

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
THIRD DIVISION**

In re: Guidant Corp. Implantable
Defibrillators Products Liability Litigation

MDL No. 1708
(DWF/AJB)

This Document Relates to All Actions

**APPENDIX E TO
PLAINTIFFS' MEMORANDUM IN OPPOSITION TO
DEFENDANTS' MOTION TO DISMISS THE MASTER COMPLAINT
CLAIMS OF DEVICE RECIPIENT PLAINTIFFS**

Appendix E

Consumer Fraud Laws Of 51 Jurisdictions

STATUTES THAT BROADLY PROHIBIT UNFAIR AND DECEPTIVE PRACTICES		STATUTES THAT ENUMERATE A “LAUNDRY LIST” OF PROHIBITED PRACTICES	
(Typically modeled after Federal Trade Commission Act, which provides: “Unfair methods of competition in or affecting commerce, and unfair or deceptive acts or practices in or affecting commerce, are hereby declared unlawful.” 15 U.S.C. § 45(a)(1).)		(Typically derive from the Commission on Uniform State Laws, and prohibit representing that goods have characteristics, uses, benefits, or qualities that they do not have, or that goods are of a particular standard, quality, or grade if they are of another (the “Standard Deceptive Practices”).)	
Alabama ¹	New Jersey	Alabama	Nevada
Arizona	New Mexico	Alaska	New Hampshire
Arkansas	New York	Arkansas	Ohio
Connecticut	North Carolina	California	Oklahoma
Delaware	North Dakota	Colorado	Oregon
Florida	Oklahoma	District of Columbia	Pennsylvania
Georgia	Oregon	Georgia	Rhode Island
Hawaii	Rhode Island	Idaho	South Dakota
Idaho	South Carolina	Illinois	Tennessee
Iowa	Tennessee	Indiana	West Virginia
Kentucky	Texas	Iowa	Texas
Louisiana	Utah	Kansas	Utah
Maine	Vermont	Maryland	Virginia
Massachusetts	Virginia	Michigan	West Virginia
Missouri	Washington	Minnesota	Wisconsin
Montana	Wyoming	Mississippi	Wyoming
Nebraska			

¹ Several states (Alabama, Arkansas, Georgia, Idaho, Oklahoma, Oregon, Rhode Island, Tennessee, Texas, Utah, Virginia and Wyoming) have adopted the substance of both the FTC Act and the Standard Deceptive Practices in their consumer fraud statutes.

Consumer Fraud Laws Of 51 Jurisdictions

State	Pertinent Deceptive Practices Prohibited	Requires Scienter?	Requires Individual Reliance?	Relief Available
AL	Standard Deceptive Practices laundry list of “deceptive acts or practices in the conduct of any trade or commerce” including, but not limited to: “[r]epresenting that goods or services have . . . characteristics, . . . uses, benefits, or qualities that they do not have”; “[r]epresenting that goods or services are of a particular standard, quality, or grade . . . if they are of another”; and “[e]ngaging in any other unconscionable, false, misleading, or deceptive act or practice in the conduct of trade or commerce.” ²	No. ³	No. ⁴	Actual damages, treble damages, equitable relief. ⁵
AK	Standard Deceptive Practices laundry list plus “using or employing deception, fraud, false pretense, false promise, misrepresentation, or knowingly concealing, suppressing, or omitting a material fact with intent that others rely upon the concealment, suppression or omission in connection with the sale or advertisement of goods or services. . . .” ⁶	No. ⁷	No. ⁸	Actual damages, treble damages, equitable relief. ⁹

² Ala. Code § 8-19-5(5), (7), (26).

“Representing that goods or services have . . . characteristics, . . . uses, benefits, or qualities that they do not have,” and “[r]epresenting that goods or services are of a particular standard, quality, or grade . . . if they are of another,” as well as provisions that are substantially analogous thereto, are referred to herein as the “Standard Deceptive Practices.”

³ Id.; see Nunley v. State, 628 So.2d 619 (Ala. 1993)

⁴ See ids.

⁵ Ala. Code. § 8-19-10(a); see also 8-19-10(a)(3) (availability of injunctive relief), 8-19-8(e) (“the court may grant such other appropriate relief as the court may determine.”)

⁶ Alaska Stat. § 45.50.471(b)(4), (6), (12).

⁷ State v. O’Neill Investigation Inc., 609 P.2d 520 (Alaska 1980).

⁸ State v. O’Neill Investigation Inc., 609 P.2d 520 (Alaska 1980).

State	Pertinent Deceptive Practices Prohibited	Requires Scienter?	Requires Individual Reliance?	Relief Available
AZ	Blanket prohibition providing: “The act, use, or employment by any person of any deception, deceptive act or practice, fraud, false pretense, false promise, misrepresentation, or concealment, suppression or omission of any material fact with intent that others rely upon such concealment, suppression or omission, in connection with the sale or advertisement of any merchandise whether or not any person has in fact been misled, deceived, or damaged thereby, is declared to be an unlawful practice.” ¹⁰	No. ¹¹	No. ¹²	Actual damages, ¹³ punitive damages, ¹⁴ equitable relief. ¹⁵
AR	Laundry list of “[d]eceptive and unconscionable trade practices,” including “[e]ngaging in any . . . unconscionable, false, or deceptive act or practice in business, commerce, or trade.” ¹⁶	Not in all instances. ¹⁷	No. ¹⁸	Actual damages, punitive damages, equitable relief.

⁹ Alaska Stat. § 45.50.501; § 45.50.531(a) (triple actual damages or \$500, “whichever is greater” and “[t]he Court may provide such other relief it considers necessary and proper.”); see also 45.50.901(b) (allowing restitution).

