

**LOUISIANA STATE BAR EXAMINATION
LOUISIANA CODE OF CIVIL PROCEDURE
FEBRUARY 2025**

QUESTION 1 (40 POINTS)

Diane, who lives in Lafayette Parish, is a tour guide for Downtown Tours, Inc. (“Downtown Tours”). Diane specializes in giving tours of live music venues in the downtown area of cities and towns in Louisiana. Downtown Tours is a validly formed Louisiana corporation that has its registered office in Vermilion Parish.

Phillip, a resident of Tensas Parish, was on vacation and decided to take the Iberia Parish live music tour on June 15, 2023 with Downtown Tours. Phillip elected to go on a motorized scooter tour rather than a walking tour. Diane was the tour guide, and she, Phillip, and all the other clients for that tour rode motorized scooters supplied by Downtown Tours.

During the tour, Diane brought the tour group to a dance hall in Iberia Parish. As the group was leaving the dance hall on their scooters, Diane lost control of her scooter and fell off. As Diane fell off, her scooter crashed into Phillip and caused him to fall. Diane called the police, who took statements from Phillip, Diane, and the other tour group members.

Phillip later experienced pain in his back that he thought was caused by the fall. On Monday, June 17, 2024, Phillip filed a lawsuit against Diane and Downtown Tours in the district court in Lafayette Parish.

Answer the following twelve subquestions. These subquestions are not weighted equally. Where indicated, explain each answer; an answer without explanation will receive no credit.

- 1.1 Is Lafayette Parish a proper venue for Phillip’s lawsuit against Downtown Tours? Explain fully. (4 points)**
- 1.2 Assume that the prescriptive period applicable to Phillip’s lawsuit was one year from the tour date of June 15, 2023. Was Phillip’s lawsuit filed on Monday, June 17, 2024, timely? Explain fully. (3 points)**

For subquestions 1.3-1.12 below, assume that Phillip’s lawsuit was timely filed in a proper venue.

- 1.3 Phillip caused Downtown Tours to be served with his petition for damages, a citation, and a set of interrogatories on August 19, 2024. What is Downtown Tours’ deadline to respond to the interrogatories? (2 points)**
- 1.4 Downtown Tours timely filed and served its answer to Phillip’s petition. Two weeks later, after realizing that the citation served on Downtown Tours erroneously referenced another unrelated lawsuit, Downtown Tours filed an exception of insufficiency of citation. Phillip opposed Downtown Tours’ exception, arguing that the exception of insufficiency of citation had been waived. Should Downtown Tours’ exception be successful? Explain fully. (4 points)**
- 1.5 Two weeks after Downtown Tours served its answer, Phillip obtained a copy of the police report that identified several witnesses to the accident, including Wayne, who was also on the tour. Phillip’s attorney has spoken with Wayne about taking his deposition. Wayne told Phillip’s attorney he would appear voluntarily for his deposition without need of a subpoena. What steps must Phillip now follow to take Wayne’s deposition? Explain fully. (4 points)**

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- 1.6 Phillip coordinated with Wayne the time and place for his deposition but did not serve a subpoena on Wayne. Downtown Tours, Diane, Phillip, and their attorneys attended the deposition, but Wayne did not appear. Afterward, Diane called Wayne to ask why he did not appear. Wayne said he did not appear because he really does not want to get involved and he did not think he was required to appear. Diane is upset because she had to take off work and pay for her attorney to appear for Wayne's deposition. Is there anything Diane can do to recover these expenses? Explain fully. (4 points)**

Assume the following for subquestions 1.7 – 1.10 only: Wayne's deposition was rescheduled for a later date and this time he appeared. During the deposition, Wayne testified that his motorized scooter kept malfunctioning during the tour. Wayne also testified that the service light on his scooter was blinking and that he was very concerned about losing control of his scooter during parts of the tour.

- 1.7 Phillip would like a copy of Downtown Tours' maintenance records for the scooter that Diane operated during the tour. What written discovery tool can Phillip use to discover those records? (2 points)**
- 1.8 Phillip would also like for his expert to inspect Diane's scooter. What step(s) must Phillip take to permit his expert's inspection of the scooter? Explain fully. (4 points)**
- 1.9 What must Downtown Tours do to prevent having Phillips' expert inspect the scooter, and when must it be done? Explain fully. (3 points)**
- 1.10 Downtown Tours continues to refuse to permit inspection of the scooter by Phillip after he took all appropriate steps to obtain access. What, if anything, can Phillip now file with the court to obtain relief allowing him to inspect the scooter? Explain fully. (3 points)**
- 1.11 Downtown Tours had its own expert examine the scooter Diane operated during the tour. Downtown Tours' expert opined that there was a manufacturing defect in the scooter that caused Diane to lose control rather than any maintenance or servicing issue. Downtown Tours wants to argue at trial that the scooter manufacturer was at fault for the accident, but Downtown Tours has not previously raised in any pleading that the scooter manufacturer or any other third party was at fault for the accident. What steps must Downtown Tours take to argue the fault of the scooter manufacturer at trial? Explain fully. (5 points)**
- 1.12 Assume that the case proceeds to trial before a jury of twelve persons. How many jurors must concur to render a verdict? (2 points)**

[End of Question 1]

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QUESTION 2 (40 POINTS)

Dugout Hitting Cages, LLC (“Dugout”) manufactures prefabricated batting cages. Dugout has showrooms in Bossier and Caddo Parishes that showcase various sized hitting cages. Dugout is a validly formed foreign limited liability company registered to do business in Louisiana. Its principal business establishment in Louisiana is located in East Baton Rouge Parish. Dugout’s company secretary, Robby, is designated as its registered agent.

Paula runs a youth softball organization, Power Players, Inc. (“Power Players”). She went to both Dugout showrooms because she wanted batting cages installed at her organization’s practice facility located in Richland Parish. Paula ultimately decided on a batting cage with triple stitched netting walls, which she saw at Dugout’s showroom in Caddo Parish.

Power Players and Dugout ultimately entered into a purchase agreement at Dugout’s Bossier Parish facility for the purchase of six batting cages to be delivered to Power Players’ practice facility in Richland Parish.

Just over a month later, Paula was holding practice when a girl on her softball team hit a ball that broke through the netting of one of the batting cages. Luckily no one was injured. However, Paula was concerned that the six batting cages were not safe. Power Players has filed a lawsuit against Dugout in Bossier Parish for breach of warranty, redhibition, rescission of the sale, and return of the purchase price, plus attorneys’ fees and costs.

Answer the following fifteen subquestions. These subquestions are not weighted equally. Where indicated, explain each answer; an answer without explanation will receive no credit.

