





1 extension, modification, or reversal of existing law or the  
2 establishment of new law;

3 3. The allegations and other factual contentions have  
4 evidentiary support or, if specifically so identified, are likely to  
5 have evidentiary support after a reasonable opportunity for further  
6 investigation or discovery; and

7 4. The denials of factual contentions are warranted on the  
8 evidence or, if specifically so identified, are reasonably based on  
9 a lack of information or belief.

10 C. SANCTIONS. If, after notice and a reasonable opportunity to  
11 respond, the court determines that subsection B of this section has  
12 been violated, the court shall, subject to the conditions stated  
13 below, impose an appropriate sanction upon the attorneys, law firms,  
14 or parties that have violated subsection B of this section or are  
15 responsible for the violation.

16 1. HOW INITIATED.

17 a. By Motion. A motion for sanctions under this rule  
18 shall be made separately from other motions or  
19 requests and shall describe the specific conduct  
20 alleged to violate subsection B of this section. It  
21 shall be served as provided in Section 2005 of this  
22 title, but shall not be filed with or presented to the  
23 court unless, within twenty-one (21) days after  
24 service of the motion or such other period as the

1 court may prescribe, the challenged paper, claim,  
2 defense, contention, allegation, or denial is not  
3 withdrawn or appropriately corrected. If warranted,  
4 the court may award to the party prevailing on the  
5 motion the reasonable expenses and attorneys fees  
6 incurred in presenting or opposing the motion. Absent  
7 exceptional circumstances, a law firm shall be held  
8 jointly responsible for violations committed by its  
9 partners, associates, and employees.

10 b. On Court's Initiative. On its own initiative, the  
11 court may enter an order describing the specific  
12 conduct that appears to violate subsection B of this  
13 section and directing an attorney, law firm, or party  
14 to show cause why it has not violated subsection B of  
15 this section with respect thereto.

16 2. NATURE OF SANCTIONS; LIMITATIONS. A sanction imposed for  
17 violation of this section shall be limited to what is sufficient to  
18 deter repetition of such conduct or comparable conduct by others  
19 similarly situated. Subject to the limitations in subparagraphs a,  
20 b and c of this paragraph, the sanction may consist of, or include,  
21 directives of a nonmonetary nature, an order to pay a penalty into  
22 court, or, if imposed on motion and warranted for effective  
23 deterrence, an order directing payment to the movant of some or all  
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1 of the reasonable attorneys fees and other expenses incurred as a  
2 direct result of the violation.

3 a. Monetary sanctions shall not be awarded against a  
4 represented party for a violation of paragraph 2 of  
5 subsection B of this section.

6 b. Monetary sanctions shall not be awarded on the court's  
7 initiative unless the court issues its order to show  
8 cause before a voluntary dismissal or settlement of  
9 the claims made by or against the party which is, or  
10 whose attorneys are, to be sanctioned.

11 c. Monetary sanctions shall be awarded for any violations  
12 of paragraph 1 of subsection B of this section. The  
13 sanctions shall consist of an order directing payment  
14 of reasonable costs, including attorney fees, incurred  
15 by the movant with respect to the conduct for which  
16 the sanctions are imposed. In addition, the court may  
17 impose any other sanctions authorized by this  
18 paragraph.

19 3. ORDER. When imposing sanctions, the court shall describe  
20 the conduct determined to constitute a violation of this section and  
21 explain the basis for the sanction imposed.

22 D. INAPPLICABILITY TO DISCOVERY. This section does not apply  
23 to disclosures and discovery requests, responses, objections, and  
24

1 motions that are subject to the provisions of Sections 3226 through  
2 3237 of this title.

3 E. DEFINITION. As used in this section, "frivolous" means the  
4 action or pleading was knowingly asserted in bad faith ~~or without~~  
5 ~~any rational argument based in law or facts to support the position~~  
6 ~~of the litigant or to change existing law~~, was unsupported by any  
7 credible evidence, was not grounded in fact, or was unwarranted by  
8 existing law or a good faith argument for the extension,  
9 modification, or reversal of existing law or the establishment of  
10 new law.

11 SECTION 3. AMENDATORY 12 O.S. 2011, Section 2011, as  
12 amended by Section 2 of this act, is amended to read as follows:  
13 Section 2011.