¹⁰ Ariz. Rev. Stat. § 44-1522(A)

¹¹ State ex rel. Corbin v. Tolleson, 773 P.2d 490, 503 (Ariz. App. 1989) (intent to deceive not required to find violation; intent to do the underlying act is sufficient).

¹² Id. at 502 (“Reliance is not an element of consumer fraud.”); but see Peery v. Hansen, 585 P.2d 574, 577 (Ariz. App. 1978) (reliance required under common law fraud).

¹³ Holeman v. Neils, 803 F. Supp. 237 (D. Ariz. 1992).

¹⁴ Dunlap v. Jimmy GMC of Tucson, Inc., 136 Ariz. 338, 666 P.2d 83 (Ariz. App. 1983)

¹⁵ Sellinger v. Freeway Mobile Home Sales, Inc., 521 P.2d 1119 (Ariz. 1974); Ariz. Rev. State. § 44-1528.

¹⁶ Ark. Code Ann. § 4-88-107(a).

¹⁷ Id.

State	Pertinent Deceptive Practices Prohibited	Requires Scierter?	Requires Individual Reliance?	Relief Available
CA	Standard Deceptive Practices laundry list of “unfair and deceptive business practices.” ¹⁹	No. ²⁰	No. ²¹	Actual damages, punitive damages, equitable relief, injunctive relief, restitution. ²²
CO	Standard Deceptive Practices laundry list plus “[f]ail[ing] to disclose material information concerning goods. . . .” ²³	Yes. ²⁴	No. ²⁵	Actual damages, treble damages, equitable relief. ²⁶
CT	Blanket prohibition providing: “No person shall engage in . . . unfair or deceptive acts or practices in the conduct of any trade or commerce.” ²⁷	No. ²⁸	No. ²⁹	Actual damages, punitive

¹⁸ Id.

¹⁹ Cal. Civ. Code §§ 1760, 1770, et seq.

²⁰ Cal. Civ. Code §§ 1780, et seq..

²¹ Id.

²² Cal. Civ. Code § 1780(a)(1)-(5).

²³ Col. Rev. Stat. § 6-1-105(1)(e), (g) & (u).

²⁴ Col. Rev. Stat. § 6-1-105.

²⁵ See Col. Rev. Stat. 6-1-113(1).

²⁶ Col. Rev. Stat. 6-1-113; Witters v. Daniel Motors, Inc., 524 P.2d 632, 635 (Col. App. 1974) (all common law remedies are available for a CCPA violation); 6-1-110 (injunctive relief including restitution and preemption of “unjust enrichment”).

²⁷ Conn. Gen. Stat. § 42-110b.

²⁸ Web Press Servs. Corp. v. New London Motors, Inc., 525 A.2d 57, 68

State	Pertinent Deceptive Practices Prohibited	Requires Scienter?	Requires Individual Reliance?	Relief Available
				damages, equitable relief. ³⁰
DE	Blanket prohibition providing: “The act, use or employment by any person of any deception, fraud, false pretense, false promise, misrepresentation, or the concealment, suppression, or omission of any material fact . . . in connection with the sale, lease or advertisement of any merchandise . . . is an unlawful practice.” ³¹	No. ³²	No. ³³	Actual damages, punitive damages, equitable relief ³⁴
DC	Standard Deceptive Practices laundry list plus “misrepresent[ation] as to a material fact which has a tendency to mislead”; and “fail[ure] to state a material fact if such failure tends to mislead.” ³⁵	???? ³⁶	No. ³⁷	Treble damages, punitive damages, equitable relief ³⁸

(Conn. 1987); Conn. Gen. Stat. § 42-110g(a).

²⁹ Hinchliffe v. AMC, 440 A.2d 810, 815-16 (Conn. 1981); Conn. Gen. Stat. § 42-110g(a).

³⁰ Conn. Gen. Stat. § 42-110g(a) (“actual damages . . . the court may, in its discretion, award punitive damages, and may provide such equitable relief as it deems necessary or proper.”); see also 42-110d(e) (restitution is available as equitable relief).

³¹ 6 Del. Code § 2513(a).

³² Stephenson v. Capano Dev., Inc., 462 A.2d 1069, 1074 (Del. 1983).

³³ Id.

³⁴ Id. at 1076; 6 Del. Code § 2523 (includes restitution).

³⁵ See D.C. Code § 28-3904(a), (d), (e), (f).

³⁶ Osbourne v. Capital City Mortg. Corp., 727 A.2d 322, 325-26 (D.C. App. 1999) (clear and convincing evidence standard applies to claims of intentional misrepresentation under the CPPA)

³⁷ D.C. Code § 28-3904.

³⁸ D.C. Code § 28-3905(k)(1).

State	Pertinent Deceptive Practices Prohibited	Requires Scierter?	Requires Individual Reliance?	Relief Available
FL	Blanket prohibition providing: “Unfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts or practices in the conduct of any trade or commerce are hereby declared unlawful.” ³⁹	No. ⁴⁰	No. ⁴¹	Actual damages, equitable relief, declaratory relief ⁴²
GA	Blanket prohibition on “[u]nfair or deceptive acts or practices in the conduct of consumer transactions and consumer acts or practices in trade or commerce,” plus Standard Deceptive Practices laundry list. ⁴³	No. ⁴⁴	Yes. ⁴⁵	Actual damages, punitive damages, equitable relief. ⁴⁶
HI	Blanket prohibition providing: “Unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce are unlawful.” ⁴⁷	No. ⁴⁸	No. ⁴⁹	Actual damages, treble damages,

³⁹ Fla. Stat. § 501.204(1).