- 2.1 Would venue have been proper if Power Players had filed its lawsuit against Dugout in Caddo Parish? Explain fully. (3 points)**
- 2.2 What steps must Power Players take to have Dugout properly served with the lawsuit? Explain fully. (4 points)**
- 2.3 Power Players did not ask for a trial by jury in its Petition for Damages. What steps must Dugout take to obtain a trial by jury? Explain fully. (4 points)**
- 2.4 Power Players wants to take the deposition of Dugout as an organization. What must Power Players include in its notice of the deposition of Dugout, and what must Dugout do in response to the notice? Explain fully. (6 points)**

Assume the following for subquestions 2.5 – 2.7 only: The parties have engaged experts, expert witness reports have been exchanged, and the discovery depositions of all experts have been taken. Dugout believes that Power Players’ expert is completely unqualified to give expert testimony in the suit and that his methodology is not based on reliable methodologies.

- 2.5 What motion should Dugout file to test the qualifications and opinions of Power Players’ expert? Explain fully. (2 points)**
- 2.6 What is the time deadline for filing the motion? (2 points)**
- 2.7 By when must the court hold a contradictory hearing and rule on the motion? (2 points)**

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Assume the following for subquestions 2.8 – 2.12 only: The court has fixed a trial date. After discovering that Paula manipulated the elasticity of the batting cage nets after the cages were installed at Power Players’ practice facility, Dugout decided to file a motion for summary judgment on Power Players’ breach of warranty claim.

- 2.8 What showing must Dugout make to prevail on its motion for summary judgment? (2 points)
- 2.9 What type of evidence may Dugout submit to support its motion? (3 points)
- 2.10 When is the latest date that Dugout may file and serve its motion for summary judgment? (2 points)
- 2.11 When is the latest date that Power Players can file its opposition to Dugout’s motion and all supporting documents? (2 points)
- 2.12 When is the latest date that Dugout’s motion for summary judgment can be heard? (1 point)
- 2.13 The judge denied Dugout’s motion for summary judgment on the breach of warranty claim, and Power Players’ case proceeded to trial before a jury. At trial, Power Players completed the presentation of its case. Dugout does not believe that Power Players has shown a right to relief against Dugout and wants to have Power Players’ claims dismissed without Dugout’s offering any evidence.
- What should Dugout do to have Power Players’ claims dismissed before Dugout presents its defense? (1 point)
- 2.14 If Dugout is unsuccessful in its efforts to have Power Players’ claims dismissed, what effect, if any, does that have on Dugout’s being allowed to offer evidence in support of its defense to Power Players’ claims? Explain fully. (2 points)
- 2.15 The jury returned a verdict in favor of Power Players. What steps might Dugout take to seek to have the trial court set aside the jury verdict in favor of Power Players, and when must it take those steps? Explain fully. (4 points)

[End of Question 2]

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QUESTION 3 (20 POINTS)

For each of the following multiple choice items, select the letter that corresponds to the correct answer.

- 3.1 Class actions
- 3.2 Limitations upon jury trials
- 3.3 Sanctions for failure to respond to discovery
- 3.4 Suspensive appeal bond amounts
- 3.5 Service by a private person
- 3.6 Pleadings definition
- 3.7 Depositions by telephone/remote electronic means
- 3.8 Petitory action
- 3.9 City Court jurisdiction
- 3.10 Finality of judgment – Court of Appeal

[End of Question 3]

END OF LOUISIANA CODE OF CIVIL PROCEDURE TEST

**LOUISIANA STATE BAR EXAMINATION
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JULY 2024**

QUESTION 1 (40 POINTS)

Darby's Commercial Properties, Inc. ("DCP") owns commercial properties throughout Louisiana. DCP is a validly formed Louisiana corporation that has its registered office in East Baton Rouge Parish. Tracy is DCP's President and registered agent for service of process.

DCP listed one of its vacant commercial properties located in St. Landry Parish (the "Property") for lease through its real estate agent and property manager, Rick. Pablo owned and operated a hair salon located in Pointe Coupee Parish and wanted to relocate his hair salon to St. Landry Parish. Pablo saw Rick's listing and set up time with Rick to see the Property. Pablo explained to Rick that he wanted to use the Property as a retail hair salon. Rick told Pablo that would be an excellent use for the Property because the prior tenant had operated a hair salon there. Pablo told Rick he was interested in leasing the Property, and he and Rick discussed the initial terms for the lease.

Rick returned to his office in Acadia Parish and drafted a written lease of the Property for a three-year term. On the first day of every month, Pablo was obligated to pay rent to DCP.

Rick emailed the proposed lease to Pablo and Tracy. Pablo signed the lease at his home in St. Martin Parish. Later, Tracy signed the lease on behalf of DCP at her office located in Caddo Parish. The next day, Rick met Pablo at the Property to deliver the keys.

Pablo promptly applied for his business permit with St. Landry Parish, which required the Parish's inspector to inspect his salon, so that he could open his doors to the public. While waiting for the inspection, he moved his salon equipment and furnishings to the Property and began operating his salon. Upon visiting the Property, the St. Landry Parish inspector observed that Pablo was operating a retail hair salon there. The inspector told Pablo the Property was not properly zoned to be used as a retail hair salon and denied Pablo's permit application.

Pablo was devastated because he already closed his salon in Point Coupee Parish and now was unable to continue operating his St. Landry Parish salon. Pablo told Rick that DCP would need to have the Property rezoned so it could be used as a retail hair salon or else he would have to cancel the lease. Rick spoke with Tracy who said DCP would not be taking any steps to rezone the Property and would not agree to cancel the lease.

Pablo moved his salon equipment and furnishings out of the Property and did not make any further lease payments. Pablo plans to bring a lawsuit against DCP for breach of contract because the Property could not be used as a retail hair salon as Rick represented it could.

Answer the following six subquestions. The subquestions in Question 1 are not weighted equally. Where indicated, explain your answers; answers without explanation will receive no credit.

- 1.1 Would venue be proper if Pablo files his lawsuit against DCP in Pointe Coupee Parish? List all parishes where venue is proper and explain fully why for each listed parish. (6 points)**
- 1.2 Pablo filed suit (*Pablo v. DCP*) in a parish of proper venue. The Sheriff's office served the citation on Rick at his office in Acadia Parish. DCP does not think service on Rick was proper.**
 - a. What pleading must DCP file in order to challenge service? (2 points)**

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- b. If DCP wants to challenge service, by when must DCP do so? Explain fully. (2 points)
- c. Is DCP likely to be successful if it challenges service through Rick? Explain fully. (2 points)

(6 points total)

1.3 Assume that DCP decided not to challenge service but instead to respond to the lawsuit in order to assert a breach of contract action against Pablo because Pablo stopped making rental payments.

