

SUPREME COURT OF GEORGIA
Case No. S22C0527

October 04, 2022

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

GEORGIA CVS PHARMACY, LLC v. JAMES CARMICHAEL.

Court of Appeals Case No. A21A0677

The Supreme Court today granted the writ of certiorari in this case as case No. **S22G0527**.

This case will be assigned to the February 2023 oral argument calendar automatically under Supreme Court Rule 50 (1) (a). Oral argument is mandatory in granted certiorari cases.

This Court is particularly concerned with the following issue or issues:

1. For a claim brought under OCGA § 51-3-1 that alleges negligent security, to what extent, if at all, is proof that the underlying criminal act occurring on the premises was reasonably foreseeable part of the plaintiff's burden to prove the elements of duty, breach, or proximate cause?
2. In light of the answer to the first question, is the question whether a criminal act occurring on the premises was reasonably foreseeable generally for the judge or the factfinder?
3. What is the legal test for determining whether a criminal act occurring on the premises was reasonably foreseeable? For example, is reasonable foreseeability determined based on the totality of the

circumstances, or is some more specific showing required, such as prior, substantially similar crimes occurring on or near the premises?

4. When apportioning fault, can a rational fact finder determine that an intentional tortfeasor whose actions directly caused the plaintiff's injuries bears no fault for those injuries?

Briefs should be submitted only on these points. See Supreme Court Rule 45.


All the Justices concur, except, Peterson, P. J., disqualified.

SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

 , Clerk