

Massachusetts Court Denies Permanent Injunction in Chapter 93A Case: Insufficient Evidence of Ongoing or Future Violations

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The Superior Court of Massachusetts recently weighed in on the necessity of entering a permanent injunction under Chapter 93A, Section 4, in *Commonwealth v. Mega Life & Health Ins. Co.* Following the court's entry of findings of fact, rulings of law, and judgment in favor of the Commonwealth, the Commonwealth sought permanent injunctive relief to prohibit the defendants, along with their successors and related entities, from selling insurance products in Massachusetts. Despite finding in favor of the Commonwealth, the court declined to enter a permanent injunction, concluding that the Commonwealth had not presented sufficient evidence to justify its necessity.

To obtain a permanent injunction, a government litigant must demonstrate that the requested order promotes the public interest or, alternatively, that the relief sought will not adversely affect the public. Such relief is warranted only when there is evidence of ongoing harm from past unlawful conduct or a likelihood of future violations. In this case, the Commonwealth did not present evidence of recent or ongoing violations by the defendants. Instead, the trial evidence focused solely on violations that occurred between 2012 and 2018.

The court noted that it lacked information about the defendants' current market activities, business plans, or intentions to reenter the Massachusetts market. Without evidence of recent or ongoing misconduct or a clear indication of future violations, the court found no basis for issuing a permanent injunction. Accordingly, the request for injunctive relief was denied, as the court determined that such an order would have no appreciable impact on protecting consumers.

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