- a. What action might DCP take, in response to Pablo's petition, that would allow DCP to pursue a breach of contract claim against Pablo? Explain fully. (2 points)
- b. DCP decided not to raise its breach of contract claim in response to Pablo's lawsuit, and Pablo's lawsuit proceeded to trial. Assuming it would still be timely, can DCP bring its breach of contract claim in a new lawsuit after the trial? Explain fully. (2 points)

(4 points total)

1.4 DCP responded to Pablo's lawsuit, and the parties engaged in discovery. Pablo now wants to take the deposition of DCP to ask DCP about Rick's representation that its prior tenant operated a hair salon at the Property. What must Pablo include in his notice of the deposition of DCP, and what must DCP do in response to the notice? Explain fully. (6 points)

1.5 The court has now issued an order requiring complete pretrial expert disclosures and the issuance of written expert reports, but did not provide a timeline for when the parties should disclose their respective experts and exchange expert reports. Nor did the parties stipulate as to a timeline. Pablo has retained an expert to offer opinions regarding his lost profits. DCP retained an expert solely to contradict and rebut the opinions of Pablo's expert.

- a. When must Pablo disclose the identity of his retained expert and provide expert reports? (2 points)
- b. When must DCP disclose the identity of its rebuttal expert and provide a rebuttal expert report? (2 points)
- c. What are the form requirements for a testifying expert's report, and what information must be included in or with the report? Explain fully. (8 points)

(12 points total)

1.6 After Pablo delivered his expert's report to DCP, DCP took the expert's discovery deposition. DCP does not believe the expert's opinion is based on reliable methodologies.

- a. What motion should DCP file to test Pablo's expert's opinions? (2 points)
- b. What is the time deadline for filing the motion? (2 points)
- c. By when must the court hold a contradictory hearing and rule on the motion? (2 points)

(6 points total)

[End of Question 1]

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QUESTION 2 (40 POINTS)

Patsy, a resident of Vernon Parish, went to her favorite Beauregard Parish restaurant, which is owned and operated by Delta Diner, LLC (“Delta”). Delta is a Mississippi limited liability company. Delta’s registered office in Louisiana is in Allen Parish.

As Patsy walked into Delta restaurant, she slipped and fell in the lobby. The lobby floor had just been mopped, and a yellow caution sign containing the words “Caution Wet Floor” was placed nearby in front of the host stand. The host of the diner, Hank, walked up after seating other customers and saw Patsy on the floor. As Hank helped Patsy up, Hank laughed at Patsy and asked her, “Didn’t you see the yellow caution sign?”

Patsy was embarrassed and left the restaurant. Patsy was sore, so she went to an urgent care to receive medical treatment. Patsy has filed suit against Delta in a parish of proper venue for negligence and intentional infliction of emotional distress.

Answer the following ten subquestions. The subquestions in Question 2 are not weighted equally. Where indicated, explain your answers; answers without explanation will receive no credit.

- 2.1 Patsy wants to take the steps necessary to require Delta to respond to the lawsuit. What steps must Patsy take, and by when must she take such steps? Explain fully. Your answer should discuss the papers and the form of the papers that must be delivered to Delta. (5 points)**
- 2.2 Delta was properly served with the necessary papers through its registered agent for service of process. Delta was also served with written interrogatories at the same time. What is the period of delay for Delta to respond to the petition? Explain fully. (2 points)**
- 2.3 Delta believes Patsy is at fault in causing her accident because she disregarded the yellow caution sign. What action must Delta take in response to Patsy’s petition to allow it to argue the fault of Patsy at trial? (2 points)**
- 2.4 Two weeks after Delta answered Patsy’s petition, it decided it wanted to challenge Patsy’s claim for intentional infliction of emotional distress because Delta does not believe that the facts alleged in the petition support a cause of action for intentional infliction of emotional distress.**
 - a. What pleading should Delta file to have Patsy’s claim for intentional infliction of emotional distress dismissed before engaging in discovery on the claim? (2 points)**
 - b. Patsy believes that Delta waived its right to challenge her claim for intentional infliction of emotional distress on the basis of the factual allegations of the petition. Is Patsy correct? Explain fully. (2 points)**

(4 points total)
- 2.5 The parties commenced discovery on both Patsy’s negligence and intentional infliction of emotional distress claims. Patsy wants to take Hank’s deposition. What steps must Patsy take to take the deposition of Hank, a non-party? Explain fully. (4 points)**

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- 2.6** Patsy believes Delta has an insurance policy that will provide insurance coverage for Patsy's injuries. What is the best discovery tool for Patsy to use to obtain from Delta a copy of all insurance policies issued to Delta that may provide insurance coverage for Patsy's injuries? Explain fully. (2 points)
- 2.7** In response to Patsy's discovery, Delta gave Patsy a copy of its commercial general liability insurance policy. Patsy believes the insurance policy may not provide coverage for her intentional infliction of emotional distress claim unless she adds Hank as a defendant. What steps must Patsy take to add Hank as a defendant and cause him to answer the lawsuit? Explain fully. (6 points)

Hank is now a defendant in the lawsuit, and the court has fixed a trial date.

- 2.8** Patsy made a jury demand in her petition, but neither defendant made a jury demand in their answers. Patsy decided she no longer wanted a trial by jury and withdrew her jury demand. Delta now wants a trial by jury. What steps should Delta take to obtain a trial by jury, and by when must it take such steps? Explain fully. (4 points)
- 2.9** After adequate discovery, Patsy moved for summary judgment on her negligence claim.
- a.** What showing must Patsy make to prevail on her motion? Explain fully. (2 points)
 - b.** What type of evidence may Patsy submit to support her motion? Explain fully. (3 points)
 - c.** When is the latest date prior to the trial date that Patsy can file and serve her motion and all supporting documents? (1 point)
 - d.** When is the latest date that the defendants can file any opposition to Patsy's motion and all supporting documents? (1 point)
- (7 points total)
- 2.10** The court denied Patsy's summary judgment, and the case proceeded to trial. The jury returned a verdict in favor of Patsy against both defendants. What steps might the defendants take to seek to have the jury verdict in favor of Patsy set aside, and when must they take those steps? Explain fully. (4 points)

[End of Question 2]

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QUESTION 3 (20 POINTS)

For each of the following multiple choice items, select the letter that corresponds to the correct answer.

