

BKBM Attorneys Obtain Directed Verdict In Cobb County Property Dispute Trial

By Wayne Tartline September 19, 2023

On September 6, 2023, Wayne Tartline and Chang Zhou concluded a Cobb County jury trial by obtaining a directed verdict judgment from the Court. As a result, Wayne's client, a Marietta developer and homebuilder, did not have to await a jury verdict, as the case was summarily dismissed at the conclusion of Plaintiff's case based upon legal arguments submitted by defense counsel. Plaintiff, a Douglas County landowner and developer, had alleged that the Defendant had improperly excavated and removed hundreds of loads of fill dirt from Plaintiff's property. Plaintiff was seeking damages in excess of \$80,000.00 for damage to his property and the removal of the fill dirt.

Despite evidence that the Defendant had indeed inadvertently excavated Plaintiff's property and had removed a significant amount of soil, the defense team demonstrated to the Court that Plaintiff's evidence of damages was speculative and legally insufficient. As a consequence, the Court directed a verdict in favor of the Defendant.