**§1205. Bill in equity by injured person**

**1. Injunctive relief; damages and costs.**  A person damaged or who is threatened with loss or injury by reason of a violation or threatened violation of this chapter may bring a civil action in the Superior Court in the county where the person resides to prevent, restrain or enjoin the violation or threatened violation. If in such an action a violation or threatened violation of this chapter is established, the court may enjoin and restrain or otherwise prohibit the violation or threatened violation. In such an action, it is not necessary that actual damages to the plaintiff be alleged or proved. In addition to injunctive relief, the plaintiff in the action is entitled to recover from the defendant 3 times the amount of actual damages sustained by the plaintiff and the costs of the action including reasonable attorney's fees.

[RR 2023, c. 2, Pt. C, §18 (COR).]

**2. Damages only.**  In the event injunctive relief is not sought or required, a person injured by a violation of this chapter may maintain an action for damages alone in the Superior Court in the county where the person resides and the measure of damages in that action is the same as prescribed in subsection 1.

[RR 2023, c. 2, Pt. C, §19 (COR).]

**3. Evidence of intent to injure.**  In all proceedings under this section, proof of consistent and repeated advertisements, offers to sell or sales of any items of merchandise by any retailer or wholesaler at less than cost to them as defined in this chapter, said advertisements, offers to sell and sales thereby forming a pattern of sales below cost, shall be prima facie evidence of intent to injure competitors and destroy competition.

SECTION HISTORY

RR 2023, c. 2, Pt. C, §§18, 19 (COR).

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