
HOUSE BILL 3201

State of Washington 58th Legislature 2004 Regular Session

By Representatives Lantz, Morrell, Clibborn and Rockefeller

Read first time 02/14/2004. Referred to .

1 AN ACT Relating to frivolous lawsuits; and amending RCW 4.84.185.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

3 **Sec. 1.** RCW 4.84.185 and 1991 c 70 s 1 are each amended to read as
4 follows:

5 In any civil action, the court having jurisdiction may, upon
6 written findings by the judge that the action, counterclaim, cross-
7 claim, third party claim, or defense was frivolous and advanced without
8 reasonable cause, require the nonprevailing party to pay the prevailing
9 party the reasonable expenses, including fees of attorneys and expert
10 witnesses, incurred in opposing such action, counterclaim, cross-claim,
11 third party claim, or defense. This determination shall be made upon
12 motion by the prevailing party after a voluntary or involuntary order
13 of dismissal, order on summary judgment, final judgment after trial, or
14 other final order terminating the action as to the prevailing party.
15 The judge shall consider all evidence presented at the time of the
16 motion to determine whether the position of the nonprevailing party was
17 frivolous and advanced without reasonable cause. In no event may such
18 motion be filed more than thirty days after entry of the order.

1 The provisions of this section apply unless otherwise specifically
2 provided by statute.

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