



March 22, 2023

Chair Zack Stephenson and Members of the House Commerce Committee,

The Minnesotans for Lawsuit Reform (MnFLR) coalition urges caution on House File 2823 and respectfully asks for time to more fully discuss the potential impact of the proposal and work on wording of the proposed statutory change with interested parties.

It is difficult to ascertain what problem the bill is trying to address. Other states deal with anti-trust and anti-competitive concerns by more concretely spelling out what conduct is prohibited under their state's law.

Federal law already protects consumers and businesses from anti-trust concerns. This bill would contradict federal law by expressly protecting 'competitors and other businesspersons.' The proposal could lead to significantly increased litigation between businesses that compete based on vague and undefined terms interpreted to imply that simple and completely fair competition is somehow improper and now actionable by a lawsuit.

The proponents of the bill claim Minnesota is an anomaly when it comes to anti-trust laws but H.F. 2823 would introduce ambiguous wording with very subjective meanings and make Minnesota an outlier on anti-trust issues.

As the committee is aware, MnFLR earlier this month engaged Mid-Minnesota Legal Aid on another highly nuanced bill dealing with the state's Consumer Fraud Statutes (H.F. 1459-Friberg) and emerged with an acceptable compromise that will likely help prevent a flood of frivolous litigation. We are asking for an opportunity to do the same with H.F. 2823.

Respectfully,

Doug Grawe, CEO, The Grawe Group  
Board Chair, Minnesota for Lawsuit Reform