



# SOUTHEAST LOUISIANA LEGAL SERVICES

Free Legal Aid for Low-Income People

Baton Rouge, Covington, Hammond, Harvey, Houma, New Orleans

1340 Poydras St. Suite 600 • New Orleans, Louisiana 70112 • Telephone: (504) 529-1000 • Fax: (504) 596-2241  
www.slls.org • www.louisianalawhelp.org • http://tinyurl.com/sllsfacebook

\_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Re: Your Security Deposit Issue

Dear \_\_\_\_\_,

Thank you for contacting our office regarding your security deposit issue from your former residence. Due to our limited resources, we are unfortunately only able to provide you with general information. Please understand that **SLLS does not represent you in this matter.**

If you want to take legal action to recover your security deposit, there are several steps you should take:

**STEP 1. Mail a demand letter to your landlord. A SAMPLE is attached. You should neatly re-write or type the sample letter with your information.**

### Why do I have to mail a demand letter?

In Louisiana, the law requires that in order for a tenant to recover their security deposit from a previous landlord, the tenant must first send a written demand letter.

### Instructions

- Replace the information in brackets on the sample demand letter with your information. You can handwrite or type the letter.
- We recommend that you send the demand letter to your previous landlord by BOTH certified and regular mail, return receipt requested. The Post Office can help you complete these forms.

### **Important**

- Be sure you send the letter to the actual landlord of the property and not simply to the person collecting rent. There are several ways to determine who the landlord is and figure out where to mail the demand letter:
  - Check your lease, or
  - If you live in **Orleans Parish**, visit [www.nola.gov](http://www.nola.gov) or the tax assessor's website at <https://qpublic.net/la/orleans/>

### **STEP 2. Wait at least thirty days for a written response.**

#### **Why do I have to wait for a written response?**

In Louisiana, a landlord has thirty days from receiving your written demand to respond to you in writing.

### **STEP 3. If your landlord does not respond or you disagree with their response, then you may file a lawsuit against the landlord.**

### **Instructions**

You can file the lawsuit in the Small Claims Court of the parish in which the unit you lived in is located.

- **Orleans Parish –**
  - If you lived on the Orleans Parish, we have enclosed the forms you need to file your lawsuit. We have also included instructions on how to proceed if you cannot afford filing fees below. For more information about Small Claims Court in Orleans Parish, call
    - First City Court (East Bank): (504) 407 – 0404
    - Second City Court (West Bank): (504) 407 – 0435
- **All other Parishes –**
  - If you lived in another parish, you will have to contact the court for that parish directly to determine how to proceed. Below are phone numbers for the clerks of court in the greater New Orleans-area parishes.
    - Jefferson Parish:
      - 1<sup>st</sup> Parish (East Bank): (504) 736 – 8391
      - 2<sup>nd</sup> Parish (West Bank): (504) 364 – 2932
    - St. Charles Parish: (985) 783 – 6632
    - St. Bernard Parish (504) 271 – 3434
    - Plaquemines Parish: (504) 934 – 6610

**Important**

If you cannot afford the court fees, you can file a form in forma pauperis (IFP). When you file the lawsuit in court, you file an IFP affidavit along with it. If the judge approves this form, then court fees are **initially** waived. This means you pay nothing up front. However, **if you lose your case, the court may try to recover these fees from you**. An IFP affidavit for Orleans Parish (First and Second City Court) is included with this letter.

We hope this information is helpful to you and we wish you the very best in your future endeavors. You may also want to visit our website [www.lawhelp.org/la](http://www.lawhelp.org/la) for more information.

Enclosures:

1. Sample Demand Letter
2. Applicable Louisiana Statutes
3. Orleans Parish First City Court Small Claims Division Rules
4. IFP affidavit for Orleans Parish (First and Second City Court)

**SAMPLE DEMAND LETTER**

**[DATE]**

From:

[Your name]

[Your current mailing address]

To:

[Landlord name]

[Landlord's mailing address]

*By Certified and First Class Mail* [Recommended]

**Re: Security Deposit for [Address]**

To Whom It May Concern,

This is a formal, written demand for the return of my full security deposit in the amount of [dollar amount of security deposit] pursuant to La. Rev. Stat. § 9:3251 and 9:3252.

La Rev. Stat. § 9:3251 provides:

Any advance or deposit of money furnished by a tenant or lessee to a landlord or lessor to secure the performance of any part of a written or oral lease or rental agreement shall be returned to the tenant or lessee of residential or dwelling premises within one month after the lease shall terminate, except that the landlord or lessor may retain all or any portion of the advance or deposit which is reasonably necessary to remedy a default of the tenant or to remedy unreasonable wear to the premises.

