

Regular Session, 2012

HOUSE BILL NO. 454

BY REPRESENTATIVE ABRAMSON

CIVIL/PROCEDURE: Provides relative to bifurcation of trials

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 1562(A), relative to bifurcation of
3 trials; to provide for separate trials arising out of certain claims relating to
4 environmental damage; to provide relative to consent of parties; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Civil Procedure Article 1562(A) is hereby amended and
8 reenacted to read as follows:

9 Art. 1562. Separate trials of issues of insurance coverage, liability, and damages

10 A. If it would simplify the proceedings or would permit a more orderly
11 disposition of the case or otherwise would be in the interest of justice, at any time
12 prior to trial the court may order, with the consent of all parties, separate trials on the
13 issues of liability and damages, whether or not there is to be a jury trial on either
14 issue. In suits arising under R.S. 30:29, consent of the parties is not required, and
15 any party may request separate trials.

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)]

Abramson

HB No. 454

Abstract: Provides that bifurcation of trials arising from certain claims of environmental damage shall not require the consent of the parties, and may be requested by any party.

Present law provides for general authority of the court to order separate trials on the issues of liability and damages with the consent of all parties.

Present law provides procedures for judicial resolution of claims for environmental damage to property arising from activities subject to the jurisdiction of the Dept. of Natural Resources, office of conservation.

Proposed law maintains present law and provides that bifurcation of a trial arising from certain claims of environmental damage shall not require the consent of the parties, and may be requested by any party.

(Amends C.C.P. Art. 1562(A))