

Index

ABANDONMENT OF SUIT OR ACTION

- Generally, **6:190 to 6:203**
- Distinguishing failure to prosecute, **6:134**
- Effect of abandoning suit, **6:130**
- Enroll counsel, **6:193**
- Exceptions to abandonment, **6:201, 6:202**
- Ex parte motion and order of abandonment, **6:203**
- Illustrations of abandonment, **6:200, 6:202**
- Illustrations of no abandonment, **6:200.5**
- Interrogatories, **6:192**
- Notice and notices of change of address, **6:194**
- Prescriptive period, interruption of, **6:130 to 6:135**
- Rescission of dismissal, **6:199**
- Statutory provision, **6:190**
- Substitute counsel, **6:193**
- Voluntary dismissals, **6:135**
- Waiver of right to assert abandonment, **6:197 to 6:199**
- Withdraw counsel, **6:193**

ABILITY OF CLIENT TO PAY

- Interview, investigation and assessment of case, **2:26**

ABSENCE OR PRESENCE

- Arbitration, attendance of witnesses, **15:115**
- Pretrial conference, attendance at, **12:75 to 12:78**
- Process and personal jurisdiction, protection of absent defendants, **7:16**
- Real party in interest, absent managing spouse, **4:38**
- Summary judgment motion, absence of issue of material fact, **14:28, 14:29**

ACCELERATION OF INSTALLMENT NOTE

- Prescription, **6:70**

ACCEPTANCE

- Service of process, **7:81**

ACCIDENTS

- Mistakes. See index heading Mistakes, Accidents, or Surprises

ACCIDENT VICTIM

- Disclosure of statement of, **11:39**

ACCORD AND SATISFACTION

- Settlement, accord and satisfaction as compromise, **15:67**

ACCOUNTS AND ACCOUNTING

- Malpractice, **6:55**

ACCOUNTS AND ACCOUNTING—Cont'd

- Open account, action by government, venue, **3:46**
- Petitions, open, **5:123**
- Prescriptive periods, **6:55, 6:60**
- Venue of action on account, **3:46**

ACCRUAL OF PRESCRIPTION

- Computation of, **6:90, 6:91**

ACKNOWLEDGMENT

- Prescriptive period. See index heading Prescription

ADDING OR ADDITIONAL PARTIES

- Cross-claims, **10:59**
- Prescriptive period, interruption of, **6:138**

ADDITIONAL OR SUPPLEMENTAL PLEADINGS OR MATTERS

- Generally, **5:116 to 5:118**
- Discovery proceedings. See index heading Discovery Proceedings
- Incidental demands, **10:3, 10:10**
- Parties, adding or substituting parties, **5:113**
- Reconvention, **10:50, 10:51**
- Responses to supplemental pleading, **5:115**
- Summary judgment motion. See index heading Summary Judgment Motion

ADDRESS

- Abandonment of action, notices of change of address, **6:194**
- Service of process, **6:172 to 6:175**

AD HOC APPOINTMENT OF JUDGE

- Assignment of cases, **12:27**

ADMINISTRATIVE REVIEW

- Demand for jury trial, **5:94**

ADMIRALTY CLAIMS

- Demand for jury trial, **5:95**

ADMISSIONS AND DECLARATIONS

- Discovery. See index heading Discovery Proceedings
- Intervention, **4:81**
- Requests for admissions. See index heading Discovery Proceedings
- Responsive pleadings and papers, **9:27 to 9:29**

ADMISSION TO BAR

- Generally, **1:72 to 1:92**
- Age, evidence of, **1:78**
- Alternate procedure, **1:82 to 1:92**
- Answer, alternate procedure, **1:84, 1:85**
- Application, generally, **1:74 to 1:78**
- Bar examination, **1:81**
- Certification, **1:75**
- Character, evidence of, **1:78**

INDEX

ADMISSION TO BAR—Cont'd

- Citizenship, evidence of, **1:78**
- Commissioner, alternate procedure, **1:87 to 1:92**
- Compensation of commissioner, alternate procedure, **1:88**
- Fee, **1:75**
- Foreign law school graduation, **1:80**
- Law school graduation, **1:79, 1:80**
- Petition, alternate procedure, **1:83**
- Pleading or answer of committee, alternate procedure, **1:84, 1:85**
- Qualifications of commissioner, alternate procedure, **1:89**
- Report, alternate procedure, **1:91, 1:92**
- Requirements, generally, **1:72 to 1:81**
- Resident alien status, evidence of, **1:78**
- Ruling or remand, alternate procedure, **1:86**
- Service of petition, alternate procedure, **1:83**
- Signature on application, **1:76**
- Sound mind requirement, **1:77**
- Swearing, **1:76**
- Testimony of absent or nonresident witnesses, alternate procedure, **1:90**

ADOPTION BY REFERENCE

- Pleadings, **5:26**

ADR

- See index heading Alternative Dispute Resolution

ADULT ADOPTIONS

- Venue, **3:42**

AFFIDAVITS

- Correctness of account and nonmilitary service, affidavit of, **8:51**
- Default judgments, **8:31, 8:41**
- Long-arm statutes, affidavit of service by, **8:50**
- Military affidavit, **8:41**
- Pleadings, affidavit of poverty, **5:85**
- Substitution of parties, **4:106**
- Summary judgment motion. See index heading Summary Judgment Motion

AFFIRMATION

- Oath or affirmation. See index heading Oath or Affirmation

AGE

- Attorneys at law, admission to bar, **1:78**
- Process and personal jurisdiction, **7:36**

AGENTS

- Real party in interest, **4:41 to 4:43**
- Service of process. See index heading Service of Process and Papers

AGREEMENTS

- Contracts. See index heading Contracts and Agreements

ALTERATION OR CHANGE

Modification. See index heading Modification or Change

ALTERNATE AND ALTERNATIVES

Dispute resolution. See index heading Alternative Dispute Resolution

Jurisdiction, alternative bases of, **7:7 to 7:16**

Petition, alternative causes of action, **6:178, 6:179**

Pleadings. See index heading Pleadings

ALTERNATIVE DISPUTE RESOLUTION

Generally, **15:1 to 15:16**

Arbitration. See index heading Arbitration

Cost, **15:16**

Early neutral evaluation (“ENE”), **15:11**

How to pick an ADR method, **15:13 to 15:16**

Interview, investigation and assessment of case, **2:78**

Jury trial, **15:12**

Med-arb, **15:9, 15:10**

Mediation. See index heading Mediation

Methods, generally, **15:3 to 15:12**

Mini-trials, **15:7**

Relationship of parties, **15:15**

Rent-a-judge, **15:8**

Settlement. See index heading Settlement

Summary jury trials, **15:12**

Timing, **15:14**

AMBIGUITIES

Responsive pleadings and papers, **9:63**

AMENDMENTS

Discovery proceedings, **11:243**

Incidental demands, **10:3**

Joinder of parties, **4:63**

Pleadings. See index heading Pleadings

Pretrial conference, **12:82**

Reconvention, **10:37, 10:48**

AMICABLE DEMAND REQUIREMENT

Commencement of action, **6:3 to 6:6**

Responsive pleadings and papers, **9:61**

AMOUNT OR QUANTITY

Damages, ban on pleading amount of, **6:183 to 6:185**

Settlement offer, amount of, **15:49**

ANSWERS

Attorney’s admission to bar, answer of bar committee, **1:84, 1:85**

Responses to pleadings and papers. See index heading Responsive Pleadings and Papers

INDEX

APPEAL AND REVIEW

- Administrative review, demand for jury trial, **5:94**
- Arbitration, appeals of orders on award, **15:138**
- Courts and court system
 - inferior trial courts, appeals from, generally, **1:57 to 1:64**
 - justice of the peace courts, appeals from, **1:60 to 1:64**
 - Parish and city courts, appeals from, **1:58, 1:59**
 - supervisory jurisdiction, **1:64**
 - trial de novo, **1:61, 1:63**
- Discovery proceedings, filing required for appeal, **11:30**
- Judgment on the pleadings, appeal of denial of motion for, **9:124**
- Summary judgment. See index heading Summary Judgment Motion
- Third-party claims, preserving right of appeal, **10:95**

APPEARANCE

- Motion practice, waiver of appearance, **13:65**
- Out of state attorney, requirements for appearance by, **1:97 to 1:101**
- Substitution of parties, **4:97 to 4:101**

APPELLATE COURTS

- Court system. See index heading Courts and Court System

APPLICATION

- Attorneys' admission to bar, **1:74 to 1:78**

APPOINTMENTS

- Attorney appointed for unrepresented defendant, **1:102 to 1:109**
- Mediator, acceptance of appointment, **15:147**

APPORTIONMENT

- Attorney's fees, apportionment on settlement, **15:24**

APPROVAL

- Consent or approval. See index heading Consent or Approval

AQUATIC LIFE IN GULF

- Venue of action to enforce laws to protect, **3:62**

ARBITRATION

- Generally, **15:83 to 15:138**
- Action to compel performance, **15:101 to 15:103**
- Agreement, **15:89 to 15:107, 15:144**
- Alternative to civil litigation, generally, **15:5, 15:6**
- Appeals of orders on award, **15:138**
- Attempt to reconcile laws, **15:84**
- Attendance of witnesses, **15:115**
- Award, generally, **15:117 to 15:138**
- Calculation mistake as ground for modification or correction of award, **15:133**
- Change or modification of award. See "Vacation, modification or correction of award" under this heading
- Confirmation of award, **15:120, 15:121, 15:124**

ARBITRATION—Cont'd

- Correction of award. See “Vacation, modification or correction of award” under this heading
- Corruption, vacation of award for, **15:126, 15:127, 15:131**
- Court
 - orders of court, **15:103, 15:138**
 - selection of arbitrators by, **15:113**
- Defense of, assertion, **9:32**
- Demand for arbitration, **15:108 to 15:110**
- Dental malpractice claims, arbitration of, **15:86 to 15:88**
- Deposition, testimony by, **15:116**
- Description mistake as ground for modification or correction of award, **15:133**
- Dilatory exception, **15:107**
- Documentary evidence, **15:114 to 15:116**
- Employment contract, exclusion of, **15:95**
- Enforcement of agreement to arbitrate, **15:100 to 15:103**
- Enforcement of award, **15:136, 15:137**
- Evidence, **15:114 to 15:116**
- Exceptions, **9:58**
- Exclusion of employment contract, **15:95**
- FAA, validity and effect of agreement under, **15:93**
- Failure of arbitrator to make final award, **15:129**
- Federal law preemption, **15:85**
- Fraud, vacation of award procured by, **15:126**
- Future controversies, contract to settle, **15:97**
- Governing law, **15:83 to 15:85**
- Hearing of action to compel performance, generally, **15:103**
- Injunction against invalid procedure, **15:110**
- Interruption of prescription, **15:109**
- Matter not submitted to arbitrators, award made on, **15:134**
- Med-arb, **15:9, 15:10**
- Medical malpractice claims, arbitration of, **15:86 to 15:88**
- Misconduct of arbitrator, vacation of award, **15:128**
- Mistake as ground for modification or correction of award, **15:133**
- Modification of award. See “Vacation, modification or correction of award” under this heading
- Motion for vacation, modification or correction of award, **15:123, 15:124, 15:127**
- Notice
 - action to compel performance, notice of, **15:102**
 - confirmation of award, **15:121**
 - vacation, modification or correction of award, notice of motion for, **15:123, 15:124, 15:127**
- Orders of court, **15:103, 15:138**
- Partiality of arbitrator, vacation of award, **15:127**
- Parties, selection of arbitrators by, **15:112**
- Power of arbitrators, **15:98**
- Preemption of federal law, **15:85**

INDEX

ARBITRATION—Cont'd

- Prescription, interruption of, **15:109**
- Rehearing after award is vacated, **15:131**
- Requisites for award, **15:118**
- Responsive pleadings and papers, **9:32, 9:60**
- Scope of agreement, **15:94 to 15:98**
- Selection of arbitrators, **15:88, 15:111 to 15:113**
- Setting aside award. See “Vacation, modification or correction of award” under this heading
- Statutory claims, **15:96**
- Stay of proceedings
 - arbitration, stay pending, **15:106**
 - enforcement of award, stay of, **15:124**
- “Submission,” **15:90**
- Time for granting award, **15:119**
- Undue means, vacation of award procured by, **15:126**
- Vacation, modification or correction of award
 - generally, **15:122 to 15:124**
 - grounds for modification or correction, **15:132 to 15:135**
 - grounds for vacating, **15:125 to 15:131**
- Validity and effect of agreement, **15:92, 15:93, 15:96**
- Waiver of right to compel arbitration, **15:104, 15:105, 15:109**
- Witnesses, **15:114 to 15:116**
- Writing, necessity for, **15:91**

ARTICLE 863

- Obligations under, **6:179**

ASBESTOS

- Negligence against contractors, **5:127**

ASSESSMENT OF CASE

- Interview and investigation. See index heading Interview, Investigation and Assessment of Case

ASSIGNMENT OF CASES

- Generally, **12:1 to 12:21**
- Ad hoc appointment of judge, **12:27**
- Attorneys, recusal of judge, **12:9 to 12:11**
- Basis preventing judge from conducting fair and impartial trial, recusal of judge, **12:16**
- Bias, recusal of judge, **12:14 to 12:18**
- Court of appeals, recusal of judge, **12:26**
- Disclosures required of judge, **12:5**
- Disposition of motion to recuse, **12:22**
- Docketing and assignment, **12:1 to 12:4**
- Extrajudicial bias, recusal of judge, **12:15**
- Family or relative of party or attorney, recusal of judge, **12:13**
- Form of motion for recusal, **12:99**
- Judge, recusal, generally, **12:5 to 12:21**

ASSIGNMENT OF CASES—Cont'd

- Judge selection after recusal, **12:24**
- Motion to recuse, **12:20 to 12:24**
- Own motion, recusal on, **12:19**
- Performance of judicial act in another court, recusal of judge, **12:12**
- Prejudice or bias, recusal of judge, **12:14 to 12:18**
- Random allotment, **12:2, 12:3**
- Recusal of judge, generally, **12:5 to 12:21**
- Relative of party or attorney, recusal of judge, **12:13**
- Several parishes, districts with, **12:3**
- Similar cases, assignment to same judge, **12:4**
- Supreme Court, recusal by, **12:19**
- Supreme court judge, recusal, **12:25**
- Witness, recusal of judge, **12:8**
- Written motion to recuse, need for, **12:21**

ASSIGNORS AND ASSIGNEES

- Real party in interest, **4:48 to 4:50**

ATTACHMENT

- Pleadings, **5:73**

ATTENDANCE

- Presence. See index heading Absence or Presence

ATTITUDE OF CLIENT

- Interview, investigation and assessment of case, **2:25**

ATTORNEY GENERAL

- Service of process on, **7:113**

ATTORNEYS AT LAW

- Generally, **1:65 to 1:116**
- Admission to bar
 - generally, **1:72 to 1:92**
 - age, evidence of, **1:78**
 - alternate procedure, **1:82 to 1:92**
 - answer, alternate procedure, **1:84, 1:85**
 - application, generally, **1:74 to 1:78**
 - bar examination, **1:81**
 - certification, **1:75**
 - character, evidence of, **1:78**
 - citizenship, evidence of, **1:78**
 - commissioner, alternate procedure, **1:87 to 1:92**
 - compensation of commissioner, alternate procedure, **1:88**
 - fee, **1:75**
 - foreign law school graduation, **1:80**
 - law school graduation, **1:79, 1:80**
 - petition, alternate procedure, **1:83**
 - pleading or answer of committee, alternate procedure, **1:84, 1:85**
 - qualifications of commissioner, alternate procedure, **1:89**

INDEX

ATTORNEYS AT LAW—Cont'd

Admission to bar—Cont'd

report, alternate procedure, **1:91, 1:92**

requirements, generally, **1:72 to 1:81**

resident alien status, evidence of, **1:78**

ruling or remand, alternate procedure, **1:86**

service of petition, alternate procedure, **1:83**

signature on application, **1:76**

sound mind requirement, **1:77**

swearing, **1:76**

testimony of absent or nonresident witnesses, alternate procedure, **1:90**

Age, evidence of, **1:78**

Alternate procedure for admission to bar, **1:82 to 1:92**

Answer, alternate procedure for admission to bar, **1:84, 1:85**

Appearance of out of state attorney, requirements for, **1:97 to 1:101**

Application for admission to bar, **1:74 to 1:78**

Appointment of attorney for unrepresented defendant, **1:102 to 1:109**

Assessment of case. See index heading Interview, Investigation and Assessment of Case

Assignment of cases, recusal of judge associated as attorney, **12:9 to 12:11**

Attorneys' fees. See index heading Attorneys' Fees

Bar examination, **1:81**

Certification of admission to bar, **1:75**

Character, evidence of, **1:78**

Citizenship, evidence of, **1:78**

Commissioner, alternate procedure for admission to bar, **1:87 to 1:92**

Continuing legal education, **1:93 to 1:96**

Corporations

practice of law by, **1:67, 1:68**

service of process on counsel of record, **7:60**

Costs, security for, **1:108**

Court approval for withdrawal of attorney, **1:115**

Court order for appearance of out of state attorney, **1:100**

Declining representation, **1:110 to 1:115**

Default judgments, **8:39**

Depositions, **11:95**

Diligence requirement, appointment of attorney for unrepresented defendant, **1:104 to 1:106**

Discipline. See index heading Disciplinary Matters

Discovery proceedings. See index heading Discovery Proceedings

Disqualification proceedings, requirements for appearance of out-of-state attorney, **1:101**

Ethics requirement, continuing legal education, **1:96**

Fees

admission to bar, fee for, **1:75**

attorneys' fees. See index heading Attorneys' Fees

Foreign law school graduation, **1:80**

Foreign state attorney, requirements for appearance of, **1:97 to 1:101**

ATTORNEYS AT LAW—Cont'd

- Hours required for continuing legal education, **1:93**
- Illegal practice of law, **1:69 to 1:71**
- Individuals, practice of law by, **1:66**
- Interview and investigation. See index heading Interview, Investigation and Assessment of Case
- Law school graduation, **1:79, 1:80**
- License to practice, practicing without, **1:69**
- Limited liability companies, practice of law by, **1:67, 1:68**
- Malpractice claims
 - pleadings, **5:34**
 - prescription. See index heading Prescription
 - suspension of prescriptive period, **6:105**
 - venue, **3:65**
- Newly admitted attorneys, continuing legal education, **1:95**
- Out of state attorney, requirements for appearance of, **1:97 to 1:101**
- Partnerships, practice of law by, **1:67, 1:68**
- Penalties for illegal practice of law, **1:71**
- Petition for admission to bar, **1:83**
- Pleadings
 - committee on admission to bar, pleadings of, **1:84, 1:85**
 - designating of attorney for trial, **5:27**
- Practice of law, generally, **1:65 to 1:71**
- Prescription for malpractice claims, suspension of, **6:105**
- Pretrial conference. See index heading Pretrial Conference
- Reciprocity, **1:98 to 1:101**
- Report on admission to bar, **1:91, 1:92**
- Resident alien status, evidence of, **1:78**
- Retention of appointed attorney by defendant, **1:109**
- Ruling or remand, admission to bar, **1:86**
- Security for costs and fees, **1:108**
- Service of process and papers
 - alternate procedure for admission to bar, **1:83**
 - corporations, service of process on counsel of record, **7:60**
- Settlement, authority as to, **15:19 to 15:24**
- Signature on application for admission to bar, **1:76**
- Sound mind requirement, admission to bar, **1:77**
- Swearing, admission to bar, **1:76**
- Terminating representation, **1:110 to 1:115**
- Trial preparation materials, discovery of, **11:51 to 11:58**
- Withdrawal of attorney, **1:110 to 1:115, 6:193**

ATTORNEYS' FEES

- Appointment of attorney for unrepresented defendant, **1:103, 1:107, 1:108**
- Contingent fees. See index heading Contingent Fees
- Discovery proceedings, sanctions for failure to make discovery, **11:261, 11:262, 11:280**

INDEX

ATTORNEYS' FEES—Cont'd

- Interview and investigation. See index heading Interview, Investigation and Assessment of Case
- Settlement, apportionment of attorneys' fees, **15:24**

AUTHORITY AND AUTHORIZATION

- Interview, investigation and assessment of case, **2:12**
- Pretrial conference, **12:78**
- Service of process, **7:70 to 7:78**
- Settlement, **15:18 to 15:24**

AWARD

- Arbitration. See index heading Arbitration

BAD FAITH

- Good or bad faith. See index heading Good Faith

BANKRUPTCY OR INSOLVENCY

- Responsive pleadings and papers, **9:35**
- Settlement with insolvent party, **15:29, 15:30**

BANKS AND BANKING

- Discovery proceedings, **11:174, 11:175, 11:259**
- Service of process, **7:61**

BAR, ADMISSION TO

- Attorneys at law. See index heading Attorneys at Law

BAR EXAMINATION

- Attorneys at law, **1:81**

BIAS OR PREJUDICE

- Arbitration, partiality of arbitrator, **15:127**
- Assignment of cases, recusal of judge for bias, **12:14 to 12:18**
- Change of venue, **3:73 to 3:76**
- Consolidation and severance, **12:41**

BONDS AND UNDERTAKINGS

- Attorneys at law, security for costs and fees, **1:108**
- Motion practice, **13:59**
- Pleadings. See index heading Pleadings
- Venue, **3:44, 3:45**

BRIEFS

- Summary judgment motion, **14:53**

BURDEN OF PROOF

- Presumptions. See index heading Presumptions and Burden of Proof

BUSINESS AND BUSINESSES

- Long-arm service, **7:94**
- Parties, capacity of business entities as, **4:13 to 4:22**

CALCULATIONS

Arbitration, calculation mistake as ground for modification or correction of award, **15:133**

CALENDAR

Court calendar. See index heading Docket and Calendar of Court

CANCELLATION

Pretrial conference, cancellation of conference request for, **12:65**

CAPACITY TO SUE AND BE SUED

Parties. See index heading Parties

CAPTION

Answers, **9:22**
Incidental demands, **10:7**
Motion practice, **13:4, 13:5**
Petition, **6:162, 6:163**
Pleadings, generally, **5:22 to 5:24**

CARRIERS

Venue of action against, **3:20**

CAUSE OF ACTION

Concise statement of, **6:169 to 6:171**
Pleadings, no cause of action, **5:14**

CERTAINTY AND DEFINITENESS

Responsive pleadings and papers, **9:17**

CERTIFICATE OF COMPLIANCE

Default judgments, request for default judgment containing, **8:52**

CERTIFICATES AND CERTIFICATION

Attorneys at law, admission to bar, **1:75**
Depositions, **11:149**
Discovery proceedings. See index heading Discovery Proceedings
Long-arm service, registered or certified mail, **7:107**
Motion practice. See index heading Motion Practice
Responsive pleadings, certificate of service, **9:134**

CHANGE

Generally. See index heading Modification or Change

CHANGE OF VENUE

Generally, **3:72 to 3:80**
Consolidation and severance, **12:33**
Dismissal or transfer of case, **3:71**
Effect of transfer, **3:80**
Fees, payment of, **3:77, 3:78**
Mechanics of transfer, **3:79, 3:80**
Motion, **3:74**
Parish to which transfer may be made, **3:75**

INDEX

CHANGE OF VENUE—Cont'd

Prejudice, **3:73 to 3:76**

CHARACTER

Attorneys at law, admission to bar, **1:78**

CHILDREN OR MINORS

Judicial approval of settlement involving, **15:60, 15:61**

Parties, capacity of, **4:2 to 4:5**

CHOICE OF LAW

Generally, **1:1 to 1:12**

Arbitration, **15:83 to 15:85**

Civil law system, generally, **1:1 to 1:6**

Code of Civil Procedure, **1:4**

Code of Evidence, **1:7**

Common law concepts, migration of, **1:3**

Federal Rules of Civil Procedure, effect of, **1:5**

France and Spain, effect of law of, **1:2**

Interview, investigation and assessment of case, **2:74**

Local rules, **1:10 to 1:12**

Revised statutes, **1:9**

Rules outside of Codes, **1:8 to 1:12**

Venue rules, resolving conflicts among, **3:66 to 3:67**

CITATION

Generally, **7:17 to 7:25**

Commencement of action, service of citation as, **6:10**

Form, **7:21, 7:22**

Multiple defendants, **7:24**

Necessity, **7:17, 7:18**

Process and personal jurisdiction. See index heading Process and Personal Jurisdiction

