

## Article - Commercial Law

11-209.

(a) (1) The Attorney General shall institute proceedings in equity to prevent or restrain violations of § 11-204 and may require assistance from any State's attorney for that purpose.

(2) In a proceeding under this section, the court shall determine whether a violation has been committed and enter any judgment or decree necessary to:

(i) Remove the effects of any violation it finds; and

(ii) Prevent continuation or renewal of the violation in the future.

(3) The court may exercise all equitable powers necessary for this purpose, including injunction, divestiture of property or business units, and suspension or termination of the right of a foreign corporation or association to do business in the State.

(b) (1) The United States, the State, and any political subdivision organized under the authority of the State is a person having standing to bring an action under this subsection.

(2) (I) A person whose business or property has been injured or threatened with injury by a violation of § 11-204 may maintain an action for damages or for an injunction or both against any person who has committed the violation.

(II) THE UNITED STATES, THE STATE, OR ANY POLITICAL SUBDIVISION ORGANIZED UNDER THE AUTHORITY OF THIS STATE MAY MAINTAIN AN ACTION UNDER PARAGRAPH--(1) SUBPARAGRAPH (I) OF THIS SUBSECTION PARAGRAPH FOR DAMAGES OR FOR AN INJUNCTION OR BOTH REGARDLESS OF WHETHER IT DEALT DIRECTLY OR INDIRECTLY WITH THE PERSON WHO HAS COMMITTED THE VIOLATION. IN ANY ACTION UNDER THIS SUBSECTION, ANY DEFENDANT, AS A PARTIAL OR COMPLETE DEFENSE AGAINST A DAMAGE CLAIM, MAY, IN ORDER TO AVOID DUPLICATIVE LIABILITY, BE ENTITLED--TO PROVE THAT ALL OR ANY PART OF AN ALLEGED OVERCHARGE WAS ULTIMATELY PASSED ON TO THE UNITED STATES, THE STATE, OR ANY POLITICAL SUBDIVISION ORGANIZED UNDER THE AUTHORITY OF THIS STATE, BY A PURCHASER OR SELLER IN THE CHAIN OF MANUFACTURE, PRODUCTION, OR DISTRIBUTION WHO PAID AN ALLEGED OVERCHARGE.

(3) If an injunction is issued, the complainant shall be awarded costs and reasonable attorney's fees.