It further provides that:

If any portion of an advance or deposit is retained by a landlord or lessor, he shall forward to the tenant or lessee, within one month after the date the tenancy terminates, an itemized statement accounting for the proceeds which are retained and giving the reasons therefor. The tenant shall furnish the lessor a forwarding address at the termination of the lease, to which such statements can be sent.

Please return my full deposit to my forwarding address:

[Insert Forwarding Address]

If I do not receive my deposit within thirty days of your receipt of this letter, I may file suit in small claims court for my deposit plus a penalty of two times the amount wrongfully withheld under La. R.S. §§ 9:3251 and 9:3252. That means the total amount I will be asking for from the court is [Your deposit x 3]. If I am forced to hire an attorney to assist me in getting my deposit back, I will also ask for attorney's fees plus costs.

Thank you for your prompt attention to this matter.

Sincerely,

[Your Signature]

---

[Your Printed Name]

## APPLICABLE STATUTES

These are the Louisiana laws, formally known as statutes, which will form the basis of the lawsuit you may wish to bring against your landlord for the return of your security deposit.

### **La. R.S. 9:3251. Lessee's deposit to secure lease; retention by lessor; conveyance of leased premises; itemized statement by lessor**

A. Any advance or deposit of money furnished by a tenant or lessee to a landlord or lessor to secure the performance of any part of a written or oral lease or rental agreement shall be returned to the tenant or lessee of residential or dwelling premises within one month after the lease shall terminate, except that the landlord or lessor may retain all or any portion of the advance or deposit which is reasonably necessary to remedy a default of the tenant or to remedy unreasonable wear to the premises. If any portion of an advance or deposit is retained by a landlord or lessor, he shall forward to the tenant or lessee, within one month after the date the tenancy terminates, an itemized statement accounting for the proceeds which are retained and giving the reasons therefor. The tenant shall furnish the lessor a forwarding address at the termination of the lease, to which such statements may be sent.

B. In the event of a transfer of the lessor's interest in the leased premises during the term of a lease, the transferor shall also transfer to his successor in interest the sum deposited as security for performance of the lease and the transferor shall then be relieved of further liability with respect to the security deposit. The transferee shall be responsible for the return of the lessee's deposit at the termination of the lease, as set forth in Subsection A of this Section.

C. Paragraph A of this Section shall not apply when the tenant abandons the premises, either without giving notice as required or prior to the termination of the lease.

### **La. R.S. 9:3252. Failure of lessor to comply; recovery of amounts by lessee; venue**

A. The willful failure to comply with R.S. 9:3251 shall give the tenant or lessee the right to recover any portion of the security deposit wrongfully retained and three hundred dollars or twice the amount of the portion of the security deposit wrongfully retained, whichever is greater, from the landlord or lessor, or from the lessor's successor in interest. Failure to remit within thirty days after written demand for a refund shall constitute willful failure.

B. An action for recovery of such damages may be brought in the parish of the lessor's domicile or in the parish where the property is situated.

### **La. R.S. 9:3253. Costs and attorney's fees**

In an action brought under R.S. 9:3252, the court may in its discretion award costs and attorney's fees to the prevailing party.

AUSTIN BADON  
Clerk of Court, First City Court



**SMALL CLAIMS DIVISION**  
First City Court of the City of New Orleans  
421 Loyola Avenue, Room 201  
New Orleans, Louisiana 70112  
504.407.0404

**READ THESE INSTRUCTIONS BEFORE FILING A SMALL CLAIMS SUIT**

1. The most you can sue for is \$5,000.00. The filing fee for a Small Claims petition is \$115.00 per defendant – payable with cash or credit card only. An additional \$20.00 service fee must be paid to the Constable for service in Orleans Parish. If service must be made outside of Orleans Parish, it will cost more (*contact the Constable's Office at 504.523.3258 for more information*).
2. You must have the full name and address of the person you sue (the Defendant). You are responsible for keeping up with the Defendant's current address.
3. If the Defendant is not domiciled in Orleans Parish, you should seek legal advice on whether Orleans Parish is the proper venue for your suit. You may need to file your suit in another parish. **Our office does not issue refunds, so you should be sure Orleans Parish is the proper venue before you pay your filing fees.**
4. When you are issued a date for trial, it may be five (5) months or more after your suit was filed. You should be prepared to appear in court on the date and time your matter is set in order for your case to proceed, even if your matter is reset more than once.
5. It is your responsibility to keep up with the status of your case. You can call this office at 504.407.0404 between the hours of 9:00 a.m. – 4:00 p.m. and request an update on the status of your case.
6. If your suit is against a business or corporation, you must have the name and address of the registered agent or owner. This information can be obtained by visiting the Louisiana Secretary of State's website at: [www.sos.la.gov](http://www.sos.la.gov), or by calling: 1.225.925.4704.