Representative of multiple defendant, citation to, **7:24**

Responsive pleadings and papers, **9:11**

Return of service, **7:25**

Summary proceedings, **6:10**

Third-party claims, **10:97**

Third party claims, **10:98**

Third-party claims, **10:98**

Waiver, **7:19, 7:20**

Who may issue, **7:23**

CITIZENSHIP

Attorneys at law, admission to bar, **1:78**

CITY COURTS

Court system. See index heading Courts and Court System

CIVIL DISTRICT COURT PILOT MEDIATION PROGRAM

Mediation. See index heading Mediation

CIVIL RIGHTS

Pleadings, **5:57**
Prescription, **6:32**

CLASS ACTIONS

Prescription, suspension of prescriptive period, **6:97**
Settlement, **15:64, 15:65**

CLERKS

Court clerks. See index heading Courts and Court System

CODE OF CIVIL PROCEDURE

Governing law, **1:4**

CODE OF EVIDENCE

Governing law, **1:7**

COLLECTABILITY OF POTENTIAL JUDGMENT

Settlement offers, **15:46**

COMBINATION OR COMBINATIONS

Discovery proceedings, combination of methods, **11:11**
Responsive pleadings and papers, **9:92, 9:93**

CO-MEDIATION

Generally, **15:71**

COMMENCEMENT OF ACTION

Generally, **6:1 to 6:203**
Abandonment of suit or action. See index heading Abandonment of Suit or Action
Amicable demand requirement, **6:3 to 6:6**
Citation and service of citation, **6:10**
Court of competent jurisdiction, **6:2**
Discovery depositions after, **11:106 to 11:110**
Dismissal, voluntary, **6:189**
Exclusive list, summary proceedings, **6:9**
Petition, commencement of action by. See index heading Petition
Process. See index heading Process and Personal Jurisdiction
Summary proceedings, **6:7 to 6:11**
Time, commencement barred by passage of. See index heading Prescription

COMMISSIONERS

Attorneys at law, admission to bar, **1:87 to 1:92**

COMMON ISSUES OF LAW AND FACT

Consolidation, **12:31**

COMMON LAW DEFENSES

Responsive pleadings and papers, **9:44**

COMMUNITY OF INTEREST

Joinder of parties, **4:70**

INDEX

COMMUNITY PROPERTY OR RIGHTS

- Real party in interest, **4:34 to 4:38**
- Venue of action for partition of, **3:34**

COMPENSATION

- Prescription of actions for, **6:58 to 6:61**

COMPETENCY

- Depositions, competency of testimony, **11:92**
- Summary judgment motion, competency of affiant, **14:56**

COMPLETION

- Deposition, completion and return of, **11:94**

COMPROMISE

- Settlement and compromise. See index heading Settlement

COMPULSORY OR PERMISSIVE MATTERS

- Cross-claims, **10:55**
- Depositions, compelling deponent to appear, **11:120 to 11:127**
- Joinder of parties. See index heading Joinder of Parties
- Reconvention, **10:28 to 10:35**

COMPUTATION

- Courts and court system, computing jurisdictional amount, **1:27**
- Prescription, computation of accrual of cause of action, **6:90, 6:91**

COMPUTERS AND COMPUTER INFORMATION

- Discovery proceedings, **11:47**
- Interview, investigation and assessment of case, **2:45, 2:58**

CONCISENESS

- Pleadings, **5:31 to 5:35**

CONCURRENT JURISDICTION

- Courts and court system, **1:19 to 1:28**

CONCURSUS

- Interview, investigation and assessment of case, **2:68 to 2:70**

CONDITIONAL DEMANDS

- Cross-claims, **10:64**

CONDITIONS PRECEDENT

- Pleadings, **5:42 to 5:44**

CONFERENCES

- Discovery, certificate of conference, **11:307**
- Pretrial conference. See index heading Pretrial Conference
- Status conferences. See index heading Status Conferences

CONFIDENTIALITY

- Discovery proceedings, protective orders, **11:81**
- Mediation, **15:70, 15:82**

CONFIRMATION

Arbitration award, **15:120, 15:121, 15:124**
Default judgments, request containing certification, **8:52**

CONFLICT OF LAWS

Governing law. See index heading Governing Law

CONFLICTS OF INTEREST

Interview, investigation and assessment of case, **2:27 to 2:33**

CONSENT OR APPROVAL

Amendment of pleadings by, **5:109, 9:98**
Court approval by minor's parents, actions, venue, **3:43**
Leave of court. See index heading Leave of Court

CONSIDERATION

Responsive pleadings and papers, defenses, **9:40**
Settlement, **15:54**

CONSOLIDATION AND SEVERANCE

Generally, **12:28 to 12:43**
Change of venue, motion for consolidation not used for, **12:33**
Common issues of law and fact, consolidation, **12:31**
Consolidation, generally, **12:28 to 12:43**
Cumulated actions, severance of, **12:42**
Effect of consolidation, **12:36 to 12:38**
Improper consolidation, **12:38**
Motion and order for consolidation, **12:32 to 12:35**
Prejudice, severance, **12:41**
Purpose of consolidation, **12:28 to 12:30**
Severance
 generally, **12:39 to 12:43**
 considerations, **12:40, 12:41**
 cumulated actions, severance of, **12:42**
 prejudice, **12:41**
Venue, motion for consolidation not used for change of, **12:33**

CONSORTIUM, LOSS OF

Prescriptive periods, **6:57**

CONSTABLE

Service of process by, **7:72**

CONSTITUTIONAL LAW

Incidental demands, **10:5**
Long-arm service, **7:92, 7:102, 7:103**
Process and personal jurisdiction, **7:12**

CONSTRUCTION OF PLEADINGS

Judgment on the pleadings, motion for, **9:122**

CONSTRUCTION PROJECTS

Breach of contract, petitions, **5:123**

INDEX

CONSTRUCTION PROJECTS—Cont'd

Prescription of claims relating to, **6:83 to 6:85**

CONTACTS

Long-arm service, **7:93 to 7:104**

CONTEMPT OF COURT

Discovery, sanctions for failure to make, **11:278, 11:279**

Pretrial conference, **12:96**

Summary judgment motion, **14:74**

CONTESTED ISSUES OF LAW

Admissions, requests for, **11:223**

CONTINGENT FEES

Generally, **2:36 to 39**

Settlement, effect of, **15:22 to 15:24**

CONTINUANCE

Summary judgment. See index heading Summary Judgment Motion

CONTINUING LEGAL EDUCATION

Attorneys at law, **1:93 to 1:96**

CONTINUING TORTS

Prescription, **6:30 to 6:36, 6:50**

CONTRACTS AND AGREEMENTS

Arbitration, **15:89 to 15:107, 15:144**

Breach of, petitions, **5:122, 5:123**

Construction, breach of, petitions, **5:123**

Discovery proceedings. See index heading Discovery Proceedings

Mediation, agreement to mediate, **15:140**

Oral, breach of, petitions, **5:122**

Prescription, **6:20**

Settlement, **15:141**

of minor in medical malpractice case, **15:142**

Settlement or compromise, **15:51 to 15:58**

Summary judgment motion, contract interpretation, **14:31**

Termination agreement, release of claims, **15:145**

Venue of contract actions, **3:47 to 3:49**

CONTRA NON VALENTEM DOCTRINE

Prescriptive period. See index heading Prescription

CONTRIBUTION

Cross-claims, **10:64**

Settlement, **15:35**

Third-party claims. See index heading Third-Party Claims

CO-PARTIES

Joint parties. See index heading Joint or Several Parties

COPIES AND COPYING

Discovery. See index heading Discovery Proceedings
Interview, investigation and assessment of case, **2:52**

CORONERS

Venue, suits against coroners, **3:58**

CORPORATIONS

Attorneys. See index heading Attorneys at Law
Foreign corporations. See index heading Foreign Corporations
Parties, **4:14 to 4:17**
Petition, domicile of corporate entities, **6:166**
Venue. See index heading Venue

CORRECTIONS AND CORRECTING

Arbitration. See index heading Arbitration
Settlement agreements, **15:58**

CORRUPTION

Arbitration award, vacation of, **15:126, 15:127, 15:131**

COSTS AND EXPENSES

Alternative dispute resolution, **15:16**
Attorneys at law, **1:108**
Depositions. See index heading Depositions
Discovery proceedings. See index heading Discovery Proceedings
Fees. See index heading Fees
Mediation, **15:80**
Motion practice, **13:32**
Pleadings, time to respond to, **8:13 to 8:18**
Service of process, **7:33**
Settlement, **15:47, 15:48**
Summary judgment motion, **14:73**

COUNSEL

Attorneys. See index heading Attorneys at Law

COURT OF APPEALS

Recusal of judge, assignment of cases, **12:26**

COURTS AND COURT SYSTEM

Generally, **1:13, 1:14**
Appeals. See index heading Appeal and Review
Arbitration. See index heading Arbitration
Assignment of cases. See index heading Assignment of Cases
Attorneys. See index heading Attorneys at Law
City courts
 appeals from, **1:58, 1:59**
 concurrent jurisdiction of various inferior trial courts, **1:23 to 1:27**
 limitations on jurisdiction of various inferior trial courts, **1:31**
 procedure in the inferior trial courts, **1:48 to 1:55**

INDEX

COURTS AND COURT SYSTEM—Cont'd

Clerks

contacting. See “Contacting judges and clerks” under this heading
motion practice, **13:52 to 13:59**

responsive pleadings and papers, service of, **9:131**

Computing jurisdictional amount, **1:27**

Concurrent jurisdiction of various inferior trial courts, **1:19 to 1:28**

Court approval by minor’s parents, actions, venue, **3:43**

Default, **1:52**

Delay or laches, **1:51, 1:59, 1:62**

Disclosures required of judge, assignment of cases, **12:5**

Discretion. See index heading Discretion of Court or Judge

District courts

generally, **1:14**

exclusive jurisdiction, **1:17**

general jurisdiction, **1:16**

time to answer after transfer of case to, **8:10**

transfer of action to District Court

generally, **1:36 to 1:46**

demand for jury, **1:46**

effect of transfer, **1:45, 1:46**

motion to transfer, **1:37 to 1:41**

procedure after transfer, **1:42 to 1:44**

venue rules applicable, **3:3, 3:74 to 3:80**

Eviction proceedings, concurrent jurisdiction of various inferior trial courts, **1:27**

Eviction proceedings, parish and city courts in eviction proceedings, **1:26**

Family and Juvenile Courts

assignment of cases, **12:13**

jury trial in, **5:93**

Judges

assignment of cases, recusal of judge. See index heading Assignment of Cases
contacting judges. See “contacting judges and clerks” under this heading

Judgments. See index heading Judgments and Decrees

Jurisdiction, allocation between trial courts, generally, **1:15 to 1:64**

Jury and jury trial

generally, **1:33 to 1:46**

prohibition, **1:34**

transfer of action to District Court. See “District Courts” under this heading

waiver of right to jury trial, **1:35**

Justice of the peace courts

appeals from, **1:60 to 1:64**

concurrent jurisdiction of various inferior trial courts, **1:28**

limitations on jurisdiction of various inferior trial courts, **1:32**

procedure in the inferior trial courts, **1:56**

Juvenile courts. See “Family and Juvenile Courts” under this heading

Limitations on jurisdiction of various inferior trial courts, **1:29 to 1:32**

Mediation. See index heading Mediation

COURTS AND COURT SYSTEM—Cont'd

- Motions. See index heading Motion Practice
- New trial, motion for, **1:55, 1:59, 1:62**
- Orders. See index heading Orders of Court
- Parish Courts
 - appeals from, **1:58, 1:59**
 - concurrent jurisdiction of various inferior trial courts, **1:19 to 1:22, 1:27**
 - eviction proceedings, **1:26**
 - limitations on jurisdiction of various inferior trial courts, **1:30**
 - procedure in the inferior trial courts, **1:48 to 1:55**
- Procedure in the inferior trial courts, **1:47 to 1:56**
- Prohibition, jury trial issues in the inferior trial courts, **1:34**
- Service of process by court appointed process servers, **7:76, 7:77**
- Subject matter jurisdiction, generally, **1:15**
- Summary judgment. See index heading Summary Judgment Motion
- Supervisory jurisdiction, **1:64**
- Supreme court
 - assignment of cases, recusation by Supreme Court, **12:19**
- Transfer of actions between trial courts, **1:15 to 1:64**
- Trial courts
 - generally, **1:13 to 1:93**
 - allocation of jurisdiction and transfer of actions between trial courts, **1:15 to 1:64**
- Waiver of right to jury trial, **1:35**

CREDIBILITY

- Summary judgment motion, **14:40**

CROSS-CLAIMS

- Generally, **10:55 to 10:67**
- Additional parties, **10:59**
- Conditional demands, **10:64**
- Consolidation and severance, **12:43**
- Contribution, **10:64**
- Co-party, claim against, **10:57 to 10:59**
- Federal rule, **10:61, 10:63**
- Indemnity, **10:64**
- Manner of assertion, **10:65**
- Permissive, **10:56**
- Prescription, effect of, **10:67**
- Property, cross-claims relating to, **10:62, 10:63**
- Recently introduced in Louisiana, **10:55**
- Separate trials or judgments, **10:25**
- Service, **10:58**
- Third-party claims distinguished, **10:83**
- Transaction or occurrence requirement, **10:60, 10:61**
- Treatment of, **10:66, 10:67**

INDEX

CUMULATIVE MATTERS

- Consolidation and severance, **12:42**
- Joinder of parties, **4:66, 4:68, 4:69**
- Pleadings. See index heading Pleadings

CURATOR FOR MENTAL INCOMPETENT

- Parties, **4:7, 4:8**

DAMAGES

- Amount of damages, ban on pleading, **6:183 to 6:185**
- Settlement, potential damage award, **15:44**
- Special, **5:48, 5:49**
- Summary judgment motion, **14:7, 14:8, 14:43**

DEATH AND DEATH ACTIONS

- Service of process, **7:42**
- Substitution of parties. See index heading Substitution of Parties

DECEDENTS' ESTATES

- Substitution of parties. See index heading Substitution of Parties

DECEIT

- Fraud and deceit. See index heading Fraud and Deceit

DECLARATIONS

- Admissions and declarations. See index heading Admissions and Declarations

DECLINATORY EXCEPTIONS

- Pleadings. See index heading Pleadings

DECLINING REPRESENTATION

- Attorneys at law, **1:110 to 1:115**

DECREES

- Judgments. See index heading Judgments and Decrees

DEFAMATION

- See index heading libel and slander

DEFAULT JUDGMENTS

- Generally, **8:19 to 8:46**
- Affidavits, **8:31, 8:41**
- Answer, delay to allow state to file, **8:40**
- Attorney general, notice to, **8:39**
- Calendar of court, placing default motions on, **8:22**
- Certificate of compliance with Louisiana Code of Civil Procedure, **8:52**
- Confirmation of default judgment, **8:26 to 8:42**
- Conventional obligation, demand based on, **8:29**
- Correctness of account and nonmilitary service, affidavit of, **8:51**
- Courts and court system, **1:52**
- Default judgment and confirmation procedure, **8:25 to 8:41**
- Definition, **8:19**
- Delay to allow state to file answer, **8:40**

DEFAULT JUDGMENTS—Cont'd

- Delictual obligation, demand based on, **8:30**
- Discovery proceedings, **11:276**
- Effect of, **8:43**
- Entry of default, **8:21 to 8:25**
- Forms
 - correctness of account and nonmilitary service, affidavit of, **8:51**
 - long-arm statutes, affidavit of service by, **8:50**
 - request for default judgment containing certification, **8:52**
- Hearing, **8:34 to 8:36**
- Instrumentalities of the state, **8:38**
- Liquidated obligations, hearing not required on, **8:34 to 8:36**
- Local rules as affecting confirmation of default judgment, **8:27**
- Long-arm statute
 - affidavit of service by, **8:50**
 - failure to comply with special requirements, **8:24**
 - special requirements involving, **8:23**
- Military affidavit, **8:41**
- Motion practice, **8:22, 13:53**
- Notice of signing, service of, **8:44**
- Physician, narrative report of, **8:33**
- Prerequisites to confirmation of default judgment, **8:37 to 8:40**
- Pretrial conference, **12:97**
- Prima facie case, **8:20**
- Proof required to confirm default judgment, **8:28 to 8:33**
- Relief allowable, **8:42**
- Service of notice of signing, **8:44**
- Setting aside, **8:45**
- Setting aside, grounds for, **8:46**
- Signing, service of notice of, **8:44**
- Substitution of parties, **4:99**
- Time for confirmation of default judgment, **8:26**
- Tort cases, proof required to confirm default judgment in, **8:32, 8:33**

DEFENSES

- Pleadings, **5:92**
- Prescription, **6:157 to 6:160**
- Settlement, **15:69**
- Third-party claims, **10:100**
- Third party claims, **10:101**
- Third-party claims, **10:101**

DEFINITENESS AND CERTAINTY

- Responsive pleadings and papers, **9:17**

DEFINITIONS

- Action on insurance policy, **3:51**
- Compromise, **15:17**
- Default judgments, **8:19**

INDEX

DEFINITIONS—Cont'd

- Legal successor, **4:91**
- Process and personal jurisdiction, **7:1**
- Responsive pleadings and papers, **9:52**
- Venue, **3:1**

DELAY AND LACHES

- Courts and court system, **1:51, 1:59, 1:62**
- Default judgments, **8:40**
- Settlement offer, **15:48**

DELIVERY

- Long-arm service, **7:109**
- Written questions, depositions on, **11:159**

DEMAND NOTES

- Prescription of actions based on, **6:66, 6:67**

DEMAND OR REQUEST

- Amicable demand requirement. See index heading Amicable Demand Requirement
- Arbitration, demand for, **15:108 to 15:110**
- Commencement of action, amicable demand requirement, **6:3 to 6:6**
- Discovery. See index heading Discovery Proceedings
- Incidental demands. See index heading Incidental Demand
- Jury trial, demand for. See index heading Pleadings
- Pleadings. See index heading Pleadings
- Pretrial conference. See index heading Pretrial Conference
- Principal demand. See index heading Principal Demand
- Security for costs, demand for, **8:13 to 8:18**
- Status conferences, **12:48, 12:49**
- Summary judgment motion, request for written reasons, **14:91**

DENIAL OR REFUSAL

- Admissions, requests for, **11:233**
- Motion practice, denial of oral argument, **13:31**
- Pleadings, **5:44**
- Service of process, mailed papers, **7:47**

DENTAL MALPRACTICE CLAIMS

- Arbitration of, **15:86 to 15:88**
- Suspension of prescriptive period, **6:109**

DEPARTMENT OF NATURAL RESOURCES DEPARTMENT

- Service of process on Secretary of, **7:117**

DEPARTURE FROM STATE

- Depositions, **11:109**

DEPOSITIONS

- Generally, **11:83 to 11:160, 11:161**
- Arbitration, **15:116**

DEPOSITIONS—Cont'd

- Attorney, deposing of, **11:95**
- Certification by officer, **11:149**
- Changes, notation of, **11:146**
- Checklists
 - court requests, notices, and applications notice of deposition, **11:299**
 - preparing to conduct depositions, **11:296**
 - representing a deponent, **11:29**
- Commencement of action, discovery depositions after, **11:106 to 11:110**
- Compelling deponent to appear, **11:120 to 11:127**
- Competency of testimony, errors and irregularities, **11:92**
- Completion and return of deposition, **11:94**
- Copies of deposition, furnishing of, **11:153, 11:154**
- Costs and expenses
 - agreement as to, **11:134**
 - copies of deposition, cost of, **11:154**
 - motion to terminate or limit examination, **11:144**
 - notice of deposition, costs resulting from failure to proceed, **11:118**
 - subpoena, costs resulting from failure to serve, **11:126**
- Court discretion in granting, **11:119**
- Delivery of questions to officer, **11:159**
- Departure of deponent from state, discovery depositions after commencement of action, **11:109**
- Designation of deponent by deposition-organization, **11:301**
- Disinterest of officer, requirement of, **11:131**
- Disposition of deposition to perpetuate testimony, **11:102**
- Disqualification of officer, errors and irregularities, **11:91**
- Errors and irregularities, effect of, **11:88 to 11:94**
- Exhibits attached to transcript, **11:150**
- Ex parte order, deposition to perpetuate testimony, **11:103**
- Expenses. See “Costs and expenses” under this heading
- Fees of non-party witnesses, payment of, **11:127**
- Filing. See “Recording and filing” under this heading
- Foreign state or country
 - compelling attendance of witnesses from, **11:124, 11:125**
 - perpetuation of testimony, **11:104**
 - persons before who depositions may be taken, **11:132**
 - place of deposition, **11:87**
- Leave of court required for discovery depositions after commencement of action, **11:106 to 11:110**
- Limitation on examination, **11:142 to 11:144**
- Manner of taking deposition, errors and irregularities, **11:93**
- Mechanics of taking deposition, **11:133 to 11:141**
- Motion to terminate of limit examination, **11:142 to 11:144**
- Nature and purpose, generally, **11:83**
- Non stenographic recording of testimony, **11:139**
- Notice
 - generally, **11:111 to 11:118, 11:300**

INDEX

DEPOSITIONS—Cont'd

Notice—Cont'd

- costs resulting from failure to proceed, **11:118**
- designation of deponent by deposition-organization, **11:301**
- errors and irregularities, **11:90**
- forms
 - generally, **11:300**
 - designation of deponent by deposition-organization, **11:301**
- materials to be produced by non-party witness, designation of, **11:113**
- organization named as deponent, **11:116, 11:117**
- perpetuation of testimony, **11:99 to 11:101**
- place for deposition, designation of, **11:115**
- production of documents or things, **11:112**
- time for deposition, designation of, **11:114**
- written questions, depositions on, **11:157**

Notice of deposition

- organization named as deponent, **11:117**

Oath, **11:135**

Objections, noting of, **11:141**

Officer

- certification by, **11:149**
- defined, **11:129, 11:130**

Oral questions, manner of taking, **11:136**

Out-of-state. See “Foreign state or country” under this heading

Perpetuation of testimony, depositions for purpose of, generally, **11:96 to 11:104**

Persons before whom deposition may be taken, **11:128 to 11:132**

Place of deposition

- generally, **11:86, 11:87**
- compelling resident to appear, **11:123**
- notice of deposition, **11:115**

Potential uses of, **11:160, 11:161**

Prisoner, deposition of, **11:110**

Production of documents or things, **11:112**

Protective order, motion for, quash, **11:309**

Public officers. See “Officer” under this heading

Purpose of deposition to perpetuate testimony, **11:97**

Quash deposition, motion for protective order, **11:309**

Recording and filing

- deposition, generally, **11:152**
- testimony, recording of, **11:138 to 11:140**

Representation of respondents, deposition to perpetuate testimony, **11:101**

Return of deposition, **11:94**

Sanctions for failure to attend, **11:286 to 11:290**

Sealing of deposition, **11:151, 11:152**

Service of papers

- deposition to perpetuate testimony, **11:100, 11:101**
- written questions, depositions on, **11:158**

DEPOSITIONS—Cont'd

- Shorthand reporter's charges for copies of deposition, **11:154**
- Signature of witness, **11:147, 11:148**
- Stipulations regarding, **11:84, 11:85**
- Submitting transcript to witness, **11:145 to 11:152**
- Subpoena to appear, generally, **11:120 to 11:127**
- Telephone stipulations regarding, **11:85**
- Termination of examination, **11:142 to 11:144**
- Time
 - notice of deposition, **11:114**
 - service of subpoena, **11:122**
- Transmitting written questions for officer to administer, **11:137**
- Unavailability of witness, **11:161**
- "Usual stipulation" regarding objections, **11:89**
- Verified petition, deposition to perpetuate testimony, **11:98**
- Videotapes, **11:130, 11:140, 11:148**
- Waiver of errors and irregularities, **11:88 to 11:94**
- Written questions, depositions on
 - generally, **11:4, 11:155 to 11:159**
 - availability of, **11:156**
 - delivery of questions to officer, **11:159**
 - notice, **11:157**
 - service of questions, **11:158**

