IN THE SUPREME COURT
STATE OF GEORGIA

WENTWORTH MAYNARD and KAREN MAYNARD, Appellants-Plaintiffs, v. SNAPCHAT, INC., Appellee-Defendant.	Case No. S21G0555

JOINT BRIEF OF AMICI CURIAE GEORGIA TRIAL LAWYERS ASSOCIATION AND AMERICAN ASSOCIATION FOR JUSTICE IN SUPPORT OF APPELLANTS-PLAINTIFFS

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Georgia Trial Lawyers Association ("GTLA") and American Association for Justice ("AAJ"), as amici curiae and pursuant to Rule 23 of the Rules of the Supreme Court of Georgia, respectfully submit the following brief to urge this Court to reverse the Court of Appeals' decision in favor of Appellee-Defendant Snapchat, Inc.

I. IDENTITY AND INTEREST OF AMICI CURIAE

Amicus Curiae GTLA is a voluntary organization of approximately 2,000 trial lawyers throughout Georgia whose practices primarily focus on representing individuals injured by others' wrongdoing. GTLA's mission is to protect the constitutional promise of justice for all by guaranteeing the right to jury trial, preserving an independent judiciary, and providing access to the courts for all.

AAJ is a national, voluntary bar association established in 1946 to strengthen the civil justice system, preserve the right to trial by jury, and protect access to the courts for those who have been wrongfully injured. With members in the United States, Canada, and abroad, AAJ is the world's largest plaintiff trial bar. AAJ's members primarily represent plaintiffs in personal injury actions, employment rights cases, consumer cases, and other civil actions, including in Georgia. Throughout its 75-year history, AAJ has served as a leading advocate for the right of all Americans to seek legal recourse for wrongful conduct.

While GTLA and AAJ are filing this brief as independent friends of the Court, their arguments support the position of the Appellants-Plaintiffs in this case.

II. ARGUMENT

A. The Court of Appeals erred in holding that Snapchat, Inc. owed no duty to design its Speed Filter to remove the foreseeable, serious risk of related traffic injuries and fatalities.

The proper issue before the Court of Appeals below was whether Appellee-Defendant Snapchat, Inc. ("Snapchat") had a duty to factor foreseeable misuse of its Speed Filter into its product design decisions. Instead, the Court of Appeals essentially reframed this issue into a question of whether Snapchat owed any duty at all to other motorists and third parties. The Court of Appeals' question and its corresponding answer—that under Georgia law there is no "general legal duty to all the world not to subject others to an unreasonable risk of harm"[1]—are plainly wrong.

As Appellants-Plaintiffs make clear in their opening brief to this Court, their Complaint contains substantial factual allegations which, if accepted as true, would allow a jury to find that Snapchat knew or had reason to know that some users of Speed Filter would use the app in a way that placed others on Georgia's roads and highways at risk of serious harm. Snapchat was therefore under a duty to take reasonable steps to alter their product's design to reduce that hazard, both for Speed Filter's users and for third parties who would reasonably be affected by its misuse.

[1] *Maynard v. Snapchat, Inc.*, 357 Ga. App. 496, 499 (Oct. 30, 2020) ("*Maynard II*").

1. <u>The Court of Appeals' determination that, under Georgia law, a manufacturer owes no duty to guard against foreseeable product misuse because there is no "general legal duty to all the world not to subject others to an unreasonable risk of harm" is plainly erroneous.</u>

Georgia law imposes on a product manufacturer a duty "to exercise reasonable care in manufacturing its products so as to make products that are reasonably safe for intended ***or foreseeable uses***." *CertainTeed Corp. v. Fletcher*, 300 Ga. 327, 329 (2016) (quoting *Chrysler Corp. v. Batten*, 264 Ga. 723, 724 (1994)) (emphasis added). And the Georgia legislature has made clear that the scope of the manufacturer's duty extends to all those who "may ... reasonably be affected by" its product. O.C.G.A. § 51-1-11(b)(1). It cannot be disputed that automakers have a duty to sell cars with brakes that are not defectively designed, and that this duty extends to drivers and passengers of other cars and pedestrians who foreseeably may be injured. The fact that Speed Filter is platformed upon more recent technology does not alter this well-settled principle of law.

O.C.G.A. § 51-1-11(b)(1) provides:

> The manufacturer of any personal property sold as new property directly or through a dealer or any other person shall be liable in tort, irrespective of privity, to any natural person who may use, consume, or reasonably be affected by the property and who suffers injury to his person or property because the property when sold by the manufacturer was not merchantable and reasonably suited to the use intended, and its condition when sold is the proximate cause of the injury sustained.

