

Bond Case Briefs

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LIABILITY - GEORGIA

Stevenson v. City of Doraville

Supreme Court of Georgia - November 25, 2013 - S.E.2d - 2013 WL 6188123

Motorist who stepped out of his disabled vehicle on interstate and was struck by another vehicle filed negligence action against city, alleging that police officer in nearby police vehicle was actively negligent by creating hazards that diverted traffic towards motorist's disabled vehicle. The State Court granted summary judgment to city. Motorist appealed. The Court of Appeals affirmed. Motorist sought writ of certiorari.

After granting writ, the Supreme Court of Georgia held that:

- Public duty doctrine did not preclude motorist's claims against city based on misfeasance; but
- There was no evidence that actions of police officer contributed to motorist being hit by oncoming traffic; and
- Officer did not have special duty to motorist, as would remove motorist's claims of nonfeasance from preclusion of public duty doctrine.