

By Mr. Walsh of Boston, petition of Robert H. Quinn (Attorney General) and Joseph B. Walsh that the Attorney General be authorized to seek without a notice temporary restraining orders against unfair trade practices. The Judiciary.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Seventy-Two.

**AN ACT AUTHORIZING THE ATTORNEY GENERAL TO SEEK WITHOUT NOTICE TEMPORARY RESTRAINING ORDERS AGAINST UNFAIR TRADE PRACTICES.**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 93A of the General Laws is hereby amended by  
2 striking out the first two paragraphs of section 4 and inserting  
3 in place thereof the following: —

4 Whenever the attorney general has reason to believe that any  
5 person is using or is about to use any method, act, or practice  
6 declared by section two to be unlawful, and that proceedings  
7 would be in the public interest, he may, upon notice given in  
8 accordance with this section, bring an action in the name of  
9 the commonwealth against such person to restrain by tempo-  
10 rary restraining order or preliminary or permanent injunction  
11 the use of such method, act or practice. The action may be  
12 brought in the superior court of the county in which such  
13 person resides or has his principal place of business, or the  
14 action may be brought in the superior court of Suffolk county  
15 with the consent of the parties or if the person has no place of  
16 business within the commonwealth. Said court may issue  
17 temporary restraining orders or preliminary or permanent in-  
18 junctions and make such other orders or judgments as may be  
19 necessary to restore to any person who has suffered any  
20 ascertainable loss by reason of the use or employment of such

21 unlawful method, act or practice any moneys or property, real  
22 or personal, which may have been acquired by means of such  
23 method, act, or practice; provided, however that no such pre-  
24 liminary or permanent injunction or other order, except a  
25 temporary restraining order, shall issue except upon notice and  
26 an opportunity to be heard.

27 At least ten days prior to the commencement of any action  
28 brought under this section, except when a temporary restrain-  
29 ing order is sought, the attorney general shall notify the person  
30 of his intended action, and give the person an opportunity to  
31 confer with the attorney general in person or by counsel or  
32 other representative as to the proposed action. Such notice  
33 shall be given the person by mail, postage prepaid, to his usual  
34 place of business, or if he has no usual place of business, to his  
35 last known address.