

Bond Case Briefs

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TORT CLAIMS ACT - GEORGIA

Georgia Dept. of Transp. v. Griggs

Court of Appeals of Georgia - June 28, 2013 - S.E.2d - 2013 WL 3242531

Motorist stopped her car in the emergency lane of I-285 to help a friend who had been in an automobile accident. As she walked from her friend's car back to her car, she went to the passenger's side door because it was away from the traffic lanes. As she opened the door, she stepped back onto a plywood board that was covering a manhole. The plywood gave way and she fell into the manhole, fracturing her elbow and knee, receiving cuts and bruises, and hurting her lower back. Apparently, the grate that was supposed to cover the manhole had been removed by thieves who had then placed a thin plywood board over the hole. There were no warning cones around the hole and trash from the roadway partially obscured the plywood cover.

Motorist filed a personal injury complaint against the Department of Transportation (DOT). The DOT filed a motion to dismiss. The trial court denied the motion. The DOT appealed.

Strict compliance with the notice provisions is a prerequisite to filing suit under the Georgia Tort Claims Act (GTCA), and substantial compliance therewith is insufficient.

The court found that motorist adequately complied with ante litem notice requirements. Motorist identified the portion of interstate on which she fell through a piece of plywood covering a manhole or storm drain on the shoulder of interstate, and after the notice was filed the Department of Transportation conducted an investigation and made motorist an offer of settlement.