

Regular Session, 2012

HOUSE BILL NO. 582

BY REPRESENTATIVE FOIL

CIVIL/ACTIONS: Provides relative to abandonment of civil actions

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 561(C) and to enact Code of Civil

3 Procedure Article 561(D), relative to abandonment of actions; to provide relative to

4 the inability to locate opposing party; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Civil Procedure Article 561(C) is hereby amended and reenacted

7 and Code of Civil Procedure Article 561(D) is hereby enacted to read as follows:

8 Art. 561. Abandonment in trial and appellate court

9 \* \* \*

10 C. An action shall not be considered abandoned if the failure of a party to

11 take action is the result of the inability to locate or serve an opposing party with a

12 pleading required to further prosecute the action.

13 D. An appeal is abandoned when the parties fail to take any step in its

14 prosecution or disposition for the period provided in the rules of the appellate court.

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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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Foil HB No. 582

**Abstract:** Provides that an action shall not be considered abandoned if the failure to take any step in the prosecution is due to the inability to locate the opposing party.

Present law provides for abandonment of an action if the parties do not take any steps for a period of three years.

Proposed law retains present law and adds that an action shall not be considered abandoned if the failure of taking any step in the prosecution is due to the inability to locate the opposing party.

(Amends C.C.P. Art. 561(C); Adds C.C.P. Art. 561(D))