⁴⁰ See Fla. Stat. § 501.211.2

⁴¹ Davis v. Powertel, Inc., 2000 Fla. App. LEXIS 16959 (Fla. App. 2000) (opinion not final until time expires to file motion for rehearing, and disposition thereof if filed).

⁴² Fla. Stat. § 501.211.

⁴³ Ga. Stat. § 10-1-393(b)(5), (7).

⁴⁴ Ga. Stat. § 10-1-399(a).

⁴⁵ Lynas v. Williams, 454 S.E.2d 570, 574 (Ga. App. 1995).

⁴⁶ Ga. Stat. § 10-1-399(a).

⁴⁷ Haw. Rev. Stat. § 480-2.

⁴⁸ Davis v. Wholesale Motors, 949 P.2d 1026, 1038 (Haw. App. 1997) (listing elements of violation of HRS @ 480-13)

⁴⁹ Compare id.; Hawaii’s Thousand Friends v. Anderson, 768 P.2d 1293, 1301 (Haw. 1989) (elements of fraud).

State	Pertinent Deceptive Practices Prohibited	Requires Scierter?	Requires Individual Reliance?	Relief Available
				equitable relief ⁵⁰
ID	Standard Deceptive Practices laundry list plus “Engaging in any act or practice which is otherwise misleading, false, or deceptive to the consumer”; and “Engaging in any unconscionable method, act or practice in the conduct of trade or commerce. . . .” ⁵¹	No. ⁵²	No. ⁵³	Actual damages, punitive damages, equitable relief, injunctive relief, restitution. ⁵⁴
IL	Standard Deceptive Practices laundry list plus “engag[ing] in any other conduct which similarly creates a likelihood of confusion or of misunderstanding.” ⁵⁵	No. ⁵⁶	No. ⁵⁷	Actual damages, punitive damages, equitable relief, injunctive relief. ⁵⁸

⁵⁰ Haw. Rev. Stat. § 480-13.

⁵¹ Idaho Code § 48-603(5), (7), (17), (18); § 48-603c.

⁵² State ex rel. Kidwell v. Master Distrib., Inc., 615 P.2d 116, 122-23 (Idaho 1980).

⁵³ Id.

⁵⁴ Idaho Code § 48-608.

⁵⁵ 815 ILCS § 510/2 (5), (7), (12)

⁵⁶ Smith v. Prime Cable of Chicago, 658 N.E.2d 1325, 1335 (Ill. App. 1995).

⁵⁷ 815 ILCS § 510/2.

⁵⁸ 815 ILCS 510/3 (providing for injunctive relief “. . . in addition to remedies otherwise available against the same conduct under the common law or other statutes of this State.”).

State	Pertinent Deceptive Practices Prohibited	Requires Scienter?	Requires Individual Reliance?	Relief Available
IN	Standard Deceptive Practices laundry list. ⁵⁹	No. ⁶⁰	Yes. ⁶¹	Actual damages, equitable relief, restitution. ⁶²
IA	“The act, use or employment by a person of an unfair practice, deception, fraud, false pretense, false promise, or misrepresentation, or the concealment, suppression, or omission of a material fact with intent that others rely upon the concealment, suppression, or omission, in connection with the lease, sale, or advertisement of any merchandise. . . .”, including represent[ing] in connection with the lease, sale, or advertisement of any merchandise that [it] has certain performance characteristics, . . . uses, or benefits. . . . “ that it does not have. ⁶³	No. ⁶⁴	No. ⁶⁵	No private cause of action under statute. ⁶⁶
KS	Standard Deceptive Practices laundry list plus “use, in any oral or written representation, of exaggeration, falsehood, innuendo or ambiguity as to a material fact”; “failure to state a material fact, or the . . . concealment, suppression or omission of a material fact. . . .” ⁶⁷ ; and “any unconscionable act or practice	Yes. ⁶⁹	No ⁷⁰	Actual damages, injunctive relief, equitable relief,

⁵⁹ Ind. Code § 24-5-0.5-3(a)(1), (2)

⁶⁰ McKinney v. State, 693 N.E.2d 65, 67-69 (Ind. 1998).

⁶¹ Ind. Code § 24-5-0.5.4(a).

⁶² Ind. Code § 24-5-0.5-4.

⁶³ Iowa Code § 714.16.2(a).

⁶⁴ State v. Hydro Mfg., Ltd., 436 N.W.2d 617, 622 (Iowa 1989).

⁶⁵ Iowa Code § 714.16.2(a); State v. Hydro Mfg., Ltd., 436 N.W.2d 617, 622 (Iowa 1989).

⁶⁶ Molo Oil Co. v. River City Ford Truck Sales, Inc., 578 N.W.2d 222, 228 (Iowa 1998).

⁶⁷ Kan. Stat. § 50-626(a), (b)(1), (b)(2), (b)(3).

State	Pertinent Deceptive Practices Prohibited	Requires Scienter?	Requires Individual Reliance?	Relief Available
	in connection with a consumer transaction whether it occurs before, during or after the transaction.” ⁶⁸			declaratory relief. ⁷¹
KY	Blanket prohibition providing: “Unfair, false, misleading, or deceptive acts or practices in the conduct of any trade or commerce are hereby declared unlawful. . . . [U]nfair shall be construed to mean unconscionable.” ⁷²	No. ⁷³	No. ⁷⁴	Actual damages, punitive damages, equitable relief. ⁷⁵
LA	Blanket prohibition providing: “Unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce are hereby declared unlawful.” ⁷⁶	No. ⁷⁷	No. ⁷⁸	Actual damages, treble damages, equitable relief. ⁷⁹
ME	Blanket prohibition providing: “Unfair methods of	No. ⁸¹	No. ⁸²	Actual

⁶⁸ Kan. Stat. § 50-627.

