

SUPREME COURT OF GEORGIA

City of Gainesville v. Dodd, 275 Ga. 834

573 S.E.2d 369 (2002) · No. S01G1717 · Decided November 25, 2002

SUMMARY

The Supreme Court of Georgia affirmed the Court of Appeals' refusal to consider alternative grounds for summary judgment that the trial court had not addressed. The court held that appellate courts have discretion in applying the “right for any reason” rule, particularly where multiple grounds and factual disputes are involved and the alternative arguments were not adequately presented on appeal. Separate opinions disagreed over whether the rule generally requires consideration of alternative grounds despite erroneous reasoning by the trial court.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Hines, Justice; Benham; Carley; Hines; Hunstein; Sears; Thompson
JURISDICTION	Georgia
DECIDED	November 25, 2002
DOCKET	S01G1717
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Supreme Court of Georgia granted certiorari to review the Court of Appeals' refusal to consider alternative grounds supporting summary judgment that the trial court had not addressed. The Supreme Court affirmed the Court of Appeals.
STANDARD OF REVIEW	Summary judgment is reviewed de novo to determine whether a genuine issue of material fact exists and whether the undisputed facts, viewed in the light most favorable to the nonmoving party, warrant judgment as a matter of law. Whether to apply the right-for-any-reason rule to grounds not ruled on below is committed to the appellate court's discretion.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Georgia; majority opinion with special concurrence and dissent.
PARTIES	City of Gainesville v. Jack E. Dodd et al.

TOPICS

summary judgment

appellate procedure

standard of review

civil procedure

contract interpretation

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether an appellate court must apply the right-for-any-reason rule to alternative grounds for summary judgment that were raised in the trial court but not addressed in the trial court's order.
2. Whether the Court of Appeals abused its discretion by refusing to consider the City's unaddressed alternative grounds because the trial court had relied on erroneous legal theories.
3. How the de novo standard of summary-judgment review interacts with the principle that appellate courts generally review only rulings made by the trial court.

HOLDINGS

1. The right-for-any-reason rule and the principle that appellate courts generally do not decide issues not ruled on below both serve important interests, and neither invariably controls. The appellate court has discretion to consider unaddressed grounds when doing so promotes efficiency or to return the case to the trial court for rulings on those grounds.
2. The Court of Appeals did not abuse its discretion by refusing to address the City's alternative grounds for summary judgment because the trial court had ruled on only two grounds, factual disputes existed concerning at least one additional ground, and the alternative grounds had not been fully briefed and argued by both parties on appeal.

KEY QUOTATIONS

“As these two principles both advance substantial interests, we cannot declare that one is always to take precedence over the other. Rather, the circumstances of individual appeals must guide the appellate courts as to how best to proceed.” (275 Ga. at 837-838)

“Which course to pursue must be left to the appellate court's discretion.” (275 Ga. at 839)

FACTUAL BACKGROUND

Jack Dodd retired from the City of Gainesville's police department in June 1995 and began receiving a retirement pension. In 1998, the City notified him that he was entitled to a lower pension and demanded repayment of alleged overpayments. Dodd claimed that the City had represented he would receive the higher amount and that he relied on that representation when deciding to retire; he sued the City for breach of contract and tort claims.

PROCEDURAL HISTORY

The trial court granted the City summary judgment on contract and tort claims arising from the calculation of Dodd's retirement benefits. The Court of Appeals reversed, concluding that factual issues remained on the tort

claim and that the at-will employment doctrine did not bar the contract claim. It declined to consider alternative summary-judgment grounds not ruled on by the trial court. The Supreme Court granted certiorari and affirmed that refusal.

DISPOSITION

affirmed

CASES CITED

- Dodd v. City of Gainesville, 250 Ga. App. 722, 551 S.E.2d 62 (2001)
- Gwinnett County Bd. of Tax Assessors v. Gwinnett I Ltd. Partnership, 265 Ga. 645, 458 S.E.2d 632 (1995)
- Porquez v. Washington, 268 Ga. 649, 652(3), 492 S.E.2d 665 (1997)
- Russ v. Russ, 272 Ga. 438, 440(1), 530 S.E.2d 469 (2000)
- Gwinnett County v. Davis, 268 Ga. 653, 655, 492 S.E.2d 523 (1997)
- Shadix v. Carroll County, 274 Ga. 560, 565(3)(c), 554 S.E.2d 465 (2001)
- Abellera v. Williamson, 274 Ga. 324, 326-327(2), 553 S.E.2d 806 (2001)
- L. J. Glenn & Son v. Shearer, 44 Ga. 16(2) (1871)
- Coker v. Atlanta, 186 Ga. 473, 475, 198 S.E. 74 (1938)
- State of Ga. v. Johnson, 214 Ga. 607, 611, 106 S.E.2d 353 (1958)
- Hill v. Willis, 224 Ga. 263, 267(3), 161 S.E.2d 281 (1968)
- Turner v. Baggett Transp. Co., 128 Ga. App. 801, 806(4), 198 S.E.2d 412 (1973)
- Carter v. State of Ga., 93 Ga. App. 12, 21(7), 90 S.E.2d 672 (1955)
- Watson v. Elberton-Elbert County Hosp. Auth., 229 Ga. 26, 27, 189 S.E.2d 66 (1972)
- Ayers v. Yancey Bros. Co., 141 Ga. App. 358, 361(2), 233 S.E.2d 471 (1977)
- Meyers v. Glover, 152 Ga. App. 679, 683(3), 263 S.E.2d 539 (1979)
- McCord v. Jones, 168 Ga. App. 891, 893, 311 S.E.2d 209 (1983)
- Derbyshire v. United Bldrs. Supplies, 194 Ga. App. 840, 843(1), 392 S.E.2d 37 (1990)
- Sumner v. Dept. of Human Resources, 225 Ga. App. 91, 93-94(2), 483 S.E.2d 602 (1997)
- Youngblood v. Gwinnett &c. Community Svc. Bd., 273 Ga. 715, 717-718(4), 545 S.E.2d 875 (2001)
- Farmer v. State, 266 Ga. 869(3), 472 S.E.2d 70 (1996)
- Bush v. State, 273 Ga. 861, 548 S.E.2d 302 (2001)
- Felix v. State, 271 Ga. 534, 539, 523 S.E.2d 1 (1999)
- Pryor Organization v. Stewart, 274 Ga. 487, 489(2), 554 S.E.2d 132 (2001)
- Albany Oil Mill v. Sumter EMC, 212 Ga. App. 242, 243(3), 441 S.E.2d 524 (1994)
- Adams v. Emory University Clinic, 179 Ga. App. 620, 621, 347 S.E.2d 670 (1986)
- Dental One Assoc. v. JKR Realty Assoc., 269 Ga. 616, 617-618(1), 501 S.E.2d 497 (1998)
- Simmons v. Boros, 255 Ga. 524, 525, 341 S.E.2d 2 (1986)
- Royal v. Ferrellgas, 254 Ga. App. 696, 702(1), 563 S.E.2d 451 (2002)

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