DEPOSITS

- Motion practice, **13:59**

DERIVATIVE SUITS

- Settlement, approval of, **15:64, 15:65**

DESCRIPTION

- Identification. See index heading Identification or Description

DESIGNATION OF TRIAL ATTORNEY

- Pleadings, **5:27**

DILATORY EXCEPTIONS

- Pleadings. See index heading Pleadings

DILIGENCE REQUIREMENT

- Attorneys at law, **1:104 to 1:106**

DIRECT CLAIMS

- Third-party claims, **10:96**

DIRECTNESS

- Pleadings, **5:31 to 5:35**

DISCHARGED ATTORNEY

- Settlement, **15:23**

DISCIPLINARY MATTERS

- Attorneys at law, generally, **1:116**

INDEX

DISCIPLINARY MATTERS—Cont'd

Merit of case, possible disciplinary action if sign unmeritorious pleading, **2:24**
Motion practice, **13:13**

DISCLOSURES

Experts, OB/GYN medical malpractice case, **11:310**
Mediation, initial disclosure by mediator, **15:147**
Required of judge, assignment of cases, **12:5**

DISCONTINUANCE

Dismissal. See index heading Dismissal of Action or Suit

DISCOVERY PROCEEDINGS

Generally, **11:1 to 11:305**
Abandonment of case, service of papers as avoiding, **11:31**
Accident victim's statement, duty to disclose, **11:39**
Additional or supplemental matters
 experts, additional discovery on motion, **11:63**
 responses, duty as to supplementing of, **11:32 to 11:38**
Admissions, requests for
 generally, **11:10, 11:220 to 11:243**
 amendment of admission, motion for, **11:243**
 contents of request
 generally, **11:226**
 response to request, **11:230 to 11:235**
 contested issues of law, **11:223**
 copies, motion to determine sufficiency of response, **11:239**
 effect of admission, **11:242**
 equivocal response as admission, **11:232**
 expenses, motion to determine sufficiency of response, **11:241**
 failure to timely respond, consequences of, **11:236, 11:237**
 forms, **11:305, 11:306**
 function, **11:220**
 genuineness of documents, **11:222**
 motions, **11:241 to 11:243**
 objection, **11:234, 11:235**
 partial denial, **11:231**
 proper uses, **11:221 to 11:223**
 refusal to admit or deny, **11:233**
 request, generally, **11:224 to 11:226**
 response to request
 generally, **11:227 to 11:237**
 motion to determine sufficiency of, **11:238 to 11:241**
 sanctions for failure to timely respond, **11:237**
 sufficiency of response, **11:238 to 11:241**
 time for request, **11:225**
 time to respond to request, **11:228, 11:229**
 withdrawal of admission, motion for, **11:243**

DISCOVERY PROCEEDINGS—Cont'd

Agreements

- duty to supplement responses, **11:38**
- physical or mental examination by agreement of parties, **11:205**

Amendment of admission, motion for, **11:243**

Appeal, filing required for, **11:30**

Attempt to resolve matter, certificate of, **11:256**

Attendance at deposition, failure as to, **11:286 to 11:290**

Attorneys

- attorney-client privilege, **11:245**
- attorneys' fees, award of, **11:261, 11:262, 11:280**
- work-product privileges, **11:244**

Attorneys' fees, award of, **11:261, 11:262, 11:280**

Available methods of discovery, **11:2 to 11:10**

Bank records, **11:174, 11:175, 11:259**

Books discoverable, **11:46**

Case law illustrations, items discoverable, **11:50**

Certificates and certification

- conference, certificate of, **11:307**
- depositions, **11:149**
- sanctions for failure to make discovery, **11:256**
- signature as certification, **11:18 to 11:22**

Checklists

- preparing to conduct depositions, **11:296**
- representing a deponent, **11:297**
- sample outline for deposing witnesses, **11:298**

Combination of methods, **11:11**

Computer-stored information, items discoverable, **11:47**

Confidentiality of protective orders, **11:81**

Contempt of court, **11:278, 11:279**

Contested issues of law, **11:223**

Contracts. See "Agreements" under this heading

Copies

- deposition, furnishing copy of, **11:153, 11:154**
- medical records, copies of request for release of, **11:199, 11:200**
- motion to determine sufficiency of response, **11:239**
- sanctions for failure to make discovery, **11:255**

Costs and expenses

- award of, **11:261, 11:262, 11:280**
- motion to determine sufficiency of response, **11:241**

Court orders. See "Orders of court" under this heading

Default judgment, sanctions for failure to make discovery, **11:276**

Demand or request. See "Requests" under this heading

Depositions. See index heading Depositions

Discretion of court

- failure to comply with discovery order, illustrations of abuse of discretion, **11:281**
- protective orders, **11:71**

INDEX

DISCOVERY PROCEEDINGS—Cont'd

Discretion of court—Cont'd

restriction of evidence, **11:269**

Dismissal of action, sanctions for failure to make discovery, **11:273 to 11:275**

DNA tests, **11:206**

Documents. See “Production of documents and things” under this heading

Domestic violence privilege, **11:246**

Entry on land. See “Production of documents and things” under this heading

Equivocal response as admission, **11:232**

Evasive answers, sanctions for failure to make discovery, **11:251**

Evidence

inadmissible matters, scope of discovery, **11:44**

sanctions for failure to make discovery, **11:268 to 11:270**

Examinations. See “Physical and mental examinations” under this heading

Expenses. See “Costs and expenses” under this heading

Experts

facts and opinions of, **11:59 to 11:66**

OB/GYN, medical malpractice case, **11:310**

physical and mental examinations, **11:213**

sanctions for failure to disclose expert witness, **11:294**

Extending discovery cutoff dates, **11:40**

Failure to make discovery. See “Sanctions for failure to make discovery” under this heading

Fees, **11:65, 11:66**

Filing requirement, **11:26 to 11:30**

Formal requirements, **11:15 to 11:22**

Forms

admissions request, **11:305, 11:306**

certificate of conference, **11:307**

depositions, notice, **11:300, 11:301**

medical malpractice, OB/GYN, disclosure of experts, **11:310**

oral examination, rule to compel answers on, **11:308**

physical examination, directing plaintiff to submit to, **11:302**

quash deposition, motion to, **11:309**

responses to discovery requests, motions to compel, **11:304**

Frequency of use, **11:12, 11:13**

Genuineness of documents, **11:222**

Good cause, physical and mental examinations, **11:204**

Identification of experts, **11:33, 11:34, 11:61 to 11:63**

Inadmissible matters, scope of discovery, **11:44**

“In controversy” requirement, **11:203**

Inspection, request for, generally, **11:292, 11:303**

Insurance matters, **11:49, 11:55**

Interrogatories. See index heading Interrogatories

Introduction, **11:1 to 11:41**

Items discoverable, **11:45 to 11:50**

Knowledge. See “Notice or knowledge” under this heading

Legislators, motion to compel discovery, **11:253**

DISCOVERY PROCEEDINGS—Cont'd

Limitations and restrictions

- medical peer review committee records, **11:176, 11:177**
- order of court, **11:258, 11:259**
- subpoenas, limits on, **11:173 to 11:175**

Medical malpractice, OB/GYN, disclosure of experts, forms, **11:310**

Medical records

- limitations on orders of court involving, **11:258**
- production of documents and things, **11:173, 11:176, 11:177**
- request for, generally, **11:9, 11:193 to 11:201**

Mental examinations. See “Physical and mental examinations” under this heading

Mental impressions and theories protected against disclosure, **11:56**

Monopolies, specialized discovery procedures, **11:41**

Motions

- generally, **13:60 to 13:62**
- compelling discovery, **11:249 to 11:262**
- physical and mental examinations, **11:208**
- production of documents and things, **11:190**
- sanctions for failure to make discovery, **11:249 to 11:262, 13:48**

Non-witness expert, discovery from, **11:64**

Notice or knowledge

- discoverable matter, **11:48**
- physical and mental examinations, **11:209**
- production of documents and things, **11:185**
- sanctions for failure to make discovery, **11:254**

OB/GYN, medical malpractice case, experts, **11:310**

Objections

- admissions, requests for, **11:234, 11:235**
- release of medical records, **11:197, 11:198**

Oral examination, generally, **11:3**

Oral examination, rule to compel answers on, **11:308**

Orders of court

- disclosure of trial preparation materials, **11:54, 11:55**
- filing by, **11:28**
- sanctions for violating. See “Sanctions for failure to make discovery” under this heading
- supplementing responses, **11:37**

Own statements of person, discovery of, **11:57**

Physical and mental examinations

- generally, **11:8, 11:202 to 11:219**
- agreement, examination by, **11:205**
- contents of order, **11:210 to 11:213**
- DNA tests, **11:206**
- expert or non-physician, performance of examination by, **11:213**
- failure to make report of examiner, **11:216**
- form directing plaintiff to submit to, **11:302**
- good cause, **11:204**

INDEX

DISCOVERY PROCEEDINGS—Cont'd

Physical and mental examinations—Cont'd

“in controversy” requirement, **11:203**

manner and conditions of examination, **11:211**

motion, **11:208**

notice, **11:209**

person to perform examination, **11:212, 11:213**

procedure for obtaining order, **11:207 to 11:209**

reciprocal disclosure of reports, **11:217 to 11:219**

report of examiner, **11:214 to 11:219**

time for, **11:202 to 11:204**

use of other discovery devices to obtain reports, **11:219**

vocational expert or non-physician, performance of examination by, **11:213**

waiver of privilege by requesting report of examiner, **11:218**

Pretrial motion, filing required for, **11:29**

Privileges, **11:58, 11:244 to 11:246**

Production of documents and things

generally, **11:6, 11:171 to 11:201**

bank records, limits on subpoenas of, **11:174, 11:175**

communication with healthcare provider, prohibition from, **11:201**

copy of request for release of medical records, **11:199, 11:200**

depositions, **11:112**

electronically stored information, noncomplying production of, **11:192**

entry on designated lands or property, generally, **11:7**

form of motion, **11:303**

limits on subpoenas, **11:173 to 11:175**

medical records, **11:173, 11:193 to 11:201**

method of producing documents, **11:191**

motion to compel discovery, **11:190**

noncomplying production of electronically stored information, **11:192**

nonparties, subpoena to, **11:183 to 11:186**

notice to other parties, **11:185**

objections to release of medical records, **11:197, 11:198**

request for, **11:178 to 11:182**

response, **11:187 to 11:189**

service of papers, **11:188, 11:194, 11:195**

time

release of medical records, **11:196**

request, time for, **11:179, 11:180**

service of response, **11:188**

use as discovery device or in independent action, **11:172**

Protective orders

generally, **11:70 to 11:82**

case law illustrations, **11:80**

confidentiality, **11:81**

denial of motion, effect of, **11:82**

discretion of court, **11:71**

DISCOVERY PROCEEDINGS—Cont'd

Protective orders—Cont'd

- exclusion of particular matters, **11:79**
- exclusion of persons, **11:78**
- frequency of use under, **11:13**
- function, **11:70**
- particular orders, **11:74 to 11:80**
- quash deposition, motion for, **11:309**
- sanctions for failure to make discovery, **11:260**
- standard of proof, **11:72**

Purpose of discovery, **11:1**

Quash deposition, motion for protective order, **11:309**

Questions of law, **11:43**

Reciprocal disclosure of reports, **11:217 to 11:219**

Refusal to admit or deny admissions, **11:233**

Reimbursement for fees, **11:66**

Release of medical records, request for, generally, **11:9**

Remediation, **11:69**

Reports

- examiner's report of physical and mental examinations, **11:214 to 11:216**
- reciprocal disclosure of, **11:217 to 11:219**

Requests

- admissions, requests for. See "Admissions, requests for" under this heading
- production of documents and things, request for, **11:178 to 11:182**
- responding to. See "Responding to requests" under this heading

Responding to requests

- admissions, requests for, generally, **11:227 to 11:237**
- production of documents and things, generally, **11:187 to 11:189**
- sanctions for failure to make discovery, **11:292**
- supplementing, duty as to, **11:32 to 11:38**

Restrictions. See "Limitations and restrictions" under this heading

Sanctions

- admissions, sanctions for failure to timely respond to request for, **11:237**
- failure to make discovery, sanctions for. See "Sanctions for failure to make discovery"
- improper discovery requests, **11:68**
- signature as certification, sanctions for bad faith, **11:22**

Sanctions for failure to make discovery

- generally, **11:247 to 11:295, 11:294, 11:295**
- admit, failure to, **11:282 to 11:285**
- amicable resolution, need for attempt at, **11:248**
- apportionment of expenses and attorneys' fees, **11:262**
- attendance at deposition, failure as to, **11:286 to 11:290**
- attorneys' fees, award of, **11:261, 11:262, 11:280**
- bank records, limitations on orders of court involving, **11:259**
- certificate of attempt to resolve matter, **11:256**
- contempt of court, **11:278, 11:279**
- copies of papers in dispute, need to file, **11:255**

INDEX

DISCOVERY PROCEEDINGS—Cont'd

- Sanctions for failure to make discovery—Cont'd
 - default judgment, **11:276**
 - deposition, failure to attend, **11:286 to 11:290**
 - discretion of court as to restriction of evidence, **11:269**
 - dismissal of action, **11:273 to 11:275**
 - established matters, **11:266**
 - evasive answers, **11:251**
 - evidence, restriction of, **11:268 to 11:270**
 - expenses, award of, **11:261, 11:262, 11:280**
 - expert witness, failure to disclose, **11:294**
 - grounds for motion to compel discovery, **11:250 to 11:252, 11:251**
 - illustrations, **11:285**
 - inspection, failure to respond to request for, **11:292**
 - interrogatories, failure to answer, **11:293**
 - limitations on order of court, **11:258, 11:259**
 - medical records, limitations on orders of court involving, **11:258**
 - motion practice, **11:249 to 11:262, 13:48**
 - notice, **11:254**
 - orders of court
 - generally, **11:257 to 11:260**
 - failure to comply with discovery order, generally, **11:265 to 11:281, 11:281**
 - overview of enforcement process, **11:247, 11:248**
 - protective order on denial of motion, **11:260**
 - remedies for failure to comply with discovery order, generally, **11:265 to 11:281**
 - resolution of matter, certificate of attempt at, **11:256**
 - responding to request for inspection, failure as to, **11:292**
 - spoliation of evidence, **11:295**
 - stay of proceedings, **11:272**
 - striking pleadings in whole or in part, **11:271**
 - support or opposition for certain claims, restrictions of, **11:267**
- Scope of discovery, **11:42 to 11:69**
- Sequence of discovery, **11:14**
- Service of papers
 - discovery papers, generally, **11:24 to 11:31**
 - request for release of medical records, **11:194, 11:195**
 - response to request for production of documents, time for service of, **11:188**
- Signature, **11:16 to 11:22**
- Specialized discovery procedures, monopolies, **11:41**
- Spoliation of evidence, sanctions for failure to make discovery, **11:295**
- Status conferences, **12:44 to 12:51**
- Stay of proceedings for failure to make discovery, **11:272**
- Striking pleadings in whole or in part, **11:271**
- Subpoenas. See “Production of documents or things” under this heading
- Summary judgment. See index heading Summary Judgment Motion
- Supplemental matters. See “Additional or supplemental matters” under this heading

DISCOVERY PROCEEDINGS—Cont'd

Surveillance films, **11:53**

Time requirements

admissions, requests for, **11:225**

discovery, timing of, generally, **11:14**

extending discovery cutoff dates, **11:40**

physical and mental examinations, **11:202 to 11:204**

production of documents and things. See “Production of documents and things” under this heading

responding to request for admissions, **11:228, 11:229**

Trial preparation materials, discovery of, **11:51 to 11:58**

Vocational expert or non-physician, performance of examination by, **11:213**

Waiver of privilege by requesting report of examiner, **11:218**

Withdrawal of admission, motion for, **11:243**

Work-product privileges, **11:58, 11:244**

Written interrogatories, **11:5**

Written questions, deposition upon, **11:4**

DISCRETION OF COURT OR JUDGE

Depositions, **11:119**

Discovery proceedings. See index heading Discovery Proceedings

Pretrial conference, **12:58**

DISMISSAL OF ACTION OR SUIT

Generally, **6:189**

Discovery, sanctions for failure to make, **11:273 to 11:275**

Incidental demands, **10:21**

Motion practice, **13:2, 13:30**

Pleadings. See index heading Pleadings

Prescriptive period, interruption of, **6:135**

Pretrial conferences, **12:97**

Rescission of dismissal, **6:199**

Settlement, **15:68**

Third-party claims, **10:87**

Venue. See index heading Venue

DISQUALIFICATION

Qualification. See index heading Qualification or Disqualification

DISSOLUTION OF PARTNERSHIP

Venue of action, **3:53, 3:54**

DISTRICT COURTS

Court system. See index heading Courts and Court System

DIVISION

Defenses in answers to pleadings, **9:36**

DIVORCE OR SEPARATION

Real parties in interest, **4:37**

INDEX

DNA TESTS

Discovery proceedings, **11:206**

DOCKET AND CALENDAR OF COURT

Assignment of cases, **12:1 to 12:4**

Default judgments, **8:22**

Motion practice, generally, **13:52 to 13:59**

DOCTORS

Physicians. See index heading Physicians and Surgeons

DOCUMENTARY EVIDENCE

Arbitration, **15:114 to 15:116**

DOCUMENTS AND INSTRUMENTS

Motion practice, **13:23**

Prescription of actions, **6:64 to 6:70**

DOMESTIC VIOLENCE

Privilege, **11:246**

DOMICILE

Residence or domicile. See index heading Residence or Domicile

DUE PROCESS REQUIREMENT

Process and personal jurisdiction, **7:13**

DURESS AND COERCION

Responsive pleadings and papers, **9:37**

EARLY NEUTRAL EVALUATION (“ENE”)

Alternative dispute resolution, **15:11**

ELECTRONICALLY STORED INFORMATION

Production of documents and things, **11:192**

ELECTRONIC FILING

Motion practice, **13:34**

ELECTRONIC SERVICE

Responsive pleadings and papers, **9:130**

EMPLOYMENT CONTRACT

Arbitration, exclusion of employment contract, **15:95**

ENFORCEMENT

Arbitration award, **15:136, 15:137**

ENTRY ON LAND

Discovery proceedings. See index heading Discovery Proceedings

EQUIVOCAL RESPONSE

Discovery proceedings, **11:232**

ERIE DOCTRINE

Interview, investigation and assessment of case, **2:72**

ERRORS

Mistakes. See index heading Mistakes, Accidents, or Surprises

ESTOPPEL

Waiver and estoppel. See index heading Waiver and Estoppel

ETHICAL MATTERS

Continuing legal education, **1:96**

Interview, investigation and assessment of case, **2:21**

EVASIVE ANSWERS

Sanctions for failure to make discovery, **11:251**

EVICITION PROCEEDINGS

Concurrent jurisdiction of various inferior trial courts, **1:27**

Parish and city courts, **1:26**

EVIDENCE

Admissions. See index heading Admissions and Declarations

Arbitration, **15:114 to 15:116**

Code of Evidence, **1:7**

Default judgments, proof required to confirm, **8:28 to 8:33**

Discovery. See index heading Discovery Proceedings

Documentary evidence, arbitration, **15:114 to 15:116**

Exhibits attached to transcript, **11:150**

Presumptions. See index heading Presumptions and Burden of Proof

Pretrial conference, **12:83, 12:84, 12:98**

Responsive pleadings and papers, **9:100**

Service of process. See index heading Service of Process

Spoilation of evidence, sanctions for failure to make discovery, **11:295**

EXAMINATIONS

Discovery proceedings. See index heading Discovery Proceedings

EXCEPTIONS

Incidental demands, **10:14 to 10:17**

Motion practice, **13:38**

Pleadings. See index heading Pleadings

Prescription. See index heading Prescription

Reconvention, **10:35, 10:39**

Strike, motion to, **9:109**

Summary judgment motion, **14:12, 14:16**

Venue, proper, **3:68**

EXCESS OF PRINCIPAL DEMAND

Third-party claims, **10:86**

EXCLUSIONS

Arbitration, exclusion of employment contract, **15:95**

EXECUTORY PROCEEDINGS

Pleadings, **5:68**

INDEX

EXHIBITS

Depositions, exhibits attached to transcript, **11:150**

EX PARTE MATTERS

Abandonment of action, **6:203**

Depositions, **11:103**

Motions. See index heading Motion Practice

Substitution of parties, **4:105**

EXPENSES

Costs. See index heading Costs and Expenses

EXPERTS

Discovery. See index heading Discovery Proceedings

Summary judgment motion, **14:60 to 14:63, 14:79**

EXPIRATION

Termination. See index heading Termination and Expiration

EXTENSION OF TIME

Pleading, **8:47**

EXTINGUISHMENT OF OBLIGATION

Responsive pleadings and papers, **9:39**

EXTRAJUDICIAL BIAS

Recusal of judge, **12:15**

FAA

Validity and effect of agreement under, **15:93**

FAMILY AND JUVENILE COURTS

Court system. See index heading Courts and Court System

FAMILY AND RELATIVES

Alternative dispute resolution, relationship of parties, **15:15**

Assignment of cases, **12:13**

Courts. See index heading Courts and Court System

FARM LABOR OR MATERIALS

Venue of action involving, **3:60 to 3:61**

FATHER

Parents. See index heading Parent and Child

FAXES AND FAXING

Motion practice, **13:18 to 13:22**

Prescription, filing of petition as interrupting, **6:127**

FEDERAL PREEMPTION

Arbitration, **15:85**

Interview, investigation and assessment of case, **2:73**

FEDERAL RULES

Cross-claims, **10:61, 10:63**

FEDERAL RULES—Cont'd

- Governing law, **1:5**
- Motion practice, **13:16**
- Pleadings, **5:24**
- Reconvention, **10:32**
- Third-party claims, **10:70**

FEES

- Admission to bar, requirements for, **1:75**
- Attorneys' fees. See index heading Attorneys' Fees
- Depositions, **11:127**
- Discovery proceedings, **11:65, 11:66**
- Motion practice, **13:20, 13:21**
- Pleadings, **5:83 to 5:87**
- Venue, change of, **3:77, 3:78**

FELLOW EMPLOYEES

- Responsive pleadings and papers, **9:42**

FIDUCIARIES AND PERSONAL REPRESENTATIVES

- Depositions, representation of respondents, **11:101**
- Representative capacity, parties in, **4:26 to 4:28**
- Service of process on representatives, **7:38**
- Substitution of parties. See index heading Substitution of Parties
- Suspension of prescriptive period, **6:106**

FILIATION ACTION

- Pleadings, **5:54**

FILING

- Recording. See index heading Recording and Filing

FILING OF PRETRIAL STATEMENT OR PROPOSED ORDER

- Pretrial conference, **12:67 to 12:72**

FINAL REPORT

- Mediator, final report to the court, **15:148**

FINANCIAL INSTITUTIONS

- Banks. See index heading Banks and Banking

FINANCIAL INTEREST

- Interview, investigation and assessment of case, **2:31**

FOREIGN CORPORATIONS

- Parties, capacity of, **4:16**
- Venue matters, **3:13 to 3:18**

FOREIGN LIMITED LIABILITY COMPANY

- Venue matters, **3:13 to 3:18**

FOREIGN STATE OR COUNTRY

- Attorneys at law. See index heading Attorneys at Law
- Depositions. See index heading Depositions

