

HOUSE BILL No. 5596

February 7, 2002, Introduced by Reps. Drolet, Woodward, Anderson, Gielegem, Gosselin, Bradstreet, Kolb, Jacobs, Quarles, Rison and Raczkowski and referred to the Committee on Civil Law and the Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9948) by adding section 2975.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 2975. (1) THE COURT SHALL AWARD ALL OF THE FOLLOWING
2 TO A DEFENDANT WHO HAS HAD AN ACTION DISMISSED UNDER SECTION
3 2974:

4 (A) COSTS INCURRED TO BRING MOTION UNDER SECTION 2974,
5 INCLUDING REASONABLE ATTORNEY AND EXPERT WITNESS FEES.

6 (B) ADDITIONAL SANCTIONS AGAINST THE PLAINTIFF AND HIS OR
7 HER ATTORNEY OR LAW FIRM AS THE COURT DETERMINES ARE SUFFICIENT
8 TO DETER THE PLAINTIFF AND HIS OR HER ATTORNEY OR LAW FIRM FROM
9 FILING AN ACTION FOR DAMAGES ALLEGEDLY RESULTING FROM A
10 COMMUNICATION DESCRIBED IN SECTION 2973.

1 (2) A DEFENDANT WHO HAS HAD AN ACTION DISMISSED UNDER THIS
2 SECTION MAY MAINTAIN AN ACTION, CLAIM, CROSS-CLAIM, OR
3 COUNTER-CLAIM TO RECOVER ANY OF THE FOLLOWING FROM A PERSON WHO
4 COMMENCED THE ACTION:

5 (A) ACTUAL AND COMPENSATORY DAMAGES.

6 (B) COSTS AND ATTORNEY FEES.

7 (C) EXEMPLARY DAMAGES.

8 Enacting section 1. This amendatory act does not take
9 effect unless all of the following bills of the 91st Legislature
10 are enacted into law:

11 (a) Senate Bill No. or House Bill No. 5597 (request
12 no. 03277'01 *).

13 (b) Senate Bill No. or House Bill No. 5593 (request
14 no. 03278'01 *).

15 (c) Senate Bill No. or House Bill No. 5594 (request
16 no. 03279'01 *).