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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

DOMANIQUECA DICKSON,

Plaintiff and Respondent,

v.

BURKE WILLIAMS, INC.,

Defendant and Appellant.

B255243

(Los Angeles County  
Super. Ct. No. BC465675)

APPEAL from an order of the Superior Court of the County of Los Angeles,  
Susan Bryant-Deason, Judge. Reversed.

Sheppard, Mullin, Richter & Hampton, Richard J. Simmons, Jason W. Kearnghan,  
Daniel J. McQueen, Melanie M. Hamilton for Defendant and Appellant.

Law Offices of Arthur Kim, Arthur Kim for Plaintiff and Respondent.

## INTRODUCTION

Defendant and appellant Burke Williams, Inc. (defendant) appeals from an award of attorney fees in favor of plaintiff and respondent Domaniqueca Dickson (plaintiff) in connection with plaintiff's judgment following trial on her claims under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.<sup>1</sup>) for failure to take reasonable steps necessary to prevent sexual harassment or discrimination (§ 12940, subd. (k)). On appeal, defendant contends that the award of attorney fees is excessive.

In a previous appeal in this case—*Dickson v. Burke Williams, Inc.* (2015) 234 Cal.App.4th 1307—we reversed the judgment entered in favor of plaintiff. Because plaintiff did not prevail on her claims, she is not entitled to any attorney fees. (§ 12965, subd. (b); Code Civ. Proc., § 1021.5.) We reverse the trial court's order awarding plaintiff attorney fees. (*Gillian v. City of San Marino* (2007) 147 Cal.App.4th 1033, 1053 [“reversal of the judgment necessarily compels the reversal of the award of fees as costs to the prevailing party based on the judgment”]; *Law Offices of Dixon R. Howell v. Valley* (2005) 129 Cal.App.4th 1076, 1105 [order awarding attorney fees cannot stand when there is a reversal of judgment on which it is based]; *Merced County Taxpayers' Assn. v. Cardella* (1990) 218 Cal.App.3d 396, 402 [whether the trial court erred in awarding attorney fees is a moot issue when the judgment on which the award is based is reversed].)

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<sup>1</sup> All statutory citations are to the Government Code unless otherwise noted.

## **DISPOSITION**

The order is reversed. Defendant is awarded its costs on appeal.

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MOSK, Acting P. J.

We concur:

KRIEGLER, J.

KIRSCHNER, J.\*

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\* Judge of the Los Angeles County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.