

Prior law provided that a judgment on a motion for summary judgment was required to be rendered if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, showed that there was no genuine issue as to material fact, and that mover was entitled to judgment as a matter of law.

New law deletes the reference to "pleadings, depositions, answers to interrogatories and admissions" showing no genuine issue as to material fact in a summary judgment proceeding being those "pleadings, depositions, answers to interrogatories or admissions" "on file".

Prior law provided that a summary judgment was required to be rendered or affirmed only as to those issues set forth in the motion under consideration by the court at that time.

New law requires that, when the court rules on a motion for summary judgment, it shall consider only evidence admitted for purposes of the motion for summary judgment.

Prior law provided that when the court determined that a party was not negligent, not at fault, or not the cause of the injury or harm alleged, that party could not be considered in any subsequent allocation of fault.

New law provides that, when a court grants a motion for summary judgment that a party is not negligent, not at fault, or not the cause of the injury or harm alleged, that party shall not be considered in any subsequent allocation of fault.

New law further provides that, when the court grants a motion for summary judgment that a party is not negligent, not at fault, or not the cause of the injury or harm alleged, evidence shall not be admitted at trial to establish the fault of that party or nonparty, nor shall the issue of that party or nonparty's fault be either submitted to the jury or included on the jury verdict form.

New law requires the court to specify in its judgment that a party or nonparty has been determined to be not at fault and that the party or nonparty is prohibited from being considered in any subsequent allocation of fault, and provides that new law shall not apply if the court fails to specify the applicability of new law.

Effective August 1, 2012.

(Amends C.C.P. Art. 966(B), (E), and (F))