

COURT OF APPEALS OF GEORGIA

General Motors Corp. v. Blake, 237 Ga. App. 426

515 S.E.2d 166 (1999) · No. A98A2158 · Decided March 19, 1999

SUMMARY

The Georgia Court of Appeals affirmed a \$3.8 million jury verdict for Felicia Blake in a products-liability action arising from injuries allegedly caused by a defective seat-belt system. The majority held that the trial court did not abuse its discretion by denying General Motors’ request for a continuance after Blake’s expert disclosed a specific defect theory shortly before trial. A dissent argued that the disclosure constituted unfair surprise and prejudiced General Motors’ ability to prepare a defense.

CASE DETAILS

COURT	Court of Appeals of Georgia
WRITING FOR THE COURT	Beasley, Presiding Judge; McMurray, Presiding Judge; Pope, Presiding Judge; Blackburn, Judge; Ruffin, Judge; Eldridge, Judge; Andrews, Judge
JURISDICTION	Georgia
DECIDED	March 19, 1999
DOCKET	A98A2158
DISPOSITION	affirmed
PROCEDURAL POSTURE	General Motors appealed from a judgment entered on a jury verdict awarding Felicia Blake \$3,800,000 in a products-liability action. GM challenged the denial of its motion for a continuance based on alleged surprise concerning a newly disclosed expert and theory of seat-belt defect, along with other enumerations of error.
STANDARD OF REVIEW	Denial of a motion for continuance is reviewed for manifest abuse of the trial court's sound legal discretion.
PRECEDENTIAL VALUE	Published Georgia Court of Appeals opinion; precedential value is not otherwise specified in the source.
PARTIES	General Motors Corporation v. Felicia Blake

TOPICS

products liability

civil procedure

standard of review

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the trial court manifestly abused its discretion by denying General Motors' renewed motion for a continuance based on alleged surprise and prejudice arising from Blake's newly disclosed expert testimony and theory of seat-belt defect.
2. Whether the remaining enumerations of error required reversal of the judgment.

HOLDINGS

1. The trial court did not manifestly abuse its broad discretion by denying General Motors' motion for a continuance. GM did not adequately explain the alleged change in theory or demonstrate genuine, justified prejudice, and it had had ample opportunity to investigate the seat-belt system before trial.
2. In a products-liability case, precise identification of the specific defect is not essential when the plaintiff can show that the product failed to operate as intended and that the failure proximately caused the injury.

KEY QUOTATIONS

“King indicates that precise specificity is not essential for recovery so long as plaintiff can show that the seat belt did not operate as intended and this was the proximate cause of her injuries.” (237 Ga. App. at 430)

“Defendant should not be permitted to avoid learning the facts by lack of thoroughness and then claim surprise.” (237 Ga. App. at 431)

FACTUAL BACKGROUND

On November 4, 1992, a taxicab crossed into oncoming traffic and collided head-on with the 1988 Chevrolet Spectrum driven by Felicia Blake. Blake was wearing the vehicle's seat belt but suffered crippling leg injuries, which she attributed to a defective seat-belt system that failed to restrain her. Shortly before trial, Blake's expert identified a theory involving failures in the retractor and cinching latch plate rather than the previously asserted theory that the belt had unlatched.

PROCEDURAL HISTORY

Blake sued the taxicab driver, the taxicab company, and General Motors after a collision caused her severe leg injuries. The case was referred to arbitration, after which Blake demanded a jury trial. The state trial court denied GM's motions for a continuance, the jury returned a verdict for Blake, and the Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Work Clothes Outlet v. M & S Purchasing, 188 Ga. App. 179, 181(2), 372 S.E.2d 509 (1988)
- Simmons v. Simmons, 265 Ga. 183, 184, 453 S.E.2d 696 (1995)
- Mills v. State, 188 Ga. 616, 623-625, 4 S.E.2d 453 (1939)
- Oasis Goodtime Emporium I v. Cambridge Capital Group, 234 Ga. App. 641, 642(1), 507 S.E.2d 823 (1998)
- Firestone Tire & Co. v. King, 145 Ga. App. 840, 842(1), 244 S.E.2d 905 (1978)
- Jones v. Atkins, 120 Ga. App. 487, 491(1), 171 S.E.2d 367 (1969)
- Kamensky v. Stacey, 134 Ga. App. 530, 532(1), 215 S.E.2d 294 (1975)
- Danforth v. Danforth, 156 Ga. App. 236, 238, 274 S.E.2d 628 (1980)
- Hanna Creative Enterprises v. Alterman Foods, 156 Ga. App. 376, 378-379, 274 S.E.2d 761 (1980)

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