⁶⁹ Porras v. Bell, 857 P.2d 676, 678 (Kan. App. 1993); Kan. Stat. § 50-627(b).

⁷⁰ Kan. Stat. § 50-626(b).

⁷¹ Kan. Stat. § 50-634.

⁷² Ky. Rev. Stat. § 367.170.

⁷³ Capitol Cadillac Olds, Inc. v. Roberts, 813 S.W.2d 287, 291 (Ky. 1991)

⁷⁴ Telcom Directories, Inc. v. Commonwealth, 833 S.W.2d 848, 850 (Ky. App. 1991)

⁷⁵ Ky. Rev. Stat. § 367.220(1).

⁷⁶ La. Rev. Stat. § 51:1405(A).

⁷⁷ See La. Rev. Stat. § 51:1409(A).

⁷⁸ See Core v. Martin, 543 So. 2d 619, 621 (La. App. 1989) (unlawful conduct need only “involve” fraud, misrepresentation, deception, breach of fiduciary duty, or other unethical conduct).

⁷⁹ La. Rev. Stat. § 51:1409(A) (actual and treble damages not available on class basis); La. Rev. Stat. § 51:1408 (equitable relief including restitution)

State	Pertinent Deceptive Practices Prohibited	Requires Scienter?	Requires Individual Reliance?	Relief Available
	competition and unfair or deceptive acts or practices in the conduct of any trade or commerce are declared unlawful.” ⁸⁰			damages, equitable relief (including restitution), injunctive relief. ⁸³
MD	Standard Deceptive Practices laundry list plus any “[f]alse . . . or misleading oral or written statement . . . or other representation of any kind which has the capacity, tendency, or effect of deceiving or misleading consumers”; “[f]ailure to state a material fact if the failure deceives or tends to deceive”; and “[d]eception, fraud, . . . misrepresentation, or knowing concealment, suppression, or omission of any material fact with the intent that a consumer rely on the same in connection with . . . [t]he promotion or sale of any consumer goods” ⁸⁴	No. ⁸⁵	No. ⁸⁶	Actual damages, equitable relief (including restitution), injunctive relief. ⁸⁷
MA	Blanket prohibition providing: “Unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce are hereby	No. ⁸⁹	No. ⁹⁰	Actual damages, treble damages,

⁸⁰ 5 Me. Rev. Stat. § 207(1).

⁸¹ Bartner v. Carter, 405 A.2d 194, 200 (Me. 1979).

⁸² See Guiggey v. Bombardier, 615 A.2d 1169, 1172 (Me. 1992)

⁸³ 5 Me. Rev. Stat. § 213(1).

⁸⁴ Md. Com. Law Code § 13-301(1), (2)(i) & (iv), (3), 9(i).

⁸⁵ Md. Com. Law Code § 13-301(1)-(3); but see Md. Com. Law Code § 13-301(9).

⁸⁶ Md. Com. Law Code § 13-301(1)-(3).

⁸⁷ Md. Com. Law Code § § 13-408(a); § 13-406(c).

⁸⁸ Mass. Gen. L. Ch. 93A, § 2.

State	Pertinent Deceptive Practices Prohibited	Requires Scienter?	Requires Individual Reliance?	Relief Available
	declared unlawful.” ⁸⁸			equitable relief, , injunctive relief. ⁹¹
MI	Standard Deceptive Practices laundry list plus “[f]ailing to reveal a material fact, the omission of which tends to mislead or deceive the consumer, and which fact could not reasonably be known by the consumer”; and “[f]ailing to reveal facts that are material to the transaction in light of representations of fact made in a positive manner.” ⁹²	No. ⁹³	No. ⁹⁴	Actual damages, equitable relief, injunctive relief, restitution, declaratory relief. ⁹⁵
MN	Standard Deceptive Practices laundry list plus “engag[ing] in any other conduct which similarly creates a likelihood of confusion or of misunderstanding.” ⁹⁶	No. ⁹⁷	No. ⁹⁸	Equitable relief, injunctive relief. ⁹⁹

⁸⁹ Giannasca v. Everett Aluminum, Inc., 431 N.E.2d 596, 599 (Mass. App. 1982).

⁹⁰ Fraser Eng’g Co. v. Desmond, 524 N.E.2d 110, 113 (Mass. App. 1988).

⁹¹ Mass. Gen. L. Ch. 93A, § 9.

⁹² Mich. Stat. § 445.903(1)(c), (e), (s), (cc).

⁹³ See Mich. Stat. § 445.911(6).

⁹⁴ Dix v. Am. Bankers Life Assurance Co., 415 N.W.2d 206, 209 (Mich. 1987).

⁹⁵ Mich. Stat. § 445.911 (1), (3), (4).

⁹⁶ Minn. Stat. § 325D.44 (5), (7), (13).

⁹⁷ Minn. Stat. § 325D.45(1).

⁹⁸ Id.

