

Regular Session, 2008
HOUSE BILL NO. 1286
BY REPRESENTATIVE LAMBERT

ACT No. 658

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AN ACT

To enact Code of Civil Procedure Article 2088(B) and to designate the undesignated introductory paragraph of Code of Civil Procedure Article 2088 as Paragraph A thereof, relative to civil appeals; to provide for jurisdiction; to provide for the retention of jurisdiction by the trial court; to provide for the conversion of an appeal; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 2088(B) is hereby enacted and the first undesignated introductory paragraph of Code of Civil Procedure Article 2088 is hereby designated as Paragraph A to read as follows:

Art. 2088. Divesting of jurisdiction of trial court

A. The jurisdiction of the trial court over all matters in the case reviewable under the appeal is divested, and that of the appellate court attaches, on the granting of the order of appeal and the timely filing of the appeal bond, in the case of a suspensive appeal or on the granting of the order of appeal, in the case of a devolutive appeal. Thereafter, the trial court has jurisdiction in the case only over those matters not reviewable under the appeal, including the right to:

* * *

1 B. In the case of a suspensive appeal, when the appeal bond is not timely
2 filed and the suspensive appeal is thereby not perfected, the trial court maintains
3 jurisdiction to convert the suspensive appeal to a devolutive appeal, except in an
4 eviction case.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____