

Regular Session, 2010

HOUSE BILL NO. 260

BY REPRESENTATIVE ABRAMSON

CIVIL/MOTIONS: Provides for motions for summary judgment

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 966(E) and to enact Code of Civil
3 Procedure Article 966(F), relative to motions for summary judgment; to provide for
4 the rendering of a summary judgment; to provide for affirmation on appeal; to
5 provide for the allocation of fault; to provide for the admission of evidence; to
6 provide for submission to the jury; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Civil Procedure Article 966(E) is hereby amended and reenacted
9 and Code of Civil Procedure Article 966(F) is hereby enacted to read as follows:

10 Art. 966. Motion for summary judgment; procedure

11 * * *

12 E. A summary judgment may be rendered dispositive of a particular issue,
13 theory of recovery, cause of action, or defense, in favor of one or more parties, even
14 though the granting of the summary judgment does not dispose of the entire case;
15 however, a summary judgment shall be rendered or affirmed only as to those issues
16 set forth in the original motion.

17 F. When the court determines, in accordance with the provisions of this
18 Article, that a party or nonparty is not negligent or at fault, that party or nonparty
19 may not be considered in any subsequent allocation of fault. Evidence shall not be

1 admitted at trial to establish the fault of that party or nonparty nor shall the issue be
2 submitted to the jury.

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)]

Abramson

HB No. 260

Abstract: Provides procedures for motions for summary judgment.

Present law provides that a summary judgment may be rendered dispositive of an issue, theory, cause of action, or defense in favor of one or more parties, even though it does not dispose of the entire case.

Proposed law retains present law and further provides that a summary judgment shall be rendered or affirmed regarding only the issues in the original motion.

Proposed law provides that when the court determines that a party or nonparty in a motion for summary judgment is not at fault, that party or nonparty may not be considered in any subsequent allocation of fault, evidence shall not be admitted at trial, and the issue shall not be submitted to the jury.

(Amends C.C.P. Art. 966(E); Adds C.C.P. Art. 966(F))