

COURT OF APPEALS OF GEORGIA

Bridges v. Gupta

Bridges · No. A26A0095 · Decided April 21, 2026

SUMMARY

The Georgia Court of Appeals vacates an attorney-fee award entered against plaintiff’s counsel in a medical-malpractice action and remands for further factfinding. The court holds that the trial court lacked jurisdiction to award fees under OCGA § 9-11-37(d) after the underlying case was no longer pending, while an award under OCGA § 9-15-14(b) remained authorized but required an explanation supporting the amount awarded. The opinion also concludes that the plaintiff’s counsel had a duty to supplement discovery responses to disclose a post-mortem pacemaker report.

CASE DETAILS

COURT	Court of Appeals of Georgia
WRITING FOR THE COURT	Padgett, J.; McFadden, P. J.; Watkins, J.
JURISDICTION	Court of Appeals of Georgia
DECIDED	April 21, 2026
DOCKET	A26A0095
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Plaintiff's Counsel appealed an attorney-fee award entered after a defense verdict in a medical-malpractice action. The trial court awarded fees under OCGA §§ 9-15-14(b) and 9-11-37(d).
STANDARD OF REVIEW	Attorney-fee awards under OCGA §§ 9-15-14(b) and 9-11-37 are reviewed for abuse of discretion. An abuse of discretion includes a ruling unsupported by any evidence or one that misstates or misapplies the law.
PRECEDENTIAL VALUE	Published Georgia Court of Appeals opinion; precedential status is identified as published in the supplied metadata.
PARTIES	Ronney E. Jones, Plaintiff's Counsel v. Akshay Gupta, Atlanta Heart Associates, P.C.

TOPICS

- attorney fees
- discovery dispute
- sanctions
- subject matter jurisdiction
- professional negligence

PRACTICE AREAS

civil procedure

appellate procedure

attorney fees

medical malpractice

discovery sanctions

QUESTIONS PRESENTED

1. Whether the post-mortem pacemaker report was responsive to the discovery requests and therefore subject to a duty to supplement under OCGA § 9-11-26(e)(2)(B).
2. Whether the trial court had jurisdiction to award attorney fees under OCGA § 9-11-37(d) after the underlying judgment, denial of the motion for new trial, and expiration of the time to appeal.
3. Whether the trial court's award under OCGA § 9-15-14(b) was legally sufficient when the court awarded exactly one-half of the requested fees without explaining the computation or apportioning the fees to sanctionable conduct.

HOLDINGS

1. The report was clearly responsive to one or more discovery requests because it was relevant to events or issues in the lawsuit, including the defense of the negligence theory. Plaintiff's Counsel therefore had a duty to supplement prior discovery responses after obtaining the report.
2. The trial court lacked jurisdiction to award attorney fees under OCGA § 9-11-37(d) because the award was entered two terms of court after denial of the motion for new trial and after the deadline for appealing the judgment. The award under that statute was therefore a nullity.
3. Although an award under OCGA § 9-15-14(b) was authorized based on the finding that Plaintiff's Counsel unnecessarily expanded the litigation through discovery abuses, the award could not stand because the trial court failed to explain how it calculated the precise amount awarded. The entire order was vacated and remanded for the required factfinding concerning the amount, if any, to be assessed.

KEY QUOTATIONS

“Thus, lump sum or unapportioned attorney fee awards are not permitted in Georgia.” (7)

“The report was relevant to events and/or issues in the lawsuit. It should have been disclosed.” (9)

“the trial court was without jurisdiction to award fees under OCGA § 9-11-37(d).” (10)

“in the absence of evidence of the computation within the order, we must vacate the order in its entirety and remand the case to allow the trial court to conduct the required factfinding relating to the amount of attorney fees, if any, to be assessed under OCGA § 9-15-14(b).” (12)

FACTUAL BACKGROUND

Annie Bridges had a pacemaker and died in May 2016 after a reported cardiac event. Her spouse, individually and on behalf of her estate, sued Dr. Gupta and Atlanta Heart Associates for professional negligence. During the litigation, Plaintiff's Counsel obtained a post-mortem pacemaker report showing an atrial high-rate episode shortly before Bridges's death but did not supplement discovery responses to disclose it. After a defense verdict, the trial court awarded defense attorney fees based on the alleged discovery abuse.

PROCEDURAL HISTORY

An estate-related medical-malpractice action was tried to a jury in August 2023, and the jury returned a verdict for Dr. Gupta and his medical practice. Defendants moved for attorney fees under OCGA § 9-15-14(b), later adding a claim under OCGA § 9-11-37(d). The trial court awarded \$123,740.62 against Plaintiff's Counsel. The Court of Appeals vacated the order and remanded with direction concerning the award under OCGA § 9-15-14(b), while holding that the award under OCGA § 9-11-37(d) was a nullity.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must conduct the required factfinding concerning the amount of attorney fees, if any, to be assessed under OCGA § 9-15-14(b), including the computation and relationship of the fees to the sanctionable conduct. Whether additional evidence or argument is necessary is left to the trial court's discretion. The award under OCGA § 9-11-37(d) cannot stand because it was a nullity.

CASES CITED

- Gordon v. Abrahams, 330 Ga. App. 795, 799(3)(b) (769 SE2d 544) (2015)
- NRD Partners II, LP v. Quadre Invs., L.P., 364 Ga. App. 739, 741(2) (875 SE2d 895) (2022)
- Podlin v. Cichowski, 375 Ga. App. 481, 485(2) (915 SE2d 662) (2025)
- Blount v. Blount, 373 Ga. App. 105, 109(4) (907 SE2d 719) (2024)
- N. Druid Dev., LLC v. Post, Buckley, Schuh & Jernigan, Inc., 330 Ga. App. 432, 434-35 (767 SE2d 29) (2014)
- Reid v. Reid, 348 Ga. App. 550, 550, 556(2) (823 SE2d 860) (2019)
- Doyle v. Haas, 374 Ga. App. 558, 558 (913 SE2d 437) (2025)
- City of Albany v. Pait, 335 Ga. App. 215, 220-21(4) (780 SE2d 103) (2015)
- Omni Healthcare, LLC v. Stacy Young Excavation, Inc., 377 Ga. App. 85, 90(3) (921 SE2d 508) (2025)
- Anglin v. Smith, 346 Ga. App. 456, 461-62(2) (816 SE2d 426) (2018)
- BB&T Ins. Servs. v. Renno, 361 Ga. App. 415, 417 n.3 (864 SE2d 608) (2021)
- C & S Indus. Supply Co., Inc. v. Proctor & Gamble Paper Products Co., 199 Ga. App. 197, 198 (404 SE2d 346) (1991)
- Hart v. Redmond Regional Med. Ctr., 300 Ga. App. 641, 642 n.6, 643(1) (686 SE2d 130) (2009)
- Trammel v. Clayton County Bd. of El-10 Comm'rs, 250 Ga. App. 310, 310-11 (551 SE2d 412) (2001)
- Cowart v. Georgia Power Co., 354 Ga. App. 748, 752 (841 SE2d 426) (2020)
- Gibson Law Firm, 327 Ga. App. 685, 691(3)

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