State of Louisiana

Executive Department
EXECUTIVE ORDER NUMBER JBE 2016-57

EMERGENCY SUSPENSION OF DEADLINES IN LEGAL, ADMINISTRATIVE AND REGULATORY PROCEEDINGS

AMENDING EXECUTIVE ORDER NUMBER JBE 2016-53

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, 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 Governor issued Executive Order Number JBE 2016-53 on August 15, 2016, suspending deadlines in legal, administrative and regulatory proceedings; and

WHEREAS, it is necessary to amend Executive Order Number JBE 2016-53.

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: Section 1 of Executive Order Number JBE 2016-53, issued on August 15, 2016, is hereby amended as follows:

A. Liberative prescription and peremptive periods continue to be suspended throughout the State until Friday, September 9, 2016.

B. Deadlines in legal proceedings in courts, administrative agencies and boards affected by the flooding event, defined as the following parishes: Acadia,

Ascension, Assumption, Avoyelles, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson Davis, Lafayette, Livingston, Pointe Coupee, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Tammany, Tangipahoa, Vermilion, Washington, West Baton Rouge and West Feliciana, continue to be suspended until Friday, September 9, 2016, including but not limited to, non-constitutionally mandated deadlines in criminal proceedings and any such deadlines as follows:

i. Louisiana Civil Code;
ii. Louisiana Code of Civil Procedure;
iii. Title 9 of Louisiana Revised Statutes, Civil Code Ancillaries;
iv. Title 13 of Louisiana Revised Statutes, Courts and Judicial Procedure;
v. Chapter 11 of Title 18 of Louisiana Revised Statutes, Election Campaign Financing;
vi. Chapter 10 of Title 23 of Louisiana Revised Statutes, Worker's Compensation;
vii. Chapter 5, Part XXI-A, of Title 40 of Louisiana Revised Statutes, Malpractice Liability for State Services;
viii. Chapter 5, Part XXIII, of Title 40 of Louisiana Revised Statutes, Medical Malpractice;
ix. Chapter 15 of Title 42 of Louisiana Revised Statutes;
x. Title 47 of Louisiana Revised Statutes, Revenue and Taxation; and
xi. Title 49, Chapter 13, Administrative Procedure.

C. Except for the suspension of prescription and peremption in Subsection A or in the parishes listed in subsection B of this Section, the suspension of all other deadlines in legal proceedings provided for in Executive Order Number JBE 2016-53 in all courts, administrative agencies, and boards shall end Friday, August 19, 2016. In the interim period, courts, administrative agencies and boards shall make reasonable attempts to contact parties with pending matters to determine appropriate action for rescheduling. If a party to a pending matter can show that there is an inability to meet the deadlines caused by the events occurring in the parishes identified in Subsection B, then the court, administrative agency or board shall suspend deadlines specific to that matter until Friday, September 9, 2016.

D. Courts, administrative agencies and boards within the areas listed in Subsection B of this Section shall use due diligence in communicating with attorneys, parties to proceedings with pending deadlines, and the public how the court, agency or board will implement and interpret the provisions of this Order.

E. Paragraph B of this Section shall not be interpreted so as to prohibit an owner of immovable property from reclaiming leased property if abandoned as provided by law, or entering leased property to make necessary repairs as provided by law.

SECTION 2: This order is effective upon signature and shall be effective upon signature until Friday, September 9, 2016, 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 17th day of August, 2016.

GOVERNOR OF LOUISIANA

ATTEST BY
THE GOVERNOR

SECRETARY OF STATE