14 SIGNING OF PLEADINGS

15 A. SIGNATURE. Every pleading, written motion, and other paper  
16 shall be signed by at least one attorney of record in the individual  
17 name of the attorney, whose Oklahoma Bar Association identification  
18 number shall be stated, or, if the party is not represented by an  
19 attorney, shall be signed by the party. Each paper shall state the  
20 address of the signer and telephone number, if any. Except when  
21 otherwise specifically provided by rule or statute, pleadings need  
22 not be verified or accompanied by affidavit. An unsigned paper  
23 shall be stricken unless the omission of the signature is corrected

1 promptly after being called to the attention of the attorney or  
2 party.

3 B. REPRESENTATIONS TO COURT. By presenting to the court,  
4 whether by signing, filing, submitting, or later advocating, a  
5 pleading, written motion, or other paper, an attorney or  
6 unrepresented party is certifying that to the best of the person's  
7 knowledge, information, and belief, formed after an inquiry  
8 reasonable under the circumstances:

9 1. It is not being presented for any improper or frivolous  
10 purpose, such as to harass or to cause unnecessary delay or needless  
11 increase in the cost of litigation;

12 2. The claims, defenses and other legal contentions therein are  
13 warranted by existing law or by a nonfrivolous argument for the  
14 extension, modification, or reversal of existing law or the  
15 establishment of new law;

16 3. The allegations and other factual contentions have  
17 evidentiary support or, if specifically so identified, are likely to  
18 have evidentiary support after a reasonable opportunity for further  
19 investigation or discovery; and

20 4. The denials of factual contentions are warranted on the  
21 evidence or, if specifically so identified, are reasonably based on  
22 a lack of information or belief.

23 C. SANCTIONS. If, after notice and a reasonable opportunity to  
24 respond, the court determines that subsection B of this section has

1 | been violated, the court shall, subject to the conditions stated  
2 | below, impose an appropriate sanction upon the attorneys, law firms,  
3 | or parties that have violated subsection B of this section or are  
4 | responsible for the violation.

5 | 1. HOW INITIATED.

6 | a. By Motion. A motion for sanctions under this rule  
7 | shall be made separately from other motions or  
8 | requests and shall describe the specific conduct  
9 | alleged to violate subsection B of this section. It  
10 | shall be served as provided in Section 2005 of this  
11 | title, but shall not be filed with or presented to the  
12 | court unless, within twenty-one (21) days after  
13 | service of the motion or such other period as the  
14 | court may prescribe, the challenged paper, claim,  
15 | defense, contention, allegation, or denial is not  
16 | withdrawn or appropriately corrected. If warranted,  
17 | the court may award to the party prevailing on the  
18 | motion the reasonable expenses and attorneys fees  
19 | incurred in presenting or opposing the motion. Absent  
20 | exceptional circumstances, a law firm shall be held  
21 | jointly responsible for violations committed by its  
22 | partners, associates, and employees.

23 | b. On Court's Initiative. On its own initiative, the  
24 | court may enter an order describing the specific

1           conduct that appears to violate subsection B of this  
2           section and directing an attorney, law firm, or party  
3           to show cause why it has not violated subsection B of  
4           this section with respect thereto.

5           2. NATURE OF SANCTIONS; LIMITATIONS. A sanction imposed for  
6 violation of this section shall be limited to what is sufficient to  
7 deter repetition of such conduct or comparable conduct by others  
8 similarly situated. Subject to the limitations in subparagraphs a,  
9 b and c of this paragraph, the sanction may consist of, or include,  
10 directives of a nonmonetary nature, an order to pay a penalty into  
11 court, or, if imposed on motion and warranted for effective  
12 deterrence, an order directing payment to the movant of some or all  
13 of the reasonable attorneys fees and other expenses incurred as a  
14 direct result of the violation.

15           a. Monetary sanctions shall not be awarded against a  
16           represented party for a violation of paragraph 2 of  
17           subsection B of this section.

18           b. Monetary sanctions shall not be awarded on the court's  
19           initiative unless the court issues its order to show  
20           cause before a voluntary dismissal or settlement of  
21           the claims made by or against the party which is, or  
22           whose attorneys are, to be sanctioned.