INDEX

FORMAT

Pleadings, **5:28, 5:29**

FORM OF MOTION

Generally, **13:3 to 13:16**

FORUM

Interview, investigation and assessment of case, **2:75 to 2:77**

FORUM NON CONVENIENS

Venue. See index heading Venue

FRANCE

Governing law, **1:2**

FRAUD AND DECEIT

Arbitration award, vacation of, **15:126**

Pleadings, **5:41, 5:56**

Prescription of malpractice claims, **6:48, 6:53, 6:55**

Responsive pleadings and papers, **9:41**

FRAUDS, STATUTE OF

Pleading of, **9:45**

FREE SPEECH ACTIONS

Striking pleadings, **9:114**

FUTURE CONTROVERSIES

Arbitration, **15:97**

GENERAL APPEARANCE

Process and personal jurisdiction, **7:4**

Responsive pleadings and papers, **9:8**

GENUINENESS OF DOCUMENTS

Discovery proceedings, **11:222**

GOOD CAUSE

Discovery proceedings, **11:204**

Service of process, failure to make service, **7:86**

GOOD FAITH

Prescription, **6:72 to 6:77**

Settlement, **15:25**

Summary judgment motion, affidavits made in bad faith, **14:72 to 14:74**

“GOOD GROUND” REQUIREMENT

Pleadings, **5:37**

GOVERNING LAW

Generally, **1:1 to 1:12**

Arbitration, **15:83 to 15:85**

Civil law system, generally, **1:1 to 1:6**

Code of Civil Procedure, **1:4**

Code of Evidence, **1:7**

GOVERNING LAW—Cont'd

- Common law concepts, migration of, **1:3**
- Federal Rules of Civil Procedure, effect of, **1:5**
- France and Spain, effect of law of, **1:2**
- Interview, investigation and assessment of case, **2:74**
- Local rules, **1:10 to 1:12**
- Revised statutes, **1:9**
- Rules outside of Codes, **1:8 to 1:12**
- Venue rules, resolving conflicts among, **3:66 to 3:67**

“GREENSLIP”

- Motion practice, filing rules and regulations, **13:57**

GUARANTOR AND DEBTOR

- Settlement, **15:36 to 15:38**

HAND DELIVERY

- Responsive pleadings and papers, **9:129**

HEALTH INSURANCE

- Venue, **3:52**

HEARINGS

- Arbitration. See index heading Arbitration
- Default judgments, **8:34 to 8:36**
- Interrogatories, **11:169**
- Motion practice. See index heading Motion Practice
- Pleadings, **5:79, 5:80**
- Settlement, **15:61**

HOSPITAL RECORDS

- Interview, investigation and assessment of case, **2:46**

HOURLY BASIS

- Attorneys' fees, **2:40**

HUSBAND AND WIFE

- Matrimonial matters. See index heading Matrimonial Matters

IDENTIFICATION OR DESCRIPTION

- Arbitration, description mistake as ground for modification or correction of award, **15:133**
- Discovery proceedings, **11:33, 11:34, 11:61 to 11:63, 11:170**
- Motion practice, **13:28**

ILLEGALITY

- Attorneys at law, **1:69 to 1:71**
- Responsive pleadings and papers, **9:41**

ILLUSTRATIONS

- Case law, Protective orders, discovery proceedings, **11:80**

IMMATERIAL MATTER

- Strike, motion to, **9:112**

INDEX

IMMOVABLE PROPERTY

Long-arm service, **7:99**

Prescription, **6:27, 6:28**

IMPERTINENT MATTER

Strike, motion to, **9:112**

IMPLEADING NONPARTIES

Third-party claims, **10:104**

IMPROPER CONSOLIDATION

Generally, **12:38**

IMPROPER DESIGNATION

Responsive pleadings and papers, **9:46, 9:47**

IMPROPER JOINDER

Pleading, **4:71**

INADMISSIBLE MATTERS

Scope of discovery, **11:44**

INCARCERATED PERSONS

Prisoners. See index heading Prisoners

INCIDENTAL DEMANDS

Generally, **10:1 to 10:104**

Amended or supplemental petition, **10:3**

Answers

answer and cross-claim

generally, **10:108**

motion for leave to amend answer to assert cross-claim, **10:109**

answer and reconventional demand

generally, **10:105**

contradictory motion for leave to supplement answer to assert
reconventional demand, **10:107**

motion for leave to amend answer to assert reconventional demand, **10:106**

answer and third-party claim

generally, **10:110**

motion for leave to file amended answer and third-party demand, **10:111**

leave of court after answer, **10:9 to 10:11**

pleading incidental demand in, **10:6, 10:7**

response to demand, generally, **10:19**

Caption, **10:7**

Constitutional law, **10:5**

Cross-claims. See index heading Cross-Claims

Dismissal of principal action, effect of, **10:21**

Distinguished from “principal demand,” **10:2**

Exceptions, availability of, **10:14 to 10:17**

Failure to assert, **10:12**

INCIDENTAL DEMANDS—Cont'd

Forms

answer and cross-claim

generally, **10:108**

amend answer to assert cross-claim, motion for leave to, **10:109**

answer and reconventional demand

generally, **10:105**

amend answer to assert reconventional demand, motion for leave to, **10:106**

supplement answer to assert reconventional demand, contradictory motion

for leave to, **10:107**

answer and third-party claim

generally, **10:110**

amended answer and third-party demand, motion for leave to file, **10:111**

motion for leave to file amended answer and third-party demand, **10:111**

Jurisdiction, existence of, **10:4, 10:5**

Leave of court, **10:9 to 10:11**

Motions, **10:18**

Nature and types of, **10:1 to 10:3**

Petition, pleading in, **10:6, 10:7**

Pleadings. See index heading Pleadings

“Principal demand” distinguished, **10:2**

Reconvention. See index heading Reconvention

Response to demand, generally, **8:3, 10:13 to 10:20**

Retroactive effect of allowance, **10:11**

Separate trials or judgments, **10:22 to 10:25**

Supplemental demands, **10:10**

Supplemental petition, **10:3**

Third-party claims. See index heading Third-Party Claims

Time requirements

generally, **10:8 to 10:11**

response to demand, **8:3, 10:20**

Venue, impropriety of, **10:15 to 10:17**

Withholding judgment pending second trial, **10:24**

INCOME TAX RECORDS

Authorization to obtain, form of, **2:84**

INCOMPETENT AND INSANE PERSONS

Parties, capacity of, **4:6 to 4:12**

Real party in interest, **4:38**

Settlement involving incompetents, judicial approval of, **15:60, 15:61**

INCOMPETENT COURT

Interruption of prescriptive period, **6:123 to 6:126**

INCONSISTENT CLAIMS

Pleadings, **5:61**

“IN CONTROVERSY” REQUIREMENT

Discovery proceedings, **11:203**

INDEX

INDEMNITY

- Cross-claims, **10:64**
- Third-party claims, **10:81**

INDIGENTS

- Pleading request to proceed as indigent, **5:84 to 5:87**
- Time to respond to in forma pauperis actions, **8:15**

INFANTS

- Children. See index heading Children or Minors

IN FORMA PAUPERIS PROCEEDINGS

- Indigents. See index heading Indigents

INFORMING AND INFORMATION

- Pretrial conferences, **12:79**
- Settlements, **15:58**

INHERITANCE

- Substitution of parties. See index heading Substitution of Parties

INJUNCTIONS

- Arbitration, injunction against invalid procedure, **15:110**
- Proprietary information, venue in action to enjoin use of, **3:63, 3:64**

IN REM JURISDICTION

- Interview, investigation and assessment of case, **2:76**
- Process and personal jurisdiction, **7:7**

INSANE PERSONS

- Incompetent persons. See index heading Incompetent and Insane Persons

INSOLVENCY

- Bankruptcy. See index heading Bankruptcy or Insolvency

INSPECTION

- Discovery proceedings. See index heading Discovery Proceedings

INSTALLMENT NOTES

- Prescription of actions based on, **6:68 to 6:70**

INSTRUMENTS

- Documents and instruments. See index heading Documents and Instruments

INSURANCE

- Discovery proceedings, **11:49, 11:55**
- Interview, investigation and assessment of case, **2:69**
- Prescription, **6:79 to 6:81**
- Real party in interest. See index heading Real Party in Interest
- Settlement of case. See index heading Settlement
- Summary judgment motion, **14:9, 14:10, 14:41, 14:86**
- Venue. See index heading Venue

INTENTIONAL OR WILLFUL ACTS

- Pleadings, willful violation of verification, **5:77**

INTENTIONAL OR WILLFUL ACTS—Cont'd

Summary judgment motion, **14:39**

INTEREST IN SUBJECT MATTER

Settlement of case, **15:41**

INTERROGATORIES

Generally, **11:162 to 11:170**

Abandonment of suit or action, **6:192**

Answers, **11:167 to 11:169**

Filing answers or objections, time for, **11:167**

Hearing on objections or adequacy of answers, **11:169**

Identity of witnesses and others, **11:170**

Local rules affecting number allowable, **11:166**

Location of witnesses and others, **11:170**

Manner of answering, **11:168**

Nature and purpose, **11:162**

Number allowable, **11:165, 11:166**

Objections, **11:167, 11:169**

Sanctions for failure to answer, **11:293**

Time for filing answers or objections, **11:167**

Who may propound, **11:164**

To whom directed, **11:164**

INTERRUPTION

Prescriptive period, interruption of. See index heading Prescription

INTERVENTION

Generally, **4:72 to 4:88**

Admission of claim, **4:81**

Article 1091, scope of, **4:75**

“As of right” or permissive distinction, **4:72, 4:74, 4:75**

Assertion of third-party claim by intervenor, **10:74**

Forms, parties, **4:114, 4:115**

Interest of third parties, **4:74, 4:76, 4:77**

Interview, investigation and assessment of case, **2:67**

Mortgage interest, **4:77, 4:79, 4:80**

Options of third parties, **4:82**

Ownership or interest in seized property, **4:78 to 4:81**

Prescription period, **4:73**

Procedure, **4:83 to 4:88**

Questioning proceeding, **4:84, 4:86, 4:87**

Seized property

ownership or interest in, **4:78 to 4:81**

service of petition regarding, **4:84**

Service of petition, **4:82, 4:84, 4:85**

Third parties

generally as to third-party claims. See index heading Third-Party Claims

assertion of third-party claim by intervenor, **10:74**

interest of, **4:74, 4:76, 4:77**

INDEX

INTERVENTION—Cont'd

- Third parties—Cont'd
 - interview, investigation and assessment of case, **2:67**
 - options, **4:82**
- Type of incidental action, **4:70, 4:72, 4:73**

INTERVIEW, INVESTIGATION AND ASSESSMENT OF CASE

- Generally, **2:1 to 2:78**
- Ability of attorney to handle matter, **2:19 to 2:23**
- Ability of client to pay, **2:26**
- Accepting the case, generally, **2:1 to 2:33**
- Additional parties, possibility of, **2:66 to 2:70**
- Alternative Dispute Resolution, potential for, **2:78**
- Applicable law, **2:71 to 2:74**
- Attitude and demeanor of client, **2:25**
- Attorneys' fees
 - bases for fee agreement, **2:35 to 2:40**
 - computation of contingent fee, **2:39**
 - concurus to determine, **2:70**
 - contingency basis, **2:36 to 39**
 - ethical restrictions on referral fees, **2:21**
 - hourly basis, **2:40**
 - legality, **2:38**
 - reasonableness, **2:34**
 - statutory requirements, **2:37**
- Authorizations to be signed by client, **2:12**
- Candidness of client, **2:13 to 2:15**
- Checking for conflicts of interest, **2:33**
- Checklist, investigation checklist, **2:79**
- Client interview form, **2:80**
- Computers and computerized information, **2:45, 2:58**
- Concurus, **2:68 to 2:70**
- Conflict of laws between states, **2:74**
- Conflicts of interest, **2:27 to 2:33**
- Contingency basis for attorneys' fees, **2:36 to 39**
- Copying statement of witness, **2:52**
- Decision to take case, factors affecting, **2:18 to 2:33**
- Disciplinary action, potential for, **2:24**
- Documents required, **2:3**
- Erie doctrine, **2:72**
- Ethical restrictions on referral fees, **2:21**
- Existence of cause of action, determination of, **2:60, 2:61**
- Experience with similar cases, **2:20**
- Federal preemption, **2:73**
- Financial ability of client to pay, **2:26**
- Financial interest in outcome, conflicts of interest, **2:31**
- Formalities of taking statement from witness, **2:51**

INTERVIEW, INVESTIGATION AND ASSESSMENT OF CASE—Cont'd

Forms

- client interview form, **2:80**
- income tax records, authorization to obtain, **2:84**
- medical authorization, **2:81**
- Social Security records, authorization to obtain, **2:82**
- tax records, form of authorization to obtain, **2:84**
- Veterans Administration or service records, authorization to obtain, **2:83**

Forms for interviews, use of, **2:11**

Forum, **2:75 to 2:77**

Hospital records, **2:46**

Hourly basis for attorneys' fees, **2:40**

Income tax records, form of authorization to obtain, **2:84**

Information obtained from client, **2:10 to 2:15**

Insurance cases, **2:69**

Intervention by third parties, **2:67**

Introduction to potential client, **2:1 to 2:9**

Legal process, explanation of, **2:16, 2:17**

Legal research, **2:56 to 2:58**

“Line of sight” issues, **2:54**

Literature, **2:44**

Medical authorization, form, **2:81**

Merit of case, **2:23, 2:24**

Methods of investigation, **2:41 to 2:55**

Multiple clients, conflicts of interest, **2:30**

On-site investigation, **2:53, 2:54**

Personal injury case, information needed for, **2:4**

Photographs, **2:43**

Potential plaintiffs and defendants, **2:62 to 2:65**

Potential value of claim, **2:17**

Preexisting injuries of client, **2:15**

Preliminary investigation and evaluation, **2:41 to 2:78**

Preparation for interview of witnesses, **2:49**

Prescription, **2:61**

Product manuals, **2:44**

Promptness, **2:5, 2:6**

Rapport with client, establishing, **2:8, 2:9**

In rem or quasi in rem jurisdiction, **2:76**

Respectful treatment of client, **2:7**

Scientific testing, **2:55**

Settlement potential, **2:78**

Shotgun approach, risk of, **2:65**

Social Security records, form of authorization to obtain, **2:82**

Statutory requirements for attorneys' fees, **2:37**

Tax records, form of authorization to obtain, **2:84**

Time and effort required in relation to attorney's caseload, **2:22**

Unfavorable witnesses, handling of, **2:50**

INDEX

INTERVIEW, INVESTIGATION AND ASSESSMENT OF CASE—Cont'd

- Venue, **2:77**
- Veterans Administration or service records, form of authorization to obtain, **2:83**
- Witness interviews, **2:47 to 2:52**

INVESTIGATION

- Interview and investigation. See index heading Interview, Investigation and Assessment of Case

JOINDER OF PARTIES

- Generally, **4:51 to 4:71**
- Amendment of petition to cure joinder defect, **4:63**
- Application of laws, **4:54 to 4:56**
- Articles 642 and prior provisions of 641, **4:54**
- Community of interest, **4:70**
- Compulsory or permissive matters
 - compulsory joinders, **4:51 to 4:57**
 - permissive joinder, **4:67 to 4:71**
- Cumulation of action rules, **4:66, 4:68, 4:69**
- Improper joinder, pleading, **4:71**
- Mortgage, judgment creditor in suit to cancel, **4:66**
- Nonfeasability of compulsory joinders, **4:53**
- Non-joinder
 - pleading, generally, **4:62**
 - responsive pleadings and papers, **9:77, 9:78**
- Permissive joinder. See “Compulsory or permissive matters” under this heading
- Plaintiff who refuses or fails to sue, **4:61**
- Pleadings
 - illustrations of joined claims, **5:62**
 - improper joinder, **4:71**
 - non-joinder. See “Non-joinder” under this heading
 - responsive pleadings. See index heading Responsive Pleadings and Papers
- Reconvention, **10:41, 10:42**
- Responsive pleadings. See index heading Responsive Pleadings and Papers
- Revisions, overall effect of, **4:64 to 4:66**
- Solidary obligors and obligees, **4:58 to 4:60**

JOINT OR SEPARATE TRIAL OF ACTIONS

- Consolidation or severance. See index heading Consolidation and Severance

JOINT OR SEVERAL PARTIES

- Consolidation or severance of action. See index heading Consolidation and Severance
- Cross-claims, **10:57 to 10:59**
- Incidental demands, **10:22 to 10:25**
- Interview, investigation and assessment of case, **2:30**
- Joinder of parties. See index heading Joinder of Parties
- Mediation, **15:72**
- Pleadings. See index heading Pleadings
- Process and personal jurisdiction, **7:24**

JOINT OR SEVERAL PARTIES—Cont'd

- Settlement of action or suit, **15:32 to 15:38**
- Third-party claims, **10:82**
- Third party claims, **10:83**
- Third-party claims, **10:83**
- Venue, joint or solidary obligors, **3:22 to 3:27**

JOINT TORTFEASORS

- Prescription, interruption of prescriptive period, **6:140**

JUDGES

- Courts. See index heading Courts and Court System

JUDGMENT ON THE PLEADINGS, MOTION FOR

- Generally, **9:120 to 9:124**
- Appeal, denial of, **9:124**
- Construction of pleadings, **9:122**
- Effect of, **9:123**
- Function, **9:120**
- Time for motion, **9:121**

JUDGMENTS AND DECREES

- Default judgments. See index heading Default Judgments
- Notice of judgment
 - generally, **1:54**
 - default judgment, service of notice of signing, **8:44**
- Open court, judgment without hearing in, **1:53**
- Petition, **6:180 to 6:185**
- Pleadings
 - generally, **5:46**
 - judgment on the pleadings. See index heading Judgment on the Pleadings
- Summary judgment, motion for. See index heading Summary Judgment Motion

JUDICIAL ACTS, POWERS, OR MATTERS

- Authorization, venue, marriage, related by adoption, **3:39**
- Settlement, judicial approval of, **15:59 to 15:65**
- Third-party claims, considerations of judicial economy, **10:85**
- Venue, action on judicial bond, **3:44**

JURISDICTION

- Courts. See index heading Courts and Court System
- Personal jurisdiction. See index heading Process and Personal Jurisdiction

JURY AND JURY TRIAL

- Alternative dispute resolution, **15:12**
- Court system. See index heading Courts and Court System
- Demand for. See index heading Pleadings
- Petition, **6:176, 6:177**
- Pleadings. See index heading Pleadings
- Reconvention, **10:54**

INDEX

JUSTICE OF THE PEACE COURTS

Court system. See index heading Courts and Court System

JUVENILE COURTS

Court system. See index heading Courts and Court System

KNOWLEDGE

Notice. See index heading Notice and Knowledge

LABELS AND LABELING

Motion practice, labeling supporting memoranda, **13:28**

LACHES

Delay. See index heading Delay and Laches

LANDLORD AND TENANT

Pleadings, **5:53**

LAW SCHOOL GRADUATION

Admission to bar, requirements for, **1:79, 1:80**

LEAP YEARS

Prescription, computation of, **6:91**

LEAVE OF COURT

Depositions, **11:106 to 11:110**

Incidental demands, **10:9 to 10:11**

Pleadings, amendment of, **5:109**

LEGAL MALPRACTICE CLAIMS

Malpractice. See index heading Attorneys at Law

Petitions, **5:126**

LEGAL REPRESENTATIVES

Fiduciaries. See index heading Fiduciaries and Personal Representatives

LEGAL RESEARCH

Interview, investigation and assessment of case, **2:56 to 2:58**

LEGISLATIVE ACTS OR MATTERS

Discovery, motion to compel discovery, **11:253**

Prescription, suspension of prescriptive period, legislatively enumerated instances, **6:94 to 6:97**

LIABILITY INSURANCE

Insurance. See index heading Insurance

LIBEL AND SLANDER

Pleadings, **5:51, 5:52**

Prescription, **6:31**

LICENSES AND PERMITS

Attorneys at law, practicing without license, **1:69**

Marriage license requirements, waiver, venue, **3:40**

LIMITATIONS AND RESTRICTIONS

- Courts and court system, **1:29 to 1:32**
- Depositions, **11:142 to 11:144**
- Discovery proceedings
 - production of documents and things, **11:173 to 11:177**
 - sanctions for failure to make discovery, **11:258, 11:259**
- Pretrial conference, **12:53**

LIMITATIONS OF TIME

- Commencement of action barred by passage of time. See index heading Prescription

LIMITED LIABILITY COMPANIES

- Parties, capacity of, **4:17**
- Practice of law by, **1:67, 1:68**
- Venue. See index heading Venue

“LINE OF SIGHT” ISSUES

- Interview, investigation and assessment of case, **2:54**

LIQUIDATED OBLIGATIONS

- Default judgments, **8:34 to 8:36**

LIQUIDATOR

- Real party in interest, **4:39**

LISTING SUPPORTING MEMORANDA

- Motion practice, **13:28**

LITERATURE

- Interview, investigation and assessment of case, **2:44**

LOCAL RULES

- Default judgments, **8:27**
- Governing law, **1:10 to 1:12**
- Interrogatories, **11:166**
- Motion practice, **13:66, 13:67**
- Petition, filing of, **6:187**

LOCATION

- Place or location. See index heading Place or Location

LONG-ARM SERVICE

- Generally, **7:87 to 7:111**
- Business transactions, **7:94**
- Commercial courier, **7:110**
- Constitutional requirements, **7:92, 7:102, 7:103**
- Contacts sufficient to justify long-arm service, **7:93 to 7:104**
- Default judgments
 - failure to comply with special requirements, **8:24**
- Default judgments
 - special requirements involving, **8:23**
- Delivery, **7:109**

INDEX

LONG-ARM SERVICE—Cont'd

- Effect of, **7:111**
- Forms
 - affidavit of service by, **8:50**
- Goods or services, supplying of, **7:96**
- Immovable property, interest in, **7:99**
- Injury or damage, **7:97, 7:98**
- Mail, **7:107**
- Manufacturing product or component in state, **7:101**
- Methods of service, **7:106 to 7:111**
- Necessity of, **7:88 to 7:90**
- Nonresidents, generally, **7:91**
- Nonsupport, **7:100**
- Parentage, **7:100**
- Real property, interest in, **7:99**
- Registered or certified mail, **7:107**
- Time to respond to pleadings, **8:4**
- Venue of action, **3:29**

LOSS OF CONSORTIUM

- Prescriptive periods, **6:57**

MAIL OR MAILING

- Service of process by mail. See index heading Service of Process and Papers

MALPRACTICE CLAIMS

- Arbitration of medical malpractice claims, **15:86 to 15:88**
- Dentists. See index heading Dental Malpractice Claims
- Legal malpractice. See index heading Attorneys at Law
- OB/GYN, expert disclosures, form, **11:310**
- Prescription. See index heading Prescription

MANAGEMENT

- Pretrial scheduling and management. See index heading Pretrial Scheduling and Management

MANUFACTURERS AND MANUFACTURING

- Long-arm service, **7:101**
- Prescription, action in redhibition, **6:76**

MARRIAGE

- Related by adoption, seeking judicial authorization, venue, **3:39**

MATRIMONIAL MATTERS

- Real party in interest, marital community as, **4:34 to 4:38**
- Summary judgment motion, **14:11 to 14:14**

MEDIATION

- Generally, **15:70 to 15:82**
- Agreement to mediate, **15:140**
- Alternative to civil litigation, generally, **15:4**
- Appointment of mediator, acceptance of, **15:147**

MEDIATION—Cont'd

- Co-mediation, **15:71**
- Confidentiality, **15:70, 15:82**
- Costs of mediation, **15:80**
- Court annexed mediation, generally, **15:74 to 15:82**
- Fact-based mediation, **15:73**
- Final report of mediator to the court, **15:148**
- Forms
 - agreement to mediate, **15:140**
 - appointment of mediator, acceptance of, **15:147**
 - final report of mediator to the court, **15:148**
 - initial disclosure by mediator, **15:147**
 - sample mediation rules, **15:139**
 - sample order of mediation, **15:146**
- Initial disclosure by mediator, **15:147**
- Med-arb, **15:9, 15:10**
- Multiparty mediation, **15:72**
- Nature of proceedings, **15:70**
- Sample mediation rules, **15:139**
- Sample order of mediation, **15:146**
- Selection of mediator, **15:78**
- Service of process following mediation in workers' compensation matter, **7:120, 7:121**

MEDICAL MALPRACTICE CLAIMS

- Malpractice. See index heading Malpractice Claims
- Vicarious liability stemming from spinal surgery, **5:129**

MEDICAL RECORDS

- Discovery. See index heading Discovery Proceedings

MEMORANDUM OF LAW

- Pretrial conferences, **12:69**

MENTAL CONDITION

- Discovery proceedings, mental impressions and theories, **11:56**
- Insane persons. See index heading Incompetent and Insane Persons
- Pleadings, **5:41**

