

Bond Case Briefs

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LIABILITY - GEORGIA

City of Richmond Hill v. Maia

Supreme Court of Georgia - May 30, 2017 - S.E.2d - 2017 WL 2332660

Mother, individually and as administratrix of deceased teenaged daughter's estate, brought action against city and police officer for wrongful death arising out of daughter's suicide death after officer's disclosure of photographs of daughter's body following previous suicide attempt.

The Superior Court denied defendants' summary judgment motion. City and officer applied for interlocutory appeal, which was granted. The Court of Appeals affirmed the denial of summary judgment. Defendants sought certiorari review, which was granted.

The Supreme Court of Georgia held that:

- There is a special relationship exception to the general rule that suicide breaks the causal connection between an alleged negligent act and the resulting death, disapproving *Harvey v. Nichols*, 260 Ga.App. 187, 581 S.E.2d 272, *Tucker v. Pearce*, 332 Ga.App. 187, 771 S.E.2d 495, *Pearce v. Tucker*, 299 Ga. 224, 787 S.E.2d 749, *Dry Storage Corp. v. Piscopo*, 249 Ga.App. 900, 550 S.E.2d 419;
- Daughter's suicide acted as intervening cause that extinguished any causal connection between officer's wrongful conduct and daughter's death;
- Special relationship exception to general rule that suicide breaks the causal connection between an alleged negligent act and the resulting death did not apply; and
- Rage or frenzy exception to general rule that suicide breaks the causal connection between an alleged negligent act and the resulting death did not apply.