

Additional language for proposed Rule 94a
from some members of subcommittee
December 8, 2011

1 The hearing or submission of a motion under this rule must not occur until at least seven days
2 after the date the motion is filed. If at any time prior to the date of hearing or submission, the
3 movant withdraws the motion or the claimant nonsuits the challenged claim, the court may not
4 decide the motion or award attorneys' fees to either party under subsection G of this rule. At any
5 time prior to the date of hearing or submission, the claimant may amend the challenged claim
6 once and the court may not decide the motion or award attorneys' fees to either party under
7 subsection G of this rule. If the claimant amends the claim, the movant may file and serve a
8 notice of intent to proceed with the motion, or may file a new motion to dismiss the claim as
9 amended, in which case the court must proceed to determine whether the claim as amended
10 should be dismissed under this rule and must award costs and attorneys' fees, cumulative through
11 the prior amendment, to the prevailing party under subsection G of this rule.