MENTAL EXAMINATIONS

- Discovery proceedings. See index heading Discovery Proceedings

MENTAL INCOMPETENTS

- Incompetent persons. See index heading Incompetent and Insane Persons

MILITARY AFFIDAVIT

- Default judgments, **8:41**

MILITARY SERVICE RECORDS

- Authorization to obtain, form of, **2:83**

INDEX

MINI TRIALS

Alternative dispute resolution, **15:7**

MINORS

Children. See index heading Children or Minors

MISCAPTIONED PLEADING

Reconvention, **10:52**

MISCONDUCT

Arbitrator, vacation of award for misconduct of, **15:128**

MISTAKES, ACCIDENTS, OR SURPRISES

Arbitration, mistake as ground for modification or correction of award, **15:133**

Depositions, **11:88 to 11:94**

Pleadings, **5:41**

Pretrial conference, elimination of surprise, **12:54**

MODIFICATION OR CHANGE

Arbitration. See index heading Arbitration

Depositions, **11:146**

Prescription, **6:20**

Pretrial conference, **12:94**

Venue, change of. See index heading Venue

MONETARY STAKE

Real party in interest, **4:24**

MONOPOLIES

Discovery, specialized discovery procedures, **11:41**

MORTGAGES

Intervention, mortgage interest, **4:77, 4:79, 4:80**

Joinder of parties, judgment creditor in suit to cancel mortgage, **4:66**

MOTHER

Parents. See index heading Parent and Child

MOTION PRACTICE

Generally, **13:1 to 13:67**

Abandonment of action, **6:203**

Answer and reconventional demand, motion for leave to assert, **10:106**

Appearance, waiver of, **13:65**

Arbitration, motion for vacation, modification or correction of award, **15:123, 15:124, 15:127**

Assignment of cases, motion to recuse, **12:20 to 12:24**

Bond or deposit in advance, **13:59**

Calendar, placing motion on, **13:52 to 13:59**

Caption, **13:4, 13:5**

Certificates and certification

compliance with discovery conferences, **13:61, 13:62**

no opposition to ex parte motions, certificate of, **13:40**

signature as certification, **13:8 to 13:16**

MOTION PRACTICE—Cont'd

- Clerk, informing, **13:52 to 13:59**
- Consolidation and severance, **12:22 to 12:35**
- Contradictory motions
 - defined, **13:41 to 13:45**
 - service of, **13:46 to 13:50**
- Costs, failure to file supporting memoranda as ground for, **13:32**
- Courts
 - authority as to no oral argument, **13:64**
 - preference for written motions, **13:1, 13:2**
- Default judgments, **8:22, 13:53**
- Default judgments, request for default judgment containing certification, **8:52**
- Denial of oral argument, failure to file supporting memoranda as ground for, **13:31**
- Deposit in advance, **13:59**
- Depositions
 - motion to terminate of limit examination, **11:142 to 11:144**
 - protective order, motion for, quash, **11:309**
 - quash, **11:309**
- Disadvantage of filing close to hearing date, **13:36**
- Disciplinary action, signature as certificate, **13:13**
- Discovery. See index heading Discovery Proceedings
- Dismissal motions, **13:2, 13:30**
- Documents to submit for filing, **13:23**
- Electronic filing, **13:34**
- Exceptions, oral motion made in open court, **13:38**
- Ex parte and contradictory motions, generally, **13:39 to 13:50**
- Extension of time within which to plead, **8:47**
- Failure to file supporting memoranda, **13:29 to 13:33**
- Fax, filing by, **13:18 to 13:22**
- Federal rule, signature as certificate, **13:16**
- Fees, filing by fax, **13:20, 13:21**
- Filing requirements
 - generally, **13:17 to 13:34**
 - disadvantage of filing close to hearing date, **13:36**
 - electronic filing, **13:34**
 - rules and regulations, **13:53 to 13:57**
- Form of motion, generally, **13:3 to 13:16**
- “Greenslip,” filing rules and regulations, **13:57**
- Hearing requirement
 - generally, **13:12**
 - oral argument, hearing on, **13:51**
 - time given at hearing, **13:63 to 13:65**
- Identifying supporting memoranda, **13:28**
- Importance of submitting documents, **13:24**
- Incidental demands, **10:18**
- Labeling supporting memoranda, **13:28**
- Listing supporting memoranda, **13:28**

INDEX

MOTION PRACTICE—Cont'd

- Local rules, compliance with, **13:66, 13:67**
- Names on caption, **13:5**
- Notice
 - contradictory motions, **13:47**
 - signature as certificate, **13:15**
- Numbering supporting memoranda, **13:28**
- Numerous litigants, service of contradictory motions, **13:49**
- Opposition, **13:35, 13:36**
- Oral argument or motion, **13:37, 13:38, 13:64**
- Paragraphs and particularization, **13:7**
- Party names on caption, **13:5**
- Physical examination, order directing plaintiff to submit to, **11:302**
- Pleadings
 - supplemental pleadings, motion for leave to file, **5:117**
 - written motions, **5:17**
- Pretrial motions. See index heading Pretrial Motions or Orders
- Proof of service of contradictory motion, **13:50**
- Recording. See “Filing requirements” under this heading
- Rule days or hours, generally, **13:51 to 13:67**
- Sanctions for failure to comply with discovery order, motion for, **13:48**
- Security for costs, **8:48, 8:49**
- Service of contradictory motions, **13:46 to 13:50**
- Show cause rule, **13:42**
- Signature
 - generally, **13:6**
 - certificate, signature as, **13:8 to 13:16**
- Strike, motions to. See index heading Striking Pleadings
- Summary disposition, failure to file supporting memoranda as ground for, **13:33**
- Summary judgment. See index heading Summary Judgment Motion
- Supporting memoranda, filing requirements, **13:25 to 13:33**
- Time requirements
 - hearing, time given at, **13:63 to 13:65**
 - judgment on the pleadings, **9:121**
 - preliminary default, time deadlines for filing motion, **13:53**
- Venue. See index heading Venue
- Waiver of appearance, **13:65**
- Written motions, generally, **13:1 to 13:36**

MOTIVE

- Intentional acts. See index heading Intentional or Willful Acts

MOTORISTS

- Service of process, **7:41 to 7:47**

MULTIPLE INSURERS

- Settlement, **15:27, 15:28**

MULTIPLE PARISHES

- Venue, **3:35**

MULTIPLE PARTIES

Several parties. See index heading Joint or Several Parties

NAMES

Motion practice, names on caption, **13:5**

Petition, names of all parties, **6:164**

Pleadings, contents, **5:33**

NATURAL RESOURCES DEPARTMENT

Service of process, **7:117**

NECESSARY PARTIES

Real party in interest, **4:36**

NEGLIGENCE

Asbestos, against contractors, **5:127**

Destruction of property during construction project, **5:128**

Responsive pleadings and papers, **9:34**

Suspension of prescriptive period, contra non valentem doctrine, **6:108**

NEGOTIABLE INSTRUMENTS

Prescriptive period. See index heading Prescription

NEGOTIATION METHODS

Settlement, **15:39 to 15:41**

NEW HOME WARRANTY ACT

Prescription, **6:80**

NEWLY ADMITTED ATTORNEYS

Continuing legal education, **1:95**

NEW PROMISE TO PAY

Renunciation of prescription, **6:154**

NEW TRIAL

Motion for, **1:55, 1:59, 1:62**

NO CAUSE OF ACTION

Responsive pleadings and papers, **9:79 to 9:85, 9:141**

NONJOINER

Joinder. See index heading Joinder of Parties

NONRESIDENTS

Residence or domicile. See index heading Residence or Domicile

NON STENOGRAPHIC RECORDING

Depositions, **11:139**

NONSUIT

Dismissal. See index heading Dismissal of Action or Suit

NONSUPPORT

Long-arm service, **7:100**

INDEX

NO RIGHT OF ACTION

Responsive pleadings and papers, **9:86**

NOTARIES PUBLIC

Malpractice, **6:56**

NOTICE AND KNOWLEDGE

Admissions request, **11:306**

Arbitration. See index heading Arbitration

Default judgments, notice of signing, **8:44**

Depositions. See index heading Depositions

Discovery. See index heading Discovery Proceedings

Judgments. See index heading Judgments and Decrees

Motion practice. See index heading Motion Practice

Petition, **6:188**

Physical examination, order directing plaintiff to submit to, **11:302**

Prescription. See index heading Prescription

Pretrial conference, notice to counsel and parties, **12:64**

Responsive pleadings and papers, **9:29**

Settlement, notice to court of, **15:58**

Status conferences, **12:49**

Summary judgment. See index heading Summary Judgment Motion

NUMBERS AND NUMBERING

Interrogatories, **11:165, 11:166**

Motion practice, numbering supporting memoranda, **13:28**

Pleadings, numbered paragraphs, **5:25**

OATH OR AFFIRMATION

Attorneys at law, admission to bar, **1:76**

Depositions, **11:135**

OB/GYN

Malpractice claims, expert disclosures, **11:310**

OBJECTIONS

Depositions, **11:141**

Discovery proceedings. See index heading Discovery Proceedings

Interrogatories, **11:167, 11:169**

Pretrial conference, **12:84, 12:98**

Summary judgment motion, **14:51, 14:52**

Venue, **3:27**

OFFERS

Settlement offers. See index heading Settlement

OFFICERS

Public officers. See index heading Public Officers

OFFICIAL DOCUMENT OR ACT

Pleadings, **5:45**

OFFSETTING OBLIGATIONS

Reconvention, **10:44, 10:45**

ONE YEAR/THREE YEAR RULE

Prescription of malpractice claims, **6:38 to 6:50**

ON-SITE INVESTIGATION

Interview, investigation and assessment of case, **2:53, 2:54**

OPEN ACCOUNT

Accounts. See index heading Accounts and Accounting

OPPOSITION

Motion practice, **13:35, 13:36**

OPTION CONTRACTS

Venue, **3:48**

ORDERS

Abandonment of action, **6:203**

Arbitration, **15:103, 15:138**

Attorneys at law, **1:100**

Discovery proceedings. See index heading Discovery Proceedings

Mediation, sample order of mediation, **15:146**

Physical examination, order directing plaintiff to submit to, **11:302**

Pretrial conference, **12:87 to 12:92**

Pretrial motions. See index heading Pretrial Motions or Orders

Security for costs, **8:48, 8:49**

Status conferences, **12:49**

Substitution of parties, **4:109**

ORLEANS PARISH

Demand for security for costs in, **8:14**

Security for costs, **8:14, 8:49**

OUT-OF-STATE MATTERS

Foreign state. See index heading Foreign State or Country

OWNERSHIP

Intervention, ownership or interest in seized property, **4:78 to 4:81**

OWN STATEMENTS OF PERSON

Discovery of, **11:57**

PARENT AND CHILD

Long-arm service, nonsupport or parentage, **7:100**

Parties to action, father or mother of minor as, **4:4**

Pleadings, filiation actions, **5:54**

PARISH COURTS

Court system. See index heading Courts and Court System

PARTIALITY

Bias. See index heading Bias or Prejudice

INDEX

PARTIAL SUMMARY JUDGMENT

Review of, **14:85, 14:86**

PARTIES

Generally, **4:1 to 4:115**

Adding parties. See index heading Adding or Additional Parties

Arbitration, selection of arbitrators by parties, **15:112**

Business entities, capacity of, **4:13 to 4:22**

Capacity to sue and be sued

generally, **4:1 to 4:22**

pleadings, **5:39**

waiver of defense of lack of capacity, **9:18**

Corporations, capacity of, **4:14 to 4:17**

Curator for mental incompetent, lack of, **4:7, 4:8**

Father of minor, suit by or against, **4:3**

Foreign corporations, capacity of, **4:16**

Interdiction, full or limited, **4:10**

Intervention. See index heading Intervention

Joinder of parties. See index heading Joinder of Parties

Limited liability companies, capacity of, **4:17**

Mental incompetents, capacity of, **4:6 to 4:12**

Minors, capacity of, **4:2 to 4:5**

Mother of minor, suit by or against, **4:4**

Motion practice, names on caption, **13:5**

Partnerships and unincorporated associations, capacity of, **4:17 to 4:20**

Petition. See index heading Petition

Prescription period

interruption of, **4:22**

mental incompetents, **4:10 to 4:12**

Presumption of incapacity of mental incompetent, **4:9**

Real party in interest. See index heading Real Party in Interest

Responsive pleadings and papers, service of, **9:127 to 9:131**

Substitution of parties. See index heading Substitution of Parties

Summary judgment motion, **14:18**

Trade name, capacity of person doing business under, **4:19, 4:21, 4:22**

Tutor of minor, suit by or against, **4:5**

PARTITION

Service of process, **7:15**

Summary judgment motion, **14:13**

Venue of action, **3:33, 3:34, 3:54**

PARTNERS AND PARTNERSHIPS

Attorneys at law, **1:67, 1:68**

Parties, **4:17 to 4:20**

Service of process, **7:62 to 7:65**

Settlement, **15:31**

Venue of action. See index heading Venue

PENALTIES

Attorneys at law, **1:71**

PENDENCY OF ANOTHER ACTION

Responsive pleadings and papers, **9:13, 9:55**

PEREMPTION

Prescription. See index heading Prescription

PEREMPTORY EXCEPTIONS

Pleadings. See index heading Pleadings

Prescription, **6:158**

Responsive pleadings and papers. See index heading responsive pleadings and papers

PERFORMANCE OR OCCURRENCE

Pleadings, **5:43**

PERMISSIVE MATTERS

Compulsory or permissive matters. See index heading Compulsory or Permissive Matters

PERPETUATION OF TESTIMONY

Depositions. See index heading Depositions

PERSONAL JURISDICTION

Process and personal jurisdiction. See index heading Process and Personal Jurisdiction

PERSONAL REPRESENTATIVES

Depositions, representation of respondents, **11:101**

Representative capacity, parties in, **4:26 to 4:28**

Service of process on representatives, **7:38**

Substitution of parties. See index heading Substitution of Parties

Suspension of prescriptive period, **6:106**

PERSONAL SERVICE

Service of process. See index heading Service of Process

PETITIONS

Generally, **5:2, 5:3, 6:161 to 6:188**

As to pleadings in general, see index heading Pleadings

Address for service of process, **6:172 to 6:175**

Alternative causes of action, **6:178, 6:179**

Ambiguity, **9:63**

Amendment

incidental demands, **10:3**

joinder of parties, amendment of petition to cure, **4:63**

order to amend petition, **9:102**

time, **8:8**

Amount of damages, ban on pleading, **6:183 to 6:185**

Article 863, obligations under, **6:179**

Asbestos, negligence against contractors, **5:127**

INDEX

PETITIONS—Cont'd

- Attorneys at law, alternate procedure for admission to bar, **1:83**
- Caption, **6:162, 6:163**
- Cause of action, concise statement of, **6:169 to 6:171**
- Construction contract, breach of, **5:123**
- Copy versus original, **6:186**
- Corporate entities, domicile of, **6:166**
- Deposition to perpetuate testimony, verified petition, **11:98**
- Destruction of property during construction project, negligence, **5:128**
- Domicile of parties, **6:165 to 6:168**
- Fact pleading, **6:171**
- Filing of petition, **6:187, 6:188**
- Formal requirements, **6:161 to 6:164**
- Forms, **5:119 to 5:129**
- Incidental demands, **10:6, 10:7**
- Individual defendants, domicile of, **6:167**
- Intervention, **4:82, 4:84, 4:85, 4:115**
- Joinder of parties, amendment of petition to cure, **4:63**
- Judgment, prayer for, **6:180 to 6:185**
- Jury request, **6:176, 6:177**
- Legal malpractice, form, **5:126**
- Local rules for filing of petition, **6:187**
- Medical malpractice alleging vicarious liability, spinal surgery, **5:129**
- Medical malpractice claim, joint petition to settle, **15:143**
- Names of all parties, **6:164**
- Notice, filing request for, **6:188**
- Open account, **5:124**
- Oral contract, breach of, **5:122**
- Original versus copy, **6:186**
- Parties
 - domicile of, **6:165 to 6:168**
 - joinder of parties, amendment of petition to cure, **4:63**
 - names of, **6:164**
- Power of attorney, allegation of self-dealing, **5:120**
- Prayer for judgment, **6:180 to 6:185**
- Premises liability, **5:125**
- Rationale, **6:170**
- Request for jury, **6:176, 6:177**
- Section of court, **6:163**
- Service of process, address for, **6:172 to 6:175**
- Settlement, petition for judicial approval, **15:61**
- Specific amount of damages, ban on pleading, **6:183 to 6:185**
- Spinal surgery, medical malpractice alleging vicarious liability, **5:129**
- State as party, address for service of process, **6:175**
- Statement of cause of action, **6:169 to 6:171**
- Taking of property, action against sewage and water board for, **5:121**
- Time for service of process, **6:173**

PETITIONS—Cont'd

- Vagueness of petition, **9:136**
- Vehicular collision, negligence in, **5:119**
- Vicarious liability stemming from spinal surgery, medical malpractice, **5:129**
- Waiver of defenses, **9:16**

PHOTOGRAPHS

- Discovery, motion to produce and permit entry to inspect and photograph, **11:303**
- Interview, investigation and assessment of case, **2:43**

PHYSICAL EXAMINATIONS

- Discovery proceedings. See index heading Discovery Proceedings

PHYSICIANS AND SURGEONS

- Default judgments, **8:33**
- Service of process, **7:39**

PLACE OR LOCATION

- Depositions. See index heading Depositions
- Interrogatories, location of witnesses and others, **11:170**
- Pleadings, **5:47**
- Pretrial conference, **12:73, 12:74**
- Service of process. See index heading Service of Process

PLEADINGS

- Generally, **5:1 to 5:126**
- Additional pleadings. See index heading Additional or Supplemental Pleadings or Matters
- Administrative review, demand for jury trial, **5:94**
- Admiralty claim, demand for jury trial, **5:95**
- Adoption by reference, **5:26**
- Affidavit of poverty, **5:85**
- Alternative pleadings
 - inconsistent claims pleaded in alternative, **5:61**
 - petitions, **5:3, 6:178, 6:179**
 - responsive pleadings and papers, defenses, **9:49**
 - statements of claim or defense, **5:36, 5:37**
- Amended pleadings
 - generally, **5:104 to 5:115**
 - consent or leave of court, amendment by, **5:109**
 - exception sustained, amendment ordered after, **5:108**
 - petitions. See index heading Petitions
 - prayer, amending prayer, **5:110**
 - relation back of amendments, **5:111**
 - responses to. See index heading Responsive Pleadings and Papers
 - right, amendment by, **5:105 to 5:107**
 - time to respond to, **8:8**
- Answers
 - generally, see index heading Responsive Pleadings and Papers

INDEX

PLEADINGS—Cont'd

Answers—Cont'd

time for. See “Time to respond to pleadings” under this heading

Attachment, verification, **5:73**

Attorneys at law. See index heading Attorneys at Law

Bonds and undertakings

costs, demand for security for, **8:16 to 8:18**

forms, **8:48, 8:49**

jury trial, demand for, **5:99**

Capacity of party, **5:39**

Caption, **5:22 to 5:24**

Checklist, reviewing the complaint, **9:135**

Civil rights, **5:57**

Conciseness, **5:31 to 5:35**

Conditions precedent, **5:42 to 5:44**

Confirmation of default, **8:2**

Consent, amendment by, **5:109**

Contents, **5:30 to 5:56**

Costs, demand for security for, **8:13 to 8:18**

Cumulation of actions

generally, **5:58 to 5:68**

illustrative claims, **5:62**

improper cumulation, **5:66**

plural plaintiffs or defendants, **5:63, 5:65**

responsive pleadings and papers, **9:19, 9:66, 9:138**

separate trials, **5:67, 5:68**

single opposing party, **5:59 to 5:61**

Declinatory exceptions

generally, **5:5 to 5:8**

responsive pleadings. See index heading Responsive Pleadings and Papers

time to respond to pleadings, **8:5, 8:6**

Decrees. See index heading Judgments and Decrees

Defenses on which jury trial is available, **5:92**

Demand for jury trial

generally, **5:88 to 5:103**

petition, **6:176, 6:177**

responsive pleadings and papers, **9:50**

Demand for security for costs, **8:13 to 8:18**

Denial, **5:44**

Designation of trial attorney, **5:27**

Dilatory exceptions

generally, **5:9 to 5:12**

arbitration, **15:107**

responsive pleadings and papers, **9:58 to 9:67**

Directness, **5:31 to 5:35**

Dismissal of action or suit

responsive pleadings and papers, **9:104**

PLEADINGS—Cont'd

- Dismissal of action or suit—Cont'd
 - time to respond to pleadings, **8:16**
- District court, time to answer after transfer of case to, **8:10**
- Exceptions
 - generally, **5:4 to 5:16**
 - amendment after sustaining of exception, **5:108**
 - declinatory exceptions. See “Declinatory exceptions” under this heading
 - dilatory exceptions. See “Dilatory exceptions” under this heading
 - peremptory exceptions. See “Peremptory exceptions” under this heading
 - responsive pleadings. See index heading Responsive Pleadings and Papers
 - time to answer after, **8:7 to 8:9**
- Executory proceedings, **5:68**
- Extension of time to respond to pleadings, **8:11, 8:12**
- Extension of time within which to plead, **8:47**
- Fact pleading, **5:32**
- Family law proceedings, jury trial in, **5:93**
- Federal rule for caption, **5:24**
- Fees and costs, **5:83 to 5:87**
- Filing, **5:82**
- Formal requirements, **5:21 to 5:27**
- Format, **5:28, 5:29**
- Forms
 - extension of time within which to plead, **8:47**
 - petition, **5:119 to 5:130**
 - security for costs, all parishes except Orleans, **8:48**
 - security for costs, Orleans Parish, **8:49**
- Forms, petition
 - wrongful distributions by member of limited liability company, **5:130**
- Fraud, **5:41**
- “Good ground” requirement, **5:37**
- Hearing on sanctions for defects in verification, **5:79, 5:80**
- Improper cumulation, effect of, **5:66, 9:138**
- Incidental demands
 - generally, **10:6, 10:7**
 - time to respond to pleadings, **8:3**
- Inconsistent claims pleaded in alternative, **5:61**
- Indigents or in forma pauperis. See index heading Indigents
- Joinder of parties. See index heading Joinder of Parties
- Joint or several parties
 - cumulation as to plural plaintiffs or defendants, **5:63, 5:65**
 - joinder of parties. See index heading Joinder of Parties
 - separate trials, **5:67, 5:68**
- Judgment on the pleadings, motion for. See index heading Judgment on the Pleadings, Motion for
- Judgments. See index heading Judgments and Decrees
- Jury trial, demand for. See “Demand for jury trial” under this heading
- Leave of court, amendment by, **5:109**

INDEX

PLEADINGS—Cont'd

- Legal malpractice, **5:34**
- Mental condition, **5:41**
- Mistake, **5:41**
- Motions
 - strike, motion to. See index heading Striking Pleadings
 - supplemental pleadings, motion for leave to file, **5:117**
 - written motions, **5:17**
- Name, **5:33**
- No cause of action, **5:14**
- Numbered paragraphs, **5:25**
- Official document or act, **5:45**
- Order to proceed as an indigent, **5:87**
- Orleans Parish, demand for security for costs in, **8:14**
- Peremptory exceptions
 - generally, **5:13 to 5:16**
 - responsive pleadings. See index heading Responsive Pleadings and Papers
- Performance or occurrence, **5:43**
- Petitions. See index heading Petitions
- Place or location, **5:47**
- Plural plaintiffs or defendants, cumulation as to, **5:63, 5:65**
- Poor persons. See index heading Indigents
- Prescription, pleading defense of, **6:159**
- Pretrial conference, **12:82**
- Reference, adoption by, **5:26**
- Relation back of amendments, **5:111**
- Reply or replicatory pleading
 - generally, **5:18**
 - summary judgment motion, **14:25**
- Responding to pleadings
 - generally, See index heading Responsive Pleadings and Papers
 - time for. See “Time to respond to pleadings” under this heading
- Reviewing the complaint, checklist, **9:135**
- Right, amendment by, **5:105 to 5:107**
- Sanctions for defects in verification, **5:78 to 5:81**
- “Saving to suitors” clause, admiralty claim under, **5:95**
- Security for costs. See “Bonds and undertakings” under this heading
- Separate trials. See “Joint or several parties” under this heading
- Sequestration, verification, **5:73**
- Settlement as defense, **15:69**
- Signature, **5:70, 5:75 to 5:81**
- Simplicity, **5:31 to 5:35**
- Size, **5:29**
- Special damage, **5:48, 5:49**
- Special matters, **5:38 to 5:40, 5:38 to 5:41**
 - Unconstitutionality of state law, **5:40**
- Special proceedings, jury trial in, **5:93**

