

Bond Case Briefs

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LIABILITY - GEORGIA

City of Atlanta v. Kovalcik

Court of Appeals of Georgia - November 12, 2014 - S.E.2d - 2014 WL 5838538

Parents of passenger who died as a result of injuries sustained in rollover accident brought wrongful death action against city. The trial court denied city's motion for summary judgment, and it appealed.

The Court of Appeals held that:

- Even if city had no duty to provide working lighting at newly constructed intersection, absence of lighting could be considered as evidence on the issue of whether, at the time and place of the accident, the newly constructed intersection was being maintained in a reasonably safe condition, and
- Genuine issue of material fact as to whether city did assume, or should have assumed responsibility for lighting at newly constructed intersection precluded summary judgment on wrongful death action.