

Introduction to 2025 Edition

This 2025 Edition of *Louisiana Civil Pretrial Procedure*, part of the Louisiana Practice Series, is a practical reference designed to answer basic questions which arise in the day-to-day handling of civil cases. Specific “How To” tips are offered from the experience of the authors, together with citations to the legal authority (both jurisprudentially and statutory) underlying the recommended approaches. All practice problems raised are accompanied by a solution offered for consideration. Since last year’s edition, new material has been added and/or existing material updated on the following subjects:

Statutory Updates

- La. Code Civ. Proc. Ann. art 4844 was amended and now provides: Notwithstanding Articles 4842(A) and 4843, a parish court or city court shall, within its territorial jurisdiction, have jurisdiction, concurrent with the district court, over the following matters, regardless of the amount of daily, monthly, or yearly rent or the rent for the unexpired term of the lease or the annual value of the right of occupancy:
 - (1) Suits by owners and landlords for the possession of leased premises.
 - (2) Suits by landowners or lessors for eviction of occupants or tenants of leased residential premises.
 - (3) Suits to evict an occupant as defined by Article 4704.
 - (4) Suits by landowners or lessors for the eviction of occupants or tenants of leased commercial premises and leased farmlands. [s. 1:26]
- The prescriptive period for delictual actions has been changed from one year to two years. *La. Civ. Code Ann. art. 3493.1.* [s. 4:11]
- A new statute was added providing that when damage is caused to immovable property, the two-year prescription commences to run from the day that the owner of the immovable acquired, or should have acquired, knowledge of the damage. *La. Civ. Code Ann. art. 3493.2.* [s. 6:27]
- A new statute was enacted providing that all civil actions alleging that a law is unconstitutional shall be in writing and be brought in an ordinary proceeding. The pleading shall be served upon the attorney general of the state in accordance with Article 1314. Upon proper service, the attorney general shall have thirty days to respond to the allegations or represent or supervise the interests of the state. *La. Code Civ. Proc. Ann. art. 74.3.* [s. 5:39.1]

Added Caselaw

- A motion to continue trial without a date is not a “step” in the prosecution or defense of a case as contemplated by the statute providing that an action is abandoned when the parties fail to take any step in its prosecution or defense for three years. Neither a joint motion to continue trial without a date nor an unopposed motion to continue without a date interrupts the abandonment period absent some additional element reflecting either an intent for the lawsuit to continue, such as an order accompanying the motion to continue re-setting the trial date or scheduling a conference, or the waiver of the claim that the suit is abandoned. [s. 6:191]
- An email sent by a patient’s attorney to opposing counsel in a medical malpractice case did not constitute “formal discovery” that interrupted abandonment. [s. 6:196]

New Sections

- 5:39.1 Contents—Special matters—Unconstitutionality of state law [New]
- 11:104.10 Discovery depositions where case filed in foreign state and witness to be deposed lives or is found in Louisiana [New]
- 11:297.10 District court requests, notices, and applications notice of deposition [New]

Added Forms

- 5:129 Petition—Wrongful distributions by member of limited liability company [New]