PLEADINGS—Cont'd

- Specification of issues, demand for jury trial, **5:100, 5:101**
- Stipulation, demand for jury trial, **5:101**
- Strike, motion to. See index heading Striking Pleadings
- Summary proceedings. See index heading Summary Proceedings
- Supplemental pleadings. See index heading Additional or Supplemental Pleadings
- Suspensive conditions, **5:42 to 5:44**
- Third-party claims, **10:100, 10:101**
- Time requirements
 - contents of pleadings, **5:47**
 - demand for jury trial, **5:98**
 - dilatory exceptions, **5:10**
 - extension of time within which to plead, **8:47**
 - peremptory exceptions, **5:15**
 - response to pleadings, time for. See “Time to respond to pleadings” under this heading
- Time to respond to pleadings
 - generally, **8:1 to 8:18**
 - amended petition, filing of, **8:8**
 - answer, generally, **8:1 to 8:10**
 - bond or undertaking for costs, **8:16 to 8:18**
 - confirmation of default, **8:2**
 - costs, demand for security for, **8:13 to 8:18**
 - declinatory and dilatory exceptions, **8:5, 8:6**
 - demand for security for costs, **8:13 to 8:18**
 - dismissal of suit for failure to post bond for costs, **8:16**
 - district court, time to answer after transfer of case to, **8:10**
 - exception, time to answer after, **8:7 to 8:9**
 - extension of time, **8:11, 8:12**
 - in forma pauperis actions, **8:15**
 - incidental demand, time for answering, **8:3**
 - long arm statute, **8:4**
 - Orleans Parish, demand for security for costs in, **8:14**
 - security for costs, demand for, **8:13 to 8:18**
 - transfer of case to district court, time to answer after, **8:10**
- Transfer of case to district court, time to answer after, **8:10**
- Traverse, **5:86**
- Trial of peremptory exceptions, **5:16**
- Unjust enrichment, **5:35**
- Venues, difference in, **5:60**
- Verification, **5:69 to 5:81**
- Waiver
 - exceptions, waiver of, **5:6, 5:11**
 - jury trial, waiver of right to, **5:103**
 - responsive pleadings. See index heading Responsive Pleadings and Papers
- Willful violation of verification, **5:77**

INDEX

PLEADINGS—Cont'd

- Withdrawal
 - demand for jury trial, **5:102**
 - pleading, **5:81**
- Written motions, **5:17**

PLEDGORS AND PLEDGEEES

- Real party in interest, **4:44**

PLURAL PARTIES

- Several parties. See index heading Joint or Several Parties

POLITICAL SUBDIVISIONS

- Venue of suits against, **3:57**

POOR PERSONS

- Indigents. See index heading Indigents

POSITIONAL BARGAINING

- Settlement, **15:40**

POTENTIAL DAMAGE AWARD

- Settlement, **15:44**

POWER OF ATTORNEY

- Self-dealing, petition alleging, **5:120**

PRACTICE OF LAW

- Attorneys. See index heading Attorneys at Law

PRAYER FOR JUDGMENT

- Petition, **6:180 to 6:185**

PRECLUSION

- Pretrial conference, preclusion of evidence, **12:98**
- Reconvention, preclusion of claim, **10:33 to 10:35**

PREEMPTION

- Federal law, preemption of. See index heading Federal Preemption

PREEXISTING INJURIES OF CLIENT

- Interview, investigation and assessment of case, **2:15**

PREJUDICE

- Bias. See index heading Bias or Prejudice

PREMATURE COMMENCEMENT OF ACTION

- Responsive pleadings and papers, **9:15, 9:59**

PREMISES LIABILITY

- Petitions, **5:125**

PRESCRIPTION

- Generally, **6:12 to 6:160**
- Abandonment of suit, effect of, **6:130 to 6:135**
- Acceleration of installment note, **6:70**

PRESCRIPTION—Cont'd

- Accrual, computation of, **6:90, 6:91**
- Acknowledgment
 - interruption of prescriptive period, **6:142 to 6:148**
 - renunciation of prescription distinguished from, **6:151**
- Adding parties, interruption of prescriptive period, **6:138**
- Applicable prescriptive periods, generally, **6:22 to 6:89**
- Arbitration, **15:109**
- Class actions, suspension of prescriptive period, **6:97**
- Commencement of action barred passage of time, generally, **6:12 to 6:160**
- Compensation or money owed, actions for, **6:58 to 6:61**
- Compromise, **6:114**
- Computation of accrual, **6:90, 6:91**
- Consortium, loss of, **6:57**
- Construction projects, claims relating to, **6:83 to 6:85**
- Continuing torts, **6:30 to 6:36, 6:50**
- Contract, modification by, **6:20**
- Contra non valentem doctrine, generally, **6:98 to 6:113**
- Cross-claims, **10:67**
- Defamation, **6:31**
- Defense, prescription as, **6:157 to 6:160**
- Demand notes, actions based on, **6:66, 6:67**
- Dismissals, interruption of prescriptive period, **6:135**
- Exceptions
 - compensation or money owed, actions for, **6:59, 6:60**
 - malpractice claims, **6:44 to 6:55**
- Fiduciary relationships, contra non valentem doctrine, **6:106**
- Filing of action as interrupting prescription, generally, **6:117 to 6:140**
- Fraud, malpractice claims based on, **6:48, 6:53, 6:55**
- Good faith or bad faith of seller, action in redhibition, **6:72 to 6:77**
- Hazardous waste, **6:81**
- Immovable property, damage to, **6:27, 6:28**
- Incompetent court or improper venue, commencement in, **6:123 to 6:126**
- Installment notes, actions based on, **6:68 to 6:70**
- Instruments, actions based on, **6:64 to 6:70**
- Insurance
 - action in redhibition, **6:79 to 6:81**
 - legal malpractice, **6:54**
- Interruption of prescriptive period
 - generally, **6:21, 6:116 to 6:149**
 - abandonment of suit, effect of, **6:130 to 6:135**
 - acknowledgment as interrupting prescription, **6:142 to 6:148**
 - adding parties, **6:138**
 - arbitration, **15:109**
 - court of competent jurisdiction, **6:120**
 - dismissals, **6:135**
 - filing of action as interrupting prescription, **6:117 to 6:140**

INDEX

PRESCRIPTION—Cont'd

- Interruption of prescriptive period—Cont'd
 - forms of acknowledgments, **6:145**
 - incompetent court or improper venue, commencement in, **6:123 to 6:126**
 - joint tortfeasors, **6:140**
 - length of interruption, **6:128, 6:129**
 - process, sufficiency of, **6:124**
 - redhibition, action in, **6:78**
 - solidary obligors, effect of filing of action on, **6:136 to 6:139**
 - supervisory writs, **6:122**
 - time of proper venue, **6:121, 6:122**
 - venue, propriety of, **6:121 to 6:126**
 - voluntary dismissals, **6:135**
- Intervention, **4:73**
- Joint tortfeasors, **6:140**
- Knowledge. See “Notice or knowledge” under this heading
- Leap year, computation of accrual, **6:91**
- Legal malpractice claims. See “Malpractice claims” under this heading
- Legislatively enumerated instances for suspension of prescriptive period, **6:94 to 6:97**
- Length of interruption of prescriptive period, **6:128, 6:129**
- Libel and slander, **6:31**
- Loss of consortium, **6:57**
- Malpractice claims
 - generally, **6:37 to 6:56**
 - acknowledgment as interrupting prescription, **6:148**
 - suspension of prescriptive period, **6:105, 6:107, 6:109, 6:111**
- Manufacturers, action in redhibition, **6:76**
- Medical malpractice claims. See “Malpractice claims” under this heading
- Miscellaneous prescriptive periods, **6:87**
- Modification by contract, **6:20**
- Money judgment, action on, **6:86**
- Negotiable instruments
 - generally, **6:65**
 - interruption of prescriptive period, **6:149**
- New Home Warranty Act, **6:80**
- New promise to pay, renunciation of prescription, **6:154**
- Notice or knowledge
 - contra non valentem doctrine, **6:110 to 6:113**
 - injury, knowledge of, **6:29**
 - professional malpractice claims, constructive knowledge, **6:39**
- One year/three year rule, malpractice claims, **6:38 to 6:50**
- Open account debtor, negotiations with, **6:60**
- Parties, **4:10 to 4:12, 4:19, 4:22**
- Parties. See index heading Parties
- Peremption
 - compared and distinguished, **6:12 to 6:19**
 - malpractice claims, preemptive nature of three year rule for, **6:43**

PRESCRIPTION—Cont'd

- Peremptory exception, prescription as defense, **6:158**
- Personal actions not otherwise enumerated, **6:88, 6:89**
- Pleading defense of prescription, **6:159**
- Professional malpractice claims, **6:37 to 6:56**
- Quality of professional services, malpractice claims based on, **6:45**
- Reconvention, **10:36 to 10:39**
- Recording or filing of action as interrupting prescription, generally, **6:117 to 6:140**
- Recovery of removables, **6:82**
- Redhibition, action in, **6:71 to 6:81**
- Renunciation of prescription, **6:21, 6:150 to 6:156**
- Residential or commercial immovable property, action in redhibition, **6:74**
- Responsive pleadings and papers, **9:70 to 9:74**
- Section 1983 civil rights action, **6:32**
- Slander, **6:31**
- Solidary obligors, effect of filing of action on, **6:136 to 6:139**
- Special statutes, construction projects, **6:84**
- Statutes
 - construction projects, **6:84**
 - distinction between peremption and prescription, **6:19**
 - suspension of prescriptive period, **6:99**
- Successive torts, **6:30 to 6:36**
- Supervisory writs, interruption of prescriptive period, **6:122**
- Suspension of prescriptive period
 - generally, **6:21, 6:92 to 6:113**
 - class actions, **6:97**
 - compromise, **6:114**
 - contract claims, contra non valentem doctrine, **6:112**
 - contra non valentem doctrine, **6:98 to 6:113**
 - courts or officers prevented from taking cognizance of action, contra non valentem doctrine, **6:101, 6:102**
 - debtor/creditor relationships, contra non valentem doctrine, **6:103 et seq.**
 - emergency suspension, **6:115**
 - fiduciary relationships, contra non valentem doctrine, **6:106**
 - legal malpractice claims, contra non valentem doctrine, **6:105**
 - legislatively enumerated instances, **6:94 to 6:97**
 - malpractice claims, contra non valentem doctrine, **6:105, 6:107, 6:108, 6:111**
 - negligence claims, contra non valentem doctrine, **6:108**
 - notice or knowledge, contra non valentem doctrine, **6:110 to 6:113**
 - statutory amendment, contra non valentem doctrine, **6:99**
 - third parties, **6:95**
 - “Taking” of property actions against government, **6:62, 6:63**
- Ten year rule, action in redhibition, **6:77**
- Third-party claims
 - generally, **10:94**
 - suspension of prescriptive period, **6:95**
- Tort actions, **6:23 to 6:36**

INDEX

PRESCRIPTION—Cont'd

- Unfair trade practice, **6:36**
- Unilateral act as renunciation of prescription, **6:152**
- Venue, **3:89, 3:90, 6:121 to 6:126**
- Venue, effect of improper venue on interruption of prescriptive period, **6:121 to 6:126**
- Violence, crimes of, **6:33, 6:34**
- Voluntary dismissals, interruption of prescriptive period, **6:135**
- Warranty by professional, malpractice claims based on, **6:46**

PRESENCE

- Absence or presence. See index heading Absence or Presence

PRESUMPTIONS AND BURDEN OF PROOF

- Acknowledgment as interrupting prescription, **6:147**
- Documents scrutinized equally, **14:37**
- Incapacity of mental incompetent, **4:9**
- Peremptory exceptions, **9:74**
- Process and personal jurisdiction, presumption of residence, **7:10**
- Real party in interest, **4:43**
- Reconvention, **10:53**
- Summary judgment motion, **14:32 to 14:37**
- Trial of exceptions, **9:99**

PRETRIAL CONFERENCE

- Generally, **12:52 to 12:98**
- Actions to be pretried, **12:56 to 12:58**
- Amendment of pleadings, **12:82**
- “Any civil action,” pretrial of, **12:57**
- Attendance at, **12:75 to 12:78**
- Attorneys
 - disagreements by opposing counsel, **12:70, 12:71**
 - notice to counsel and parties, **12:64**
 - obligation of counsel to confer first, **12:66**
 - preparation or pretrial order, **12:90**
 - substitute attorney, attendance at conference, **12:76**
- Authority of participants, **12:78**
- Cancellation of conference request for, **12:65**
- Contempt for not complying with requirements or order, **12:96**
- Contents of pretrial order, **12:91**
- Default for not complying with requirements or order, **12:97**
- Demand or request. See, “Request” under this heading
- Disagreements by opposing counsel, **12:70, 12:71**
- Discretion of judge, **12:58**
- Dismissal for not complying with requirements or order, **12:97**
- Effect of order, **12:93, 12:94**
- Evidentiary matters, **12:83, 12:84, 12:98**
- Facts and issues, **12:81**
- Failure to attend, consequences of, **12:77**

PRETRIAL CONFERENCE—Cont'd

- Filing of pretrial statement or proposed order, **12:67 to 12:72**
- Form of request or pretrial conference, **12:101**
- Information to bring to, **12:79**
- Limitation of issues, **12:53**
- Matters considered, **12:80 to 12:86**
- Memorandum of law, filing of, **12:69**
- Modification of order, **12:94**
- Notice to counsel and parties, **12:64**
- Objections, **12:84, 12:98**
- Obligation of counsel to confer first, **12:66**
- Order, **12:87 to 12:92**
- Place of conference, **12:73 to 12:74**
- Pleadings, amendment of, **12:82**
- Preclusion of evidence for not complying with requirements or order, **12:98**
- Preparation
 - pretrial order, **12:88 to 12:90**
 - pretrial statement or proposed order, **12:67 to 12:72**
- Prerequisite to scheduling of trial, **12:55**
- Pretrial order, **12:87 to 12:92**
- Purpose of conference, **12:52 to 12:55**
- Removal from docket for not complying with requirements or order, **12:97**
- Request
 - cancellation of conference, request for, **12:65**
 - form of request, **12:100**
 - party or court, request by, **12:59 to 12:62**
- Sanctions for not complying with requirements or order, **12:95 to 12:98**
- Scheduling of conference, **12:63 to 12:65**
- Service of pretrial statement or proposed order, **12:72**
- Settlement, **12:85**
- Signature on pretrial order, **12:92**
- Status conference, pretrial conference converted into, **12:40, 12:46, 12:47**
- Substitute attorney, attendance at conference, **12:76**
- Surprise, elimination of, **12:54**
- Telephone conferences, **12:74**
- Time for request by party or court, **12:59**
- Waiver, **12:58**

PRETRIAL MOTIONS OR ORDERS

- Discovery proceedings, **11:29, 11:62**
- Form of pretrial order, **12:101**
- Judicial district requirements, pretrial orders, **12:102**
- Pretrial conference, **12:87 to 12:92**

PRETRIAL SCHEDULING AND MANAGEMENT

- Assignment of cases. See index heading Assignment of Cases
- Consolidation of actions. See index heading Consolidation and Severance
- Joint or separate trial of actions. See index heading Consolidation and Severance

INDEX

PRETRIAL SCHEDULING AND MANAGEMENT—Cont'd

- Joint pretrial outline, **12:103**
- Pretrial conference. See index heading Pretrial Conference
- Severance of actions. See index heading Consolidation and Severance
- Status conferences. See index heading Status Conferences

PRINCIPAL DEMAND

- Incidental demands, **10:2**
- Third-party claims, **10:84 to 10:88**

PRISONERS

- Depositions of, **11:110**
- Service of process on incarcerated persons, **7:40**
- Venue of action against, **3:9**

PRIVATE PROCESS SERVICE

- Service of process by, **7:74 to 7:78**

PRIVILEGES

- Discovery proceedings, **11:58, 11:244 to 11:246**

PROCEDURAL CAPACITY

- Responsive pleadings and papers, **9:65**

PROCESS AND PERSONAL JURISDICTION

- Generally, **7:1 to 7:123**
- Absent defendants, protection of, **7:16**
- Age, **7:36**
- Alternative bases of jurisdiction, **7:7 to 7:16**
- Citation
 - generally, **7:17 to 7:25**
 - commencement of action, service of citation as, **6:10**
 - form, **7:21, 7:22**
 - multiple defendants, **7:24**
 - necessity, **7:17, 7:18**
 - representative of multiple defendant, citation to, **7:24**
 - responsive pleadings and papers, **9:11**
 - return of service, **7:25**
 - summary proceedings, **6:10**
 - third-party claims, **10:97**
 - third party claims, **10:98**
 - third-party claims, **10:98**
 - waiver, **7:19, 7:20**
 - who may issue, **7:23**
- Constitutionality of quasi in rem jurisdiction, **7:12**
- Definition, **7:1**
- Due process requirement, **7:13**
- Failure to make service, **7:85, 7:86**
- Forms
 - domiciliary service, **7:123**
 - long-arm statutes, affidavit of service by, **8:50**

PROCESS AND PERSONAL JURISDICTION—Cont'd

Forms—Cont'd

return, **7:122**

General appearance, effect of, **7:4**

Good cause, failure to make service, **7:86**

Incidental demands, **10:4, 10:5**

Long-arm statutes, affidavit of service by, **8:50**

Methods of acquiring personal jurisdiction, **7:2**

Multiple defendants, citation, **7:24**

Presumption of residence, **7:10**

Quasi in rem jurisdiction, **7:11 to 7:13**

In rem jurisdiction, **7:7**

Residence, presumption of, **7:10**

Responsive pleadings and papers, **9:10 to 9:12**

Service of process. See index heading Service of Process and Papers

Status, jurisdiction over, **7:8 to 7:10**

Venue, personal jurisdiction distinguished from, **3:2**

Waiver

citation, **7:19, 7:20**

personal jurisdiction, generally, **7:3, 7:4**

PRODUCTION OF DOCUMENTS AND THINGS

Discovery proceedings. See index heading Discovery Proceedings

PRODUCT MANUALS

Interview, investigation and assessment of case, **2:44**

PROFESSIONAL MALPRACTICE CLAIMS

Malpractice. See index heading Malpractice Claims

PROHIBITION

Jury trial issues in the inferior trial courts, **1:34**

PROMISSORY NOTES,

Action on, venue, **3:41**

PROMPTNESS

Interview, investigation and assessment of case, **2:5, 2:6**

PROOF

Evidence. See index heading Evidence

PROPERTY AND PROPERTY ACTIONS

Cross-claims, **10:62, 10:63**

Destruction of property during construction project, negligence, **5:128**

Long-arm service, **7:99**

Sewage and water board, action against for taking of property, **5:121**

Venue, **3:31 to 3:35**

PROTECTIVE ORDERS

Discovery proceedings. See index heading Discovery Proceedings

INDEX

PUBLICATION

Service by, generally, **7:14, 7:15**

PUBLIC CARRIERS

Venue of action against, **3:20**

PUBLIC OFFICERS AND EMPLOYEES

Depositions. See index heading Depositions

State officers. See index heading State and State Officials

Substitution of parties, **4:104 to 4:107**

QUALIFICATION OR DISQUALIFICATION

Attorneys at law, requirements for appearance of out-of-state attorney, **1:101**

Depositions, disqualification of officer, **11:91**

QUALITY OF PROFESSIONAL SERVICES

Malpractice claims based on, **6:45**

QUANTITY

Amount. See index heading Amount or Quantity

QUASI IN REM JURISDICTION

Process and personal jurisdiction, **7:11 to 7:13**

QUESTIONS OF LAW

Discovery proceedings, **11:43**

RACIAL DISCRIMINATION

Summary judgment motion, **14:44**

RANDOM ALLOTMENT

Assignment of cases, **12:2, 12:3**

REAL PARTY IN INTEREST

Generally, **4:23 to 4:50**

Absent managing spouse, **4:38**

Agents, **4:41 to 4:43**

Assignors and assignees, **4:48 to 4:50**

Beneficiary rights against trustee, **4:28**

Community rights, **4:34 to 4:38**

Husband and wife, **4:34 to 4:38**

Insurance

carriers, **4:46 to 4:48**

Commissioner of, **4:40**

Liquidator, **4:39**

Marital community, **4:34 to 4:38**

Mentally incompetent managing spouse, **4:38**

Monetary stake, **4:24**

Necessary parties, marital community, **4:36**

Pledgors and pledgees, **4:44**

Presumption of agent's authority, **4:43**

Receiver, **4:39**

Representative capacity, parties in, **4:26 to 4:28**

REAL PARTY IN INTEREST—Cont'd

- Separated spouses, **4:37**
- Service on succession representative before qualification, **4:33**
- Standing, **4:25**
- Subrogors and subrogees, **4:45 to 4:48**
- Succession representative, **4:29 to 4:33**
- Trusts and trustees, **4:26 to 4:28**

REAL PROPERTY

- Property. See index heading Property and Property Actions

RECEIPTS

- Service of process, **7:46, 7:51**

RECEIVERS

- Real party in interest, **4:39**
- Settlement, **15:30**

RECIPROCAL DISCLOSURE

- Physical and mental examinations, **11:217 to 11:219**

RECIPROCITY

- Attorneys at law, **1:98 to 1:101**

RECONVENTION

- Generally, **10:26 to 10:52**
- Abolition of Old Code of Practice requirements, **10:27**
- Amendments, **10:37, 10:48**
- Answer, pleading offsetting obligations in, **10:45**
- Burden of proof, **10:53**
- Compensation, pleading of, **10:44, 10:45**
- Compulsory or permissive, **10:28 to 10:35**
- Demand that diminished recovery or is in excess of plaintiff's demand, **10:43**
- Exceptions, **10:35, 10:39**
- Failure to assert compulsory demand, **10:33 to 10:35**
- Federal rule, **10:32**
- Form and content, **10:48**
- Function, **10:26, 10:27**
- Joinder of additional defendants, **10:41, 10:42**
- Jury trial, right to, **10:54**
- Manner of assertion, **10:47 to 10:52**
- Miscaptioned pleading, **10:52**
- Offsetting obligations, pleading of, **10:44, 10:45**
- Preclusion of claim, **10:33 to 10:35**
- Prescription, effect of, **10:36 to 10:39**
- Res judicata statute, effect of, **10:34, 10:35**
- Service, **10:46**
- Statutory exceptions to res judicata, **10:35**
- Supplemental pleading, assertion in, **10:50, 10:51**
- Third-party claims, **10:73**
- Third party claims, **10:102**

INDEX

RECONVENTION—Cont'd

- Third-party claims, **10:102**
- Third party claims, **10:103**
- Third-party claims, **10:103**
- Transaction or occurrence, **10:31, 10:32**

RECORDING AND FILING

- Depositions. See index heading Depositions
- Discovery proceedings, **11:26 to 11:30**
- Interrogatories, **11:167**
- Motion practice. See index heading Motion Practice
- Petition, **6:187, 6:188**
- Pleadings, **5:82**
- Prescription. See index heading Prescription
- Service of process, **7:46, 7:51, 7:84**