⁹⁹ Minn. Stat. § 325D.45(1) (injunctive relief), (3) (in addition to other remedies available against same conduct); see cmts. & annotations following § 32D.45; Simmons v. Modern Aero, Inc., 603 N.W.2d 336, 339 (Minn. 1999)(holding that only injunctive relief is available to private litigants under

State	Pertinent Deceptive Practices Prohibited	Requires Scierter?	Requires Individual Reliance?	Relief Available
MS	Standard Deceptive Practices laundry list. ¹⁰⁰	No. ¹⁰¹	No. ¹⁰²	Actual damages, equitable relief (including restitution) ¹⁰³
MO	Blanket prohibition providing: “The act, use or employment by any person of any deception, fraud, false pretense, false promise, misrepresentation, unfair practice or the concealment, suppression, or omission of any material fact in connection with the sale or advertisement of any merchandise in trade or commerce . . . is declared to be an unlawful practice.” ¹⁰⁴	No. ¹⁰⁵	No. ¹⁰⁶	Actual damages, punitive damages, equitable relief. ¹⁰⁷
MT	Blanket prohibition providing: “Unfair methods of competition and unfair or deceptive acts or practices	No. ¹⁰⁹	No. ¹¹⁰	Actual damages,

Minnesota’s DTPA).

¹⁰⁰ Miss. Code § 75-24-5(1), (2)(e) & (g).

¹⁰¹ See Miss. Code § 75-24-19(1)(b), (3).

¹⁰² See Southwest Starving Artists Group, Inc. v. State, 364 So.2d 1128, 1130-31 (Miss. 1978).

¹⁰³ Miss. Code § 75-24-15(1) (actual damages in addition to all other statutory and common law remedies (but see Miss. Code § 75-24-15(4) (“Nothing in this chapter shall be construed to permit any class action or suit, but every private action must be maintained in the name of and for the sole use and benefit of the individual person.”); Miss. Code § 75-24-11 (equitable relief, restitution).

¹⁰⁴ Vernon’s Missouri Stat. § 407.020(1).

¹⁰⁵ State ex rel. Webster v. Areaco Inv. Co., 756 S.W.2d 633, 635-36 (Mo. App. 1988).

¹⁰⁶ Id.

¹⁰⁷ Vernon’s Missouri Stat. § 407.025(1).

State	Pertinent Deceptive Practices Prohibited	Requires Scierter?	Requires Individual Reliance?	Relief Available
	in the conduct of any trade or commerce are unlawful." ¹⁰⁸			treble damages, equitable relief, ¹¹¹ restitution. ¹¹²
NE	Blanket prohibition providing: "Unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce shall be unlawful." ¹¹³	No. ¹¹⁴	No. ¹¹⁵	Actual damages, punitive damages, injunctive relief, restitution. ¹¹⁶
NV	Standard Deceptive Practices laundry list plus "mak[ing] any other false representation in a transaction"; and "[f]ail[ing] to disclose a material fact in connection with the sale or lease of goods. . . ." ¹¹⁷	No. ¹¹⁸	No.	Actual damages, equitable relief, restitution. ¹¹⁹

¹⁰⁸ Mont. Code § 30-14-103.

¹⁰⁹ See Darvial v. T&W Chevrolet, 641 P.2d 1368, 1371 (Mont. 1982).

¹¹⁰ Id. at 1371-72.

¹¹¹ Mont. Code § 30-14-133(1) (provides for individual actions only).

¹¹² Mont. Code § 30-14-131.

¹¹³ Neb. Rev. Stat. § 59-1602.

¹¹⁴ See Cao v. Huan Nguyen, 607 N.W.2d 528 (Neb. 2000)

¹¹⁵ Id.

¹¹⁶ Neb. Rev. Stat. 59-1609 (injunctive relief, actual damages, punitive damages not to exceed \$1,000); § 59-1608 (court may order restitution of anything acquired by fraudulent acts).

¹¹⁷ Nev. Rev. Stat. § 598.0915(5), (7), (14); § 598.0923(2).

¹¹⁸ See Nev. Rev. Stat. § 598.0979(1) (knowledge, not intent, required as

State	Pertinent Deceptive Practices Prohibited	Requires Scierter?	Requires Individual Reliance?	Relief Available
NH	Standard Deceptive Practices laundry list. ¹²⁰	No. ¹²¹	No. ¹²²	Actual damages, double damages, treble damages, equitable relief, injunctive relief. ¹²³
NJ	Blanket prohibition providing: “The act, use or employment . . . of any unconscionable commercial practice, deception, fraud, false pretense, false promise, misrepresentation, or the knowing, concealment, suppression, or omission of any material fact with intent that others rely upon such concealment, suppression or omission, in connection with the sale or advertisement of any merchandise . . . is declared to be an unlawful practice” ¹²⁴	No. ¹²⁵	No. ¹²⁶	Actual damages, treble damages, equitable relief. ¹²⁷
NM	Blanket prohibition providing: “Unfair or deceptive	No. ¹²⁹	No. ¹³⁰	Actual

element of a deceptive trade practice).

¹¹⁹ Nev. Rev. Stat. § 41.600 (actual damages); Nev. Rev. Stat. § 598.0993 (equity/restitution).

¹²⁰ N.H. Rev. Stat. § 358-A:2(V), (VII).

¹²¹ See N.H. Rev. Stat. § 358-A:10(I).

¹²² See Barrows v. Boles, 687 A.2d 979, 986 (N.H. 1996).

¹²³ N.H. Rev. Stat. § 358-A:10(I); § 358-A:10-a.

¹²⁴ N.J. Rev. Stat. § 56:8-2.

¹²⁵ But see Fenwick v. Kay Am. Jeep, Inc., 371 A.2d 13 (N.J. 1977) (intent required only where claim based purely on a concealment, suppression, or omission of material fact).

¹²⁶ N.J. Rev. Stat. § 56:8-2.

¹²⁷ N.J. Rev. Stat. § 56:8-19.

