

Bond Case Briefs

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SANCTIONS - NORTH DAKOTA

Empower the Taxpayer v. Fong

Supreme Court of North Dakota - October 22, 2013 - N.W.2d - 2013 ND 187

Supporters of constitutional measure that would have abolished property taxes brought action against numerous state and local government officials alleging violations of the Corrupt Practices Act and seeking injunctive relief. After the action was dismissed, the District Court granted sanctions against supporters for filing a frivolous action. Supporters appealed.

The Supreme Court of North Dakota held that trial court failed to adequately explain the basis for imposition of sanctions for frivolous filing.

If the district court fails to adequately explain the basis for the sanction or how the sanction was appropriately limited to what was necessary to deter future conduct, the Supreme Court is precluded from affirming the award of sanctions for a frivolous filing.