



# Fraud

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## Fraud

The basics:

Fraud is a tort cause of action.

The UCC generally does not preempt tort causes of action, and it definitely doesn't preempt a suit for fraud.

You can sue for fraud in tort and under the UCC for breach of warranty and/or breach of contract all at the same time!

# Fraud

The Elements:

1. Material misrepresentation by defendant
2. Scierter
  - (at least recklessness; it's a lie)
3. Intent to induce reliance
4. Causation
  - (victim must be deceived; actual reliance)
5. Justifiable reliance
6. Damages