State	Pertinent Deceptive Practices Prohibited	Requires Scienter?	Requires Individual Reliance?	Relief Available
	trade practices and unconscionable trade practices in the conduct of any trade or commerce are unlawful.” ¹²⁸			damages, treble damages, equitable relief, injunctive relief. ¹³¹
NY	Blanket prohibition providing: “Deceptive acts or practices in the conduct of any business, trade or commerce or in the furnishing of any service in this state are hereby declared unlawful.” ¹³²	No. ¹³³	No. ¹³⁴	Actual damages, treble damages, equitable relief. ¹³⁵
NC	Blanket prohibition providing: “Unfair methods of competition in or affecting commerce, and unfair or deceptive acts or practices in or affecting commerce, are declared unlawful.” ¹³⁶	No. ¹³⁷	No. ¹³⁸	Actual damages, treble damages. ¹³⁹
ND	Blanket prohibition providing: “The act, use, or	No. ¹⁴¹	No. ¹⁴²	Actual

¹²⁸ N.M. Stat. § 57-12-3.

¹²⁹ N.M. Stat. § 57-12-10A.

¹³⁰ See id.

¹³¹ N.M. Stat. § 57-12-10(A), (B) (but only class representative in class action entitled to treble damages).

¹³² N.Y. Gen. Bus. Law § 349(a).

¹³³ Small v. Lorillard Tobacco Co., 720 N.E.2d 892, 897 (N.Y. 1999).

¹³⁴ Stutman v. Chemical Bank, 731 N.E.2d 608, 612 (N.Y. 2000)

¹³⁵ N.Y. Gen. Bus. Law § 349(h).

¹³⁶ N.C. Gen. Stat. § 75-1.1(a).

¹³⁷ Tomlinson v. Camel City Motors, 408 S.E.2d 853, 858 (N.C. 1991).

¹³⁸ Earce v. Am. Defender Life Ins. Co., 343 S.E.2d 174, 180 (N.C.1986).

¹³⁹ N.C. Gen. Stat. § 75-16 (any damages assessed shall be trebled).

State	Pertinent Deceptive Practices Prohibited	Requires Scienter?	Requires Individual Reliance?	Relief Available
	employment by any person of any deceptive act or practice, fraud, false pretense, false promise, or misrepresentation, with the intent that others rely thereon in connection with the sale or advertisement of any merchandise . . . is declared to be an unlawful practice." ¹⁴⁰			damages, treble damages. ¹⁴³
OH	Standard Deceptive Practices laundry list. ¹⁴⁴	No. ¹⁴⁵	No. ¹⁴⁶	Actual damages, equitable relief, injunctive relief, rescission, declaratory relief. ¹⁴⁷
OK	Blanket prohibition of unfair or deceptive trade practices, plus Standard Deceptive Practices laundry list. ¹⁴⁸	No. ¹⁴⁹	No. ¹⁵⁰	Actual damages. ¹⁵¹

¹⁴⁰ N.D. Cent. Code § 51-15-02.

¹⁴¹ See N.D. Cent. Code § 51-15-09.

¹⁴² N.D. Cent. Code § 51-15-02.

¹⁴³ N.D. Cent. Code § 51-15-09.

¹⁴⁴ Ohio Rev. Code § 1345.02(A), (B)(1), (B)(2).

¹⁴⁵ See Ohio Rev. Code § 1345.09(F)(2).

¹⁴⁶ See Ohio Rev. Code § 1345.09(D).

¹⁴⁷ Ohio Rev. Code § 1345.09(A), (B), (D).

¹⁴⁸ 15 Okla. Stat. §§ 752(11), (12); 753(5), (7), (20).

¹⁴⁹ Patterson v. Beall, 2000 WL 1707795, *5 (Okla. Nov. 14, 2000) (listing elements of violation) (subject to revision or withdrawal prior to publication in permanent law reports).

¹⁵⁰ 15 Okla. Stat. § 752(11).

¹⁵¹ 15 Okla. Stat. §§ 761.1(A) (statutory penalties for unconscionable practices available in individual actions only under § 761.1(B)).

State	Pertinent Deceptive Practices Prohibited	Requires Scienter?	Requires Individual Reliance?	Relief Available
OR	Standard Deceptive Practices laundry list plus “[c]oncurrent with tender or delivery of any . . . goods . . . fail[ing] to disclose any known material defect”; and “[e]ngag[ing] in any other unfair or deceptive conduct in trade or commerce.” ¹⁵²	No. ¹⁵³	No. ¹⁵⁴	Actual damages, punitive damages, equitable relief, injunctive relief. ¹⁵⁵
PA	Standard Deceptive Practices laundry list plus “[e]ngaging in any other fraudulent or deceptive conduct which creates a likelihood of confusion or of misunderstanding.” ¹⁵⁶	No. ¹⁵⁷	No. ¹⁵⁸	Actual damages, treble damages, equitable relief. ¹⁵⁹

¹⁵² Or. Rev. Stat. § 646.608(1)(e), (g), (t), (u); see § 646.608(2) (“A representation under subsection (1) . . . may be any manifestation of any assertion by words or conduct, including, but not limited to, a failure to disclose a fact.”)

¹⁵³ Or. Rev. Stat. § 646.638(1); Luedeman v. Tri-west Constr. Co., 592 P.2d 281, 282-83 (Or. App. 1979) (proof of willfulness (*i.e.*, knew/should have known of violation) required for damages under § 646.638.1).

¹⁵⁴ Or. Rev. Stat. § 646.608(3); Raudebaugh v. Action Pest Control, Inc., 650 P.2d 1006, 1009 (Or. App. 1982).

