



Boston Concord Hanover Manchester



Robert H. Miller
Direct dial: 603.627.8145
Fax: 603.641.2380
rmiller@sheehan.com

Practice Areas

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Publishing
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Ask The Expert - Mass High Tech

What do the many recent developments in New Hampshire's Consumer Protection Act jurisprudence mean to my business?

Friday, December 31, 2004

The Act provides a "non-exhaustive list" of 14 categories of unlawful acts. A defendant whose conduct falls within one or more of these categories of conduct will no likely be held strictly liable for that conduct, regardless of the defendant's intent in committing the proscribed act. Without more, this exposes a defendant to a prevailing plaintiff's damages and reasonable attorney's fees. The Act provides for up to treble damages if a prevailing plaintiff can show that a defendant's conduct was willful. Despite these significant risks, however, the news is not all bad for businesses.

The Act has also recently been read to apply in commercial business-to-business transactions, and to apply equally to buyers and sellers – providing companies on both sides of a business transaction with a powerful new weapon against unscrupulous conduct. As a result, a company injured by the deceptive commercial acts or business practices of another company can now bring an action under the Act.

Additional information for this attorney
may be found on our website.

SHEEHAN PHINNEY BASS + GREEN PA
www.sheehan.com

Manchester, NH | Concord, NH | Hanover, NH | Boston, MA
800-625-SPBG (7724)