

HOUSE No. 1242

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas J. Calter

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to prevent vexatious litigation and waste of judicial resources.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>

HOUSE No. 1242

By Mr. Calter of Kingston, a petition (accompanied by bill, House, No. 1242) of Thomas J. Calter and others relative to frivolous lawsuits with malicious intent. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act to prevent vexatious litigation and waste of judicial resources.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1

2 SECTION 1. Chapter 231 of the general laws is hereby amended by adding the
3 following section:-

4

5 Section 59H. Any person who commences any civil action or complaint against another
6 person or entity in his or her own name or in the name of another without probable cause shall
7 pay the other person double damages, costs and reasonable attorneys fees should a court find at
8 any stage of the civil action, or in a separate action commenced by the defendant in the
9 underlying action, that such conduct amounted to vexing, or should a court find at any stage of
10 the civil action that the action was commenced without probable cause and with malicious intent
11 to vex the defendant, treble damages.

12

13 There shall be a presumption that a person who has commenced multiple prior actions
14 against the defendant is acting to vex, and if it so alleged in the defendant’s answer, the court in
15 its discretion may hold a preliminary hearing and should it find probable cause for the allegation
16 of vexing, shall require the plaintiff to post a pre-trial bond in an amount that the court
17 determines in its discretion to be reasonable based upon the circumstances.