

Introduction to 2026 Edition

This 2026 Edition of *Louisiana Civil Pretrial Procedure*, part of the Louisiana Practice Series, is a practical reference designed to answer basic questions which arise in the day-to-day handling of civil cases. Specific “How To” tips are offered from the experience of the authors, together with citations to the legal authority (both jurisprudentially and statutory) underlying the recommended approaches. All practice problems raised are accompanied by a solution offered for consideration. Since last year’s edition, new material has been added and/or existing material updated on the following subjects:

Statutory Updates

- The prescriptive period for delictual actions has been changed from one year to two years. *La. Civ. Code Ann. art. 3493.1*. [s. 4:11]
- Prescription for § 1983 actions is determined by state limitations statutes and, in Louisiana, such actions are limited by the two-year period in art 3493.11 of the Louisiana Civil Code. [6:32]
- If an action is commenced in a competent court of improper venue, prescription is suspended for a period of seven days as to a defendant not served by process within the prescriptive period. *La. Civ. Code Ann. art. 3462*. Practice Tip Note that it is important to recognize that numerous more specific statutes still require an action to be filed in a court of both competent jurisdiction and proper venue in order to interrupt prescription, including R.S. 9:5604 (professional accounting liability), 9:5605 (legal malpractice), 9:5606 (professional insurance agent liability), 9:5607 (professional engineer, surveyor, interior designer, architect, and real estate developer liability), and 9:5608 (action against home inspectors). *La. Civ. Code Ann. art. 3462*, Revision Comments--2025. [6:1243]
- Regardless of the number of defendants, a plaintiff shall not be ordered to submit to multiple examinations by multiple physicians within the same field of specialty for the same injury except for good cause shown. *La. Code Civ. Proc. Ann. art. 1464(B)*. [11:302]
- If a party has reasonable suspicion that an opposing party’s exhibits are falsified, including having been generated by artificial intelligence or altered by any means, the party shall raise these concerns at the pretrial conference or at a pretrial hearing on the admissibility of the exhibits. *La. Code Civ. Proc. Ann. art. 1551(A)(5)(a)*. If a party

knows or has reason to know that its exhibits have been falsified, including having been generated by artificial intelligence or altered by any means, the party shall disclose this fact in accordance with Article 371. *La. Code Civ. Proc. Ann. art. 1551(A)(5)(b)*. [12:81]

Added Caselaw

- Plaintiff's conduct of using a false identity to bring a negligence action against an equipment manufacturer on behalf of himself and his minor children was sufficiently harmful to the integrity of the judicial process that dismissal of his action with prejudice was warranted. Plaintiff's fraudulent use of another person's identity and social security number to procure employment and later to file suit was an ongoing, protracted deception intended to deceive the parties, as well as state and federal courts, and was revealed only when plaintiff was forced to admit his true identity to prove his parentage of his minor children. [95:23]
- Post-abandonment waiver of the defense of abandonment is limited to a situation where a defendant takes an action which amounts to renunciation of the defense of abandonment by clearly or directly demonstrating the defendant's preference and intent to proceed—such as submitting the case for decision to obtain a judicial resolution on the merits; mere acknowledgement of the existence of the proceedings is insufficient. [6:190]
- Plaintiffs' motion to recuse all of the judges in the judicial district was a step in the prosecution of the action that interrupted the abandonment period, in their action against a constable, asserting a claim for damages resulting from the constable's alleged violation of state law and their civil rights, although the motion was arguably untimely and frivolous, where filing the motion and the trial court's consideration and action taken on it moved the matter along toward trial and, ultimately, the judgment, and the plaintiffs' filing of the motion prompted additional actions to be taken by the court, including the appointment and hearing of the motion by an ad hoc judge and the issuance of a judgment disposing of the motion, which were also steps in the prosecution of the matter. [6:195]
- Insurer's post-abandonment action of filing a surgical continuance, requesting the hearing to be reset, constituted a "step" in its defense of the matter, which waived its right to assert abandonment, in an action brought by a subcontractor against a landowner, contractor, and its insurer, as surety of the payment bond, claiming it was not paid for work performed in development of the landowner's subdivision. The insurer's ex parte motion to dismiss on grounds of abandonment did not request a continuance without a date, but, rather, reflected an intent to reset the

hearing and was accompanied by an order that provided a date for the trial court to reset the hearing, and the filing of the surgical continuance was inconsistent with an intent to treat the case as abandoned. [6:195]

New Sections

- 6:200.5 Illustrations of no abandonment

Added Forms

- 4:116 Petition to intervene—Negligence action in connection with repair of condominium property following hurricane
- 15:142.5 Settlement agreement—Of a minor in medical malpractice case