

Bond Case Briefs

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NEGLIGENCE - GEORGIA

Hicks v. City of Albany

Court of Appeals of Georgia - February 26, 2026 - S.E.2d - 2026 WL 537755

Property owner brought negligence action against city, alleging that he stepped on a storm water drainage intake lid in his yard, the lid dislodged, and he fell into the storm water drainage system and was injured.

The State Court granted city's motion to dismiss, and property owner appealed.

The Court of Appeals held that:

- Property owner's ante litem notice failed to comply with statute, requiring that plaintiff give notice to municipality prior to bringing suit and requiring notice to include the negligence which caused injury;
- It would decline to issue sanctions for counsel's fake case citations because counsel took responsibility and apologized for her actions; and
- Doctrine of res ipsa loquitur was not applicable to property owner's negligence action because storm water drainage intake lid was not within city's exclusive control.

Property owner's ante litem notice failed to comply with statute, requiring that plaintiff give notice to municipality prior to bringing suit and requiring notice to include the negligence which caused the injury, for purposes of property owner's negligence action against city, alleging that he was injured when he stepped on storm water drainage intake lid in his yard and he fell into storm water drainage system; owner's ante litem notice stated that he fell when he stepped on storm water drainage intake lid, which he stated was owned and maintained by city, but he did not indicate what negligence on the part of the city he alleged caused his injuries, as required by statute.

Appellate court would decline to issue sanctions for counsel's fake case citations because counsel took responsibility and apologized for her actions in citing to nonexistent cases, which she believed came from artificial intelligence (AI) platform.

Doctrine of res ipsa loquitur was not applicable to property owner's negligence action against city, alleging that he was injured when he stepped on storm water drainage intake lid in his yard and he fell into storm water drainage system, because the storm water drainage intake lid located in owner's yard was not within city's exclusive control, and thus, owner was not relieved of the obligation to describe the negligence that caused his injury, pretermitted whether doctrine of res ipsa loquitur could be utilized to satisfy the negligence component of statutory ante litem notice requirements for bringing suit against municipality.