- 3.1 Succession; venue
- 3.2 Exceptions; time of filing
- 3.3 Finality of supreme court judgments
- 3.4 Abandonment
- 3.5 Deadline for responding to initial pleadings
- 3.6 Sanctions for failure to respond to discovery
- 3.7 Default judgment
- 3.8 Jury trial; challenge for cause
- 3.9 Discovery
- 3.10 Reasons for denial for trial consolidation

[End of Question 3]

END OF LOUISIANA CODE OF CIVIL PROCEDURE TEST

**LOUISIANA STATE BAR EXAMINATION
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FEBRUARY 2024**

QUESTION 1 (40 POINTS)

Ditty Music Ltd. (“Ditty”), a festival organizer and producer, is a Louisiana partnership that has its principal business establishment in Orleans Parish. Ditty’s poster team works out of Ditty’s office located in St. Tammany Parish. Every year, the Ditty poster team searches for a new Louisiana artist to design the next annual Ascension Parish Music Festival (the “Ascension Fest”) poster. Ditty wanted Penny, an artist who lives and has her art studio in Livingston Parish, to design the 2023 festival poster.

Penny met with Ditty’s poster coordinator, Wynona, in Tangipahoa Parish to discuss her design ideas. Wynona loved Penny’s idea about making the Ascension Parish Concert Hall the focal point of the poster. Wynona presented Penny with a contract, which they both signed during the meeting.

The contract required Penny to complete the poster and deliver it to Ditty’s St. Tammany Parish office three months before the festival. The contract also required Penny to present a sketch of her poster seven months before the festival and for Ditty to pay Penny half of the commission fee and provide feedback on the design no later than two months after it received Penny’s sketch. Penny’s remaining commission fee was due to her ten days after Ditty received the final poster.

Penny diligently worked on the sketch of the poster in her art studio. She presented the sketch to Wynona and the poster team at Ditty’s St. Tammany Parish office. Ditty’s poster team timely issued Penny a check for half of the commission fee. Included in the envelope was her sketch and a note signed by Wynona that read, “Everyone loves it! Please finalize.” After receipt of the note, Penny finalized the poster, which she timely delivered to Ditty’s St. Tammany Parish office.

A few weeks after delivering the poster, Penny called Wynona because she had not received payment of the remaining commission fee. At that time, Wynona told Penny that, when Ditty sent the original poster to the printer, someone with the printer noticed Penny had mistakenly sketched the Tangipahoa Parish Concert Hall instead of the Ascension Parish Concert Hall. Wynona told Penny that the poster did not comply with the contract and that Penny thus would not receive the remaining commission payment.

Penny believes she fully performed her contractual obligations by timely delivering the final poster, which was based on the sketch Ditty approved. Therefore, she wants to file suit against Ditty. Penny consulted with an attorney who prepared a petition for damages and written discovery to be served on Ditty.

Please answer the following eight subquestions. The subquestions in Question 1 are not weighted equally. Where indicated, explain your answers; answers without explanation will receive no credit.

- 1.1 In what parish(es) could Penny bring her suit against Ditty? For each parish, explain fully why venue is proper there. (8 points)**
- 1.2 By when must Penny request service of citation on Ditty? (2 points)**
- 1.3 Assume Penny filed suit in a parish of proper venue and caused Ditty to be served written discovery along with the citation and petition. How long does Ditty have to respond to the lawsuit? (2 points)**
- 1.4 Penny did not make a jury demand in her petition, but Ditty wants a trial by jury. What steps should Ditty take to have a trial by jury, and by when must it take such steps? Explain fully. (4 points)**

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- 1.5 Penny kept the note she received from Wynona when Wynona returned Penny's sketch to Penny. Penny now wants to ask Wynona, a non-party to the lawsuit, questions about the note that was included in the envelope she received from Wynona. What steps must Penny take to set the deposition of Wynona to question her about the note? Explain fully. (4 points)**
- 1.6 Penny was able to question Wynona regarding the note at her deposition. However, during the deposition, Wynona denied that she had sent the note or that the signature at the bottom of the note was hers. Penny then sent the note and a copy of the contract Wynona had signed to her friend Erica, who enjoys analyzing handwriting. Erica told Penny that, in her opinion, the signatures on the contract and note were made by the same person. In accordance with the court's order requiring the parties to make complete pretrial expert disclosures and issue written expert reports for any expert who will provide opinion testimony at trial, Penny asked Erica to prepare and issue a report. What information must the report contain? Explain fully. (8 points)**
- 1.7 After Penny delivered Erica's expert report to Ditty, Ditty took Erica's discovery deposition. Ditty does not believe that Erica is qualified to issue a handwriting opinion or that her opinion is based on handwriting sciences.**
- a. What motion should Ditty file to test Erica's qualifications and opinions? (2 points)**
 - b. What is the time deadline for filing the motion? (2 points)**
 - c. By when must the court hold a contradictory hearing and rule on the motion? (2 points)**
 - d. Ditty filed the motion, which was heard before the judge in open court. During the course of that hearing, what obligations did the attorneys have as officers of the court? Explain fully. (3 points)**
- 1.8 Penny's lawsuit proceeded to trial. The jury returned a verdict in favor of Penny. Ditty has timely filed for a suspensive appeal and has furnished a bond as security. Penny believes the bond is insufficient or invalid. What action should Penny take to challenge the bond's sufficiency or validity? Explain fully. (3 points)**

[End of Question 1]

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QUESTION 2 (40 POINTS)

Dennis was driving his black sport utility vehicle (SUV) and Paul was driving his silver sedan through a neighborhood in Caddo Parish when they got into an accident with one another. Dennis's SUV had a heavily dented front hood and bumper, and the airbag deployed. Paul's wrecked silver sedan ended up on the lawn of a nearby house.

Dennis and Paul were both able to get out of their vehicles and engage in conversation. Neither Dennis nor Paul could say how the accident happened other than Dennis's SUV must have knocked Paul's sedan onto the lawn. Walter lived in a house next door to the lawn where the sedan ended up. He heard the crash and came out to investigate. He told Dennis and Paul that he was watching television and only heard what had happened, but that his house surveillance cameras may have footage of the accident.

Paul had been in the process of delivering a pizza for Tasty Pizza, LLC ("Tasty Pizza") when the accident occurred. Tasty Pizza is a Louisiana limited liability company with one pizza shop located in Caddo Parish. Dennis lives in Plaquemines Parish with his daughter, Regina, who is an 18-year-old college student. When the police and medics arrived, both Dennis and Paul provided statements but refused medical treatment, stating that they were fine.

A few months later, Dennis arrived home after work, and Regina told him that a Plaquemines Parish deputy sheriff handed her some papers for him. Dennis looked at the papers and saw a citation and petition. The papers reflected that Paul had filed a lawsuit against Dennis and Tasty Pizza for back and neck injuries that Paul allegedly sustained in the car accident.

