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Long v. City of Helen

Supreme Court of Georgia - May 1, 2017 - S.E.2d - 2017 WL 1548561

Property owner brought action against city stemming from land-use permitting dispute. After property owner dismissed action with prejudice, the Superior Court awarded more than $17,000 to city for attorney fees and litigation expenses. Property owner appealed.

The Supreme Court of Georgia held that fact that city's attorney fees and litigation expenses were principally borne by city's insurer did not preclude city from recovering fees and expenses.

Fact that city's attorney fees and litigation expenses were principally borne by city's insurer did not preclude city from recovering fees and expenses pursuant to statute governing frivolous litigation in action brought by property owners stemming from land-use permitting dispute. Statute stated that fees and expenses were limited to those amounts which were reasonable and necessary for defending or asserting the rights of a party, and nothing in statute stated that fees and expenses were required to be principally borne by the party itself.

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