

SUPREME COURT OF GEORGIA

Pfeiffer v. Georgia Department of Transportation, 275 Ga. 827

573 S.E.2d 389 (2002) · No. No. S01G1656 · Decided November 26, 2002

SUMMARY

The Supreme Court of Georgia held that, absent special circumstances, a party opposing summary judgment generally may not raise new legal arguments for the first time on appeal. The court affirmed summary judgment for the Georgia Department of Transportation in a wrongful-death action arising from a construction-project accident. Two justices dissented, concluding that appellate review of summary judgment should focus on the record and the movant’s evidentiary burden rather than the arguments raised below.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Fletcher, Chief Justice; Benham, Justice; Carley, Justice; Hunstein, Justice
JURISDICTION	Georgia
DECIDED	November 26, 2002
DOCKET	No. S01G1656
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Supreme Court of Georgia granted certiorari to review the Court of Appeals' affirmance of summary judgment for the Georgia Department of Transportation and its refusal to consider legal arguments that Pfeiffer had not raised in the trial court.
STANDARD OF REVIEW	On appeal from summary judgment, the appellate court reviews whether the record presents a genuine issue of material fact and whether the movant is entitled to judgment as a matter of law; however, absent special circumstances, the court need not consider legal arguments raised for the first time on appeal.
PRECEDENTIAL VALUE	Published opinion; precedential Supreme Court of Georgia decision, with a dissent.
PARTIES	Karen Pfeiffer v. Georgia Department of Transportation

TOPICS

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wrongful death

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QUESTIONS PRESENTED

1. Whether the Court of Appeals properly refused to consider legal arguments supporting reversal of summary judgment that Pfeiffer had not raised in the trial court.
2. Whether a nonmovant opposing summary judgment may raise on appeal a new legal argument that the movant failed to establish its evidentiary entitlement to summary judgment.

HOLDINGS

1. Absent special circumstances, an appellate court need not consider legal arguments raised for the first time on appeal from a summary-judgment ruling.
2. Dental One does not authorize a party to raise new legal issues on appeal, but a nonmovant may argue on appeal that the record lacks facts supporting summary judgment when the movant bore the trial burden of proof and the record itself fails to establish entitlement to judgment.

KEY QUOTATIONS

“Therefore, absent special circumstances, an appellate court need not consider arguments raised for the first time on appeal.” (275 Ga. at 829)

“Each party has a duty to present his best case on a motion for summary judgment.” (275 Ga. at 828)

FACTUAL BACKGROUND

Robert Pfeiffer, a construction worker employed by Rosiek Construction Company, died while working on the Sidney Lanier Bridge project. His widow, Karen Pfeiffer, alleged that the Georgia Department of Transportation had a duty to ensure worker safety and that DOT's breach caused his death. DOT relied on its contract with Rosiek, which assigned on-site construction safety procedures to the contractor. Pfeiffer also argued that 23 C.F.R. § 630.1010(b) imposed a nondelegable safety duty on DOT.

PROCEDURAL HISTORY

Pfeiffer sued the Georgia Department of Transportation for her husband's wrongful death arising from a construction project. The trial court granted DOT summary judgment after rejecting Pfeiffer's argument that a federal regulation imposed a nondelegable safety duty on DOT. The Court of Appeals affirmed and declined to consider Pfeiffer's additional appellate arguments because they had not been raised below. The Supreme Court of Georgia affirmed.

DISPOSITION

affirmed

CASES CITED

- Pfeiffer v. Department of Transportation, 250 Ga. App. 643, 551 S.E.2d 58 (2001)
- Crutcher v. Crawford Land Co., 220 Ga. 298, 138 S.E.2d 580 (1964)
- Summer-Minter & Associates v. Giordano, 231 Ga. 601, 203 S.E.2d 173 (1974)
- Lau's Corp. v. Haskins, 261 Ga. 491, 405 S.E.2d 474 (1991)
- Georgia Department of Natural Resources v. Coweta County, 261 Ga. 484, 405 S.E.2d 470 (1991)
- Sharpe v. Department of Transportation, 270 Ga. 101, 505 S.E.2d 473 (1998)
- Standard Guaranty Insurance Co. v. Bundrage, 264 Ga. 632, 452 S.E.2d 474 (1994)
- Hammond v. Paul, 249 Ga. 241, 290 S.E.2d 54 (1982)
- Carter v. Pruitt, 235 Ga. 204, 219 S.E.2d 114 (1975)
- Duncan v. Duncan, 226 Ga. 605, 176 S.E.2d 88 (1970)
- Velkey v. Grimes, 214 Ga. 420, 105 S.E.2d 224 (1958)
- Bell v. Sellers, 248 Ga. 424, 283 S.E.2d 877 (1981)
- Federal Insurance Co. v. Oakwood Steel Co., 126 Ga. App. 479, 191 S.E.2d 298 (1972)
- Palmer v. Hoffman, 318 U.S. 109, 63 S. Ct. 477, 87 L. Ed. 645 (1943)
- Johnson v. Hensel Phelps Construction Co., 250 Ga. 83, 295 S.E.2d 841 (1982)
- Blue Cross & Blue Shield v. Weitz, 913 F.2d 1544 (11th Cir. 1990)
- Ex parte Ryals, 773 So. 2d 1011 (Ala. 2000)
- Washington Federation of State Employees v. Office of Financial Management, 121 Wash. 2d 152, 849 P.2d 1201 (1993)
- Hobelman Motors v. Allred, 685 P.2d 544 (Utah 1984)
- Houston v. Clear Creek Basin Authority, 589 S.W.2d 671 (Tex. 1979)
- Minnehoma Financial Co. v. Pauli, 565 P.2d 835 (Wyo. 1977)
- Dental One Associates v. JKR Realty Associates, Ltd., 269 Ga. 616, 501 S.E.2d 497 (1998)
- American Central Insurance Co. v. Lee, 273 Ga. 880, 548 S.E.2d 338 (2001)
- Baker v. Brannen/Goddard Co., 274 Ga. 745, 559 S.E.2d 450 (2002)
- Southern Protective Products Co. v. Leasing International, 134 Ga. App. 945, 216 S.E.2d 725 (1975)
- Binswanger Glass Co. v. Beers Construction Co., 141 Ga. App. 715, 234 S.E.2d 363 (1977)
- Adams v. Emory University Clinic, 179 Ga. App. 620, 347 S.E.2d 670 (1986)
- Youngblood v. Gwinnett Rockdale Newton Community Service Board, 273 Ga. 715, 545 S.E.2d 875 (2001)
- Hodge v. Lott, 251 Ga. App. 288, 553 S.E.2d 652 (2001)

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