

Florida Supreme Court Clarifies The Procedural Requirements For Proposals For Settlement

In *Kuhajda v. Borden Dairy Co. of Alabama, LLC*, 2016 WL 6137289 (Oct. 20, 2016), the Florida Supreme Court addressed conflicting opinions from the First and Fourth District Courts of Appeals on whether an offer of settlement that fails to address attorney's fees is valid and enforceable. The First DCA held that such offers were invalid if the proposal failed to address whether it included fees and whether fees were part of the legal claim. The Fourth DCA, on the other hand, upheld such offers that did not address attorney's fees when such fees were not sought in the case. The Florida Supreme Court agreed with the Fourth DCA and held that if attorney's fees are not sought in the pleadings, an offer of settlement is not invalid for failing to state whether the proposal includes attorney's fees and whether attorney's fees are part of the legal claim.

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