

UNLAWFUL TRADE PRACTICES (EXCERPT)
Act 271 of 1941

445.107 Unlawful trade practices; circuit court injunction; compensatory costs; sales tax, collection.

Sec. 7. The circuit court of the county where any unlawful trade practice is committed shall have jurisdiction and power, on petition of any person, and on a showing that the commission of such unlawful trade practice has caused damage or threatens to cause damage to the petitioner or those represented by petitioner, to enjoin the commission of such unlawful trade practice or practices. Upon the granting of an injunction, the plaintiff or plaintiffs, in addition to regular taxable costs, shall be awarded compensatory costs, which shall include all sums reasonably expended to prepare and present the cause including all reasonable attorney fees incurred: Provided, however, That such compensatory costs may be denied if the trial judge rules that a meritorious, even though unsuccessful, defense was presented. The court may, in any case where such injunction is sought or issued, require and order the defendant or defendants in such proceeding to pay to the state board of tax administration any sum which the court finds should have been paid, but was not paid as a sales tax (pursuant to the provisions of Act No. 167 of the Public Acts of 1933, as amended or hereafter amended, being sections 205.51 to 205.78, inclusive, of the Compiled Laws of 1948) in connection with any sale or sales consummated in the course of the unlawful trade practice or practices complained of.

History: 1941, Act 271, Eff. Jan. 10, 1942;—CL 1948, 445.107;—Am. 1956, Act 214, Eff. Aug. 11, 1956.