State of Louisiana

Executive Department
EXECUTIVE ORDER NUMBER JBE 2016-53

EMERGENCY SUSPENSION OF DEADLINES IN LEGAL, ADMINISTRATIVE AND REGULATORY PROCEEDINGS

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, the Governor declared a state of emergency in Proclamation No. 111 JBE 2016, which is currently in effect;

WHEREAS, as a direct consequence of the disaster, evacuation, flooding and power outages, there are extreme challenges to communication networks that have created an obstruction to citizens attempting to timely exercise their rights to effectively pursue or defend claims in legal, administrative and regulatory proceedings;

WHEREAS, Article I, Section 22 of the Louisiana Constitution provides that all courts shall be open, and every person shall have an adequate remedy by due process of law and justice, administered without denial, partiality, or unreasonable delay, for injury to him in his person, property, reputation, or other rights;

WHEREAS, the destruction and disruption of services and infrastructure to our system of justice caused by this emergency event will have a significant impact on the basic rights of citizens unless action is taken to suspend the effects of the tolling of legal delays during the period of this emergency;

WHEREAS, the Louisiana State Bar Association, the Louisiana Association of Defense Counsel, and the Louisiana Association of Justice jointly requested the Governor to suspend all deadlines applicable to legal proceedings, including prescription and preemption, in all Louisiana state courts, administrative agencies and boards; and

WHEREAS, Louisiana Revised Statute 29:724 confers upon the Governor emergency powers to deal with emergencies and disasters and to ensure that preparations of this state will be adequate to deal with such emergencies or disasters, and to preserve the lives and property of the citizens of the State of Louisiana, including the

authority to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency, if strict compliance with the provisions of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency.

NOW THEREFORE, I, JOHN BEL EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and the laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: Legal deadlines, including liberative prescription and peremptive periods applicable to legal proceedings in all courts, administrative agencies, and boards, are hereby suspended until at least Friday, September 9, 2016, including, but not limited to, any such deadlines set forth by law within the following:

A. Louisiana Civil Code;
B. Louisiana Code of Civil Procedure;
C. Title 9 of Louisiana Revised Statutes, Civil Code Ancillaries;
D. Title 13 of Louisiana Revised Statutes, Courts and Judicial Procedure;
E. Chapter 11 of Title 18 of Louisiana Revised Statutes, Election Campaign Financing;
F. Chapter 10 of Title 23 of Louisiana Revised Statutes, Worker's Compensation;
G. Chapter 5, Part XXI-A, of Title 40 of Louisiana Revised Statutes, Malpractice Liability for State Services;
H. Chapter 5, Part XXIII, of Title 40 of Louisiana Revised Statutes, Medical Malpractice; and
I. Title 49, Chapter 13, Administrative Procedure.

SECTION 2: This order is effective upon signature and shall apply retroactively from Friday, August 12, 2016, through Friday, September 9, unless amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law prior to such time.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 15th day of August, 2016.

GOVERNOR OF LOUISIANA

ATTEST BY
THE GOVERNOR

SECRETARY OF STATE