

# Introduction to the 2025 Edition

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This 2025 Edition of *Louisiana Civil Appellate Procedure*, part of the Louisiana Practice Series, is a completely up-to-date guide for handling Louisiana Appellate Courts' procedures and practices. This publication provides both a substantive discussion of Louisiana Civil Appellate Procedure as well as practice pointers, a table of cases, and sample forms. Since last year's edition, new material has been added and/or existing material updated on the following subjects:

## **Caselaw developments**

- Trial court's judgment granting the equipment provider's peremptory exception of no right of action and motion for partial summary judgment as to the oil well operator's claim constituted a final appealable judgment, even though the provider's reconventional demand seeking amounts owed for services rendered and labor, rentals, and oil well supplies remained pending, in the operator's action against the provider and its account representative, alleging it sustained damages in the form of loss of time, expense, and profits, due to the provider's negligence and/or misrepresentations regarding the equipment it provided. [§ 3:27]
- Once the trial court granted the wrongful-death defendant's initial motion for a devolutive appeal from the judgment entered on a jury verdict in plaintiffs' favor and from rulings on post-trial motions, it was without jurisdiction to grant defendant's second motion for a devolutive appeal from the same judgment and rulings. [§ 5:7]
- The decretal section of the judgment did not articulate the trial court's finding regarding the exception of peremption, creating a conflict between the judgment and the written reasons, and the court of appeal was bound to only consider the judgment, written reasons could not form the basis for review, and since the trial court was silent on the exception of peremption in the judgment, the court of appeal was required to presume the trial court rejected the claims and denied relief. [§ 10:16]

## **New Sections**

- § 4:13 Illustrations of procedurally sufficient and insufficient answers

LOUISIANA CIVIL APPELLATE PROCEDURE

- § 5:17 Overview of jurisdiction—Continuing jurisdiction—Certifying judgment; providing proper decretal language
- § 6:18 Content and form of record—On appeal to appellate court—First Circuit

**New Forms**

- § 6:48—Memorandum in support of motion to dismiss motion for suspensive appeal for abandonment
- § 7:35.10—Petition and order for suspensive appeal medical malpractice case/patient compensation fund
- § 14:28 Form—Plaintiff’s motion and incorporated memorandum to tax costs against trial defendants cast in judgment

**NOTE**

By order of the Court, effective February 11, 2025, Local Rule 19 of the Louisiana Fifth Circuit Court of Appeal is adopted as follows: LOCAL RULE 19: FORMAT OF CITATIONS All filings in this court shall employ the following citation formats: A. Citation of Louisiana appellate court decisions shall be in conformity with Section 8 of the Louisiana Supreme Court General Administrative Rules. B. Citations to the appellate record shall be formatted as “(R. at \_).” C. All other citations and issues of formatting not addressed in this rule and not in conflict herewith shall be in conformity with The Bluebook.