23           c. Monetary sanctions shall be awarded for any violations  
24           of paragraph 1 of subsection B of this section. The

1 sanctions shall consist of an order directing payment  
2 of reasonable costs, including attorney fees, incurred  
3 by the movant with respect to the conduct for which  
4 the sanctions are imposed. In addition, the court may  
5 impose any other sanctions authorized by this  
6 paragraph.

7 3. ORDER. When imposing sanctions, the court shall describe  
8 the conduct determined to constitute a violation of this section and  
9 explain the basis for the sanction imposed.

10 D. INAPPLICABILITY TO DISCOVERY. This section does not apply  
11 to disclosures and discovery requests, responses, objections, and  
12 motions that are subject to the provisions of Sections 3226 through  
13 3237 of this title.

14 E. DEFINITION. As used in this section, "frivolous" means the  
15 action or pleading was knowingly asserted in bad faith, ~~was~~  
16 ~~unsupported by any credible evidence, was not grounded in fact, or~~  
17 ~~was unwarranted by existing law or a good faith argument for the~~  
18 ~~extension, modification, or reversal of existing law or the~~  
19 ~~establishment of new law~~ or without any rational argument based in  
20 law or facts to support the position of the litigant or to change  
21 existing law.

22 SECTION 4. AMENDATORY 12 O.S. 2011, Section 2011.1, is  
23 amended to read as follows:  
24

1 Section 2011.1 In any action not arising out of contract, if  
2 requested the court shall, upon ruling on a motion to dismiss an  
3 action or a motion for summary judgment or subsequent to  
4 adjudication on the merits, determine whether a claim or defense  
5 asserted in the action by a nonprevailing party was frivolous. As  
6 used in this section, "frivolous" means the claim or defense was  
7 knowingly asserted in bad faith ~~or without any rational argument~~  
8 ~~based in law or facts to support the position of the litigant or to~~  
9 ~~change existing law,~~ was unsupported by any credible evidence, was  
10 not grounded in fact, or was unwarranted by existing law or a good  
11 faith argument for the extension, modification, or reversal of  
12 existing law or the establishment of new law. Upon so finding, the  
13 court shall enter an order requiring such nonprevailing party to  
14 reimburse the prevailing party for reasonable costs, including  
15 attorney fees, incurred with respect to such claim or defense. In  
16 addition, the court may impose any sanction authorized by Section  
17 2011 of this title.

18 SECTION 5. AMENDATORY 12 O.S. 2011, Section 2011.1, as  
19 amended by Section 4 of this act, is amended to read as follows:

20 Section 2011.1 In any action not arising out of contract, if  
21 requested the court shall, upon ruling on a motion to dismiss an  
22 action or a motion for summary judgment or subsequent to  
23 adjudication on the merits, determine whether a claim or defense  
24 asserted in the action by a nonprevailing party was frivolous. As

1 used in this section, "frivolous" means the claim or defense was  
2 knowingly asserted in bad faith, ~~was unsupported by any credible~~  
3 ~~evidence, was not grounded in fact, or was unwarranted by existing~~  
4 ~~law or a good faith argument for the extension, modification, or~~  
5 ~~reversal of existing law or the establishment of new law~~ or without  
6 any rational argument based in law or facts to support the position  
7 of the litigant or to change existing law. Upon so finding, the  
8 court shall enter an order requiring such nonprevailing party to  
9 reimburse the prevailing party for reasonable costs, including  
10 attorney fees, incurred with respect to such claim or defense. In  
11 addition, the court may impose any sanction authorized by Section  
12 2011 of this title.

13 SECTION 6. NEW LAW A new section of law not to be  
14 codified in the Oklahoma Statutes reads as follows:

15 The amendatory provisions contained in Sections 2 and 4 of this  
16 act conform the statute to the holding in *Douglas v. Cox Retirement*  
17 *Properties, Inc.*, 2013 OK 37, 302 P.2d 789 (Okla. 2013). The  
18 amendatory provisions contained in Sections 3 and 5 of this act  
19 conform the statute to the amendatory provisions of Enrolled House  
20 Bill No. 1603 of the 1st Session of the 52nd Oklahoma Legislature,  
21 c. 228, O.S.L. 2009.

22 SECTION 7. It being immediately necessary for the preservation  
23 of the public peace, health and safety, an emergency is hereby  
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1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

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4 DIRECT TO CALENDAR.

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