

TRIAL TOUGH. SOLUTION SAVVY.™



2 CORE DEFENSE POINTS

1 DISCIPLINED APPROACH

CASE STUDY

How Lightfoot **OBTAINED DISMISSAL** of an Uncommon Georgia Claim Against a Major Automaker

This litigation required a disciplined approach to a rare claim in a challenging jurisdiction.

Unique Allegations Against Our Client

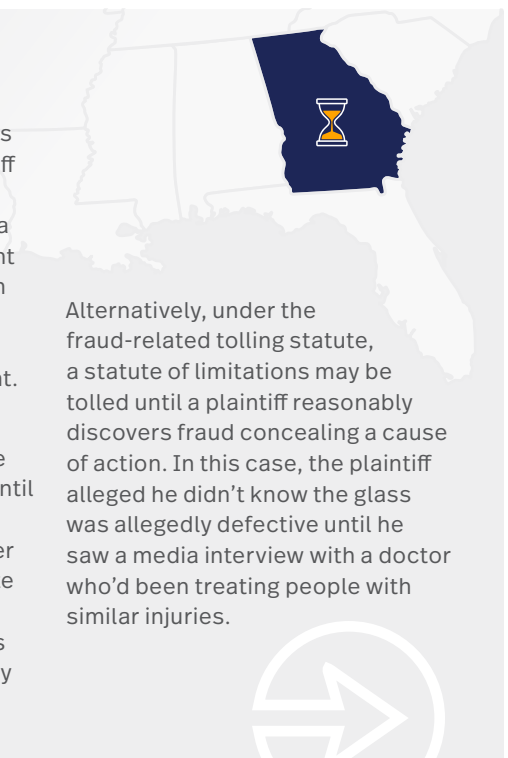
It's not unusual for leading global automakers to face product liability lawsuits, but this one stood apart. The plaintiff was a man who lost his left eye during a car accident, and Georgia was the venue. The man's claim was unique – that allegedly defective glass from his car's exterior rearview mirror caused his injury in a hit-and-run. Meanwhile, the jurisdiction has produced a number of nuclear verdicts in recent years.

While the automaker was confident the claims lacked merit, the uncommon nature of the case, combined with the plaintiff's severe, life-changing injuries, presented challenges.

First, the case was filed four years after the accident, but the plaintiff attempted to plead around the two-year statute of limitations via Georgia's fraudulent concealment and discovery tolling rules, which could override the deadline if an injury or a cause of action isn't discovered until after the incident.

Under the fraud-related tolling statute, when fraud is alleged the statute of limitations is paused until the conduct is, or ought to have reasonably been, detected. Under Georgia's discovery rule, a statute of limitations may be tolled until the plaintiff reasonably discovers the connection between his injury and its cause.

Alternatively, under the fraud-related tolling statute, a statute of limitations may be tolled until a plaintiff reasonably discovers fraud concealing a cause of action. In this case, the plaintiff alleged he didn't know the glass was allegedly defective until he saw a media interview with a doctor who'd been treating people with similar injuries.



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Second, the plaintiff's continual evolution of the complaint further complicated the litigation. Rounds of amendments and responses filed by the plaintiff introduced new theories and allegations, presenting ongoing challenges for the defendant to navigate and dismantle.

With reputational and potential financial exposure, the automaker hired Lightfoot to defend it.

REMAINING CONSISTENT

Our Approach



Rachel M. Lary
Partner

First, Lightfoot partners [Rachel M. Lary](#) and [Amaobi J. Enyinnia](#) removed the state-filed lawsuit to federal court.

The plaintiff's claims were a moving target with each amendment, including two amendments after it was removed to federal court. Each time, Lightfoot moved to dismiss the case as untimely and for failing to state a valid claim. And, when the plaintiff sought permission to amend the complaint a third time, Lightfoot objected because he also attempted to include new claims and allegations, including a consumer protection claim.

Countering this litigation strategy required precise and disciplined responses. When the plaintiff's filings and arguments appeared to mix terminology or stray from applicable pleading standards, Lightfoot ensured it set the record straight and never deviated. The key was to remain consistent in asserting that the plaintiff didn't have any viable claims despite the many attempts to argue otherwise, and doing so called for a thorough understanding and careful application of Georgia law and legal standards.

Enyinnia and Lary have extensive experience litigating in Georgia, having secured multiple dismissals and favorable settlements in complex product liability cases, so they were well-attuned to the state's legal intricacies and unique aspects. They ensured their filings clearly set out the key legal principles at play, such as which discovery and motion-to-dismiss standards apply and what they meant in practice, including what the discovery and fraud-related tolling statute did and did not do.

The trial court sided with Lightfoot's client, dismissing the case with prejudice, denying the plaintiff's leave to file a third amended complaint and rejecting the claim that the statute of limitations period was suspended due to alleged fraud or the plaintiff's later discovery of the alleged cause of his injury. The plaintiff challenged that ruling before the U.S. Court of Appeals for the Eleventh Circuit, arguing the lower court incorrectly applied Georgia's discovery tolling rule and fraud-related tolling statutes, along with improperly denying his motion for leave to amend his complaint for a third time. The plaintiff also attempted to invoke an additional tolling statute for the first time on appeal.



Amaobi J. Enyinnia
Partner



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The Result

A three-judge panel weighed in, concluding that the statute of limitations barred the plaintiff's claims, that Georgia's discovery rule only applies when an injury has developed over an extended period, and that any attempt to amend the complaint further was properly rejected. In this case, the plaintiff's injury was undisputedly sustained on the day of the crash, so that's when the clock began ticking. The panel also rejected the allegations of fraud, finding the plaintiff did not meet the federal pleading standards, and rejected his attempt to interject another tolling statute into his arguments.

The opinion ended a three-year dispute and demonstrated the value of experience with a given venue and litigation tactic. Because Lightfoot's defense team was familiar with Georgia law and had maneuvered around similar arguments before, it didn't matter that this particular claim was uncommon.

Maintaining this cohesive legal strategy amid convoluted pleadings instilled confidence in the client and helped the court cut through the noise to reach its conclusion.



VALUE OF EXPERIENCE

About Lightfoot, Franklin & White LLC

Trusted by clients and respected by opponents, Lightfoot is a leading national litigation firm. True to its "**Trial Tough, Solution Savvy**" philosophy, Lightfoot was named a "**Top 20 Trial Law Firm**" in the U.S. by Benchmark Litigation in 2019, 2020 and 2021. Working from offices in Birmingham and Houston, the firm's 60+ lawyers are known for their work involving complex, bet-the-company litigation; internal and government investigations; risk management; and compliance counsel, including NCAA matters, for clients across the country and around the world. For more information, visit lightfootlaw.com and connect with us on [Facebook](#), [LinkedIn](#) and [Twitter](#).



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