¹⁵⁵ Or. Rev. Stat. § 646.632 (injunctive relief); 646.636 (restitution/equitable relief); 646.638(1) (actual and punitive damages/equitable relief)

¹⁵⁶ 73 Pa. Stat. §§ 201-3; 201-2(4)(v), (vii), (xxi).

¹⁵⁷ But see Prime Meats v. Yochim, 619 A.2d 769, 773 (Pa. Super. 1993) (“to recover under . . . § 201-2(4)(xvii), the elements of common law fraud [including scienter] must be proven”).

¹⁵⁸ But see Dilucido v. Terminix Int’l, Inc., 676 A.2d 1237, 1240-41 (Pa. Super. 1996) (to recover for ascertainable losses under § 201-9.2, plaintiff must “establish[] a causal connection to or reliance on” alleged deceptive conduct); Prime Meats v. Yochim, 619 A.2d 769, 773 (Pa. Super. 1993) (“to recover under . . . § 201-2(4)(xvii), the elements of common law fraud [including reliance] must be proven”).

¹⁵⁹ 73 Penn. Stat. § 201-9.2(a).

State	Pertinent Deceptive Practices Prohibited	Requires Scienter?	Requires Individual Reliance?	Relief Available
RI	Blanket prohibition providing: “Unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce are hereby declared unlawful”; plus Standard Deceptive Practices laundry list plus “[e]ngaging in any other conduct which similarly creates a likelihood of confusion or of misunderstanding”; “[e]ngaging in any act or practice which is unfair or deceptive to the consumer”; and “[u]sing any other methods, acts or practices which mislead or deceive members of the public in a material respect” ¹⁶⁰	No. ¹⁶¹	No. ¹⁶²	Actual damages, punitive damages, equitable relief. ¹⁶³
SC	Blanket prohibition providing: “Unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce are hereby declared unlawful.” ¹⁶⁴	No. ¹⁶⁵	No. ¹⁶⁶	Actual damages, treble damages, equitable relief. ¹⁶⁷
SD	Laundry list of deceptive acts and practices including: to “[k]nowingly and intentionally act, use, or employ any deceptive act or practice, fraud, false pretense, false promises, or misrepresentation or to conceal,	Yes. ¹⁶⁹	No. ¹⁷⁰	Actual damages, equitable relief,

¹⁶⁰ R.I. Gen. Laws §§ 6-13.1-2; 6-13.1-1(5)(E), (G), (L), (M), (N).

¹⁶¹ See R.I. Gen. Laws §§ 6-13.1-1; 6-13.1-5.2 (no scienter/intent element).

¹⁶² See *ids.* (no reliance element).

¹⁶³ R.I. Gen. Laws. § 6-13.1-5.2.

¹⁶⁴ S.C. Code § 39-5-20(a)

¹⁶⁵ State ex rel. McLeod v. C & L Corp., 313 S.E.2d 334, 338 (S.C. App. 1984)

¹⁶⁶ Id.; see also, deBondt v. Carlton Motorcars, Inc., 536 S.E.2d 399, 407-08 (S.C. App. 2000)

¹⁶⁷ S.C. Code § 39-5-104(a) (precludes class-wide recovery of actual/treble damages).

State	Pertinent Deceptive Practices Prohibited	Requires Scierter?	Requires Individual Reliance?	Relief Available
	suppress, or omit any material fact in connection with the sale or advertisement of any merchandise. . . .” ¹⁶⁸			restitution. ¹⁷¹
TN	Blanket prohibition on unfair or deceptive acts or practices, including the Standard Deceptive Practices. ¹⁷²	No. ¹⁷³	No. ¹⁷⁴	Actual damages, treble damages, equitable relief, declaratory relief. ¹⁷⁵
TX	Blanket prohibition providing: “False, misleading, or deceptive acts or practices in the conduct of any trade or commerce are hereby declared unlawful”; plus Standard Deceptive Practices laundry list plus “the failure to disclose information concerning goods or services which was known at the time of the transaction if such failure to disclose such information was intended to induce the consumer into a transaction into which the consumer would not have	No. ¹⁷⁷	Yes. ¹⁷⁸	Actual damages, treble damages, equitable relief, injunctive relief, restitution.

¹⁶⁸ S.D. Code Laws § 37-24-6(1)

¹⁶⁹ Id.

¹⁷⁰ Id.

¹⁷¹ S.D. Code Laws § 37-24-31; see also § 37-24-29 (restitution/equitable relief).

¹⁷² Tenn. Code Ann. § 47-18-104(a), (b)(5), (7), (23).

¹⁷³ See Smith v. Scott Lewis Chevrolet, 843 S.W.2d 9, 12 (Tenn. App. 1992); Tenn. Code Ann. § 47-18-109(a)(3), (a)(4)(D).

¹⁷⁴ Harvey v. Ford Motor Credit Co., 1999 Tenn. App. LEXIS 448, *4 (Tenn. App. July 13, 1999); Lien v. Couch, 993 S.W.2d 53, 57 (Tenn. App. 1998) (recognizing consumer protection statutes ordinarily dispense with reliance requirement); see Tenn. Code Ann. § 47-18-109.

¹⁷⁵ Tenn. Code Ann. § 47-18-109.

¹⁷⁶ Tex. Bus. & Com. Code § 17.46(a), (b)(5) & (7).

