

COURT OF APPEALS OF GEORGIA

Jones v. Holland

333 Ga. App. 507 (Ga. Ct. App. 2015) · No. A15A0430 · Decided July 23, 2015

SUMMARY

The Georgia Court of Appeals reviewed a grant of summary judgment in a motor vehicle collision case. The court held that genuine issues of material fact existed regarding the plaintiff's entry into the roadway and the defendant's alleged negligence in continuing to drive while blinded by sunlight. The judgment granting summary judgment was reversed.

CASE DETAILS

COURT	Court of Appeals of Georgia
WRITING FOR THE COURT	McFadden, J.; Ellington, P. J.; Dillard, J.
JURISDICTION	Georgia
DECIDED	July 23, 2015
DOCKET	A15A0430
DISPOSITION	reversed
PROCEDURAL POSTURE	Plaintiff appealed from the trial court's grant of summary judgment to the defendant in a motor-vehicle negligence action.
STANDARD OF REVIEW	Summary judgment is reviewed de novo, with the evidence construed in favor of the nonmoving party and all reasonable doubts and possible inferences given to that party.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Raymond Jones v. Harry Holland, Jr.

TOPICS

- summary judgment
- negligence
- standard of care
- duty of care
- appellate procedure

PRACTICE AREAS

- Torts
- Motor vehicle negligence
- Summary judgment

QUESTIONS PRESENTED

1. Whether summary judgment was proper when the evidence created genuine issues of material fact as to whether Holland negligently continued driving while blinded by the sun.
2. Whether the evidence created a jury question concerning Jones's compliance with the duty to yield when entering the roadway.

HOLDINGS

1. Summary judgment for Holland was improper because genuine issues of material fact existed as to whether he negligently failed to slow down or stop after becoming blinded by the sun and unable to see the roadway ahead.
2. The evidence did not conclusively establish that Jones violated his duty to yield because a jury could find that he properly entered the roadway after looking both ways and observing no approaching vehicles.
3. A driver blinded by sunlight must exercise care and caution in maintaining a lookout commensurate with the increased danger, although the driver must be given sufficient time after sudden blindness to recognize the situation and stop.

KEY QUOTATIONS

“On appeal from the grant of summary judgment, we construe the evidence most favorably towards the nonmoving party, who is given the benefit of all reasonable doubts and possible inferences.” (333 Ga. App. at 508)

“Questions of negligence, diligence, contributory negligence and proximate cause are peculiarly matters for the jury, and a court should not take the place of the jury in solving them, except in plain and indisputable cases.” (333 Ga. App. at 509)

“Because a jury could find that Holland breached his duty to maintain a diligent lookout ahead, “the trial court erred in granting summary judgment in behalf of [him].”” (333 Ga. App. at 511)

FACTUAL BACKGROUND

Jones was backing a tractor from his driveway into a roadway to move debris when Holland approached in a pickup truck. Holland became blinded by strong sunlight but continued driving toward Jones's driveway without knowing how long he had been unable to see the roadway. Holland did not see the tractor and collided with it, throwing Jones to the ground.

PROCEDURAL HISTORY

Raymond Jones sued Harry Holland, Jr., for damages arising from a collision between Holland's pickup truck and Jones's tractor. The trial court granted Holland summary judgment after finding no evidence of negligence by Holland. The Court of Appeals reversed because the record presented genuine issues of material fact concerning Holland's negligence.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The judgment granting summary judgment to Holland was reversed; the opinion provides no additional express remand instructions.

CASES CITED

- Johnson v. Omondi, 294 Ga. 74, 75-76, 751 S.E.2d 288 (2013)
- Georgia Dept. of Human Resources v. Bulbalia, 303 Ga. App. 659, 663 (2), 694 S.E.2d 115 (2010)
- Harrison v. Ellis, 199 Ga. App. 199, 201, 404 S.E.2d 348 (1991)
- Sprayberry v. Snow, 59 Ga. App. 744, 748, 1 S.E.2d 756 (1939)
- Sprayberry v. Snow, 190 Ga. 723, 10 S.E.2d 179 (1940)
- Brown v. Atlanta Gas Light Co., 96 Ga. App. 771, 775-776, 101 S.E.2d 603 (1957)
- Stanfield v. Smith, 152 Ga. App. 22 (1), 262 S.E.2d 216 (1979)
- Eatmon v. Weeks, 323 Ga. App. 578, 579, 746 S.E.2d 886 (2013)
- Young v. Kitchens, 228 Ga. App. 870, 874 (3), 492 S.E.2d 898 (1997)

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