

# CA cities try again for M\$ damages

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The cities and counties of San Francisco and Los Angeles, as well as the counties of Santa Clara, San Mateo, and Contra Costa, are expected to amend their complaint, which sought damages on behalf of all other California government agencies on claims that Microsoft overcharged them for its software.

The original lawsuit was dismissed by Judge Frederick Motz after he ruled that government agencies are barred from filing suit under California's Unfair Competition Law, UCL, and that the four-year limitation period included in both the Cartwright Act and the UCL had expired. The government agencies were seeking damages for the period covering February 18, 1995, to the present day.

"The countless civil cases that have been filed against Microsoft since Judge Jackson issued his [November 1999] findings of fact and conclusions of law demonstrate that there was no practical impediment preventing plaintiffs from instituting this action long ago," wrote Judge Motz.

The judge did give the cities and counties leave to amend their complaint under the Cartwright Act for damages they claim to have suffered within four years of filing the complaint, however.

In 2003, Microsoft settled a separate class action with California businesses and consumers for \$1.1bn, although government agencies were excluded from the settlement under the terms finally approved by San Francisco's Superior Court in July 2004.

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