

Regular Session, 2010
HOUSE BILL NO. 260

ACT No. 690

BY REPRESENTATIVE ABRAMSON

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 966(B) and (E) and to enact Code of
3 Civil Procedure Article 966(F), relative to motions for summary judgment; to
4 provide for the rendering of a summary judgment; to provide for affirmation on
5 appeal; to provide for the allocation of fault; to provide for the admission of
6 evidence; to 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(B) and (E) are hereby amended and
9 reenacted 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 B. The motion for summary judgment, memorandum in support thereof, and
13 supporting affidavits shall be served ~~at least fifteen days before the time specified for~~
14 ~~the hearing~~ within the time limits provided in District Court Rule 9.9. For good
15 cause, the court shall give the adverse party additional time to file a response,
16 including opposing affidavits or depositions. The adverse party may serve opposing
17 affidavits, and if such opposing affidavits are served, the opposing affidavits and any
18 memorandum in support thereof shall be served pursuant to Article 1313 ~~at least~~
19 ~~eight days prior to the date of the hearing unless the Rules for Louisiana District~~
20 ~~Courts provide to the contrary~~ within the time limits provided in District Court Rule
21 9.9. The judgment sought shall be rendered forthwith if the pleadings, depositions,
22 answers to interrogatories, and admissions on file, together with the affidavits, if any,
23 show that there is no genuine issue as to material fact, and that mover is entitled to
24 judgment as a matter of law.

25 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 E. A summary judgment may be rendered dispositive of a particular issue,
 2 theory of recovery, cause of action, or defense, in favor of one or more parties, even
 3 though the granting of the summary judgment does not dispose of the entire case;
 4 however, a summary judgment shall be rendered or affirmed only as to those issues
 5 set forth in the motion under consideration by the court at that time.

6 F. When the court determines, in accordance with the provisions of this
 7 Article, that a party or nonparty is not negligent, not at fault, or did not cause,
 8 whether in whole or in part, the injury or harm alleged, that party or nonparty may
 9 not be considered in any subsequent allocation of fault. Evidence shall not be
 10 admitted at trial to establish the fault of that party or nonparty nor shall the issue be
 11 submitted to the jury. This Paragraph shall not apply when a summary judgment is
 12 granted solely on the basis of the successful assertion of an affirmative defense in
 13 accordance with Article 1005.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____