

**WEST VIRGINIA  
SECRETARY OF STATE**

**KEN HECHLER**

**ADMINISTRATIVE LAW DIVISION**

Form #6

FILED  
1990 APR 27 PM 12:32  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE.**

AGENCY: Attorney General TITLE NUMBER: 142

AMENDMENT TO AN EXISTING RULE: YES , NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 9

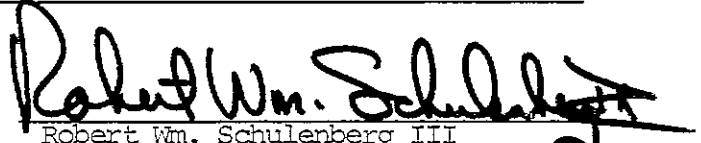
TITLE OF RULE BEING PROPOSED: Legislative rule pertaining to allowing  
persons who are indirectly injured by violations of the West Virginia  
Antitrust Act to recover damages.

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) S.B. 243

SECTION 64-9-3(f), PASSED ON March 10, 1990

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON  
THE FOLLOWING DATE: April 2, 1990

  
Robert Wm. Schulenberg III

FILED

TITLE 142

1990 MAR 33 PM 12:32

LEGISLATIVE RULE  
ATTORNEY GENERAL  
SERIES 9

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

Title: Legislative rule pertaining to allowing persons who are indirectly injured by violations of the West Virginia Antitrust Act to recover damages.

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Section 142-9-1. General

142-9-2. General Recoverable by Persons Indirectly Injured

FILED

TITLE 142

1990 MAR 33 PM 12: 32

LEGISLATIVE RULE  
ATTORNEY GENERAL  
SERIES 9

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

Title: Legislative rule pertaining to allowing persons who are indirectly injured by violations of the West Virginia Antitrust Act to recover damages.

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Section 142-9-1. General.

1.1 Rule Designation - This rule is legislative.

1.2 Scope - This rule shall apply to any action brought by any person under the provisions of Chapter 47, Article 18, Section 9 of the West Virginia Code, or any action brought by the Attorney General as parens patriae under the provisions of Chapter 47, Article 18, Section 17 of the Code.

1.3 Authority - Chapter 47, Article 18, Section 20 of the Code.

1.4 Purpose - The purpose of this rule is to allow persons who are indirectly injured by violations of the West Virginia Antitrust Act to maintain an action for damages; to allow the Attorney General, as parens patriae, to maintain an action on behalf of such persons who have suffered indirect injury under Chapter 47, Article 18, Section 17 of the Code; and to bring the application of the West Virginia Antitrust Act into conformity with the laws of other jurisdictions.

1.5 Filing Date - This rule was filed on the second day of April 1990.

1.6 Effective Date - This rule shall be effective upon passage of bill of authorization.

1.7 Repeal of Former Rule - Not applicable.

1.8 Construction - This rule shall be liberally construed to effectuate the beneficial purposes of the West Virginia Antitrust Act.

Title 142  
Attorney General  
Legislative Rule  
Section 142-9-1.

1.9 Severability - If, for any reason, any section, sentence, clause, phrase, or provision of this rule or the application thereof to any person or circumstance is held unconstitutional or invalid, such unconstitutionality or invalidity shall not affect other sections, sentences, clauses, phrases, or provisions or their application to any other person or circumstance, and to this end, each and every section, sentence, clause, phrase, or provision of this rule is hereby declared severable.

Section 142-9-2. Damages Recoverable By Persons  
Indirectly Injured.

Any person who is injured directly or indirectly by reason of a violation of the West Virginia Antitrust Act, Chapter 47, Article 18, Section 1, et seq. of the Code, may bring an action for damages under Chapter 47, Article 18, Section 9 of the Code. The State and any of its political subdivisions shall be deemed a person within the meaning of this rule.



STATE OF WEST VIRGINIA  
OFFICE OF THE ATTORNEY GENERAL  
CHARLESTON 25305

FILED

1990 MAR 30 PM 12:32

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

ROGER W. TOMPKINS  
ATTORNEY GENERAL

(304) 348-2021

CONSUMER HOTLINE  
(800) 368-8808

March 30, 1990

The Honorable Ken Hechler  
Secretary of State  
State Capitol  
Charleston, West Virginia 25305

Dear Mr. Hechler:

Enclosed is the Notice of Final Filing for the Office of the Attorney General and the Antitrust Rule, Title 142, Series 9.

In addition to completing the "Filing Date" portion of the Rule at 1.5, we also corrected a typographical error in 1.6 by changing the word "authorizations" to "authorization."

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Robert Wm. Schulenberg III".

ROBERT WM. SCHULENBERG III  
SENIOR ASSISTANT ATTORNEY GENERAL  
ANTITRUST DIVISION

RWSIII/rm  
Enclosures