

S.B. 16
CIVIL ANTITRUST AMENDMENTS

SENATE FLOOR AMENDMENTS

AMENDMENT 1

JANUARY 24, 2006 10:53 AM

Senator **Lyle W. Hillyard** proposes the following amendments:

1. *Page 3, Lines 81 through 84:*

81 (6) { ~~In actions where injured persons who dealt both directly and indirectly with the~~
82 ~~defendant are involved~~ } When a defendant has been sued in one or more actions by both direct and
indirect purchasers, whether in state court or federal court , a defendant shall be entitled to prove as a
partial or complete defense
83 to a claim for damages that the damages incurred by the plaintiff or plaintiffs have been passed
84 on to others who are entitled to recover so as to avoid duplication of recovery of damages. In an action by
indirect purchasers, any damages or settlement amounts paid to direct purchasers for the same alleged
antitrust violations shall constitute a defense in the amount paid on a claim by indirect purchasers under
this act so as to avoid duplication of recovery of damages.