

Environamics v. Thelco CV-96-068-M 12/02/97  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Environamics Corporation

v.

Civil No. 96-68-M

Thelco Corporation

**O R D E R**

Environamics Corporation moves to dismiss Thelco Corporation's Consumer Protection Act claim on grounds that the Act does not apply to transactions between business entities. Though acknowledging that controlling authority is directly contrary, see Eastern Mountain Platform Tennis, Inc. v. Sherwin Williams, Co., 40 F.3d 492 (1st Cir. 1994), Environamics nevertheless invites this court to disregard that authority, as well as other persuasive authority, on the basis of several New Hampshire Superior Court decisions that do not present a consistent interpretation of the Act. The court obviously will decline the invitation.

Plaintiff's motion to dismiss (document no. 33) is denied.

**SO ORDERED.**

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Steven J. McAuliffe  
United States District Judge

December 2, 1997  
cc: Christopher Cole, Esq.  
Daniel P. Schwarz, Esq.  
Rosemary A. Macero, Esq.  
Laurin D. Quiat, Esq.