Anti-SLAPP Law

Louisiana has a strong anti-SLAPP law. To challenge a SLAPP suit in Louisiana, a defendant must show that the case arose from an act "in furtherance of" the right of petition or free speech under the U.S. or Louisiana constitutions "in connection with a public issue." La. Code Civ. Proc. Ann. art. 971(A)(1) (2018). Under the statute, the rights of free speech or petition in connection with a public issue include four categories of activities: statements made before a legislative, executive, or judicial proceeding; statements made in connection with an issue under consideration by a governmental body; statements made in a place open to the public or a public forum in connection with an issue of public interest; and any other conduct in furtherance of the exercise of free speech or petition rights in connection with a public issue. Art. 971(F)(1)(a)–(d).

The Louisiana anti-SLAPP law allows a defendant to file a motion to strike the complaint, which the court will hear within 30 days unless the docket is overbooked. Art. 971(C)(3).

Discovery activities are placed on hold from the time the motion is filed until the court has ruled on it, although the judge may permit discovery if the requesting party provides notice of its request to the other side and can show good cause for it. Art. 971(D).

In ruling on the motion to strike, a Louisiana court will first determine whether the lawsuit arose from protected activity. *Darden v. Smith*, 879 So. 2d 390 (La. Ct. App. 2004). If that is the case, the judge will grant the motion, unless the plaintiff can introduce evidence establishing a probability of prevailing on the claim. La. Code Civ. Proc. Ann. art. 971(A)(1). In making this determination, the court will consider the plaintiff's complaint, the SLAPP defendant's motion to strike, and any sworn statements containing facts on which the assertions in those documents are based. Art. 971(A)(2).

If the court grants the motion to strike, the defendant is entitled to recover attorney's fees and costs from the plaintiff. Art. 971(B).