

# State of Louisiana



## EXECUTIVE DEPARTMENT

EXECUTIVE ORDER NO. KBB 2005 - 32

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### *EMERGENCY SUSPENSION OF PRESCRIPTION, PEREMPTION AND OTHER LEGAL DEADLINES*

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- WHEREAS,** the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the governor of the state of Louisiana emergency powers to deal with emergencies and disasters, including those caused by fire, flood, earthquake or other nature or man-made causes;
- WHEREAS,** Hurricane Katrina struck the state of Louisiana causing severe flooding and damage to the southeastern part of the state, which has threatened the safety and security of the citizens in the affected areas, along with the private property and public facilities;
- WHEREAS,** pursuant to Proclamation No. 48 KBB 2005, a state of emergency was declared for the entire state and is currently in effect;
- WHEREAS,** as a direct consequence of the disaster and evacuation, attorneys throughout the state have clients whom they cannot contact due to the client's evacuation outside of their home parishes and in many cases, outside the state of Louisiana;
- WHEREAS,** similarly, there are clients who can not contact their counsel due to counsel's evacuation as well as the extreme challenges to communication networks resulting from the hurricane and subsequent flooding;
- WHEREAS,** in addition, attorneys from areas affected by Hurricane Katrina have clients and cases in parishes not directly affected by this extreme disaster, but because the attorney's office is either destroyed or not accessible, the attorney is not reasonably able to timely file claims or responses on behalf of their clients;
- WHEREAS,** La. Constitution Art. I, Section 22 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,** Hurricane Katrina has also rendered several of the court houses temporarily inoperable and/or not fit for occupancy;
- WHEREAS,** the destruction and disruption of services and infrastructure to our system of justice caused by Hurricane Katrina will have a profound impact on the basic rights to an untold number of persons unless action is taken to suspend the effects of the tolling of legal delays during the period of this emergency; and
- WHEREAS,** the Louisiana State Bar Association, the Louisiana Trial Lawyers Association, and the Louisiana Association of Defense Counsel jointly requested the governor to suspend all deadlines applicable to legal proceedings, including prescription and peremption, in all Louisiana state courts, administrative agencies and boards;

**NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO**, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

**SECTION 1:** All deadlines in legal proceedings, including liberative prescriptive and peremptive periods in all courts, administrative agencies, and boards are hereby suspended until at least September 25, 2005, including, but not limited to, any such deadlines set for in the following:

- A. Louisiana Civil Code;
- B. Louisiana Code of Civil Procedure;
- C. La. R.S. Title 9, Civil Code Ancillaries;
- D. La. R.S. Title 13, Courts and Judicial Procedure;
- E. La. R.S. Title 23, Chapter 10, Worker's Compensation;
- F. La. R.S. Title 40, Chapter 5 Part XXI-A, Malpractice Liability for State Services; and
- G. La. R.S. Title 40, Chapter 5, Part XXIII, Medical Malpractice.

**SECTION 2:** This Order is effective upon signature and shall apply retroactively from Monday, August 29, 2005, through Sunday, September 25, 2005, 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, at the Capitol, in the city of Baton Rouge, on this 6th day of September, 2005.

**/S/ Kathleen Babineaux Blanco**  
**GOVERNOR OF LOUISIANA**

**ATTEST BY**  
**THE GOVERNOR**

**/S/ Al Ater**  
**SECRETARY OF STATE**