

Recovery of Contractual Attorneys' Fees for Tort and Contract Claims

A **report on the website** of Low, Ball & Lynch discusses a case in which the California Court of Appeal addresses whether attorneys' fees can be awarded when a plaintiff alleges both tort and contract causes of action and dismisses the entire complaint before trial.

In the case, *Neeshat S. Khan v. Michael Shim*, "The Court of Appeal concluded that when a plaintiff voluntarily dismisses an action involving both contract and tort claims, Civil Code § 1717(b)(2) does not preclude a defendant from recovering attorneys' fees if the fee provision is broad enough to cover the tort claims."

The article concludes that parties need to pay particular attention when drafting fee provisions when contract and tort claims may be brought together. "For cases with a fee provision, a liability analysis regarding the impact of attorneys' fees should be assessed when determining whether to voluntarily dismiss a case," in says.

Read the article.

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