

Bond Case Briefs

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LIABILITY - GEORGIA

City of Atlanta v. Perkins

Court of Appeals of Georgia - August 21, 2024 - S.E.2d - 2024 WL 3885489

Pedestrian brought action against city, alleging he was injured when he stepped on city water meter lid that flipped into water meter box and caused him to fall.

Following jury trial, the State Court awarded pedestrian \$2,361,700 in damages for negligence and nuisance and \$944,680 in attorney fees, then granted city's motion for judgment notwithstanding verdict with respect to attorney fees and overturned attorney fee award but denied remainder of city's motion for judgment notwithstanding verdict.

City and pedestrian appealed.

The Court of Appeals held that:

- Spoliation sanctions were warranted;
- Trial court acted within its discretion in imposing harsh spoliation sanctions;
- Evidence regarding alleged issues with other water meters and lids was admissible; and
- Pedestrian was precluded from raising new claim for attorney fees in pretrial order.