



Rep. Jack D. Franks

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09700SB2141ham001

LRB097 10174 AJO 55001 a

1 AMENDMENT TO SENATE BILL 2141

2 AMENDMENT NO. _____. Amend Senate Bill 2141 on page 11,
3 below line 10, by inserting the following:

4 "(1) Attorney's fees and court costs. The court shall award
5 reasonable attorney's fees and court costs, when requested, in
6 an amount not to exceed \$10,000 to counsel for the defendant if
7 the defendant is the prevailing party. In exercising its
8 discretion to determine the amount of attorney's fees, the
9 court shall consider, among other factors, the following:

10 (1) any action taken by the plaintiff prior to filing
11 the action to obtain a retraction or other appropriate
12 response from the defendant, and the timeliness of that
13 action;

14 (2) the nature, extent, and quality of information
15 supplied by the plaintiff to the defendant prior to filing
16 the action when the plaintiff took the action described in
17 paragraph (1);

18 (3) any action taken by the defendant, and the

1 timeliness of that action, to provide the plaintiff with a
2 retraction or other appropriate response;

3 (4) the extent to which the plaintiff reasonably
4 believed that the statement at issue was damaging to his or
5 her reputation; and

6 (5) the complexity of the litigation."