

Robbins Firm Defeats Motion for Fees In Case of First Impression

On June 27, 2016, the Robbins Firm defeated a motion for attorney fees filed against its client in Fulton County Superior Court. The Robbins Firm had previously won a \$245,000 jury verdict for its client on a claim for breach of contract. However, the defendants filed a claim for fees under O.C.G.A. § 9-11-68, arguing that because the verdict was not specifically allocated to any of the client's related tort claims, the "final judgment" did not exceed a previous offer of judgment, thereby entitling defendants to fees under the fee shifting statute. The Robbins Firm opposed defendants' motion, arguing in a case of first impression that the term "final judgment" in O.C.G.A. § 9-11-68 meant the entire judgment regardless of how the jury allocated the total dollar amount. The Superior Court agreed, and denied the defendants motion for fees in full.