

APPENDIX 24.9: COURT-SPECIFIC RULES CONCERNING DISCOVERY

COURT	PARISHES	<u>COURT-SPECIFIC RULES CONCERNING DISCOVERY</u>
14 th J.D.C.	Calcasieu Parish	<p>A. Interrogatories under La. C.C.P. Art. 1421 and the answers thereto, Requests for Production or Inspection under La. C.C.P. Art. 1421, Requests for Admissions under La. C.C.P. Art. 1421, and responses thereto, shall be served upon other counsel or parties, but shall not be filed with the Court, unless a Judge of either Family and Juvenile Court orders that such be filed. The party responsible for service of the discovery material shall retain the original and become the custodian of any such non-filed materials.</p> <p>B. Without leave of Court, no party shall serve on any other party more than thirty five (35) interrogatories in the aggregate. Each sub part of an interrogatory shall count as an interrogatory. Any party desiring to serve additional interrogatories shall file a written motion setting forth the proposed additional interrogatories and the reasons establishing good cause for their use.</p> <p>C. If relief is sought under La. C.C.P. Art 1469, concerning any interrogatories, requests for production or inspection, requests for admission under La. C.C.P. Art 1467, the answers to interrogatories, copies of the portions of interrogatories, requests, answers or responses in dispute, shall be filed with the Court contemporaneously with any motion filed under said articles.</p> <p>D. If interrogatories, requests, answers or responses are to be used at trial are necessary to a pretrial motion which might result in a final order on any issue, the portions to be used shall be filed with the Clerk at the outset of the trial or at the filing of the motion insofar as their use can be reasonably anticipated.</p> <p>E. This rule shall not be construed so as to preclude the filing of any of the aforesaid discovery materials as exhibits or as evidence in connection with a motion or at a trial.</p> <p>F. When documentation of discovery not previously in the record is needed for appeal purposes, upon an application and order of the Court, or by stipulation of counsel, the necessary discovery papers shall be filed with the Clerk.</p>
15 th J.D.C.	<p>Acadia, Lafayette, and Vermilion Parishes</p> <p>Amended October 30, 2015, effective October 1, 2015.</p>	<p>Prior to noticing a deposition, whether of a party or non-party witness, counsel seeking the deposition shall first contact opposing counsel to make a good faith attempt to clear an available date and time. Failure to contact, or make reasonable effort to contact opposing counsel prior to noticing a deposition may be grounds to quash the notice and any subpoena issued Amended effective in conjunction therewith.</p>
Family Court for the Parish	East Baton Rouge	<p align="center">MOTIONS TO COMPEL</p> <p>1. Before filing any motion to compel discovery, the moving party or</p>

<p>of East Baton Rouge</p>		<p>attorney shall confer in person or by telephone with the opposing party or counsel for the purpose of amicably resolving the discovery dispute. The moving party or attorney shall attempt to arrange a suitable conference date with the opposing party or counsel and confirm the date by written notice sent at least five days before the conference date, unless an earlier date is agreed upon or good cause exists for a shorter time period. If by telephone, the conference shall be initiated by the person seeking the discovery responses.</p> <p>2. No counsel for a party shall file, nor shall any clerk set for hearing, any motion to compel discovery unless accompanied by the appropriate certificate of conference as set forth below:</p> <p style="text-align: center;"><i>If discovery conference is held:</i></p> <p>I, the undersigned party or attorney, certify to the court as follows: The parties or counsel personally conducted a conference on [insert date]. At this conference, there was a substantive discussion of every item presented to the court in this motion and, despite their best efforts, the parties or counsel were unable to resolve the matters presented.</p> <p style="text-align: right;">Certified this ____ day of _____, 20__.</p> <p style="text-align: center;">_____ Signature of Party or Attorney</p> <p style="text-align: center;"><i>If discovery conference is not held:</i></p> <p>I, the undersigned party or attorney, certify to the court as follows: The moving party or counsel has personally attempted to contact the respondent or counsel to arrange a conference to resolve the matters presented in this motion as follows: [Insert dates, times, methods of contact, and results here.] Respondent or counsel has failed to respond or failed to confer in good faith in an attempt to resolve the matters presented.</p> <p style="text-align: right;">Certified this ____ day of _____, 20__.</p> <p style="text-align: center;">_____ Signature of Party or Attorney</p> <p>3. If the Court finds that the parties or counsel have failed to confer in good faith, or have willfully failed to confer, the Court may impose, at its discretion, sanctions on the non-conferring party, including attorney fees and costs.</p>
<p>24th J.D.C.</p>	<p>Jefferson Parish</p>	<p style="text-align: center;">GENERAL PROVISIONS GOVERNING DISCOVERY</p> <p>A. All discovery shall be conducted in conformity with Louisiana Code</p>

