

Bond Case Briefs

Municipal Finance Law Since 1971

LIABILITY - GEORGIA

Dennis v. City of Atlanta

Court of Appeals of Georgia - November 13, 2013 - S.E.2d - 2013 WL 5995553

Homeowner's guardian, who executed a release in connection with the settlement of a prior lawsuit against city arising out of sewer backups and storm water drainage problems, brought subsequent lawsuit against city arising out of the same problems. The trial court granted city's motion to dismiss. Guardian appealed.

The Court of Appeals held that:

- Release applied to future unknown claims of the releasors involving the same issues, including those asserted in guardian's subsequent lawsuit;
- Trial court was not required to convert city's motion to dismiss into a motion for summary judgment; and
- Release did not violate public policy.

Plain and unequivocal language of the release released city from "any and all actions, ... whatsoever, ... known or unknown, foreseen or unforeseen" arising out of the allegations brought or that could have been brought in the original lawsuit.