

78B-6-1405 Counter actions -- Attorney fees -- Damages.

- (1) A defendant in an action involving public participation in the process of government may maintain an action, claim, cross-claim, or counterclaim to recover:
 - (a) costs and reasonable attorney fees, upon a demonstration that the action involving public participation in the process of government was commenced or continued without a substantial basis in fact and law and could not be supported by a substantial argument for the extension, modification, or reversal of existing law; and
 - (b) other compensatory damages upon an additional demonstration that the action involving public participation in the process of government was commenced or continued for the purpose of harassing, intimidating, punishing, or otherwise maliciously inhibiting the free exercise of rights granted under the First Amendment to the U.S. Constitution.
- (2) Nothing in this section shall affect or preclude the right of any party to any recovery otherwise authorized by law.

Renumbered and Amended by Chapter 3, 2008 General Session