

Regular Session, 2012

HOUSE BILL NO. 195

BY REPRESENTATIVE SEABAUGH

CIVIL/MOTIONS: Provides relative to motions for judgment on offer of judgment

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 970(C), relative to motions for
3 judgment on offers of judgment; to provide for attorney fees; and to provide for
4 related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Civil Procedure Article 970(C) is hereby amended and reenacted
7 to read as follows:

8 Art. 970. Motion for judgment on offer of judgment

9 * * *

10 C. If the final judgment obtained by the plaintiff-offeree is at least twenty-
11 five percent less than the amount of the offer of judgment made by the defendant-
12 offeror or if the final judgment obtained against the defendant-offeree is at least
13 twenty-five percent greater than the amount of the offer of judgment made by the
14 plaintiff-offeror, the offeree must pay the offeror's costs, ~~exclusive of~~ including
15 attorney fees, incurred after the offer was made, as fixed by the court.

16 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Seabaugh

HB No. 195

Abstract: Requires the party who received an offer of judgment to pay attorney fees in certain cases.

Present law authorizes a party to serve on an adverse party an offer of judgment to settle all claims between them without admitting liability. Provides for procedures by which the offer of judgment may be made and accepted.

Present law provides that in either of the following circumstances, the person who received the offer must pay the costs incurred after the offer was made, exclusive of attorney fees:

- (1) The final judgment obtained by the plaintiff is at least 25% less than the amount of the offer made by the defendant.
- (2) The final judgment obtained against the defendant is at least 25% greater than the amount of the offer made by the plaintiff.

Proposed law retains present law except it provides for the payment of attorney fees.

(Amends C.C.P. Art. 970(C))