

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
GEORGIA, ATLANTA DIVISION

Nakia Hampton v. Publix Super Markets, Inc., et al.

Hampton · No. 1:24-CV-00089-TWT · Decided June 1, 2026

SUMMARY

The United States District Court for the Northern District of Georgia denied Publix Super Markets, Inc.'s motion for reconsideration of the denial of its motion for summary judgment in a personal injury action. The court held that Publix had not shown newly discovered evidence, an intervening change in controlling law, or clear error or manifest injustice. The court concluded that genuine disputes remained regarding Publix's actual knowledge of the hazardous condition and the source of the liquid, leaving those issues for a jury.

CASE DETAILS

COURT	United States District Court for the Northern District of Georgia, Atlanta Division
WRITING FOR THE COURT	Thomas W. Thrash, Jr.
JURISDICTION	United States District Court for the Northern District of Georgia, Atlanta Division
DECIDED	June 1, 2026
DOCKET	1:24-CV-00089-TWT
DISPOSITION	dismissed
PROCEDURAL POSTURE	Publix moved for reconsideration under Federal Rule of Civil Procedure 59(e) of the court's prior order denying its motion for summary judgment in a personal injury action.
STANDARD OF REVIEW	A motion for reconsideration is committed to the sound discretion of the district judge. Reconsideration is appropriate only upon newly discovered evidence, an intervening change in controlling law, or the need to correct clear error or prevent manifest injustice.
PRECEDENTIAL VALUE	unpublished
PARTIES	Publix Super Markets, Inc. v. Nakia Hampton

TOPICS

motion for reconsideration

summary judgment

premises liability

personal injury

civil procedure

PRACTICE AREAS

civil procedure

premises liability

personal injury

evidence

QUESTIONS PRESENTED

1. Whether Publix established grounds for reconsideration of the prior denial of summary judgment.
2. Whether the evidence concerning Publix's actual knowledge of the hazard and the source of the water presented a genuine dispute of material fact.
3. Whether summary judgment was properly denied on Hampton's vicarious-liability claim.

HOLDINGS

1. Publix did not establish newly discovered evidence, an intervening change in controlling law, clear error, or manifest injustice warranting reconsideration of the prior denial of summary judgment.
2. The evidence did not establish as an undisputed fact when or where the liquid first appeared or where the water originated; therefore, the court properly denied summary judgment and left the water's source for the jury.
3. Reconsideration was not warranted as to vicarious liability because the court denied summary judgment on that issue on the same grounds.

KEY QUOTATIONS

“A manifest error of law is “the wholesale disregard, misapplication, or failure to recognize controlling precedent.””

“By contrast, a motion for reconsideration is not a “vehicle to present new arguments or evidence that should have been raised earlier, introduce novel legal theories, or repackage familiar arguments to test whether the Court will change its mind.””

“Taking the evidence in the light most favorable to the non-movant, the Court appropriately denied summary judgment. A jury should determine the water's source.” (at 2)

FACTUAL BACKGROUND

Hampton's personal injury claim arose from a hazard involving liquid near a Publix drink dispenser. Hampton presented evidence that Publix had actual knowledge of the hazard, including evidence concerning the placement of spill pads near the water source. Video footage did not conclusively establish where the water originated, creating a genuine factual dispute relevant to summary judgment.

PROCEDURAL HISTORY

The Court previously denied Publix's motion for summary judgment. Publix moved for reconsideration, arguing that clear error or manifest injustice required revisiting the prior ruling. The Court rejected the arguments, denied

reconsideration, and prohibited Publix from relitigating summary judgment.

DISPOSITION

dismissed

CASES CITED

- 763 F.2d 1237, 1238–39 (11th Cir. 1985)
- 597 F.3d 1374, 1383 (11th Cir. 2010)
- 2017 WL 3723118, at *6 (N.D. Ga. Aug. 29, 2017)
- 103 F. Supp. 2d 1322, 1338 (N.D. Ga. 2000)
- 344 Ga. App. 1, 3 (2017)
- 374 Ga. App. 285, 287 (2025)

OPINION

Hampton

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF GEORGIA

ATLANTA DIVISION

NAKIA HAMPTON,

Plaintiff,

v. CIVIL ACTION FILE

NO. 1:24-CV-00089-TWT

PUBLIX SUPER MARKETS, INC., et

al., Defendants.

OPINION AND ORDER

This is a personal injury action. It is before the Court on the Defendant Publix Super Markets, Inc.’s Motion for Reconsideration [Doc. 71] of the Court’s Order denying the Defendant’s Motion for Summary Judgment. Plaintiff Nakia Hampton opposes the motion. Rule 59(e) of the Federal Rules of Civil Procedure authorizes district courts to alter or amend a judgment upon motion. Fed. R. Civ. Proc. 59(e). “The decision to alter or amend judgment is committed to the sound discretion of the district judge and will not be overturned on appeal absent an abuse of discretion.” , 763 F.2d 1237, 1238–39 (11th Cir. 1985). Although the Federal Rules of Civil Procedure do not specifically authorize motions for reconsideration, they are common in practice. Local Rule 7.2 states that motions for reconsideration are not to be filed “as a matter of routine practice,” but only when “absolutely necessary.” LR 7.2(E), NDGa. In particular, a party may move for reconsideration when there is (1) newly discovered evidence, (2) an intervening change in controlling law, or (3) the need to correct clear error or prevent manifest injustice. , 597 F.3d 1374, 1383 (11 Cir. 2010).

A manifest error of law is “the wholesale disregard, misapplication, or failure to recognize controlling precedent.” , 2017 WL 3723118, at *6 (N.D. Ga. Aug. 29, 2017) (citation omitted). By contrast, a motion for reconsideration is not a “vehicle to present new arguments or evidence that should have been raised earlier, introduce novel legal theories, or repackage familiar arguments to test whether the Court will change its mind.” , 103 F. Supp. 2d 1322, 1338 (N.D. Ga. 2000). Publix has not presented new evidence or a change in controlling law, but argues this motion based upon the need to correct clear errors or prevent manifest injustice. (Def.’s Mot. for Recons., at 2–3). Publix cited cases to continue arguing it had no actual knowledge and that there is no genuine dispute as to this issue. However, Hampton provided evidence that Publix had actual knowledge of the hazard created by the drink dispenser. , 344 Ga. App. 1, 3 (2017) (holding no actual knowledge was present on the general basis of ice re-freezing as specific knowledge). The Court agrees with Hampton’s argument that Publix’s reliance on , 374 Ga. App. 285 (2025), is 2 inapposite. (Pl.’s Resp. to Mot. for Recons., at 4). In Drossman, the court affirmed actual knowledge was not present in part because spill pads were placed away from the freezer in question. /d. at 287. But here, Publix’s spill pads were placed closer to the water source. Additionally, Publix continues to argue that the video footage shows when and where the liquid first appears on the floor. (Def.’s Mot. for Recons., at 4-5). The Court could not at the summary judgment stage, and cannot still, determine that to be a genuinely undisputed fact. The video footage is unclear as to where the water originates from, as the alluded footnote indicates. (Op. & Order dated Mar. 23, 2026, at 8, n. 15). Taking the evidence in the light most favorable to the non-movant, the Court appropriately denied summary judgment. A jury should determine the water’s source. Moreover, the Court denied summary judgment as to vicarious liability on the same grounds. Therefore, the Court will prohibit Publix’s attempt to relitigate summary judgment and deny the Motion for Reconsideration [Doc. 71]. SO ORDERED, this 1st day of June, 2026. TF ternncen. DA Flag THOMAS W. THRASH, JR. United States District Judge