Per this plain statutory language, this Court has affirmed that manufacturer liability under § 51-1-11(b)(1) extends "not only to those who may use the property, but also to those persons who may 'consume' the property or 'reasonably be affected' by it." *Jones v. Nordictrack, Inc.*, 274 Ga. 115, 117 (2001) (citing O.C.G.A. § 51-1-11(b)(1)). Accordingly, "in a products liability action for defective design the focus is not on use of the product." *Id.* at 115.

The lower court's "duty" analysis is little more than an erroneous and overbroad application of the defense of "misuse" to which Snapchat is not entitled under Georgia law. In the lower court's view, "Georgia law does not impose a general duty to prevent people from committing torts while misusing a manufacturer's product." *Maynard II*, 357 Ga. App. at 500. To the contrary, the manufacturer "has no duty to design or warn against harm caused by an ***unforeseeable*** misuse of its product." *Woods v. A.R.E. Accessories, LLC*, 345 Ga. App. 887, 891 (2018) (emphasis added). The fact that the product user is engaging in tortious, or even criminal, misconduct or using the product in a manner not intended by the manufacturer does not relieve the manufacturer of liability if that use was reasonably foreseeable.

Thus, the proper analysis considers the "reasonableness of selecting from among alternative product designs and selecting from the safest feasible one" and includes "consideration of whether the [manufacturer] failed to adopt a reasonable

alternative design which would have reduced the ***foreseeable risks of harm presented by the product***." *Jones*, 274 Ga. at 118 (emphasis added). *Accord Banks v. ICI Americas, Inc.*, 264 Ga. 732, 734-735 (1994) (adopting the "risk-utility" analysis for design-defect claims, which considers "whether the manufacturer acted reasonably in choosing a particular product design, given the probability and seriousness of the risk posed by the design, the usefulness of the product in that condition, and the burden on the manufacturer to take the necessary steps to eliminate the risk").

Per the plain statutory language and the prior decisions of this Court, a manufacturer unambiguously owes a duty of reasonable care to design a product taking into consideration all foreseeable uses and misuses, *i.e.*, "the foreseeable risks of harm presented by the product." *See Jones*, 274 Ga. at 117 (2001). *See also, e.g.*, *Rasnick v. Krishna Hospitality, Inc.*, 289 Ga. 565, 566-567 (2011) ("[D]uty can arise either from a valid legislative enactment, that is, by statute, or be imposed by a common law principle recognized in the caselaw.").

Although Georgia law unequivocally imposes a duty on manufacturers to protect against foreseeable product uses and misuses, the Court of Appeals' opinion below expressly abrogates manufacturers' duties where claims involve the "intentional (not accidental) misuse of [a] product in a tortious way by a third party," *Maynard II*, 357 Ga. App. 496, even where, as in this case, the intentional misuse of

the product is not only foreseeable but specifically ***known*** to the manufacturer.[2] This holding is incongruous as no exception exists to limit a manufacturer's design-related duty for foreseeable but intentional misuse of a product. Of course, the General Assembly, if it had so desired, could have carved out such an exception to manufacturer liability in the plain language of § 51-1-11(b)(1), but it did not.

In reaching its anomalous decision, the Court of Appeals' majority wholly fails to consider (or even mention) § 51-1-11(b)(1), nor does it meaningfully consider this Court's prior holdings that a manufacturer's duty extends to those persons who reasonably may be affected by a product, even if they are not themselves users or consumers of the product. *See generally Maynard II*, 357 Ga. App. at 498-502. Instead, the Court of Appeals' majority relies on *Department of Labor v. McConnell*, 305 Ga. 812 (2019), to carve out a new exception to this well-established principle. *See Maynard II*, 374 Ga. App. at 498-499, n.4, n.8.

In *McConnell*, which involved a claim for negligence against the Georgia Department of Labor related to the inadvertent sending of an email containing sensitive personal information, this Court merely rejected the plaintiff's contention that there existed a common-law duty "to all the world not to subject [others] to an

[2] Importantly, as noted by Appellants-Plaintiffs in their Opening Brief, Snapchat's Speed Filter has caused numerous accidents and fatalities throughout the country and has been the subject of other litigation. (*See* Appellants-Plaintiffs' Opening Brief. at 8-9, 25-29.)

unreasonable risk of harm." 305 Ga. at 815-816. *McConnell* is not a design-defect case, and its holding did not disturb or otherwise implicate the duty imposed on manufacturers by § 51-1-11(b)(1) and this Court's precedent to take foreseeable product misuse into account in their design decisions. While there may not exist a general duty to all the world not to subject others to an unreasonable risk of harm, Georgia law has long recognized that, within the sphere of product designs and defects, there is indeed a duty of reasonable care to design products to reduce foreseeable risks of harm. *McConnell* did not change this.

