

## ERVIN COHEN & JESSUP OBTAINS COMPLETE VICTORY IN FINANCIAL ELDER ABUSE CASE

09.08.2021

In a complete victory, the Court of Appeal affirmed a financial elder abuse attorney's fee award for an ECJ client and overturned a denial of attorney's fees for her winning on a derivative claim on behalf of a limited partnership. The critical issue upon which the Court of Appeal reversed the trial court was on whether the client could recover fees on her successful derivative claim. The Court found that the trial court abused its discretion in refusing the client's request to apply the common fund or substantial benefit doctrines by relying on the adverse interest exception. The client's awards for attorney's fees and costs of over \$1.5 million on the judgment remain intact, and the request for what might total more than an additional \$650,000 in attorney's fees and costs is remanded to the trial court.

### PROFESSIONALS

Geoffrey M. Gold

Jason L. Haas

### PRACTICE AREAS

Litigation and Alternative  
Dispute Resolution