Examples of a correctly captioned case where a business or corporation is a named defendant are: ABC Company, Inc., through John Smith, Registered Agent or Joseph John d/b/a John's Auto Repair.

7. In Small Claims cases, you may represent yourself. However, any party may hire an attorney. Please note: **the Small Claims Clerk is not an attorney and may not offer legal advice.** We can only offer procedural information on how to properly file a claim.
8. Small Claims suits may be transferred to the general docket of First City Court using a Motion to Transfer – the cost is \$336.00
9. By law, a plaintiff can file up to six (6) Small Claims suits per calendar year.
10. **If you request, and are subsequently approved, to file a suit *In Forma Pauperis* ("IFP"), this does not mean you can file your suit "for free". Your court costs and filing fees will be DEFERRED until the end of the litigation. If you prevail in your suit, you may be ordered to fulfill this obligation and the costs can be deducted from your award.**

**STATEMENT OF CLAIM AND CITATION**

**SAMPLE FORM**

SMALL CLAIMS DIVISION  
FIRST CITY COURT  
STATE OF LOUISIANA

NUMBER: \_\_\_\_\_

421 LOYOLA AVE.

SECTION: \_\_\_\_\_

ROOM 201

NEW ORLEANS, LA 70112

TEL. (504) 407-0404

MUST BE TYPED OR PRINTED

PLAINTIFF:

[Your Name]  
Full Name of Suing Party

[Your Address]  
Street Address of Plaintiff

City, State and Zip Code

Phone

DEFENDANT:

[Landlord's Name]  
Full Name of Party Being Sued

[Landlord's phone number]

[Landlord's Address]  
Street Address of Defendant

City

State

Zip Code

\*\*\*\*\*

PLAINTIFF CLAIMS THE FOLLOWING FROM THE DEFENDANT: Short statement of Plaintiff's claim and reasons. If money claim, state year indebtedness arose and describe any promissory note.

Amount sued for \$[Amount of deposit] plus interest and court costs.

I rented a unit at [address of unit] from the defendant from [enter dates you lived in the unit]. I paid \$[Amount of deposit] to the defendant as a security deposit for the above identified unit.

I moved out of the unit on [enter date of move-out]. I left the unit clean and in good condition, minus normal wear and tear.

I have, in good faith, attempted to recover my security deposit from the defendant, but the defendant has refused. I am suing for [Amount of deposit] and the penalty of \$300.00 or 2x the amount wrongfully retained, whichever is greater. I am also suing for court costs.

---SERVICE---

I CERTIFY THAT THE ABOVE AND ATTACHED INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. IT IS REQUESTED THAT SERVICE BE MADE OF THIS PLEADING IN ACCORDANCE WITH THE LOUISIANA CODE OF CIVIL PROCEDURE.

**SAMPLE FORM**  
**FILED**

[Your Signature]  
(Signature of Plaintiff)

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DEPUTY CLERK

**NOTICE:**  
**YOU HAVE BEEN SUED.**

This citation is a certified copy of a petition. The petition tells you what you are being sued for.

You must EITHER do what the petition asks, OR, within ten (10) days after you have received these documents, you must file an answer or other pleadings in the office of the Clerk of First City Court, 421 Loyola Ave., Room 201, New Orleans, Louisiana 70112.

If you do not do what the petition asks, or if you do not file an answer or legal pleading within ten (10) days, a judgment may be entered against you without further notice.

PROPER ATTIRE REQUIRED  
NO SHORTS • NO SCARVES  
NO HATS • NO TANK TOPS  
NO BEACH SANDALS

ORIGINAL (White), DEFENDANT'S COPY (Yellow), PLAINTIFF'S COPY (Green), SERVICE RETURN (Pink)



CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

FIRST CITY COURT FOR THE PARISH OF ORLEANS

SECOND CITY COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

CASE NO.: \_\_\_\_\_ SECTION \_\_\_\_\_ DIVISION \_\_\_\_\_

\_\_\_\_\_
versus
\_\_\_\_\_

Date this form is completed: \_\_\_\_\_

FORMA PAUPERIS APPLICATION

NOTICE

The granting of this application only suspends payment of fees and costs as they become due. All costs and fees are due immediately upon the conclusion of the case. Failure to pay fees and costs may result in collection proceedings. If more than one person is seeking pauper status, each person must complete a separate Forma Pauperis Application.