of Civil Procedure Chapter 3, Art. 1420 et seq. which are incorporated herein by reference.

B. All discovery shall, until Uniform Louisiana Family and Domestic Relations Rules are codified, conform to Louisiana Uniform District Court Rules 10.00 et seq. which are incorporated herein by reference.

INTERROGATORIES

A. Discovery requests propounded pursuant to La. C.C.P. Art. 1420, et seq. shall be served upon opposing counsel or parties, but shall not be filed with the court, unless a domestic hearing officer, domestic commissioner or district judge orders that such be filed, or said discovery pleadings become the subject of a motion or rule or an exhibit. The party responsible for service of the discovery material shall retain the original and become the custodian of any such non-filed materials.

B. During an entire proceeding, written interrogatories served in accordance La. C.C.P. Art. 1457 shall not exceed thirty-five (35) in number, including subparts, without leave of court.

C. If relief is sought pursuant to La. C.C.P. Art. 1469, concerning discovery which has been propounded, copies of the discovery requests in issue and responses, if any, shall be filed with the court contemporaneously with the filing of any such motion.

DISCOVERY MOTIONS

Before filing any discovery motion, the moving party must comply with Rule 10.1 of the Uniform Louisiana District Court Rules.

THE MANNER IN WHICH DISCOVERY MOTIONS SHALL BE ADDRESSED BY THE COURT

A. At the time a discovery motion is filed in which an issue exists which is within the authority and responsibility of both the district court and the domestic commissioner, the clerk of court shall endeavor to set the matter on the docket of the domestic commissioner in not less than thirty (30) nor more than thirty-five (35) days of filing where an earlier date is not required by law, or within the delays allowed by law, if shorter. Discovery motions may be heard on an earlier date if both parties and the domestic commissioner are available and notice and delays are waived.

B. At the time a discovery motion is filed, the clerk of court shall also endeavor to set a hearing date before the district division to whom the case was allotted in not less than forty (40) nor more than fifty-five (55) days following the filing of the original discovery motion, unless a shorter period is required by law, then within the delays required by law. The objection may be heard on an earlier date if both parties and the district judge are available and notice and delays are waived.

C. A party shall have five (5) days from the receipt of the order, ruling, or judgment of the domestic commissioner to file a written objection to said order, ruling or judgment in conformity with 24th JDC Appendix

		<p>32.0B.</p> <p>D. Notice of the order, ruling, or judgment of the domestic commissioner shall be given to all parties as provided in 24th JDC Appendix 32.0B.</p> <p>E. If no written objection is filed with the clerk of court as prescribed above, the order, ruling, or judgment of the domestic commissioner shall become a judgment of the court and shall be signed by a district judge. The judgment after signature by a district judge shall be served upon the parties in accordance with the law. The duty to present a final judgment to the district court is incumbent upon the parties.</p> <p style="text-align: center;">CHILD SUPPORT WORKSHEET</p> <p>A. The parties may conduct discovery on the child support and spousal support issues as permitted by the Louisiana Code of Civil Procedure and jurisprudence.</p> <p>B. Child Support shall be calculated and established pursuant to La. R.S. Art. 9:315, et seq.</p> <p style="text-align: center;">NOTICE AND EXCHANGE OF INFORMATION: CHILD SUPPORT PURSUANT TO HEARING OFFICER PROCEEDING</p> <p>A. Discovery shall be conducted in accordance with the Louisiana Code of Civil Procedure and the 24th JDC rules in this Appendix.</p> <p>B. The court shall assess fees in conformity with La. R.S. 46:236.5(B).</p>
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