

Billy Davis Obtains Summary Judgment for National Facilities Maintenance Company

By William M. Davis December 20, 2016

Our client is a national facilities maintenance company which employs local subcontractors. After completing work in Macon, Georgia, a subcontractor attempted to make a U-turn on a busy roadway and turned into the path of a motorcyclist. The cyclists sustained significant injuries as a result of the collision and filed suit in the Superior Court of Bibb County.

Billy Davis filed a motion for summary judgment on behalf of the facilities maintenance company arguing that the company could not be liable, as a matter of law, for the actions of the subcontractor. The motion cited Georgia law which establishes that employers are generally not responsible for the torts of independent contractors. Additionally, Georgia law does not generally permit the imputation of liability under a theory of *respondeat superior* when an employee is not in the course and scope of his or her employment. Therefore, even assuming that an employment relationship existed, an employer is not liable for torts committed by the employee while commuting to or from work. The trial court agreed that liability could not be imputed and granted the motion.