

IN THE STATE COURT OF DEKALB COUNTY

STATE OF GEORGIA

KUWASI TURNER,)	
Plaintif,)	
v.)	Civil Action File No.: 19A72688
)	
LEILA DYE and)	
STEDMAN VAUGHN,)	
Defendants.)	
_____)	

ORDER

The above-styled case comes before the Court on Defendant Leila Dye’s Motion for Summary Judgment. This case arises out of a car crash in which Plaintiff allegedly was injured. It is undisputed that at the time of the collision, Plaintiff was a passenger in a vehicle driven by Defendant Stedman Vaughn (“Vaughn”). Defendant Leila Dye (“Dye”) brings the present motion arguing that the undisputed evidence of record establishes that Vaughn’s negligence was the sole proximate cause of the collision and of Plaintiff’s alleged injuries. Dye points to her own affidavit, in which she avers that, at the time of collision, she was obeying the law and had a green light and the right of way when Vaughn made an improper left turn in front of her, causing the collision.

In response, Plaintiff points to an unauthenticated document that he asserts is a Georgia Motor Vehicle Crash Report pertaining to the subject collision. He asks the Court to consider certain hearsay statements contained in that unauthenticated document. He asserts that the individuals who purportedly made those statements—Vaughn and an unnamed nonparty witness—“could” appear for trial. He does not point to any admissible evidence currently in the record.

Georgia law provides that summary judgment is appropriate when the court, viewing all the facts and all reasonable inferences therefrom in the light most favorable to the non-moving party, concludes that the evidence does not create a triable issue as to any essential element of the case. Groutas v. McCoy, 219 Ga. App. 252 (1995); O.C.G.A.

§ 9-11-56. A defendant may demonstrate that she is entitled to summary judgment in her favor by showing that the documents, affidavits, depositions, and other evidence in the record reveal that there is no evidence sufficient to create a genuine jury issue on at least one essential element of the plaintiff's case. Palermo v. Winn-Dixie Atlanta, Inc., 221 Ga. App. 532 (1996). If the moving party satisfies its burden, the non-moving party may not rely on his pleadings but rather must point to specific evidence giving rise to a triable issue. Patterson v. Kevon, LLC, 304 Ga. 232 (2018). "It is well settled that evidence that would be inadmissible at trial is also inadmissible upon summary judgment. This includes hearsay testimony." Greenstein v. Bank of the Ozarks, 326 Ga. App. 648, 651 (2014) (citation omitted).

In the present case, Dye pointed to an absence of evidence supporting Plaintiff's claims against her. In response, Plaintiff has pointed to no admissible evidence from which a jury could determine that Dye breached any duty to Plaintiff or that any act or omission by Dye caused or contributed to Plaintiff's alleged injuries. Consequently, after reviewing the facts, the law, and all matters properly before the Court, Defendant Leila Dye's Motion for Summary Judgment hereby is **GRANTED**.

IT IS SO ORDERED, this 27th day of July, 2020.



Hon. Kimberly K. Anderson
State Court of DeKalb County

cc: counsel of record; Clerk's file