Please answer the following eleven subquestions. The subquestions in Question 2 are not weighted equally. Where indicated, explain your answers; answers without explanation will receive no credit.

- 2.1 Did the Plaquemines Parish deputy sheriff properly effect service of the citation and petition on Dennis? Explain fully. (2 points)**
- 2.2 Dennis believes Paul was speeding and was at fault in causing the accident. What action must Dennis take in response to Paul's petition to allow Dennis to argue at trial that the accident was Paul's fault? (2 points)**
- 2.3 Tasty Pizza has failed to designate an agent for service of process. The Caddo Parish officer who was tasked with making service of citation on Tasty Pizza was a good friend of one of Tasty Pizza's employees, 20-year-old Ronnie. The officer went to Ronnie's house one weekend and brought the citation and petition with him. The officer handed Ronnie the citation and petition and told Ronnie to give the papers to the owners of the company. Has proper service been effected upon Tasty Pizza? Explain fully. (4 points)**
- 2.4 Ronnie gave a copy of the citation and petition to the Tasty Pizza owners, and Tasty Pizza responded by filing an answer with a jury demand. Tasty Pizza later realized that Paul's claims against it are likely barred under the Louisiana Workers' Compensation Act because, as Paul alleged in his petition, he was engaged in the course and scope of his employment at the time of the accident. Therefore, Tasty Pizza believes that Paul does not have a cause of action against it in tort.**
 - a. What pleading should Tasty Pizza file to have Paul's claims against it dismissed on the basis of the factual allegations of the petition alone? (2 points)**
 - b. Paul believes that Tasty Pizza waived its right to challenge his claims on the basis of the factual allegations of the petition alone because it already answered the petition. Is Paul correct? Explain fully. (2 points)**

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- 2.5 Dennis would like to obtain from Paul a copy of Paul's medical records relating to any medical treatment Paul received for his neck and back before the accident. Will Dennis be able to obtain discovery regarding Paul's prior medical treatment; and, if so, what discovery tool can Dennis use to obtain these from Paul? Explain fully. (4 points)
- 2.6 Dennis served 15 written interrogatories on Paul with the citation and petition. Discovery is still open, and Dennis would like to serve an additional 10 written interrogatories on Paul. Does Dennis need to ask the court for permission to serve the additional 10 interrogatories on Paul? Explain fully. (3 points)
- 2.7 While Paul's lawsuit was still pending, Dennis was served with another lawsuit filed by Paul in a different parish of proper venue, asserting claims against Dennis for the same back and neck injuries Paul allegedly sustained in the same accident ("Lawsuit 2").
- What pleading, if any, can Dennis file in response to the petition in Lawsuit 2 to avoid litigating the claims filed against him in Lawsuit 2? Explain fully. (2 points)
 - What is the effect if Dennis answers the petition filed in Lawsuit 2? Explain fully. (4 points)

For questions 2.8-2.11, assume Lawsuit 2 was dismissed.

- 2.8 After adequate discovery in the first suit, Dennis believes Paul is exaggerating his injuries. What, if anything, should Dennis do to require Paul to undergo further physical examination? Explain fully. (4 points)
- 2.9 Dennis remembered Walter mentioning that he had home surveillance cameras that may have video footage of the accident. What steps must Dennis take to obtain the video footage from Walter? Explain fully. (3 points)
- 2.10 Walter produced the video footage, which showed that Paul ran a stop sign immediately before the accident. Dennis engaged in further discovery to factually develop that Paul ran a stop sign. As a result, Dennis decided to file a motion for summary judgment seeking a determination by the judge that he is not at all at fault for the injuries Paul sustained in the accident.
- When must Dennis file and serve the motion and all supporting documents? (1 point)
 - What types of evidence may Dennis submit to support his motion for summary judgment? (3 points)
 - Dennis timely filed and served his motion for summary judgment. The court has set a hearing date on the motion. When must Paul file and serve his opposition to Dennis's motion, including all documents in support of his opposition? (1 point)
 - When must the court render a judgment on Dennis's motion? (1 point)
- 2.11 The judge denied Dennis's motion for summary judgment, and the case proceeded to trial before a jury of six (6) persons. Absent a stipulation by the parties, how many jurors must concur to render a verdict? (2 points)

[End of Question 2]

TEST CONTINUES ON NEXT PAGE

**LOUISIANA STATE BAR EXAMINATION
LOUISIANA CODE OF CIVIL PROCEDURE
FEBRUARY 2024**

QUESTION 3 (20 POINTS)

Each of the following multiple choice items counts for 2 points. Select the letter that corresponds to the correct answer.

- 3.1 Supplemental and amended petitions
- 3.2 Sanctions for failure to respond to discovery
- 3.3 Deadlines relating to succession proceedings
- 3.4 Pleadings definition
- 3.5 Venue
- 3.6 Petitory action
- 3.7 Delays for new trial
- 3.8 Finality of judgments – Court of Appeal
- 3.9 City court jurisdiction
- 3.10 Service by a private person

[End of Question 3]

END OF LOUISIANA CODE OF CIVIL PROCEDURE TEST

**LOUISIANA STATE BAR EXAMINATION
LOUISIANA CODE OF CIVIL PROCEDURE
JULY 2023**

QUESTION 1 (40 POINTS)

Demi applied for an engineering position with Pipes Solutions, Inc. (“Pipes”). Demi went for an interview at Pipes’ administrative office, which was located in Livingston Parish. At the end of the interview, Pipes offered Demi an engineering position working on the development of a self-cleaning pipe that was an original Pipes design and that Pipes hoped would revolutionize the plumbing market.

Demi’s job offer was contingent upon her signing an employment agreement containing confidentiality obligations. At the time Pipes’ hiring officer made the job offer to Demi, he signed the employment agreement on behalf of Pipes and handed it to her. She signed it as well.

Pursuant to the terms of the employment agreement, Demi performed her work for Pipes at its St. James Parish office. Before the project was complete, Demi and her husband, Harry, moved to East Baton Rouge Parish. The commute became too much for Demi, so, after providing requisite notice, she resigned from Pipes and accepted employment in East Baton Rouge Parish with a Pipes competitor, Trident Plumbing, LLC (“Trident”).

Over one year later, Pipes learned that Demi was working for Trident and that Trident was developing a self-cleaning pipe very similar to the one Pipes had designed. Pipes now wants to file a lawsuit against Demi for breach of the confidentiality provisions in the employment agreement.

Please answer the following eight subquestions. The subquestions in Question 1 are not weighted equally. Where indicated, explain your answers; answers without explanation will receive no credit.

