

Regular Session, 2008

SENATE BILL NO. 766

BY SENATOR MARIONNEAUX

CIVIL PROCEDURE. Provides relative to the Code of Civil Procedure and consolidation of cases. (gov sig)

1 AN ACT
2 To amend and reenact Code of Civil Procedure Article 1561(A), relative to consolidation of
3 cases; to provide for consent; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. Code of Civil Procedure Article 1561(A) is hereby amended and
6 reenacted to read as follows:

7 Art. 1561. Consolidation for trial

8 A. When two or more separate actions are pending in the same court, the
9 section or division of the court in which the first filed action is pending may order
10 consolidation of the actions for trial, **upon the written consent of each section or**
11 **division of the court in which any of the latter filed actions are pending, and**
12 after a contradictory hearing, and upon a finding that common issues of fact and law
13 predominate.

14 * * *

15 Section 2. This Act shall become effective upon signature by the governor or, if not
16 signed by the governor, upon expiration of the time for bills to become law without signature
17 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Greg Waddell.

DIGEST

Present law provides that when two or more separate actions are pending in the same court, the section or division of the court in which the first filed action is pending may order consolidation of the actions for trial after a contradictory hearing, and upon a finding that common issues of fact and law predominate.

Proposed law retains present law and adds the requirement that each section or division of the court in which the latter actions are filed give their written consent to consolidate the cases before the court.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends C.C.P. Art. 1561)