RECUSAL OF JUDGE

- Assignment of cases. See index heading Assignment of Cases

REDHIBITION

- Pleadings, **5:55**
- Prescription, **6:71 to 6:81**

REDUNDANT MATTER

- Strike, motion to, **9:112**

REFERENCE, ADOPTION BY

- Pleadings, generally, **5:26**
- Responsive pleadings and papers, **9:25**

REFUSAL

- Denial. See index heading Denial or Refusal

REGISTERED OR CERTIFIED MAIL

- Long-arm service, **7:107**

REHEARINGS

- Arbitration, **15:131**

REIMBURSEMENT

- Discovery proceedings, **11:66**

RELATION BACK

- Retroactive matters. See index heading Retroactive and Retrospective Matters

RELATIVES

- Family or relatives. See index heading Family or Relatives

RELEASE OF CLAIMS

- Termination agreement, **15:145**

RELEASE OF MEDICAL RECORDS

- Discovery proceedings, **11:9**

REMOVAL FROM DOCKET

Pretrial conferences, **12:97**

RENT-A-JUDGE

Alternative dispute resolution, **15:8**

RENUNCIATION

Prescription, **6:21, 6:150 to 6:156**

REPLY OR REPLICATORY PLEADING

Pleadings. See index heading Pleadings

REPORTS

Attorneys at law, admission to bar, **1:91, 1:92**

Discovery proceedings. See index heading Discovery Proceedings

Mediator, final report to the court, **15:148**

REPRESENTATIVES

Fiduciaries and personal representatives. See index heading Fiduciaries and Personal Representatives

REQUEST

Demand or request. See index heading Demand or Request

RESCISSION

Dismissal, rescission of, **6:199**

Settlement, **15:56**

RESIDENCE OR DOMICILE

Attorneys at law, admission to bar, **1:78**

Petition, **6:165 to 6:168**

Process and personal jurisdiction, **7:10**

Service of process, **7:34 to 7:36**

Venue of action. See index heading Venue

RES JUDICATA

Reconvention, **10:34, 10:35**

Responsive pleadings and papers, **9:75, 9:76**

Summary judgment motion, **14:77**

RESPONSIVE PLEADINGS AND PAPERS

Generally, **9:1 to 9:143**

Admissions and denials, **9:27 to 9:29**

Adoption by reference, **9:25**

Alternate defenses, **9:49**

Ambiguity of petition, **9:63**

Amended and supplemental pleadings

generally, **5:115, 9:51**

exceptions, **9:94 to 9:97, 9:102**

Amicable demand, want of, **9:61**

Answers

generally, **9:21 to 9:51**

admissions and denials, **9:27 to 9:29**

INDEX

RESPONSIVE PLEADINGS AND PAPERS—Cont'd

Answers—Cont'd

- adoption by reference, **9:25**
- caption, **9:22**
- default judgments, delay to allow state to file answer, **8:40**
- defenses. See “Defenses” under this heading
- demand for jury trial, **9:50**
- form, requirements as to, **9:21 to 9:26**
- format, **9:23, 9:24**
- incidental demands. See index heading Incidental Demands
- interrogatories, **11:167 to 11:169**
- jury trial, demand for, **9:50**
- knowledge or information, denial on lack of, **9:29**
- manner of presentation, generally, **9:3**
- paragraphs, **9:24**
- reference, adoption by, **9:25**
- signature, **9:26**
- time for. See index heading Pleadings

Arbitration and award, **9:32, 9:60**

Bankruptcy, discharge in, **9:35**

Burden of proof, trial of exceptions, **9:99**

Capacity, waiver of defense of lack of, **9:18**

Caption, answer, **9:22**

Certificate of service, **9:134**

Citation, insufficiency of, **9:11**

Clerk, service on, **9:131**

Combination of exceptions, **9:92, 9:93**

Common law defenses recognized, generally, **9:44**

Consent or leave for amendment of, **9:95**

Consideration, failure of, **9:40**

Cumulation of actions, impropriety in, **9:19, 9:66, 9:138**

Declinatory exceptions

generally, **9:54 to 9:57**

lis pendens, **9:140**

waiver, **9:6 to 9:19, 9:57**

Defenses

alternate defenses, **9:49**

arbitration and award, **9:32**

assertion of defenses, waiver by failure to make, **9:31 to 9:45**

bankruptcy, discharge in, **9:35**

cause of action, **9:47**

common law defenses recognized, generally, **9:44**

consideration, failure of, **9:40**

division, **9:36**

duress and error, **9:37**

estoppel, **9:38**

extinguishment of obligation, **9:39**

RESPONSIVE PLEADINGS AND PAPERS—Cont'd

Defenses—Cont'd

- failure of consideration, **9:40**
- fellow employee, injury by, **9:42**
- fraud, **9:41**
- illegality, **9:41**
- improper designation as defense, **9:46, 9:47**
- negligence or fault, **9:34**
- special matters, **9:48**
- statute of frauds, pleading of, **9:45**
- waiver of. See “Waiver of defenses” under this heading

Demand for jury trial, **9:50**

Dilatory exceptions, **9:58 to 9:67, 9:136 to 9:139**

Discovery proceedings. See index heading Discovery Proceedings

Discussion of exceptions, **9:67**

Dismissal of action, **9:104**

Division, defenses, **9:36**

Duress, defense of, **9:37**

Electronic service, **9:130**

Estoppel. See “Waiver of defenses” under this heading

Evidence, introduction of, **9:100**

Exceptions

- generally, **9:52 to 9:107**
- ambiguity of petition, **9:63**
- amendment of, **9:94 to 9:97**
- amend petition, order to, **9:102**
- amicable demand, want of, **9:61**
- arbitration agreements, **9:60**
- combination of, **9:92, 9:93**
- consent or leave for amendment of, **9:95**
- cumulation of actions, impropriety in, **9:66, 9:138**
- declinatory exceptions. See “Declinatory exceptions” under this heading
- definition, **9:52**
- dilatory exceptions, **9:136 to 9:139**
- discussion, **9:67**
- dismissal of action, **9:104**
- evidence, introduction of, **9:100**
- form of, **9:89 to 9:91**
- joinder of parties, impropriety in, **9:66**
- limit on amendment of, **9:97**
- manner of presentation, generally, **9:2**
- no cause of action, **9:79 to 9:85, 9:141**
- nonjoinder of necessary parties, **9:77, 9:78**
- no right of action, **9:86**
- order to amend petition, **9:102**
- pendency of another action, declinatory exception, **9:55**
- peremptory exceptions. See “Peremptory exceptions” under this heading

INDEX

RESPONSIVE PLEADINGS AND PAPERS—Cont'd

Exceptions—Cont'd

- pleading peremptory exceptions, need for, **9:69**
- premature commencement of action, **9:59**
- prescription, **9:70 to 9:74**
- procedural capacity, lack of, **9:65**
- res judicata, **9:75, 9:76**
- setting aside, **9:105**
- subsequent proceedings, disposition of, **9:101 to 9:107**
- summary proceedings, unauthorized use of, **9:62**
- transfer of case, **9:103**
- trial of, **9:98 to 9:100**
- Unfair Trade Practices Act, **9:85**
- vagueness of petition, **9:136**
- waiver of defenses by failure to file declinatory or dilatory exceptions, **9:6 to 9:19**

Extinguishment of obligation, **9:39**

Failure of consideration, **9:40**

Fellow employee, injury by, **9:42**

Formal requirements, waiver of defense that petition does not meet, **9:16**

Fraud, defenses, **9:41**

“General appearance,” waiver of defenses by, **9:8**

Hand delivery, service by, **9:129**

Illegality, defenses, **9:41**

Improper designation as defense, **9:46, 9:47**

Incidental demands. See index heading Incidental Demands

Joinder of parties

- dilatory exception, improper joinder as, **9:66**

- peremptory exception, nonjoinder, **9:77, 9:78, 9:142**

- waiver of defenses, **9:19**

Judgment on the pleadings, motion for. See index heading Judgment on the Pleadings, Motion for

Jury trial, demand for, **9:50**

Knowledge or information, denial on lack of, **9:29**

Lis pendens, declinatory exceptions, **9:140**

Mail, service by, **9:128**

Negligence or fault, **9:34**

No cause of action, **9:79 to 9:85, 9:141**

Nonjoinder of necessary parties, **9:77, 9:78, 9:142**

No right of action, **9:86**

Particular defenses waived, **9:9 to 9:19**

Party, service by, **9:127 to 9:131**

Pendency of another action, **9:13, 9:55**

Peremptory exceptions

- generally, **9:68 to 9:88**

- defenses not waived by failure to file, **9:20**

- forms, **9:141 to 9:143**

- no cause of action, **9:79 to 9:85, 9:141**

RESPONSIVE PLEADINGS AND PAPERS—Cont'd

Peremptory exceptions—Cont'd

nonjoinder of necessary parties, **9:77, 9:78, 9:142**

no right of action or no interest in plaintiff to institute suit, **9:86 to 9:88**

prescription, **9:70 to 9:74, 9:143**

res judicata, **9:76**

Personal jurisdiction, waiver of defense of lack of, **9:10 to 9:12**

Premature commencement of action, **9:15, 9:59**

Prescription, **9:70 to 9:74, 9:143**

Presentation, generally, **9:1 to 9:5**

Procedural capacity, lack of, **9:65**

Reference, adoption by, **9:25**

Res judicata, **9:75, 9:76**

Service of

generally, **9:125 to 9:134**

CCP Arts. 1313 and 1314, **9:125**

clerk, service on, **9:131**

electronic service, **9:130**

hand delivery, service by, **9:129**

insufficiency of, **9:12, 9:56**

mail, service by, **9:128**

party, service by, **9:126 to 9:131**

sheriff, service by, **9:126 to 9:133**

Setting aside, exceptions, **9:105**

Settlement offer, responding to, **15:50**

Sheriff, service by, **9:131 to 9:133**

Signature, **9:26**

Special matters, **9:48**

Statute of frauds, pleading of, **9:45**

Strike, motion to. See index heading Strike, Motion to

Subject matter jurisdiction, waiver of, **9:7**

Subsequent proceedings, disposition of, **9:101 to 9:107**

Summary judgment motion

manner of presentation, **9:4**

time for response to, **14:24, 14:25**

Summary proceedings

generally, **5:20, 9:5**

unauthorized use of, exceptions, **9:62**

Time to respond to pleadings

generally, **8:1 to 8:18**

amended petition, filing of, **8:8**

answer, generally, **8:1 to 8:10**

bond or undertaking for costs, **8:16 to 8:18**

confirmation of default, **8:2**

costs, demand for security for, **8:13 to 8:18**

declinatory and dilatory exceptions, **8:5, 8:6**

demand for security for costs, **8:13 to 8:18**

INDEX

RESPONSIVE PLEADINGS AND PAPERS—Cont'd

- Time to respond to pleadings—Cont'd
 - dismissal of suit for failure to post bond for costs, **8:16**
 - district court, time to answer after transfer of case to, **8:10**
 - exception, time to answer after, **8:7 to 8:9**
 - extension of time, **8:11, 8:12**
 - in forma pauperis actions, **8:15**
 - incidental demand, time for answering, **8:3**
 - long arm statute, **8:4**
 - Orleans Parish, demand for security for costs in, **8:14**
 - security for costs, demand for, **8:13 to 8:18**
 - transfer of case to district court, time to answer after, **8:10**
- Trademark infringement, **9:84**
- Transfer of case, **9:103**
- Trial of exceptions, **9:98, 9:100**
- Unfair Trade Practices Act, **9:85**
- Vagueness, **9:17, 9:63, 9:136**
- Venue impropriety, waiver of defenses, **9:14**
- Waiver of declinatory exceptions, **9:57**
- Waiver of defenses
 - assertion of defenses, waiver by failure to make, **9:31 to 9:45**
 - declinatory or dilatory exceptions, defenses waived by failure to file, **9:6 to 9:19**
 - peremptory exceptions, defenses not waived by failure to file, **9:20**

RESTRICTIONS

- Limitations and restrictions. See index heading Limitations and Restrictions

RETENTION

- Attorneys at law, retention of appointed attorney by defendant, **1:109**

RETROACTIVE AND RETROSPECTIVE MATTERS

- Incidental demands, **10:11**
- Pleadings, relation back of amendments, **5:111**

RETURNS

- Depositions, **11:94**
- Process, return of. See index heading Service of Process and Papers

REVIEW

- Appeal. See index heading Appeal and Review

REVISED STATUTES

- Governing law, **1:9**

REVOCAATION

- Suspension. See index heading Suspension or Revocation

RULE DAYS OR HOURS

- Motion practice. See index heading Motion Practice

RULES

- Federal rules. See index heading Federal Rules
- Governing law, generally, **1:8 to 1:12**
- Local rules. See index heading Local Rules
- Venue rules, resolving conflicts among, **3:66 to 3:67**

RULING OR REMAND

- Attorneys at law, admission to bar, **1:86**

SANCTIONS

- Discovery. See index heading Discovery Proceedings
- Motion practice, **11:249 to 11:262, 13:48**
- Pleadings, **5:78 to 5:81**
- Pretrial conference, **12:95 to 12:98**

“SAVING TO SUITORS” CLAUSE

- Admiralty claim under, **5:95**

SCANDALOUS MATTER

- Strike, motion to, **9:113**

SCHEDULING

- Pretrial scheduling. See index heading Pretrial Scheduling and Management

SCHOOLS AND EDUCATION

- Admission to bar, law school graduation, **1:79, 1:80**
- Continuing legal education, **1:93 to 1:96**
- Venue, suits against Louisiana State University Board of Supervisors, **3:59**

SCIENTIFIC TESTING

- Interview, investigation and assessment of case, **2:55**

SEALS OR SEALING

- Depositions, **11:151, 11:152**

SECRETARY OF STATE

- Service of process on. See index heading Service of Process

SECTION OF COURT

- Petition, **6:163**

SECURITY

- Bonds and undertakings. See index heading Bonds and Undertakings

SEIZED PROPERTY

- Intervention. See index heading Intervention

SELECTION OF MEDIATOR

- Generally, **15:78**

SELF-DEALING

- Power of attorney, petition alleging self-dealing, **5:120**

SEPARATE PARTIES OR TRIALS

- Joint or several parties. See index heading Joint or Several Parties

INDEX

SEPARATION OR DIVORCE

Real parties in interest, **4:37**

SEQUENCE OF DISCOVERY

Generally, **11:14**

SEQUESTRATION

Pleadings, verification of, **5:73**

SERVICE OF PROCESS AND PAPERS

Generally, **7:26 to 7:111**

Acceptance of service, **7:81**

Agent for service of process

attorney general, service on, **7:113**

Natural Resources Department, service on Secretary of, **7:117**

political subdivision, service on agent of, **7:114, 7:115**

secretary of State. See “Secretary of State” under this heading
state or public officials, generally, **7:112 to 7:121**

Attorney general, service on, **7:113**

Attorneys. See index heading Attorneys at Law

Authorized persons, service by, **7:70 to 7:78**

Bank, service on, **7:61**

Business location, **7:54**

Citation

necessity for service of, **7:18**

summary proceedings, **6:10**

Constable, service by, **7:72**

Corporations, service on

generally, **7:52 to 7:61**

bank, service on, **7:61**

counsel of record, service on, **7:60**

foreign corporation not required to have domestic agent, **7:55**

location of business, **7:54**

no agent for service, **7:53, 7:54**

secretary of state, service on, **7:57 to 7:59**

Costs that may be charged for mailing of process, **7:33**

Counsel. See index heading Attorneys at Law

Court appointed process service, service by, **7:76, 7:77**

Cross-claims, **10:58**

Death of nonresident motorist before service, **7:42**

Default judgments, service of notice of signing, **8:44**

Depositions. See index heading Depositions

Discovery proceedings. See index heading Discovery Proceedings

Domiciliary service, **7:34 to 7:36, 7:123**

Evidence. See “Proof of service” under this heading

Filing and recording, **7:46, 7:51, 7:84**

Incarcerated persons, service on, **7:40**

Intervention, service of petition, **4:82, 4:84, 4:85**

Long-arm service. See index heading Long-Arm Service

SERVICE OF PROCESS AND PAPERS—Cont'd

Mail or mailing

- long-arm service, **7:107**
- nonresident motorists, actions involving, **7:45 to 7:47**
- other officer, mailing process to, **7:32, 7:33**
- responsive pleadings and papers, **9:128**
- watercraft, mailing papers to nonresident owner of, **7:50**

Mediation in workers' compensation matter, service following, **7:120, 7:121**

Methods, generally, **7:26, 7:36**

Motion practice, service of contradictory motions, **13:46 to 13:50**

Motorists' nonresident in state, service on, **7:41 to 7:47**

Natural Resources Department, service on Secretary of, **7:117**

Partition suits, service by publication in, **7:15**

Partnerships, service on, **7:62 to 7:65**

Personal service, generally, **7:28 to 7:33**

Petition, address, **6:172 to 6:175**

Physicians, service on, **7:39**

Place of personal service, generally, **7:30 to 7:33**

Pretrial statement or proposed order, service of, **12:72**

Private process service, service by, **7:74 to 7:78**

Proof of service

- generally, **7:78**
- motion practice, proof of service of contradictory motion, **13:50**

Publication, service by, generally, **7:14, 7:15**

Real party in interest, service on succession representative before qualification, **4:33**

Receipts, filing of, **7:46, 7:51**

Reconvention, **10:46**

Recording and filing, **7:46, 7:51, 7:84**

Refusal of mailed papers, **7:47**

Representatives, service on, **7:38**

Request for service, **7:27**

Responsive pleadings. See index heading Responsive Pleadings and Papers

Return of process

- generally, **7:80 to 7:84**
- acceptance of service, **7:81**
- citation, return of service, **7:25**
- conclusive effect, **7:82**
- filing and recording, **7:51, 7:84**
- form, **7:122**
- watercraft, filing return receipt of service on owner of, **7:51**

Secretary of state

- corporations, service on secretary of state, **7:57 to 7:59**
- nonresident motorists, actions involving, **7:41 to 7:47**
- watercraft operator nonresident in state, service on secretary of state, **7:49**

Sheriff, service by

- generally, **7:71 to 7:73**
- responsive pleadings and papers, **9:131 to 9:133**

INDEX

SERVICE OF PROCESS AND PAPERS—Cont'd

- Special deputy sheriff, service by, **7:73**
- State or public officials, service on, **7:112 to 7:121**
- Substitution of parties
 - service of order, **4:107**
 - service of summons on legal successor, **4:93, 4:95, 4:96**
- Summary judgment motion, service of notice or affidavits, **14:23, 14:54, 14:55**
- Summary proceedings, **6:10**
- Third-party claims, service of citation and demand, **10:97**
- Third party claims, service of citation and demand, **10:98**
- Third-party claims, service of citation and demand, **10:98**
- Time for, **7:79**
- Unincorporated associations, service on, **7:66 to 7:69**
- Venue, service based on long arm act, **3:29**
- Watercraft operator nonresident in state, service on, **7:48 to 7:51**
- Workers' compensation, service following mediation, **7:120, 7:121**

SETTING ASIDE

- Default judgments, **8:46**
- Vacation or setting aside. See index heading Vacation or Setting Aside

SETTLEMENT

- Generally, **15:17 to 15:70**
- Accord and satisfaction as compromise, **15:67**
- Actual or apparent authority of attorney to settle, **15:20**
- Agreement, **15:141**
 - of minor in medical malpractice case, **15:142**
- Alternative to civil litigation, generally, **15:1**
- Amount of offer, **15:49**
- Apportionment of attorney's fees, **15:24**
- Attorney's authority to settle, **15:19 to 15:24**
- Attorney's fees, apportionment of, **15:24**
- Authority to settle, **15:18 to 15:24**
- Class actions, approval, **15:64, 15:65**
- Collectability of potential judgment, factors considered in formulating offer, **15:46**
- Consideration for contract, **15:54**
- Contingent fee agreement, effect of, **15:22 to 15:24**
- Contract, settlement or compromise as, **15:51 to 15:58**
- Contribution, **15:35**
- Correcting agreement, **15:55, 15:56**
- Cost of further litigation, factors considered in formulating offer, **15:47, 15:48**
- Defense, pleading settlement as, **15:69**
- Definition of compromise, **15:17**
- Delay and inconvenience of further litigation, factors considered in formulating offer, **15:48**
- Derivative suits, approval, **15:64, 15:65**
- Discharged attorney, effect to contingent fee agreement, **15:23**
- Dismissal of action, **15:68**

SETTLEMENT—Cont'd

- Enforceability of contract, **15:53**
- Form of contract, **15:52, 15:53**
- Good faith, issues involving liability insurance, **15:25**
- Guarantor and debtor, **15:36 to 15:38**
- Hearing on judicial approval, **15:61**
- Infants or incompetents, judicial approval of settlement involving, **15:60, 15:61**
- Informing court of settlement, **15:58**
- Insolvent party, settling with, **15:29, 15:30**
- Insurance
 - generally, **15:25 to 15:28**
 - formulation of offer, factors considered, **15:45**
 - good faith, duty of, **15:25**
 - multiple insurers, **15:27, 15:28**
 - subrogation rights, impairment of, **15:26**
 - uninsured motorists, **15:28**
- Interest based on negotiation, **15:41**
- Interview, investigation and assessment of case, settlement potential, **2:78**
- Joint petition to settle medical malpractice claim, **15:143**
- Judicial approval, **15:59 to 15:65**
- Liability insurance. See “Insurance” under this heading
- Multiple insurers, **15:27, 15:28**
- Negotiation methods, **15:39 to 15:41**
- Notice to court of settlement, **15:58**
- Offer
 - amount of offer, **15:49**
 - formulating offer, **15:42 to 15:48**
 - responding to, **15:50**
- Partners and partnerships, **15:31**
- Petition for judicial approval, **15:61**
- Pleading settlement as defense, **15:69**
- Positional bargaining, **15:40**
- Potential damage award, **15:44**
- Pretrial conference, **12:85**
- Receivers, settling with, **15:30**
- Rescission, **15:56**
- Responding to offer, **15:50**
- Revocation of attorney’s authority to settle, **15:21**
- Scope of compromise, **15:66**
- Setting aside agreement, **15:55 to 15:58**
- Several interested parties, settling with some of, **15:32 to 15:38**
- Solidary obligors, settlement with one of several, **15:33 to 15:35**
- Subrogation rights of insurer, impairment of, **15:26**
- Success, likelihood of, **15:43**
- Succession representatives, **15:63**
- Surety and debtor, **15:36 to 15:38**
- Trustees, settling with, **15:30, 15:62**

INDEX

SETTLEMENT—Cont'd

Uninsured motorists, **15:28**

Venue, compromise of suit against joint or solidary obligors, **3:25, 3:26**

Voluntary dismissal of action, **15:68**

SEVERAL PARISHES, DISTRICTS WITH

Assignment of cases, **12:3**

SEVERAL PARTIES

Joint or several parties. See index heading Joint or Several Parties

SEVERANCE OF ACTIONS

Consolidation or severance. See index heading Consolidation and Severance

SEWAGE AND WATER BOARD

Taking of property, action against board for, **5:121**

SHERIFF, SERVICE OF PAPERS BY

Generally, **7:71 to 7:73**

Responsive pleadings and papers, **9:131 to 9:133**

SHORTHAND REPORTERS

Depositions, charges for copies of, **11:154**

SHOW CAUSE RULE

Motion practice, **13:42**

SIGNATURE OR SIGNING

Attorneys at law, application for admission to bar, **1:76**

Default judgments, **8:44**

Depositions, **11:147, 11:148**

Discovery proceedings, **11:16 to 11:22**

Motion practice. See index heading Motion Practice

Pleadings, **5:70, 5:75 to 5:81**

Pretrial conference, **12:92**

Responsive pleadings and papers, **9:26**

SIMILAR CASES

Assignment of, **12:4**

SIMPLICITY

Pleadings, **5:31 to 5:35**

SIZE

Pleadings, **5:29**

SLANDER

See index heading libel and slander

SOCIAL SECURITY RECORDS

Authorization to obtain, form of, **2:82**

SOLIDARY OBLIGORS

Joinder of parties, **4:58 to 4:60**

Prescriptive, interruption of, **6:136 to 6:139**

SOLIDARY OBLIGORS—Cont'd

Settlement with one of several, **15:33 to 15:35**

Third-party claims, **10:80**

SOUND MIND REQUIREMENT

Attorneys at law, admission to bar, **1:77**

SPAIN

Governing law, **1:2**

SPECIAL DAMAGE

Generally, **5:48, 5:49**

SPECIAL DEPUTY SHERIFF

Service of process by, **7:73**

SPECIAL PROCEEDINGS

Jury trial in, **5:93**

Waiver of venue, **3:6**

SPECIAL STATUTES

Prescription, construction projects, **6:84**

SPECIFICATION

Damages, ban on pleading specific amount of, **6:183 to 6:185**

Issues, specification in demand for jury trial, **5:100, 5:101**

Summary judgment motion, specification of uncontroverted facts, **14:82**

SPECIFIC PERFORMANCE

Summary judgment motion, form, **14:90**

SPEECH, FREEDOM OF

Striking pleadings, **9:114**

SPINAL SURGERY

Medical malpractice alleging vicarious liability, **5:129**

SPOUSES

Matrimonial matters. See index heading Matrimonial Matters

STANDING

Real party in interest, **4:25**

STATE AND STATE OFFICIALS

Default judgments, instrumentalities of the state, **8:38**

Petition, **6:175**

Service of process, **7:112 to 7:121**

Venue of suits against, **3:45, 3:56**

STATUS

Conferences. See index heading Status Conferences

Process and personal jurisdiction, **7:8 to 7:10**

STATUS CONFERENCES

Generally, **12:38 to 12:45**

INDEX

STATUS CONFERENCES—Cont'd

- Court order for, **12:49**
- Defined, **12:38**
- Discovery incomplete, **12:47**
- Form of scheduling order, **12:51**
- Matters considered, **12:50**
- Notice of, **12:49**
- Pretrial conference converted into, **12:40, 12:46, 12:47**
- Request for, **12:48 to 12:49**
- When required, **12:39 to 12:41**

