

Bond Case Briefs

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LIABILITY - GEORGIA

Battlefield Investments, Inc. v. City of Lafayette

Court of Appeals of Georgia - March 20, 2014 - S.E.2d - 2014 WL 1061491

Property owner whose building was damaged when sewer system backed up and overflowed brought negligence action against city. The trial court awarded summary judgment to city. Owner appealed.

The Court of Appeals held that:

- Doctrine of res ipsa loquitur did not apply, and
- Owner's motion to recuse trial judge was untimely.

Doctrine of res ipsa loquitur did not apply to incident in which sewer system at property owner's building backed up and overflowed and, thus, could not be used to establish city's negligent operation of the sewer system. There was evidence that the injury was produced by the intermediary cause of a flooding event of historic proportions, and property owner could have prevented the backflow incident by installing a valve on its property.