ALL QUESTIONS MUST BE ANSWERED IN FULL.

NOTE: Question 2 should not be completed if you are seeking protection from abuse.

I request a court order so that I do not have to pay court costs and fees in advance or as they accrue.

PART I:

- 1. My name is: \_\_\_\_\_
First Middle Last
2. My address and telephone number is:
Street Address: \_\_\_\_\_ Apt. No. \_\_\_\_\_
Mailing Address: \_\_\_\_\_
City, State, Zip Code: \_\_\_\_\_
Telephone number: \_\_\_\_\_
3. My date of birth is: \_\_\_\_\_
4. My marital status is: (check one) [ ] married [ ] single [ ] widowed
[ ] separated [ ] divorced [ ] living with another who shares expenses
5. My occupation, employer and employer's address is (if more than one, list all):
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

PART II:

- 6. [ ] I am not able to pay any of the court costs or fees in advance or as they become due.
7. I am receiving financial assistance under one or more of the following programs:
(a) [ ] SSI or SSP (Supplemental Security Income or State Supplemental Payments Program)
(b) [ ] AFDC or TANF (Aid to Families with Dependent Children Program or Temporary Aid to Needy Families)
(c) [ ] Food Stamps (The Food Stamp Program)
(d) [ ] City or Parish Relief, General Relief or General Assistance
8. (a) If you checked a box in item No. 7, you must attach documents verifying receipt of the benefit(s) checked.
(b) If you checked a box in item No. 7, sign on the line below; only complete the two affidavits on pages 3 and 4; and, sign at the bottom of page 4.

\_\_\_\_\_  
MOVER'S SIGNATURE

PART III:

**FINANCIAL INFORMATION**

9.  My pay changes considerably from month to month. (If you checked this box, each number reported in item No. 10 should be your monthly average for the past 12 months).

10. My monthly income:

- (a) MY GROSS MONTHLY PAY IS: \$ \_\_\_\_\_
- (b) My payroll deductions are: (list each deduction and amount)
  - (1) \_\_\_\_\_ \$ \_\_\_\_\_
  - (2) \_\_\_\_\_ \$ \_\_\_\_\_
  - (3) \_\_\_\_\_ \$ \_\_\_\_\_
  - (4) \_\_\_\_\_ \$ \_\_\_\_\_
- (c) MY MONTHLY TAKE-HOME PAY IS:
  - (a) minus (b): \$ \_\_\_\_\_
- (d) Other money I receive each month (Examples: workers' compensation, interest, dividends, rent, spousal support, child support, Social Security, and retirement):
  - (1) \_\_\_\_\_ \$ \_\_\_\_\_
  - (2) \_\_\_\_\_ \$ \_\_\_\_\_
- (e) MY TOTAL MONTHLY INCOME IS: (c) plus (d): \$ \_\_\_\_\_
- (f) The number of dependents, including myself, supported by this money is: \_\_\_\_\_
- (g) My spouse's occupation and employer is: \_\_\_\_\_
- (h) MY SPOUSE'S GROSS MONTHLY INCOME IS: \$ \_\_\_\_\_

MY TOTAL PAYROLL DEDUCTION AMOUNT IS: \$ \_\_\_\_\_

**NOTICE:** If you answered item No. 9 and/or No. 10, attach a copy of your most recent paycheck or paystub, and, if applicable, that of your spouse.

11.  I am represented in this case by a volunteer attorney (Examples: SLLS, Legal Aid, Pro Bono Project, Law School Clinic).

