



Sotomayor Law

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Mediation & Arbitration Services

Beware of Filing Simultaneous Claims in Arbitration and Court

December 26, 2014

From the Los Angeles County Bar Association's December 24, 2014 Daily eBriefs:

"Where plaintiff simultaneously sought damages in arbitration, and declaratory and injunctive relief in court, based on the same claims, and lost the arbitration, defendant became the prevailing party for purposes of an attorney fee award in the litigation under Civil Code Sec. 1717. Once the hearing on the merits of the parties' dispute commenced at the arbitration, it was too late for plaintiffs to dismiss the civil action without prejudice and thereby avoid an attempt by defendants to recover attorney fees as the prevailing party in the action.

Mesa Shopping Center-East, LLC v. O Hill - filed December 23, 2014, Fourth District, Div. Three
Cite as 2014 S.O.S. 5860

Full text <http://www.metnews.com/sos.cgi?1214//G049205>"

Contact us for your ADR needs today.

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