

48-3a-806 Proceeds and expenses.

- (1) Except as otherwise provided in Subsection (2):
 - (a) any proceeds or other benefits of a derivative action, whether by judgment, compromise, or settlement, belong to the limited liability company and not to the plaintiff; and
 - (b) if the plaintiff receives any proceeds, the plaintiff shall remit them immediately to the limited liability company.
- (2) If a derivative action is successful in whole or in part, the court may award the plaintiff reasonable expenses, including reasonable attorney's fees and costs, from the recovery of the limited liability company.
- (3) A derivative action on behalf of a limited liability company may not be voluntarily dismissed or settled without the court's approval.

Enacted by Chapter 412, 2013 General Session