12.  MY MONTHLY EXPENSES ARE:

- (a) Rent or house payments & maintenance \$ \_\_\_\_\_
  - (b) Food & Household supplies \$ \_\_\_\_\_
  - (c) Utilities & telephone: \$ \_\_\_\_\_
  - (d) Clothing: \$ \_\_\_\_\_
  - (e) Laundry: \$ \_\_\_\_\_
  - (f) Medical expenses: \$ \_\_\_\_\_
  - (g) Insurance (life, health, accident, etc.): \$ \_\_\_\_\_
  - (h) School & child care: \$ \_\_\_\_\_
  - (i) Child & Spousal support: \$ \_\_\_\_\_
  - (j) Transportation and/or auto expenses (Insurance, gas, repair): \$ \_\_\_\_\_
  - (k) Installment payments (state purpose & amount):
    - (1) \_\_\_\_\_ \$ \_\_\_\_\_
    - (2) \_\_\_\_\_ \$ \_\_\_\_\_
    - (3) \_\_\_\_\_ \$ \_\_\_\_\_
  - (l) Amounts deducted due to garnishments, wage assignments and earnings withholding orders: \$ \_\_\_\_\_
  - (m) Other expenses (specify):
    - (1) \_\_\_\_\_ \$ \_\_\_\_\_
    - (2) \_\_\_\_\_ \$ \_\_\_\_\_
    - (3) \_\_\_\_\_ \$ \_\_\_\_\_
    - (4) \_\_\_\_\_ \$ \_\_\_\_\_
    - (5) \_\_\_\_\_ \$ \_\_\_\_\_
    - (6) \_\_\_\_\_ \$ \_\_\_\_\_
  - (n) MY TOTAL MONTHLY EXPENSES ARE : [add (a) through (m)] \$ \_\_\_\_\_
- The TOTAL amount of other monthly expenses is \$ \_\_\_\_\_
- The TOTAL amount of other monthly Installment payments is: \$ \_\_\_\_\_

\_\_\_\_\_  
MOVER'S SIGNATURE

13. I own or have an interest in the following property:

(a) Cash: \$ \_\_\_\_\_

(d) Real estate (list address, estimated fair market value and equity of each property):

(b) Checking or savings accounts at any financial institution:

(1) \_\_\_\_\_ \$ \_\_\_\_\_  
(2) \_\_\_\_\_ \$ \_\_\_\_\_  
(3) \_\_\_\_\_ \$ \_\_\_\_\_

(1) \_\_\_\_\_ \$ \_\_\_\_\_  
(2) \_\_\_\_\_ \$ \_\_\_\_\_  
(3) \_\_\_\_\_ \$ \_\_\_\_\_

(c) Cars, other vehicles and boat (list make and year of each) and estimated value:

(1) \_\_\_\_\_ \$ \_\_\_\_\_  
(2) \_\_\_\_\_ \$ \_\_\_\_\_  
(3) \_\_\_\_\_ \$ \_\_\_\_\_

(e) Other property such as jewelry, furniture, furs, art, stocks, bonds, certificates of deposit, coin or stamp collections, U.S. Savings Bonds, annuities, IRAs, etc.:  
\$ \_\_\_\_\_

14.  I have an interest in an estate or succession which may be or is opened and/or an interest in other civil litigation. (State the name of the case, court where case is filed, and case number of all such matters):  
\_\_\_\_\_  
\_\_\_\_\_

15.  Other facts which support this application (describe unusual medicals, needs, expenses for recent family emergencies or other unusual expenses to help the Court understand your budget. If more space is needed, attach a separate page labeled Attachment 15):  
\_\_\_\_\_  
\_\_\_\_\_

**NOTICE:** You must immediately tell the Court if you become able to pay court costs or fees in advance or as they become due during this action. You may be ordered to appear in court and answer questions about your ability to pay court costs and fees.

\_\_\_\_\_  
MOVER'S SIGNATURE

**STATEMENT OF ATTORNEY**

I, the undersigned attorney, duly admitted to practice in the State of Louisiana, do hereby declare and affirm that I have carefully reviewed the above and foregoing statement of my client and approve the client having submitted same.

\_\_\_\_\_  
ATTORNEY'S SIGNATURE

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
BAR NUMBER: \_\_\_\_\_

\_\_\_\_\_  
TEL. NO.: \_\_\_\_\_

**AFFIDAVIT OF MOVER**

STATE OF LOUISIANA

PARISH OF \_\_\_\_\_

BEFORE ME, the undersigned authority, personally came and appeared, \_\_\_\_\_

\_\_\_\_\_, who, after being duly sworn, deposed and said that (he) (she) is the person who furnished the information contained in the above application; that (he) (she) has signed same; that the information contained herein is true and correct; that this information is being furnished to the Orleans Parish Civil District Court, First City Court and/or Second City Court for the purpose of obtaining an order to proceed in the above captioned lawsuit pursuant to La. C.C.P. Arts. 5181 et seq., and mover is prepared to appear in Court to give any information which may be desired in addition to the above. Mover further understands that the answers herein are continuous and if Mover ever acquires any assets described herein Mover will make that fact known prior to trial of this matter. Mover agrees to be further interrogated at any stage of these proceedings to inquire into Mover's financial condition. Mover knows it is a crime to intentionally swear to a known false answer.

