

SUPREME COURT OF VIRGINIA

Butcher v. General R.V. Center, Inc.

Butcher · No. 250213 · Decided April 23, 2026

SUMMARY

The Supreme Court of Virginia affirmed the Court of Appeals and held that the trial court did not abuse its discretion by denying attorney fees for time spent litigating a post-settlement fee petition. The court explained that fees incurred in litigating attorney fees must themselves be reasonable and necessary, and upheld consideration of the case’s settlement history, limited litigation activity, and billing-record deficiencies. The decision concerned attorney-fee recovery under the Magnuson-Moss Warranty Act.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Virginia                                                                                                                                                                                                                                                                                                                                        |
| WRITING FOR THE COURT | Justice Thomas P. Mann; All the Justices                                                                                                                                                                                                                                                                                                                         |
| JURISDICTION          | Supreme Court of Virginia                                                                                                                                                                                                                                                                                                                                        |
| DECIDED               | April 23, 2026                                                                                                                                                                                                                                                                                                                                                   |
| DOCKET                | 250213                                                                                                                                                                                                                                                                                                                                                           |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                                                         |
| PROCEDURAL POSTURE    | Appeal from the Court of Appeals of Virginia concerning the amount of attorney fees awarded after settlement of claims under the Magnuson-Moss Warranty Act.                                                                                                                                                                                                     |
| STANDARD OF REVIEW    | A trial court's determination of the amount of attorney fees is reviewed for abuse of discretion. An abuse of discretion occurs when a relevant factor is ignored, an irrelevant or improper factor is given significant weight, the court commits a clear error of judgment in weighing proper factors, or the decision rests on an erroneous legal conclusion. |
| PRECEDENTIAL VALUE    | Published and precedential                                                                                                                                                                                                                                                                                                                                       |
| PARTIES               | William E. Butcher, Traci Butcher v. General R.V. Center, Inc.,<br>Keystone R.V. Company                                                                                                                                                                                                                                                                         |

TOPICS

- attorney fees
- standard of review
- appellate procedure
- remedies
- consumer protection

## PRACTICE AREAS

consumer protection

attorney fees

appellate procedure

civil procedure

## QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by denying attorney fees for time spent litigating the post-settlement attorney-fee petition.
2. Whether the trial court properly considered the facts and circumstances of the case, including settlement history, limited litigation activity, and defects in billing records, in determining that the requested fees on fees were not reasonable and necessary.

## HOLDINGS

1. Attorney fees incurred while litigating the issue of attorney fees may be recoverable, but they are subject to the same requirement that all requested fees be reasonable and necessary; they are not categorically recoverable merely because they were incurred in pursuing fees for otherwise compensable substantive work.
2. The trial court did not abuse its discretion by denying compensation for the 19.43 hours spent litigating the fee petition because the Butchers failed to establish that those fees were reasonable and necessary under the particular circumstances.
3. A fact-finder is not required to consider every identified attorney-fee factor in every case; the significance of the factors depends on the specific circumstances.

## KEY QUOTATIONS

*“Any attorney fees sought in a fee petition must be reasonable. This reasonableness requirement applies to fees incurred while litigating both the substantive merits of a case and the issue of attorney fees (i.e., “fees on fees”).”* (9)

*“The trial court acted within its discretion in finding that the Butchers’ attorney fees arising from the fee petition litigation were not reasonable in the specific circumstances of this case.”* (14)

## FACTUAL BACKGROUND

The Butchers purchased a defective recreational vehicle for approximately \$80,000 and sued the dealer and manufacturer under Virginia and federal consumer-protection and warranty statutes. The parties later settled the substantive claims for a \$106,500 repurchase, with the defendants stipulating that the Butchers were prevailing parties on the Magnuson-Moss claim for purposes of attorney fees. The Butchers sought more than \$40,000 in fees, including fees for litigating the fee petition, but the trial court awarded \$24,885 after finding the underlying work compensable while excluding 19.43 hours attributed to fee litigation and recalculating some hours to reflect associate work.

## PROCEDURAL HISTORY

The Butchers sued the recreational-vehicle dealer and manufacturer under the Virginia Consumer Protection Act and the Magnuson-Moss Warranty Act. After the substantive claims settled, the Circuit Court of Hanover County awarded attorney fees for work on the underlying claims but denied fees for litigating the post-settlement fee petition. The Court of Appeals of Virginia affirmed in an unpublished opinion, and the Supreme Court of Virginia granted an appeal and affirmed.

## DISPOSITION

affirmed

## CASES CITED

- Portsmouth 2175 Elmhurst, LLC v. City of Portsmouth, 298 Va. 310, 333-34
- West Square, LLC v. Communication Technologies, 274 Va. 425, 433
- Lambert v. Sea Oats Condo. Ass'n, 293 Va. 245, 252-53, 257
- Manchester Oaks Homeowners Ass'n v. Batt, 284 Va. 409, 429
- Commonwealth ex rel. Fair Hous. Bd. v. Windsor Plaza Condo. Ass'n, 289 Va. 34, 66
- Sidya v. World Telecom Exch. Communs., LLC, 301 Va. 31, 46
- Denton v. Browntown Valley Assocs., Inc., 294 Va. 76, 88, 90
- Butcher v. Gen. R.V. Ctr, Inc., No. 1995-23-2, 2025 Va. App. LEXIS 22, at \*8-14 (Jan. 14, 2025)
- McAfee v. Boczar, 738 F.3d 81, 90
- Mullins v. Richlands Nat'l Bank, 241 Va. 447, 449
- Tazewell Oil Co. v. United Va. Bank/Crestar Bank, 243 Va. 94, 111-12
- Shannon v. Commonwealth, 289 Va. 203, 206
- Harris v. Joplin, 304 Va. 338, 347
- Du v. Commonwealth, 292 Va. 555, 564

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