

365.070 Injunction and damages for violation of KRS 365.020 to 365.050.

- (1) Any person may maintain an action to enjoin a continuance of any act in violation of any of the provisions of KRS 365.020 to 365.050, and if injured thereby for the recovery of damages. If, in such action, the court finds that the defendant is violating or has violated any of the provisions of KRS 365.020 to 365.050, it shall enjoin the defendant from a continuance thereof. It shall not be necessary that actual damages to the plaintiff be alleged or proved. In addition to such injunctive relief, the plaintiff in the action shall be entitled to recover from the defendant three (3) times the amount of any actual damages sustained. Any defendant in an action brought under this section may be required to testify, and his books and records may be brought into court and introduced, by reference, into evidence, but no information so obtained shall be used against the defendant as a basis for a prosecution under the provisions of subsection (2) of KRS 365.990.
- (2) Any person who, as agent of any person or as director, officer or agent of any corporation, assists or aids in a violation of any of the provisions of KRS 365.020 to 365.050 by the person or corporation for which he is agent, director or officer, shall be responsible therefor equally with such person or corporation, and in any proceeding brought against him under subsection (1) of this section it shall be sufficient to allege and prove the unlawful intent of the person or corporation for whom he acts.
- (3) The remedies prescribed by this section are cumulative.

History: Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 4748h-2, 4748h-5, 4748h-10, 4748h-12.