STATUTES

- Abandonment of action, statutory provision, **6:190**
- Arbitration, **15:96**
- Frauds, pleading statute of, **9:45**
- Interview, investigation and assessment of case, **2:37**
- Prescription. See index heading Prescription
- Reconvention, **10:35**
- Revised statutes, **1:9**

STAY OF PROCEEDINGS

- Arbitration. See index heading Arbitration
- Discovery proceedings
 - sanctions for failure to make discovery, **11:272**

STIPULATIONS

- Demand for jury trial, **5:101**
- Depositions, **11:84, 11:85**

STRIKING PLEADINGS

- Court determination, **9:116, 9:117**
- Discovery, sanctions for failure to make, **11:271**
- Exceptions, relationship to, **9:109**
- Free speech actions, **9:114**
- Function of motion, **9:108**
- Insufficient demand or defense, **9:111**
- Matter that may be stricken from pleading, **9:110 to 9:113**
- Motion to strike, generally, **9:108 to 9:119**
- Procedure for motion, **9:118, 9:119**
- Redundant, immaterial, or impertinent matter, **9:112**
- Scandalous matter, **9:113**
- Time for filing motion, **9:119**
- Unsigned pleadings, striking of, **5:75, 5:76**

SUBJECT MATTER JURISDICTION

- Waiver of, **9:7**

SUBPOENAS

- Depositions, **11:120 to 11:127**

SUBROGATION

Real party in interest, **4:45 to 4:48**
Settlement, **15:26**

SUBSEQUENT PROCEEDINGS

Responsive pleadings and papers, **9:101 to 9:107**

SUBSEQUENT REMEDIAL MEASURES

Summary judgment motion, **14:80**

SUBSTITUTE ATTORNEY

Abandonment of suit or action, **6:193**
Pretrial conference, attendance at, **12:76**

SUBSTITUTION OF PARTIES

Generally, **4:89 to 4:110**
Affidavits, **4:106**
Appearance, successor's failure as to, **4:97 to 4:101**
Death of party
 generally, **4:90 to 4:101**
 definition of legal successor, **4:91**
 failure of successor to appear, effect of, **4:97 to 4:101**
 survival statute, **4:92**
 timing of lawsuit, **4:93 to 4:96**
Decedents' estates. See "Death of party" under this heading
Default, prevention of, **4:99**
Ex parte motion, **4:94, 4:102, 4:105**
Fiduciaries and personal representatives
 definition of legal successor, **4:91**
 failure of successor to appear, **4:97 to 4:101**
 other party, legal representative appointed for, **4:100, 4:102, 4:103**
 service of summons on legal successor, **4:93, 4:95, 4:96**
Forms
 involuntary substitution, motion and order for, **4:112, 4:113**
 known legal successor, **4:113**
 unknown legal successor, **4:112**
 voluntary substitution, motion and order for, **4:111**
Inheritance. See "Death of party" under this heading
Legal representative or successor. See "Fiduciaries and personal representatives" under this heading
Order of court for transfer of interest, **4:109**
Overview of grounds, **4:89**
Personal representative. See "Fiduciaries and personal representatives" under this heading
Public officer, **4:104 to 4:107**
Service of papers
 order of public officer, **4:107**
 summons, service on legal successor, **4:93, 4:95, 4:96**
Successors. See "Fiduciaries and personal representatives" under this heading
Summons on legal successor, **4:93, 4:95, 4:96**

INDEX

SUBSTITUTION OF PARTIES—Cont'd

- Survival statute, **4:92**
- Timing of lawsuit, **4:93 to 4:96**
- Transfer of interest, **4:108 to 4:110**
- Undivided interests in land and land titles, inheritance of, **4:99**

SUCCESS, LIKELIHOOD OF

- Settlement, **15:43**

SUCCESSIVE TORTS

- Prescription, **6:30 to 6:36**

SUCCESSORS AND SUCCESSION

- Real party in interest, **4:29 to 4:33**
- Settlement, **15:63**
- Substitution of parties. See index heading Substitution of Parties
- Venue of action involving, **3:55**

SUGAR CANE OR SYRUP

- Venue of action involving sale of manufacture of, **3:60**

SUMMARY DISPOSITION

- Motion practice, **13:33**

SUMMARY JUDGMENT MOTION

- Generally, **14:1 to 14:91**
- Absence of issue of material fact, **14:28, 14:29**
- Admissibility of facts as evidence, **14:64**
- Affidavits
 - generally, **14:55**
 - admissibility of facts as evidence, **14:64**
 - bad faith, **14:72 to 14:74**
 - competency of affiant, **14:56**
 - discovery, requirement for, **14:49**
 - experts, **14:60 to 14:63**
 - personal knowledge, **14:57 to 14:59**
 - service of, **14:54, 14:55**
 - supplemental affidavits, **14:65**
 - supplementation by other discovery materials, **14:66**
- Agreed judgment in matrimonial cases, **14:14**
- Appeal and review
 - court, review of papers by, **14:71**
 - summary judgment, review of, **14:84 to 14:87**
- Avoidance of unnecessary trials, **14:3, 14:4**
- Bad faith, affidavits made in, **14:72 to 14:74**
- Brief, **14:53**
- Burden of proof, **14:32 to 14:37**
- Causation, **14:42**
- Checklist, preparing or responding to motion for summary judgment, **14:88**
- Competency of affiant, **14:56**
- Contempt, finding of, **14:74**

SUMMARY JUDGMENT MOTION—Cont'd

Continuance

- request for, **14:69, 14:70**
- time constraints, **14:26**

Contract interpretation, **14:31**

Court

- judgment by, generally, **14:75 to 14:80**
- res judicata, **14:77**
- review of papers by, **14:71**
- subsequent remedial measures, **14:80**

Credibility, issue of, **14:40**

Damages, **14:7, 14:8, 14:43**

Daubert factors, **14:61**

Direction as to further proceeding, **14:83**

Discovery

- opportunity for, **14:45 to 14:49**
- supplementation by discovery materials, **14:66**

Documents scrutinized equally, **14:37**

Exceptions

- distinguished from, **14:16**
- matrimonial cases, exceptions in, **14:12**

Expenses, award of, **14:73**

Experts, **14:60 to 14:63, 14:79**

Factors affecting disposition, **14:27 to 14:49**

Form

- order for hearing, **14:89**
- specific performance, **14:90**

Hearing, form of motion for summary judgment, including order for hearing, **14:89**

Insurance coverage, **14:9, 14:10, 14:41, 14:86**

Intent, issue of, **14:39**

Issue for trial, requirement that opponent show, **14:67 to 14:70**

Judgment

- generally, **14:75**
- movant entitled to judgment as matter of law, **14:30**

Knowledge. See “Notice or knowledge” under this heading

Law, movant entitled to judgment as matter of, **14:30**

Legal questions, **14:15**

Limitation of evidence considered by issues in motion, **14:78 to 14:80**

Matrimonial cases, limitations in, **14:11 to 14:14**

Motive, issue of, **14:39**

Nature of issues involved, **14:38 to 14:44, 14:41 to 14:44**

Notice or knowledge

- generally, **14:21 to 14:23**
- affiant, knowledge of, **14:57 to 14:59**

Objection or opposition, **14:51, 14:52**

Overview, **14:1 to 14:18**

Partial summary judgment, review of, **14:85, 14:86**

INDEX

SUMMARY JUDGMENT MOTION—Cont'd

- Parties in incidental action as movants, **14:18**
- Partition, **14:13**
- Procedure, generally, **14:50 to 14:87**
- Purpose of motion, **14:1 to 14:4**
- Racial discrimination, **14:44**
- Reasonable doubt, exclusion of, **14:35**
- Reasonable person standard, **14:29**
- Reply of movant, **14:25**
- Request, written reasons for judgment, **14:91**
- Res judicata, **14:77**
- Responsive pleadings
 - manner of presentation, generally, **9:4**
 - time for, **14:24, 14:25**
- Review. See “Appeal and review” under this heading
- Scope of motion, **14:5 to 14:14**
- Scope of review of summary judgment, **14:87**
- Service of notice or affidavits, **14:23, 14:54, 14:55**
- Shifting burden of proof, **14:33**
- Simplification of issues, **14:81 to 14:83**
- Specification of uncontroverted facts, **14:82**
- Specific performance, form, **14:90**
- Subsequent remedial measures, **14:80**
- Supplemental summary judgment on damages, **14:8**
- Supplementation by other discovery materials, **14:66**
- Time constraints
 - generally, **14:19 to 14:26, 14:26**
 - continuance, **14:26**
 - notice before hearing on motion, **14:21 to 14:23**
 - response to motion, **14:24, 14:25**
 - before trial, **14:20**
 - waiver of formal service, **14:23**
- Ultimate burden of proof, **14:34 to 14:36**
- Waiver of formal service of notice, **14:23**
- Who may move for summary judgment, **14:17, 14:18**
- Written reasons for judgment, request for, **14:91**

SUMMARY JURY TRIALS

- Alternative dispute resolution, **15:12**

SUMMARY PROCEEDINGS

- Commencement of action, **6:7 to 6:11**
- Jury trial, **5:93**
- Pleadings
 - generally, **5:19, 5:20**
 - jury trial, **5:93**
 - responsive pleadings. See “Responsive pleadings and papers” under this heading
 - separate trials, **5:68**

SUMMARY PROCEEDINGS—Cont'd

Responsive pleadings and papers
generally, **5:20, 9:5**
unauthorized use of, **9:62**
Separate trials, **5:68**

SUMMONS

Substitution of parties, service of summons on legal successor, **4:93, 4:95, 4:96**

SUPERVISORY WRITS

Prescriptive period, interruption of, **6:122**

SUPPLEMENTATION BY OTHER DISCOVERY MATERIALS

Summary judgment motion, **14:66**

SUPPORTING MEMORANDA

Motion practice, **13:25 to 13:33**

SUPPORT OR PERSONS

Long-arm service, **7:100**

SUPREME COURT

Court system. See index heading Courts and Court System
Judge recusal, assignment of cases, **12:25**

SURETY AND DEBTOR

Settlement, **15:36 to 15:38**

SURGEONS

Physicians. See index heading Physicians and Surgeons

SURPRISE

Mistakes. See index heading Mistakes, Accidents, or Surprises

SURVEILLANCE FILMS

Discovery proceedings, **11:53**

SURVIVAL STATUTE

Substitution of parties, **4:92**

SUSPENSION OR REVOCATION

Pleadings, suspensive conditions, **5:42 to 5:44**
Prescriptive period, suspension of. See index heading Prescription
Settlement, revocation of attorney's authority as to, **15:21**

SWEARING

Oath or affirmation. See index heading Oath or Affirmation

TAX RECORDS

Authorization to obtain, form of, **2:84**

TELECOMMUNICATIONS

Depositions, **11:85**
Pretrial conferences, **12:74**

INDEX

TEN YEAR RULE

Prescription, action in redhibition, **6:77**

TERMINATION AND EXPIRATION

Attorneys at law, terminating representation, **1:110 to 1:115**

Depositions, termination of examination, **11:142 to 11:144**

Release of claims, termination agreement and, **15:145**

THIRD PARTIES

Claims of. See index heading Third-Party Claims

Intervention. See index heading Intervention

THIRD-PARTY CLAIMS

Generally, **10:68 to 10:104**

Allegations, necessity of, **10:90**

Appeal, preserving right of, **10:95**

Citation and demand, service of, **10:97, 10:98**

Co-defendants, persons who may be brought in, **10:82, 10:83**

Contribution

defendants who may be brought in, **10:79 to 10:81**

failure to bring in third party, potential contribution, **10:93 to 10:95**

Cross-claim distinguished, **10:83**

Defenses and objections, pleading of, **10:100, 10:101**

Direct claim by original plaintiff, **10:96**

Dismissal of principal demand, effect of, **10:87**

Excess of principal demand, third-party claim in, **10:86**

Failure to bring in third party, effect of, **10:91 to 10:95**

Federal rule, **10:70**

Impleading nonparties, **10:104**

Indemnitors, persons who may be brought in, **10:81**

Intervention. See index heading Intervention

Judicial economy, considerations of, **10:85**

Manner of assertion, **10:89, 10:90**

Nature of, **10:68 to 10:70**

Origins of Louisiana third-party demand, **10:69**

Persons who may be brought in, **10:75 to 10:83**

Pleading defenses and objections, **10:100, 10:101**

Potential contribution, **10:93 to 10:95**

Prescription

generally, **10:94**

suspension of prescriptive period, **6:95**

Principal demand, relation to, **10:84 to 10:88**

Reconvention, **10:73, 10:102, 10:103**

Rights of third party defendant, **10:99 to 10:104**

Service of citation and demand, **10:97, 10:98**

Solidary obligor, persons who may be brought in, **10:80**

Warrantors, persons who may be brought in, **10:78**

Who can assert, **10:71 to 10:74**

TIME OR DATE

- Alternative dispute resolution, **15:14**
- Arbitration, **15:119**
- Commencement of action barred by passage of time. See index heading Prescription
- Default judgments, **8:26**
- Depositions. See index heading Depositions
- Discovery proceedings. See index heading Discovery Proceedings
- Incidental demands. See index heading Incidental Demands
- Interrogatories, **11:167**
- Judgment on the pleadings, motion for, **9:121**
- Motion practice. See index heading Motion Practice
- Petition, **6:173**
- Pleadings. See index heading Pleadings
- Prescription, **6:14**
- Prescription. See index heading Prescription
- Pretrial conference, **12:60**
- Service of process, **7:79**
- Strike, motion to, **9:119**
- Substitution of parties, **4:93 to 4:96**
- Summary judgment motion. See index heading Summary Judgment Motion

TORT ACTIONS

- Default judgments, **8:32, 8:33**
- Prescription, **6:23 to 6:36**
- Responsive pleadings and papers, **9:83**
- Venue, **3:36**

TRADEMARK INFRINGEMENT

- Responsive pleadings and papers, **9:84**

TRADE NAME

- Capacity of person doing business under, **4:19, 4:21, 4:22**

TRANSFER OF CASE

- Exceptions, responsive pleadings and papers, **9:103**
- Time to answer after, **8:10**

TRANSFER OF INTEREST

- Substitution of parties, **4:108 to 4:110**

TRANSMITTING WRITTEN QUESTIONS

- Depositions, **11:137**

TRIAL COURTS

- Court system. See index heading Courts and Court System

TRIAL PREPARATION MATERIALS

- Discovery of, **11:51 to 11:58**

TRUSTS AND TRUSTEES

- Real party in interest, **4:26 to 4:28**

INDEX

TRUSTS AND TRUSTEES—Cont'd

Settlement, **15:30, 15:62**

TUTOR OF MINOR

Parties, **4:5**

UNDERTAKINGS

Bonds. See index heading Bonds and Undertakings

UNDUE MEANS

Arbitration award procured by, **15:126**

UNFAIR TRADE PRACTICE

Prescriptive periods, **6:36**

UNFAIR TRADE PRACTICES ACT

Responsive pleadings and papers, **9:85**

UNILATERAL ACT

Prescription, renunciation of, **6:152**

UNINCORPORATED ASSOCIATIONS

Service of process on, **7:66 to 7:69**

UNINSURED MOTORISTS

Settlement, **15:28**

UNJUST ENRICHMENT

Pleadings, **5:35, 5:50**

VACATION OR SETTING ASIDE

Arbitration. See index heading Arbitration

Default judgments, **8:45**

Exceptions, **9:105**

Settlement agreement, **15:55 to 15:58**

VAGUENESS

Responsive pleadings and papers, **9:17, 9:63, 9:136**

VALIDITY

Arbitration, validity and effect of agreement, **15:92, 15:93, 15:96**

VEHICLES

Petitions, collision, negligence in, **5:119**

VENUE

Generally, **3:1 to 3:91**

Account, action on, **3:46**

Adult adoptions, **3:42**

Ancillary venue, **3:69, 3:70**

Aquatic life in Gulf, action to enforce laws to protect, **3:62**

Bond or undertaking, actions on, **3:44, 3:45**

Business office or establishment in another parish, **3:28**

Change of domicile within Louisiana, effect of, **3:21**

VENUE—Cont'd

Change of venue

- generally, **3:72 to 3:80**
- consolidation and severance, **12:33**
- dismissal or transfer of case, **3:71**
- effect of transfer, **3:80**
- fees, payment of, **3:77, 3:78**
- mechanics of transfer, **3:79, 3:80**
- motion, **3:74**
- parish to which transfer may be made, **3:75**
- prejudice, **3:73 to 3:76**

Checklist, potential sites for venue, **3:90**

Community property, action for partition of, **3:34**

Compromise of suit against joint or solidary obligors, **3:25, 3:26**

Conflicts among venue rules, resolving, **3:67**

Consolidation and severance, **12:33**

Contract actions, **3:47 to 3:49**

Coroners, suits against, **3:58**

Corporation, action against

- generally, **3:10**
- foreign corporations, **3:13 to 3:18**

Court approval by minor's parents, actions, **3:43**

Custody and support proceedings, **3:38**

Definitions, **3:1**

Disavowing filiation, action, **3:37**

Dismissal of suit

- change of venue, dismissal or transfer of case, **3:71**
- joint or solidary obligors, **3:25, 3:26**

Dissolution of partnership, **3:53, 3:54**

District and inferior courts

- motion for transfer to another District court, **3:83 to 3:87**
- rules applicable in, **3:3**

Establishing filiation, action, **3:37**

Farm labor or materials, action for, **3:61**

Fees, payment of, **3:77, 3:78**

Foreign corporation, action against, **3:13 to 3:18**

Forum non conveniens

- generally, **3:81 to 3:91**
- basis in Louisiana practice, **3:82**
- more convenient venue outside of Louisiana, **3:88 to 3:90**
- motion for transfer to another District court, **3:83, 3:86**
- nature and purpose of doctrine, **3:81**
- transfer to another District court, **3:83 to 3:87**
- waiver of prescription, **3:89, 3:90**

Health insurance, action on policy, **3:52**

Incidental demands, impropriety of venue, **10:15 to 10:17**

INDEX

VENUE—Cont'd

Insurance

- action on policy, generally, **3:50, 3:52**
- foreign corporations, actions against, **3:17, 3:18**

Interest in real property, **3:32**

Interview, investigation and assessment of case, **2:77**

Joint or solidary obligors, **3:22 to 3:27**

Judicial bond, action on, **3:44**

Legal malpractice, **3:65**

Limited liability company, action against generally, **3:10**

- foreign limited liability company, **3:13 to 3:18**

Long arm act, service based on, **3:29**

Malpractice, legal, **3:65**

Marriage

- license requirements, waiver, **3:40**
- related by adoption, seeking judicial authorization, **3:39**

Mechanics of transfer, **3:79, 3:80**

More than one parish, property in, **3:35**

Motions

- change of venue, **3:74**
- transfer to another District court, **3:83 to 3:87**

Multiple parishes, property in, **3:35**

Nonresidents, action against, **3:19**

Objections, **3:27**

Open account

- action by government, **3:46**
- action on, **3:41**

Option contracts, **3:48**

Parish to which transfer may be made, **3:75**

Partition actions, **3:33, 3:34, 3:54**

Partnership

- action against, **3:11, 3:12**
- dissolution of, **3:53, 3:54**

Personal jurisdiction distinguished, **3:2**

Pleadings, difference in venues, **5:60**

Political subdivisions, suits against, **3:57**

Prejudice, change of venue, **3:73 to 3:76**

Prescriptive period, interruption of, **3:71, 6:121 to 6:126**

Prison inmates, action against, **3:9**

Promissory note, action on, **3:41**

Property actions, **3:31 to 3:35**

Proper venue, generally, **3:7 to 3:71**

Proprietary information, action to enjoin use of, **3:63, 3:64**

Public carriers, action against, **3:20**

Resident or domiciled individuals, action against, **3:8, 3:9**

Responsive pleadings and papers, **9:14**

VENUE—Cont'd

- Service based on long arm act, **3:29**
- Special proceedings where venue cannot be waived, **3:6**
- State or state officials, suits against, **3:45, 3:56**
- Succession, action involving, **3:55**
- Sugar cane or syrup, action involving sale of manufacture of, **3:60**
- Tort actions, **3:36**
- Transfer to another District court, **3:83 to 3:87**
- University, suits against Louisiana State University Board of Supervisors, **3:59**
- Waiver, **3:4 to 3:6, 3:89, 3:90**
 - marriage license requirements, **3:40**

VERIFICATION

- Depositions, **11:98**
- Pleadings, **5:69 to 5:81**

VETERANS ADMINISTRATION RECORDS

- Authorization to obtain, form of, **2:83**

VICARIOUS LIABILITY

- Spinal surgery, medical malpractice, **5:129**

VIDEOTAPES AND VIDEOTAPING

- Depositions, **11:130, 11:140, 11:148**

VIOLENCE, CRIMES OF

- Prescription, **6:33, 6:34**

VOCATIONAL EXPERTS

- Physical and mental examinations, **11:213**

VOLUNTARY DISMISSAL

- Dismissal. See index heading Dismissal of Action or Suit

WAIVER AND ESTOPPEL

- Abandonment of action, waiver of right to assert abandonment, **6:197 to 6:199**
- Arbitration, **15:104, 15:105, 15:109**
- Depositions, **11:88 to 11:94**
- Jury trial issues in the inferior trial courts, **1:35**
- Marriage license requirements, venue, **3:40**
- Motion practice, **13:65**
- Physical and mental examinations, **11:218**
- Pleadings. See index heading Pleadings
- Pretrial conference, **12:58**
- Process and personal jurisdiction. See index heading Process and Personal Jurisdiction
- Responsive pleadings. See index heading Responsive Pleadings and Papers
- Summary judgment motion, **14:23**
- Venue, **3:4 to 3:6, 3:89, 3:90**

WARRANTIES

- Prescription, **6:46**

INDEX

WARRANTIES—Cont'd

Third-party claims, **10:78**

WIFE

Matrimonial matters. See index heading Matrimonial Matters

WILLFUL ACTS

Intentional acts. See index heading Intentional or Willful Acts

WITHDRAWAL

Admissions, withdrawal of requests for, **11:243**

Attorneys at law, **1:110 to 1:115, 6:193**

Pleadings. See index heading Pleadings

WITHHOLDING JUDGMENT

Incidental demands, **10:24**

WITNESSES

Arbitration, **15:114 to 15:116**

Assignment of cases, **12:8**

Depositions, unavailability of witness, **11:161**

Interrogatories, location of witnesses and others, **11:170**

Interview, investigation and assessment of case, **2:47 to 2:52**

Sanctions for failure to comply with discovery order, **11:270**

WORKERS' COMPENSATION

Service of process following mediation in workers' compensation matter, **7:120, 7:121**

WORK-PRODUCT PRIVILEGES

Discovery proceedings, **11:58, 11:244**

WRITING

Arbitration, necessity for writing, **15:91**

Assignment of cases, **12:21**

Pleadings, written motions, **5:17**

Summary judgment motion, request for written reasons, **14:91**

WRITTEN INTERROGATORIES

Discovery proceedings, **11:5**

WRITTEN QUESTIONS

Depositions on. See index heading Depositions