SWORN TO AND SUBSCRIBED BEFORE ME,

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,

\_\_\_\_\_  
MOVER'S SIGNATURE

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
PRINT NAME:

\_\_\_\_\_  
NOTARY/BAR NO.:

(Mover or mover's lawyer must also read the Procedures section on page 4 and sign at the end of that section)

**AFFIDAVIT OF PERSON SUPPORTING MOVER'S PAUPER STATUS**

The "supporting affidavit" required to be submitted herein must be that of a "peculiarly disinterested" person. This precludes the participation of the attorney, and ordinarily precludes any member of the attorney's staff, or the spouse or minor child of the indigent declarant. An appropriate reprimand for improper use of this procedure may result in monetary sanctions.

STATE OF LOUISIANA

PARISH OF \_\_\_\_\_

BEFORE ME, the undersigned authority, personally came and appeared, \_\_\_\_\_  
Who, being duly sworn, deposed and said: That (he) (she) knows \_\_\_\_\_  
who is the mover in the above captioned matter, and knows (his) (her) financial condition because:

\_\_\_\_\_  
(Basis of knowledge stated in detail)

SWORN TO AND SUBSCRIBED BEFORE ME,

I HAVE READ THE ABOVE AFFIDAVIT

this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
AFFIANT'S SIGNATURE

NOTARY PUBLIC

PRINT NAME: \_\_\_\_\_

NOTARY/BAR NO.: \_\_\_\_\_

**ORDER**

The foregoing motion, supporting affidavits and sworn facts considered, let Mover, \_\_\_\_\_  
\_\_\_\_\_ be permitted to file all pleadings, appeal in, and prosecute or defend in this action without prior payment of costs or as they accrue, and without giving bond for costs, as provided by the laws of the State of Louisiana and particularly Louisiana Code of Civil Procedure Article 5181 et seq., as amended, pending further orders of this court.

New Orleans, Louisiana this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
JUDGE

**PROCEDURES IN FORMA PAUPERIS**

- Section 1.** Before any judicial proceedings are permitted to be prosecuted or defended pursuant to Louisiana Code of Civil Procedure, Articles 5181, et seq. (Waiver of Costs for Indigent Party), the applicant and the affiant attesting to the applicant's inability to pay the costs of court, may be required to appear before the Judge assigned the case so that the Court may properly comply with C.C.P. art. 5183(2) by inquiring into the facts and satisfying itself that the applicant is entitled to the privilege.
- Section 2.** Should counsel for any litigant who has been permitted to prosecute or defend in forma pauperis desire to take action in the cause which would increase the expense over and above those normally attendant to trial and appeal, such as, but not limited to, the taking of depositions to be used in lieu of a witness's testimony or otherwise, counsel shall first present to the judge presiding over the Division/Section to which the case was allotted, a motion which shall be tried contradictorily with the adverse party(ies) to the end that the actual necessity for same may be determined. The purpose of this section is to minimize the cost to the public or to the party who may ultimately be cast for costs, but without, in any way, prejudicing such litigant's cause or rights accorded the litigant by Louisiana Code of Civil Procedure, Article 5181, et seq. If the purpose of the motion is to secure court reporting services outside the courtroom, the Court, in its discretion, may furnish same.
- Section 3.** In the event a judicial proceeding is filed and sought to be prosecuted in forma pauperis and the Court refuses to permit the applicant to so proceed, the Court shall order that the applicant be allowed fifteen (15) days within which to advance the necessary costs and in default of same may dismiss, without prejudice, the proceeding. In the further event that an applicant does not, within fifteen (15) days from date of denial, seek a hearing thereof, the proceeding may be dismissed without prejudice upon ex parte motion of any party at interest.
- Section 4.** Any part or all of these procedures may be waived by the Court when the applicant is in the custody of the Department of Corrections or is otherwise incarcerated. Such other or additional requirements for proceeding in forma pauperis may be imposed as are deemed appropriate and in accordance with the law.
- Section 5.** This form shall be used in all pauper proceedings filed after January 1, 2015.

I certify that I have read the foregoing procedures, Section 1 through 5.

\_\_\_\_\_  
SIGNATURE OF MOVER OR MOVER'S LAWYER