

Bond Case Briefs

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PREEMPTION - GEORGIA

Faulkner v. Crumbley

Court of Appeals of Georgia - November 2, 2020 - S.E.2d - 2020 WL 6389973

Driver and her passenger, who were injured when their vehicle struck a cow standing in the roadway, brought negligence action against cow's owners. The Superior Court denied cow owners' motion for summary judgment, and they appealed.

The Court of Appeals held that:

- Summary judgment evidence that there were three stray cows on roadway, rather than just one, without more, did not create genuine issue of fact that cow's owners breached their duty to keep their livestock off the road, and
- State statute, providing that no owner shall permit livestock to run at large on or to stray upon the public roads of the state or any property not belonging to owner of the livestock, except by permission of owner of such property, preempted county ordinance.