## 2009 DRAFTING REQUEST

## Senate Amendment (SA-SSA1-SB20)

FE Sent For:

Received: 04/27/2009					Received By: gmalaise			
Wanted: 04/28/2009					Identical to LRB:			
For: Glenn Grothman (608) 266-7513					By/Representing: Himself			
This file may be shown to any legislator: NO					Drafter: gmalaise			
May Contact:					Addl. Drafters:			
Subject:	Discrim	ination			Extra Copies:			
Submit	via email: YES							
Request	er's email:	Sen.Groth	man@legis	.wisconsin.go	v			
Carbon	copy (CC:) to:							
Pre To	pic:							
No spec	rific pre topic gi	ven						
Topic:	en e						<u></u>	
Employ	ment discrimina	ation damages a	actions; friv	olous claims;	costs and attorney	fees		
Instruc	tions:							
Permit o	defendant to rec	over costs and	attorney fee	s incurrec in o	lefending against	frivolous claim		
Draftin	g History:			<del></del>	AA-1777ABA 98-AA 1911-1914AB AA 94-AA 444-AA 44			
Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	<u>Jacketed</u>	Required	
/?	gmalaise 04/27/2009	jdyer 04/28/2009						
/1			phenry 04/28/20	09	mbarman 04/28/2009	mbarman 04/28/2009		

<END>

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Drafter: gmalaise

May Contact:

Addl. Drafters:

Subject:

Discrimination

Extra Copies:

Submit via email: YES

Requester's email:

Sen.Grothman@legis.wisconsin.gov

Carbon copy (CC:) to:

**Pre Topic:** 

No specific pre topic given

Topic:

Employment discrimination damages actions; frivolous claims; costs and attorney fees

Instructions:

Permit defendant to recover costs and attorney fees incurred in defending against frivolous claim

**Drafting History:** 

Vers.

FE Sent For:

Drafted

Revn. 14 28 jul 1/28

Proofed

Submitted

Jacketed

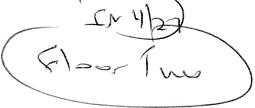
Required

/?



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## State of Misconsin 2009 - 2010 LEGISLATURE





### SENATE AMENDMENT,

# TO SENATE SUBSTITUTE AMENDMENT 1, TO 2009 SENATE BILL 20

T	At the locations indicated, amend the substitute amendment as follows:
2	1. Page 7, line 3: after that line insert:
3	"(2m) (a) In any action under sub. (1) (a), the court may, in its discretion, award
4	to a party the costs and attorney fees incurred in asserting any claim or defense on
5	which that party prevailed.
6	(b) 1. In any action under sub. (1) (a), if the court finds at any time during the
7	action that a party has asserted or continued a frivolous claim or defense, the court
8	may, in its discretion, award to the party prevailing against that claim or defense the
9	costs and attorney fees incurred in prevailing against that claim or defense.
10	2. The court may assess the costs and fees awarded under subd. 1. fully against

either the party asserting or continuing the claim or defense or the attorney

representing the party or may assess those costs and fees so that the party and the attorney each pay a portion of those costs and fees.

3. To find that a claim or defense is frivolous under subd. 1., the court must find that the claim or defense was asserted or continued in bad faith, solely for the purpose of harassing or maliciously injuring another, or that the party or the party's attorney knew, or should have known, that the claim or defense was without any reasonable basis in law or equity and could not be supported by a good-faith argument for an extension, modification, or reversal of existing law, or both.".

(END)