

Regular Session, 2012

HOUSE BILL NO. 438

BY REPRESENTATIVE ABRAMSON

CIVIL/PROCEDURE: Provides for the inclusion of information in certain petitions

1 AN ACT

2 To enact Code of Civil Procedure Article 891(C) and (D), relative to civil petitions; to  
3 provide for claims involving latent diseases; to provide for required allegations; to  
4 provide an exception; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Civil Procedure Article 891(C) and (D) are hereby enacted to  
7 read as follows:

8 Art. 891. Form of petition

9 \* \* \*

10 C. Except upon a showing of exigent circumstances, for petitions involving  
11 claims related to latent disease, including asbestos and silica-related diseases, the  
12 petition, separately as to each plaintiff, shall also set forth for each defendant and  
13 each alleged exposure, the time period, location, and types of the products.

14 D. For the purposes of this Article, a party who has attained the age of  
15 seventy years or who presents to the court medical documentation of an illness or  
16 condition of which he is not likely to survive beyond six months shall be considered  
17 to have exigent circumstances.

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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)]

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Abramson

HB No. 438

**Abstract:** Requires certain information to be included in a petition regarding latent diseases.

Present law provides procedures regarding the form of civil petitions, including requirements as to the names of the parties, concise statements of all causes of action, the transaction or occurrence that is the subject matter of the litigation, and an address for receipt of service.

Proposed law retains present law and additionally requires petitions involving latent diseases to include as to each plaintiff and for each defendant, the time period, location, and types of products for each alleged exposure. Provides an exception to proposed law upon a showing of exigent circumstances.

Proposed law provides that if a party is 70 years of age or older or if he has a medical condition and is not expected to live beyond six months, he shall be considered to have exigent circumstances.

(Adds C.C.P. Art. 891(C) and (D))