

Regular Session, 2012
HOUSE BILL NO. 368
BY REPRESENTATIVES THOMPSON AND NORTON

ACT No. 449

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AN ACT

To amend and reenact Code of Civil Procedure Article 971(C), relative to the special motion to strike; to provide for certain procedures; to provide delays for filing a motion to strike; to authorize the filing of the motion under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 971(C) is hereby amended and reenacted to read as follows:

Art. 971. Special motion to strike

* * *

C.(1) The special motion may be filed within ~~sixty~~ ninety days of service of the petition, or in the court's discretion, at any later time upon terms the court deems proper.

(2) If the plaintiff voluntarily dismisses the action prior to the running of the delays for filing an answer, the defendant shall retain the right to file a special motion to strike within the delays provided by Subparagraph (1) of this Paragraph, and the motion shall be heard pursuant to the provisions of this Article.

1 (3) The motion shall be noticed for hearing not more than thirty days after
2 service unless the docket conditions of the court require a later hearing.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____