

DH-1 LLC v. City of Falls City, Nebraska

Case Number

S-19-0039

Case Audio

Download Audio

Call Date

December 5, 2019

Case Time

9:00 AM

Court Number

Lancaster

Case Location

Lincoln

Court Type

District Court

Case Summary

S-19-0039 DH-1, LLC (Appellant) v. City of Falls City, Nebraska

Lancaster County District Court, Judge Susan I. Strong

Attorneys: J.L. Spray & Patricia L. Vannoy (Mattson Ricketts, for Appellant); Michael R. Dunn (Halbert, Dunn, & Halbert, LLC, for Appellee)

Civil: Contracts; Attorney fees

Proceedings Below: Appellant filed a lawsuit to recover at least \$1,490,785.00 in attorneys' fees alleging Appellee breached a contingent fee agreement it had entered into with two law firms. Both firms are also appellants in this case. The district court dismissed Appellant's claims after determining the law firms were not entitled to a portion of the benefits received by Appellee in a related but separate event because the funds were not obtained by the settlement of claims or a verdict.

Issues: Whether the district court erred by 1) dismissing Appellants' contract claims by (a) ruling that the contingent fee agreement only applied to the specific lawsuit; (b) ruling that the contingent fee agreement did not involve funds obtained in a separate but related event; (c) ruling that the terms "prosecution" and "settlement or verdict," as used in the contingent fee agreement, restricted the agreement's application to only formal litigation or a specific lawsuit; and (d) failing to interpret the contingent fee agreement as applicable to a foreseeable (but unforeseen or overlooked contingency); and 2) dismissing Appellants' equitable claims.

Schedule Code

SC
