

Bond Case Briefs

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Leder v. Superintendent of Schools of Concord & Concord-Carlyle Regional School Dist.

Supreme Judicial Court of Massachusetts, Middlesex - May 31, 2013 - N.E.2d - 465 Mass. 305

Musical instrument sale and rental business brought action against school district and superintendent, as well as various other district officials, seeking declaratory and injunctive relief to prevent district from endorsing other rental businesses or organizing string rental nights without business's participation.

Plaintiff filed a complaint alleging that, by providing a competitor with their "endorsement," the defendants had used their official positions to secure for the competitor unwarranted privileges that are of substantial value and not available to similarly situated individuals, in violation of G.L. c. 268A, § 23 (b) (2)(ii).

The Supreme Judicial Court of Massachusetts held that finding of statutory violation by State Ethics Commission and rescission request by municipal agency were prerequisites to filing of private rescission action.