- 1.1 6 pts In which parish(es) may Pipes file its lawsuit? For each parish identified, explain why the parish is a proper venue.**
- 1.2 7 pts Pipes filed its lawsuit in a proper venue and now must serve Demi with the citation.**
- a. 1 pt By when must Pipes request service of citation on Demi?**
- b. 2 pts What types of service should be utilized to serve Demi with the citation?**
- c. 4 pts For each type of service identified in response to question 1.2(b), where and on whom may service be made? Explain.**
- 1.3 2 pts Demi timely answered the lawsuit. She does not have a copy of the fully executed employment agreement. She wants to obtain a copy from Pipes. What steps must Demi take to obtain a copy of the fully executed employment agreement from Pipes? Explain.**
- 1.4 4 pts Pipes has provided a copy of the employment agreement to Demi and now wants Demi to agree to the authenticity of the employment agreement. What steps may Pipes take in written discovery to have Demi admit to the authenticity of the employment agreement? Explain.**
- 1.5 4 pts Pipes wants to take Demi’s deposition. What steps must Pipes take in order to take her deposition? Explain.**

TEST CONTINUES ON NEXT PAGE

- 1.6 6 pts** At her deposition, Demi testified that Trident was working on developing a self-cleaning pipe before she began working there, that the drawings Trident was using were almost identical to the drawing and specs she worked with when she was employed by Pipes, and that her Trident colleague told her the owner of Trident had asked him to obtain a copy of Pipes' drawings nefariously. Pipes now wants to add Trident as a defendant to the lawsuit. What steps must Pipes take to properly add Trident as a defendant to the lawsuit? What further steps must Pipes take to require Trident to respond? Explain.

Trident is now a defendant in the lawsuit, and the district court has fixed a trial date.

- 1.7 7 pts** Believing that Pipes failed to develop specific facts during discovery to establish that Demi shared Pipes' confidential information with Trident, Demi filed a motion for summary judgment seeking a determination by the judge that she did not violate the confidentiality obligations in her employment agreement.
- a. 2 pts** What showing must Demi make to prevail on her motion?
 - b. 3 pts** What type of evidence may Demi submit to support her motion?
 - c. 1 pt** When is the latest date prior to the trial date for Demi to file and serve her motion and all supporting documents?
 - d. 1 pt** When is the latest date for Trident to file its opposition to Demi's motion and all supporting documents?

The district court granted summary judgment in favor of Demi, but Pipes' claims against Trident proceeded to trial before a jury.

- 1.8 4 pts** The jury returned a verdict in favor of Pipes. What steps might Trident take to seek to have the district court set aside the jury verdict in favor of Pipes, and when must it take those steps? Explain.

[End of Question 1]

TEST CONTINUES ON NEXT PAGE

**LOUISIANA STATE BAR EXAMINATION
LOUISIANA CODE OF CIVIL PROCEDURE
JULY 2023**

QUESTION 2 (40 POINTS)

Dante Chemicals, Inc. (“Dante Chemicals”) is a Delaware corporation licensed to do business in Louisiana. Dante Chemicals has several locations throughout the state but its principal business establishment in Louisiana, as designated in its application to do business in Louisiana, is in East Feliciana Parish. Andrea is identified as Dante Chemicals’ agent for service of process in Louisiana.

Phil lives in St. Bernard Parish and works at night as a security guard near the Dante Chemicals’ chemical plant in Plaquemines Parish. In late 2021, Phil began experiencing trouble breathing. On December 3, 2021, Phil was having coffee with his brother Wayne, who was a health and safety worker at Dante Chemicals in Plaquemines Parish. Phil told Wayne about his breathing problems. Wayne told Phil that a chemical release occurred at Dante Chemicals one night a few months earlier but that the release was not reported to the public. Wayne also told Phil the chemical that was released has been associated with respiratory issues.

Phil sought medical treatment, and his doctor confirmed that exposure to chemicals can cause respiratory issues. Phil’s respiratory issues got worse during the year and he had to quit work. In August 2022, Phil told an attorney about his conversation with Wayne on December 3, 2021 and asked if he had a claim against Dante Chemicals arising out of the chemical release. The attorney told Phil she thought he had a claim, but advised Phil that he should file the lawsuit by December 3, 2022 or it might be considered time barred.

Please answer the following nine subquestions. The subquestions in Question 2 are not weighted equally. Where indicated, explain your answers; answers without explanation will receive no credit.

- 2.1 4 pts In which parish(es) may Phil file his lawsuit against Dante Chemicals? For each parish identified, explain why the parish is a proper venue.**
- 2.2 6 pts Phil filed his lawsuit in the proper venue. The Sheriff’s office served the citation on Erica, an adult employee of Dante Chemicals at the Plaquemines Parish chemical plant. Dante Chemicals does not think service on Erica was proper.**
- a. 2 pts What pleading must Dante Chemicals file in order to challenge service?**
- b. 2 pts If Dante Chemicals wants to challenge service, by when must Dante Chemicals do so? Explain.**
- c. 2 pts Is Dante Chemicals likely to be successful if it challenges service through Erica? Explain.**
- 2.3 6 pts Dante Chemicals decides not to challenge service but instead files an answer and proceeds with discovery. Phil wants to take the deposition of Dante Chemicals. What must Phil include in his notice of the deposition of Dante Chemicals, and what must Dante Chemicals do in response to the notice? Explain.**

TEST CONTINUES ON NEXT PAGE

- 2.4 7 pts Dante Chemicals took the deposition of Phil. Phil testified he did not know about the chemical release until his conversation with Wayne regarding his respiratory problems on December 3, 2021. Dante Chemicals believes that Phil's tort claims prescribed one year from the date of Phil's conversation with Wayne but notes that Phil filed his lawsuit against it on Monday, December 5, 2022.
- a. 2 pts What pleading must Dante Chemicals file in order to challenge the timeliness of Phil's lawsuit?
 - b. 2 pts May Dante Chemicals still challenge the timeliness of Phil's lawsuit although it already answered the lawsuit and participated in discovery? Explain.
 - c. 3 pts Is Dante Chemicals likely to be successful if it challenges the timeliness of Phil's lawsuit? Explain.
- 2.5 6 pts Expert witness reports have been exchanged, and the discovery depositions of all experts have been taken. Dante Chemicals believes that Phil's expert is completely unqualified to give expert testimony in the lawsuit and that her methodology is "junk science."
- a. 2pts What motion should Dante Chemicals bring before the court to test the expert's qualifications and opinions?
 - b. 2 pts What is the time deadline for bringing the motion?
 - c. 2 pts By when is the court to hold a contradictory hearing and rule on the motion?
- 2.6 2 pts Phil requested a trial by jury in his petition but wants to withdraw his jury demand. What steps must Phil take to withdraw his jury demand?
- 2.7 4 pts Phil successfully withdrew his jury demand. Dante Chemicals wants a trial by jury but did not request a trial by jury in its answer. What steps should Dante Chemicals take to obtain a trial by jury and by when must it take such steps?
- 2.8 2 pts Dante Chemicals obtained a trial by jury and the case proceeded to trial by a 12-person jury. Absent a stipulation by the parties, how many jurors must concur to render a verdict?
- 2.9 3 pts The jury returned a verdict in favor of Phil. Dante Chemicals has timely filed for a suspensive appeal and has furnished a bond as security. Phil believes the bond is insufficient or invalid. What action might Phil take to challenge the bond's sufficiency or validity? Explain.

