Civil Procedure Articles 593.1 and 593.2, relative to civil
4 procedure; to provide relative to venue; to provide relative to domicile; to provide
5 for the domicile of juridical persons; to provide for certain procedures for class
6 actions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Civil Procedure Article 123(A) is hereby amended and reenacted
9 and Code of Civil Procedure Articles 593.1 and 593.2 are hereby enacted to read as follows:

10 Art. 123. Forum non conveniens

11 A.(1) For the convenience of the parties and the witnesses, in the interest of
12 justice, a district court upon contradictory motion, or upon the court's own motion
13 after contradictory hearing, may transfer a civil case to another district court where
14 it might have been brought; however, no suit brought in the parish in which the
15 plaintiff is domiciled, and in a court which is otherwise a court of competent
16 jurisdiction and proper venue, shall be transferred to any other court pursuant to this
17 Article.

18 (2) For purposes of Subparagraph (1) of this Paragraph, domicile shall be the
19 location pursuant to Article 42 where the plaintiff would be subject to suit had he
20 been a defendant.

21 * * *

22 Art. 593.1. Class actions; lis pendens

23 A. When two or more actions requesting the certification of a class pursuant
24 to Article 591 are filed in two or more Louisiana courts regarding the same

1 transaction or occurrence at the same location, and such classes, if certified, would
2 encompass one or more of the same plaintiffs suing in the same capacities against
3 one or more of the same defendants in the same capacities, the defendant may, by
4 excepting as provided in Article 925, have all such actions transferred to the district
5 court where the transaction or occurrence occurred.

6 B. When two or more actions requesting the certification of a class pursuant
7 to Article 591 are filed in two or more Louisiana courts regarding multiple related
8 transactions or occurrences in different locations and such classes, if certified, would
9 encompass one or more of the same plaintiffs suing in the same capacities against
10 one or more of the same defendants in the same capacities, the defendant may, by
11 excepting as provided in Article 925, have all such actions transferred to the district
12 court where the first suit was brought.

13 Art. 593.2. Class actions; forum non conveniens

14 Notwithstanding the provisions of Article 123, within thirty days of the
15 certification of a class under Article 591 by a different Louisiana court regarding the
16 same transaction or occurrence and encompassing one or more of the same plaintiffs
17 suing in the same capacities against one or more of the same defendants in the same
18 capacities, any court where a related putative class action is pending may, upon
19 contradictory motion, in the interests of justice and for good cause shown, transfer
20 the putative class action to the district where the related action has been certified.

21 Section 2. Civil Code Article 38 is hereby amended and reenacted to read as follows:

22 Art. 38. Domicile

23 The domicile of a natural person is the place of his habitual residence. The
24 domicile of a juridical person may be either the state of its formation or the state of
25 its principal place of business, whichever is most pertinent to the particular issue,
26 unless otherwise specifically provided by law.

1 Section 3. The provisions of this Act shall be given prospective application only and
2 shall not affect any action pending prior to the effective date of this Act.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____