

SUPREME COURT OF GEORGIA

Watson v. Matthews, 286 Ga. 784

692 S.E.2d 338 (2010) · No. No. S09A1883 · Decided March 22, 2010

SUMMARY

The Supreme Court of Georgia affirmed dismissal of Teresa Watson's petition for writs of mandamus and prohibition against a superior court judge. The court held that no hearing was required because no mandamus nisi had issued and neither party requested oral argument. It further held that Watson had an adequate remedy at law through discovery and appeal in the underlying defamation action.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Hines, Justice; All Justices
JURISDICTION	Georgia
DECIDED	March 22, 2010
DOCKET	No. S09A1883
DISPOSITION	affirmed
PROCEDURAL POSTURE	Watson appealed the superior court's order granting Judge Matthews's motion to dismiss her petition for writs of mandamus and prohibition.
STANDARD OF REVIEW	The Supreme Court reviewed the dismissal of the mandamus and prohibition petition for legal error.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Teresa Watson v. Walter Matthews, Judge

TOPICS

- motions to dismiss
- civil procedure
- appellate procedure
- remedies
- preservation of error

PRACTICE AREAS

- Civil procedure
- Appellate procedure
- Extraordinary writs
- Remedies

QUESTIONS PRESENTED

1. Whether the trial court erred by ruling on Watson's mandamus petition without holding a hearing.

2. Whether mandamus and prohibition were available when Watson had an adequate remedy through ordinary proceedings and appeal in the underlying defamation case.

HOLDINGS

1. The trial court did not err by ruling on the petition without a hearing because no mandamus nisi had issued and neither party requested oral argument under Uniform Superior Court Rule 6.3.
2. Mandamus and prohibition were unavailable because Watson had an adequate remedy through discovery, ordinary judicial proceedings, and appeal in the underlying defamation action.

KEY QUOTATIONS

“However, no mandamus nisi issued, and Judge Matthews was served with the petition in the normal manner.” (692 S.E.2d at 339)

“Accordingly, she has an adequate remedy at law, and writs of mandamus and prohibition are not available to her.” (692 S.E.2d at 340)

FACTUAL BACKGROUND

Watson was sued for defamation in the Superior Court of Floyd County, where Judge Matthews presided. She claimed that a hearing on her motion to dismiss had been scheduled but that Matthews denied the motion without a hearing, and she sought access to a scheduling log book allegedly reflecting the scheduled hearing. She had subpoenaed or attempted to subpoena the log book in the underlying defamation action and also pursued access under Georgia's Open Records Act.

PROCEDURAL HISTORY

Watson sought to compel Judge Matthews to produce a scheduling log book and to prohibit interference with her asserted right to appeal a criminal contempt matter. After the judges of the Rome Judicial Circuit recused themselves, a superior court judge from another circuit was appointed. The appointed judge granted Matthews's motion to dismiss without a hearing, and the Supreme Court of Georgia affirmed.

DISPOSITION

affirmed

CASES CITED

- Haugen v. Henry County, 277 Ga. 743, 744(1), 594 S.E.2d 324 (2004)
- DeKalb County v. Chapel Hill, Inc., 232 Ga. 238, 239-240(1), 205 S.E.2d 864 (1974)
- Nally v. Bartow County Grand Jurors, 280 Ga. 790, 792(5), 633 S.E.2d 337 (2006)
- Kappelmeier v. Iannazzone, 279 Ga. 131(2), 610 S.E.2d 60 (2005)
- Anderson v. Mergenhagen, 283 Ga. App. 546, 552(3), 642 S.E.2d 105 (2007)
- Smith & Wesson Corp. v. City of Atlanta, 273 Ga. 431, 543 S.E.2d 16 (2001)

- Jersawitz v. Riley, 269 Ga. 546, 500 S.E.2d 579 (1998)

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