[End of Question 2]

TEST CONTINUES ON NEXT PAGE

**LOUISIANA STATE BAR EXAMINATION
LOUISIANA CODE OF CIVIL PROCEDURE
JULY 2023**

QUESTION 3 (20 POINTS)

Each of the following multiple choice items counts for 2 points. Select the letter that corresponds to the correct answer.

- 3.1 Service by private person
- 3.2 Methods for taking discovery
- 3.3 Jury trial; challenge for cause
- 3.4 Petitory action
- 3.5 Abandonment
- 3.6 Deadline for responding to initial pleadings
- 3.7 Reasons for denial of trial consolidation
- 3.8 Succession; venue
- 3.9 Appeal bonds
- 3.10 Finality of supreme court judgments

[End of Question 3]

END OF LOUISIANA CODE OF CIVIL PROCEDURE TEST

**LOUISIANA STATE BAR EXAMINATION
LOUISIANA CODE OF CIVIL PROCEDURE
FEBRUARY 2023**

QUESTION 1 (40 POINTS)

Patrick, a resident of Vernon Parish, was recently shopping at his favorite Beauregard Parish grocery store, which is owned and operated by Diamond Groceries of Louisiana, LLC (“Diamond Groceries”). Diamond Groceries is a Louisiana limited liability company that has its registered office in Allen Parish.

A pool of broken glass and marinara sauce was on the floor of aisle seven in the store. There was a single yellow caution sign containing the words “Caution Wet Floor” placed next to the broken jar and sauce. Patrick proceeded down aisle seven and slipped on the pool of broken glass and marinara when he stepped around the yellow caution sign and reached for a jar of marinara sauce on the shelf. An employee of Diamond Groceries, Winnie, ran to aisle seven after hearing Patrick scream. Winnie saw Patrick lying on the floor and ran to help him.

The Diamond Groceries manager took statements from Patrick, Winnie, and several other Diamond Groceries employees.

Patrick now wants to file suit against Diamond Groceries for negligence and intentional infliction of emotional distress.

- 1.1 4 pts In which parish(es) may Patrick file his suit? For each parish identified, explain why the parish is a proper venue.**
- 1.2 4 pts Patrick filed suit in a proper venue and properly served Diamond Groceries with a citation through its registered agent.**
- a. *Assume for the purposes of this question a. only that Diamond Groceries was served with a citation and a copy of Patrick’s petition for damages only. What is the period of delay for Diamond Groceries to respond to the petition? (2 pts)***
- b. *Assume for the purposes of this question b. only that that Diamond Groceries was properly served with a citation, a copy of Patrick’s petition for damages, and written interrogatories. What is the period of delay for Diamond Groceries to respond to the petition? (2 pts)***
- 1.3 2 pts Diamond Groceries believes Patrick is at fault in causing his accident because he disregarded the yellow caution sign. What action must Diamond Groceries take in response to Patrick’s petition to allow it to argue the fault of Patrick at trial?**
- 1.4 4 pts Patrick did not make a jury demand in his petition, but Diamond Groceries wants a trial by jury. What steps should Diamond Groceries take to make a valid jury demand, and by when must it take such steps? Explain.**
- 1.5 4 pts Two weeks after Diamond Groceries answered the petition, it decided it wanted to challenge Patrick’s claim for intentional infliction of emotional distress because Diamond Groceries does not believe that the facts alleged in the petition support a cause of action for an intentional infliction of emotional distress claim.**
- a. What pleading should Diamond Groceries file to have Patrick’s claim for intentional infliction of emotional distress dismissed before engaging in discovery on the claim? (2 pts)**

TEST CONTINUES ON NEXT PAGE

- b. Patrick believes that Diamond Groceries waived its right to challenge Patrick's claim for intentional infliction of emotional distress on the basis of the factual allegations of the petition. Is Patrick correct? Explain. (2 pts)
- 1.6 3 pts Diamond Groceries owns more than twenty grocery stores in Louisiana. Patrick propounded an interrogatory to Diamond Groceries asking it to identify each and every slip and fall accident that occurred at any of its grocery stores in the past ten years. Diamond Groceries believes that it would be overly burdensome to gather the information Patrick is seeking and that the information sought is not relevant to Patrick's claims. What initial steps must Diamond Groceries take to avoid having to respond to the interrogatory, and by when must Diamond Groceries take those steps?
- 1.7 2 pts Diamond Groceries took the necessary initial steps to avoid responding to Patrick's interrogatory regarding other slip and fall accidents. Afterward, Patrick's attorney met and conferred with Diamond Groceries' attorney to discuss Diamond Groceries' refusal to respond to the interrogatory. Diamond Groceries still refuses to respond. What steps, if any, can Patrick take to require Diamond Groceries to answer the interrogatory? Explain.
- 1.8 2 pts Patrick would like to obtain a copy of any video surveillance footage that Diamond Groceries has for its Beauregard Parish store for the day of his accident. What steps must Patrick take to obtain a copy of the surveillance footage? Explain.
- 1.9 4 pts Diamond Groceries believes Patrick is exaggerating his injuries. What, if anything, can Diamond Groceries do to require Patrick to undergo further physical examination? Explain.
- 1.10 4pts Patrick has learned that Winnie is the employee who placed the yellow caution sign next to the broken jar of marinara sauce on the floor of aisle seven and wants to take her deposition. What steps must Patrick take to take Winnie's deposition? Explain.
- 1.11 4 pts Patrick's attorney took Winnie's deposition. Before her deposition, Diamond Groceries had interviewed Winnie and learned that Patrick's attorney had interviewed Winnie over the phone before the lawsuit was filed. Diamond Groceries has now propounded a request for production of documents to Patrick asking him to produce any witness statements or notes from witness interviews he or his attorney have in their possession. Patrick's attorney has notes she took from when she interviewed Winnie over the phone. Does Patrick have to produce those notes in response to Diamond Groceries' discovery request? Explain.
- 1.12 3 pts After adequate discovery, the court fixed a trial date. Patrick has now decided to file a motion for summary judgment that Diamond Groceries is solely at fault for the injuries he sustained as a result of his slip and fall incident.
- a. When must Patrick file and serve the motion and all supporting documents? (1 pt)
- b. Patrick timely filed and served his motion for summary judgment. The court has set a hearing date on the motion. When must Diamond Groceries file and serve its opposition to Patrick's motion, including all documents in support of its opposition? (1 pt)
- c. When must the court render a judgment on Patrick's motion? (1 pt)

