

Superseded 7/1/2024

13-11a-4 Jurisdiction of district courts -- Injunctive relief -- Damages -- Attorneys' fees -- Corrective advertising -- Notification required.

- (1) The district courts of this state have jurisdiction over any supplier as to any act or practice in this state governed by this chapter or as to any claim arising from a deceptive trade practice as defined in this chapter.
- (2)
 - (a) Any person or the state may maintain an action to enjoin a continuance of any act in violation of this chapter and, if injured by the act, for the recovery of damages. If, in such action, the court finds that the defendant is violating or has violated any of the provisions of this chapter, it shall enjoin the defendant from continuance of the violation. It is not necessary that actual damages be proven.
 - (b) In addition to injunctive relief, the plaintiff is entitled to recover from the defendant the amount of actual damages sustained or \$2,000, whichever is greater.
 - (c) Costs shall be allowed to the prevailing party unless the court otherwise directs. The court shall award attorneys' fees to the prevailing party.
- (3) The court may order the defendant to promulgate corrective advertising by the same media and with the same distribution and frequency as the advertising found to violate this chapter.
- (4) The remedies of this section are in addition to remedies otherwise available for the same conduct under state or local law.
- (5) No action for injunctive relief may be brought for a violation of this chapter unless the complaining person first gives notice of the alleged violation to the prospective defendant and provides the prospective defendant an opportunity to promulgate a correction notice by the same media as the allegedly violating advertisement. If the prospective defendant does not promulgate a correction notice within 10 days of receipt of the notice, the complaining person may file a lawsuit under this chapter.