

INTRODUCTION TO THE 2026-2027 EDITION

Recent case law affecting this area of law is discussed within the text:

- In *Butcher v. Gen. R.V. Ctr., Inc.*, 928 S.E.2d 538 (Va. 2026), at issue was whether the prevailing plaintiff in a lawsuit brought under the federal Magnuson-Moss Act and the Virginia Consumer Protection Act was entitled to recovery of his later attorney's fees incurred in pursuing an attorney's fee claim. Under the particular facts, the Supreme Court of Virginia affirmed the trial court's denial of the plaintiff's attorney's fees incurred in pursuing an award of attorney's fees incurred in the underlying litigation, while recognizing that such attorney's fees may be recovered in appropriate circumstances.
- In *Est. of McCorkle by Shirey v. Erickson Senior Living, LLC*, No. 0614-23-4, 2025 WL 756774 at *29 (Va. Ct. App. Mar. 11, 2025), which was not itself a product liability action, the Supreme Court of Virginia summarized caselaw as to substantial similarity test, noting that it is primarily applicable in product liability actions.
- In *Hain Celestial Grp., Inc. v. Palmquist*, 607 U.S. 421, 146 S. Ct. 724, 224 L. Ed. 2d 209 (2026), the United States Supreme Court held that the District Court's erroneous dismissal of a defendant did not cure the jurisdictional defect that existed when the case was improperly removed to federal court.