[End of Question 1]

TEST CONTINUES ON NEXT PAGE

**LOUISIANA STATE BAR EXAMINATION
LOUISIANA CODE OF CIVIL PROCEDURE
FEBRUARY 2023**

QUESTION 2 (40 POINTS)

Durable Digs, Inc. (“Durable”) makes prefabricated construction kits for sheds and other small structures that can be assembled and installed on immovable property. Durable is a Texas corporation licensed to do business in Louisiana. Durable designated Roberta to be its registered agent for service of process in Louisiana.

Pam heard about Durable and decided she wanted to build an outdoor office in her backyard. Pam met with Durable’s representative, Wayne, at Pam’s home in St. Bernard Parish. Wayne showed Pam three structures that could be wired for electricity and that he thought would work well as an office space in Pam’s backyard. Pam selected the structure she liked and asked Wayne if Durable could also handle the complete installation, including electrical wiring. Wayne confirmed that Durable could handle the complete installation, and Pam said she would like to proceed.

Durable delivered the construction kit for Pam’s office space a few weeks later. The Durable installation crew arrived the next day and constructed her office in a little over a week. Pam moved her office equipment and furniture into her outdoor office and started working there on a daily basis. Two months later, Pam began experiencing repeated electrical outages in the office. One day, the electricity shut off and would not come back on. When Pam contacted Durable about the problem, Durable sent Tommy to inspect the electricity in the structure. Tommy told Pam that he had identified and fixed the problem and left. Pam began working in the office again that afternoon, and the electricity appeared to be working fine. But a week later, Pam’s office structure caught fire. The fire department determined that the fire was an electrical fire.

Pam timely filed suit against Durable in St. Bernard Parish for breach of contract and negligence.

- 2.1 4 pts By when must Pam request service of citation on Durable, and how must service be attempted on Durable? Explain.**
- 2.2 2 pts Durable timely answered the lawsuit. Pam wants to take Durable’s deposition, but its representative is located in north Louisiana near Shreveport. Pam would like to take Durable’s deposition remotely so she does not have to travel. Under what circumstances, if any, may Pam take Durable’s deposition via remote electronic means? Explain.**
- 2.3 6 pts Pam took Durable’s deposition. Durable revealed during its deposition that Tommy is an employee of Titan Electrical LLC (“Titan”), which is a Louisiana limited liability company and one of Durable’s subcontractors. Pam wants to add Titan as a defendant. What steps must Pam take to properly add Titan as a defendant to the lawsuit? Explain.**

Titan is now a defendant in the lawsuit, and the court has fixed a trial date.

- 2.4 12 pts The court has issued an order requiring complete pretrial expert disclosures and issuance of written expert reports but did not provide a timeline for when the parties should make their respective expert disclosures and reports. Nor did the parties stipulate a timeline. Pam has retained an expert electrician to offer opinions regarding the potential causes of Pam’s office fire. Durable and Titan each retained an expert solely to contradict and rebut the opinions of Pam’s expert.**
- a. When must Pam disclose the identity of her retained expert and provide the expert report? (2 pts)**

TEST CONTINUES ON NEXT PAGE

- b. When must Durable and Titan disclose the identity of their rebuttal experts and provide rebuttal expert reports? (2 pts)
 - c. What are the form requirements for a testifying expert's report, and what information must be included in or with the report? Explain. (8 pts)
- 2.5 5 pts After adequate discovery, Titan filed a motion for summary judgment on the basis that all experts had opined that the fire was due to Durable's failure to use electrical wiring that was up to code for the type of structure it supplied, assembled, and installed for Pam.
 - a. What showing must Titan make to prevail on its motion? Explain. (2 pts)
 - b. What type of evidence may Titan submit to support its motion? (3 pts)
- 2.6 2 pts The judge denied Titan's motion for summary judgment, and the case proceeded to trial before a jury of six (6) persons. Absent a stipulation by the parties, how many jurors must concur to render a verdict?
- 2.7 3 pts At trial, Pam completed the presentation of her case. Titan still does not believe that Pam has shown a right to relief against it.
 - a. What should Titan do to have Pam's claims against it dismissed before it presents its defense? (1 pt)
 - b. If Titan is unsuccessful in its efforts to have Pam's claims against it dismissed, what effect does that have on Titan's being allowed to present to the jury evidence in support of its defense to Pam's claims? (2 pts)
- 2.8 6 pts The jury did not accept Durable or Titan's defenses and found them each 50% at fault for the fire. Following the jury's verdict, the judge signed and dated a judgment in favor of Pam and against Durable and Titan. Thereafter, the clerk mailed a notice of the judgment to all counsel.
 - a. How long and from what date does Titan have to file a motion for new trial or a motion for judgment notwithstanding the verdict? (2 pts)
 - b. Assume that Titan does not file a motion for new trial or a motion for a judgment notwithstanding the verdict. How many days and from what date does Titan have to file for a suspensive appeal? (2 pts)
 - c. Assume that Titan does not file a motion for new trial or a motion for a judgment notwithstanding the verdict. How many days and from what date does Titan have to file for a devolutive appeal? (2 pts)

[End of Question 2]

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**LOUISIANA STATE BAR EXAMINATION
LOUISIANA CODE OF CIVIL PROCEDURE
FEBRUARY 2023**

QUESTION 3 (20 POINTS)

Each of the following ten multiple choice items counts for 2 points. Select the letter that corresponds with the correct answer.

- 3.1 Pleadings; definition
- 3.2 Pleading fault of third parties in tort actions
- 3.3 Grounds for recusal of judge
- 3.4 Actions related to immovable property; partition
- 3.5 Venue; child support modification
- 3.6 Discovery of tangible things
- 3.7 Notice of action to affect third persons
- 3.8 Sanctions for failure to make discovery
- 3.9 Kinds of executions
- 3.10 Venue; successions

[End of Question 3]

END OF LOUISIANA CODE OF CIVIL PROCEDURE TEST