

---

## **New York Class Action Law Does Not Permit the Award of Fees and Expenses to Successful Objectors to a Class Action Settlement**

**Date:** 10/26/10

In a divided Opinion, the New York Court of Appeals recently held that New York's statutory class action law, Civil Practice Law and Rule ("CPLR") Section 909, does not permit the award of attorney's fees to successful objectors in a New York state class action. *Flemming v. Barnwell Nursing Home and Health Facilities, Inc.*, No. 149 (N.Y. Oct. 21, 2010).

---

### **Attorneys**

- Charles A. Gilman
- John J. Schuster