

2009 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB20)

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: **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:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 04/27/2009	jdye 04/28/2009		_____			
/1			pheny 04/28/2009	_____	mbarman 04/28/2009	mbarman 04/28/2009	

FE Sent For:

<END>

2009 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB20)

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: **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:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise	1 4/28 jld	4/28 ph	4/28 ph			

FE Sent For:

<END>



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa0277
GMM:m:....

IN 4/27
Floor Two

Handwritten initials and marks

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

1 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
11 either the party asserting or continuing the claim or defense or the attorney

1 representing the party[✓] or may assess those costs and fees[✓] so that the party and the
2 attorney each pay a portion of those costs and fees.[✓]

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

9

(END)