

* Proposed new Trial Rule 11.2 on abusive litigation would allow a court to impose reasonable conditions and restrictions on a litigant's ability to commence or continue actions that are tailored to the litigant's particular practices.

Trial Rule 11.2. Abusive Litigation (proposed new rule)

(A) Abusive litigation. A court may, after considering a litigant's entire history, fashion and impose reasonable conditions and restrictions on the litigant's ability to commence or continue actions that are tailored to the litigant's particular practices. Courts may include the following conditions and restrictions without limitation:

- (1) Require the litigant to accompany future pleadings with an affidavit certifying under penalty of perjury that the allegations are true to the best of the litigant's knowledge, information, and belief;
- (2) Direct the litigant to attach to future complaints a list of all cases previously filed involving the same, similar, or related cause of action;
- (3) Direct that future pleadings will be stricken if they do not meet the requirements that a pleading must contain a short and plain statement of the claim showing that the pleader is entitled to relief and that each averment of a pleading must be simple, concise, and direct;
- (4) Require the litigant to state clearly and concisely at the beginning of a motion the relief requested;
- (5) Require the litigant to provide specific page citations to documents alleged by the litigant to support an argument or position;
- (6) Require the litigant to provide argument and citation to authority, explaining why the new action is not subject to dismissal due to res judicata, collateral estoppel, or law of the case;
- (7) Limit the litigant's ability to request reconsideration and to file repetitive motions;
- (8) Limit the number of pages or words of pleadings, motions, and other filings;
- (9) Limit the length of the title that may be used for a filing; or
- (10) Limit the amount or length of exhibits or attachments that may accompany a filing.

(B) Request to waive filing fee. A court may deny a litigant's request to waive the filing fee in a civil case if the court determines the litigant is asserting a claim upon which the court cannot grant relief, is seeking relief from a defendant who is immune, or is attempting to relitigate a claim barred by res judicata, collateral estoppel, or law of the case.