State	Pertinent Deceptive Practices Prohibited	Requires Scienter?	Requires Individual Reliance?	Relief Available
	entered had the information been disclosed” ¹⁷⁶			¹⁷⁹
UT	Blanket prohibition on deceptive acts or practices in connection with consumer transactions, plus Standard Deceptive Practices laundry list. ¹⁸⁰	Yes. ¹⁸¹	No. ¹⁸²	Actual damages, equitable relief, injunctive relief, declaratory relief. ¹⁸³
VT	Blanket prohibition providing: “Unfair methods of competition in commerce, and unfair or deceptive acts or practices in commerce, are hereby declared unlawful.” ¹⁸⁴	No. ¹⁸⁵	Yes. ¹⁸⁶	Actual damages (including purchase price), punitive damages. ¹⁸⁷
VA	Standard Deceptive Practices laundry list plus “[a]dvertising or offering for sale goods which are . . . defective . . . without clearly and unequivocally indicating . . . that the goods are . . . defective”; and “[u]sing any other deception, fraud, false pretense,	No. ¹⁸⁹	No. ¹⁹⁰	Actual damages, treble damages, equitable

¹⁷⁷ See Tex. Bus. & Com. Code § 17.50(b)(1).

¹⁷⁸ Tex. Bus. & Com. Code § 17.50(a)(1)(B).

¹⁷⁹ Tex. Bus. & Com. Code § 17.50(b).

¹⁸⁰ Utah Code § 13-11-4(1), (2)(a) & (b).

¹⁸¹ Utah Code § 13-11-4(2); Wade v. Jobe, 818 P.2d 1006, 1016 (Utah 1991).

¹⁸² See Utah Code § 13-11-19(1)(b).

¹⁸³ Utah Code § 13-11-19.

¹⁸⁴ 9 Vt. Stat. § 2453(a).

¹⁸⁵ Poulin v. Ford Motor Co., 513 A.2d 1168, 1172 (Vt. 1986).

¹⁸⁶ 9 Vt. Stat. § 2461(b); Russell v. Atkins, 679 A.2d 333, 335 (Vt. 1996).

¹⁸⁷ 9 Vt. Stat. § 2461(b) (treble damages limited to three times purchase price).

State	Pertinent Deceptive Practices Prohibited	Requires Scierter?	Requires Individual Reliance?	Relief Available
	false promise, or misrepresentation in connection with a consumer transaction". ¹⁸⁸			relief, restitution. ¹⁹¹
WA	Blanket prohibition providing: "Unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce are hereby declared unlawful." ¹⁹²	No. ¹⁹³	No. ¹⁹⁴	Actual damages, treble damages, injunctive relief. ¹⁹⁵
WV	Standard Deceptive Practices laundry list plus "[e]ngaging in any other conduct which similarly creates a likelihood of confusion or of misunderstanding"; and "[t]he act, use or employment . . . of any deception, fraud, false pretense, false promise or misrepresentation, or the concealment, suppression or omission of any material fact with intent that others rely upon such concealment, suppression or omission . . .". ¹⁹⁶	No. ¹⁹⁷	No. ¹⁹⁸	Actual damages, equitable relief. ¹⁹⁹

¹⁸⁸ Va. Code § 59.1-200(A)(5)-(7), (14).

¹⁸⁹ See Va. Code § 59.1-204(A)

¹⁹⁰ Lambert v. Downtown Garage, Inc., 44 Va. Cir. 102, 104-05 (Va. Cir. Ct. 1997)

¹⁹¹ Va. Code. §§ 59.1-204 (actual, treble damages); 59.1-205 (restitution and other equitable relief).

¹⁹² Wash. Rev. Code § 19.86.020.

¹⁹³ Tradewell Stores, Inc. v. T.B. & M., Inc., 500 P.2d 1290,1296 (Wash. App. 1972)

¹⁹⁴ See generally, Morris v. Int'l Yogurt Co., 729 P.2d 33 (Wash. 1986).

¹⁹⁵ Wash. Rev. Code § 19.86.090.

¹⁹⁶ W. Va. Code §§ 46A-6-102(f)(5), (7), (12), (13); 46A-6-104.

¹⁹⁷ See ids.

¹⁹⁸ See W. Va. Code §§ 46A-6-102(f)(13); 46A-6-106(1).

¹⁹⁹ W. Va. Code § 46A-6-106(1) (consumer may recover damages or \$200,

State	Pertinent Deceptive Practices Prohibited	Requires Scienter?	Requires Individual Reliance?	Relief Available
WI	Advertisements, announcements, statements or representations containing any assertion, representation or statement of fact which is untrue, deceptive or misleading. ²⁰⁰	Yes. ²⁰¹	No. ²⁰²	Actual damages, equitable relief. ²⁰³
WY	Laundry list of deceptive trade practices, including: “[r]epresent[ing] that merchandise is of a particular standard [or] grade . . . if it is not”; and “[e]ngag[ing] in unfair or deceptive acts or practices.” ²⁰⁴	No. ²⁰⁵	Yes. ²⁰⁶	Actual damages, equitable relief. ²⁰⁷

whichever is greater).

²⁰⁰ Wis. Stats. § 100.18(1).

²⁰¹ HBN Partnership v. Schappe, 532 N.W.2d 144 (Wis. App. 1995)

²⁰² Tim Torres Enters. Inc. v. Linscott, 416 N.W.2d 670, 676 (Wis. App. 1987).

²⁰³ Wis. Stat. § 100.18(11).

²⁰⁴ Wyo. Stat. § 40-12-105(a)(iii), (xv).

²⁰⁵ See Wyo. Stat. § 40-12-105.

²⁰⁶ Wyo. Stat. § 40-12-108(a).

²⁰⁷ Wyo. Stat. §§ 40-12-108 (actual damages); 40-12-106 (equitable relief including restitution).