The Court of Appeals' decision below further strays from established law regarding design-defect claims by introducing a "special relationship" requirement between the manufacturer and the injured party. *See Maynard II*, 374 Ga. App. at 499 ("No such special relationship is alleged here."). Again, the plain language of § 51-1-11(b)(1) explicitly provides that a manufacturer's duty associated with the design of its products exists regardless of any relationship (or lack thereof) between the manufacturer and the injured party: "The manufacturer of any personal property … shall be liable in tort, ***irrespective of privity***, ***to any natural person who may*** use, consume, or ***reasonably be affected by the property***." (Emphasis added.)

Furthermore, the Court of Appeals' decision does not address and simply disregards its own prior, relevant opinions. *See, e.g.*, *Woods*, 345 Ga. App. at 891 ("The manufacturer's duty is to exercise reasonably safe care to design products that

are reasonably safe for intended or foreseeable uses.") (citation and internal punctuation omitted); *Medics Pharm. Corp. v. Newman*, 190 Ga. App. 197, 198 (1989) ("[T]he maker of an article for sale or use by others must use reasonable care and skill in designing it ... so that it is reasonably safe for the purposes for which it is intended, and for other uses which are ***foreseeably probable***.") (emphasis in original) (citation and internal punctuation omitted); *Ford Motor Co. v. Stubblefield*, 171 Ga. App. 331, 335 (1984) (same).

In sum, the Court of Appeals' decision requires reversal as it represents an erroneous departure from the plain language of § 51-1-11(b)(1), as well as the prior opinions of this Court and the Court of Appeals.

2. The Court of Appeals' decision contravenes the nationally accepted legal principle that product manufacturers owe a duty to factor foreseeable product misuse into their design decisions.

The law is settled in Georgia that product manufacturers must consider foreseeable product misuse in their design decisions. Indeed, "many, if not most jurisdictions [throughout the U.S.] now acknowledge that in applying strict liability in tort for design defects[,] manufacturers cannot escape liability on grounds of misuse or abnormal use if the actual use proximate to the injury was objectively foreseeable." *Cepeda v. Cumberland Eng'g Co.*, 76 N.J. 152, 177, 386 A.2d 816, 828 (1978).

The Restatement (Second) of Torts echoes this generally accepted principle: "A manufacturer of a chattel made under a plan or design which makes it dangerous for the uses for which it is manufactured is subject to liability to others whom he should expect to use the chattel or to be endangered by its probable use for physical harm caused by his failure to exercise reasonable care in the adoption of a safe plan or design." *Restatement (Second) of Torts*, § 398.

It follows that, in *Lemmon v. Snap, Inc.*, No. 19-CV-4504, 2019 U.S. Dist. LEXIS 226964 (C.D. Cal. Oct. 30, 2019), a suit against Snapchat under similar facts, the Central District of California rejected Snapchat's argument that it owed "no duty as a matter of law because it was not reasonably foreseeable that providing users with the Speed Filter would result in harm." *See Lemmon*, 2019 U.S. Dist. LEXIS 226964 at *16-19.

A brief survey of state court decisions from across the country demonstrates widespread, almost universal, acceptance of the legal principle that manufacturers owe a duty of reasonable care to design products considering all ***foreseeable*** uses and misuses. *See, e.g.*, *Reott v. Asia Trend, Inc.*, 618 Pa. 228, 242-43, 55 A.3d 1088, 1096 (2012) ("To establish misuse of the product, the defendant must show that the use was unforeseeable or outrageous."); *D'Amario v. Ford Motor Co.*, 806 So. 2d 424, 439 (Fla. 2001) (Automakers "are charged with the knowledge that their automobiles will sometimes be involved in an accident or collision, including

accidents involving negligent and sometimes even drunk drivers, and to reasonably design and build safe vehicles based upon that knowledge."); *Slone v. Gen. Motors Corp.*, 249 Va. 520, 526, 457 S.E.2d 51, 54 (1995) ("[A] manufacturer may be held liable for the foreseeable misuse of its product."); *Jurado v. W. Gear Works*, 131 N.J. 375, 386, 619 A.2d 1312, 1317 (1993) ("[T]he plaintiff in a design-defect products-liability suit may succeed even if the product was misused, as long as the misuse or alteration was objectively foreseeable."); *Anderson v. Louisiana-Pac.*, 859 P.2d 85, 88 (Wyo. 1993) (defining "misuse as using a product for an unintended or unforeseeable purpose."); *Amatulli by Amatulli v. Delhi Const. Corp.*, 77 N.Y.2d 525, 532, 571 N.E.2d 645, 649 (1991) ("[T]he product must have been used for the purpose and in the manner normally intended or in a manner reasonably foreseeable."); *Calmes v. Goodyear Tire & Rubber Co.*, 61 Ohio St. 3d 470, 476, 575 N.E.2d 416, 421 (1991) (Affirmative defenses to products liability include "unforeseeable misuse of product. 'Unforeseeable' and 'unreasonable' are not synonyms. Therefore, unreasonable misuse is not a defense to a strict liability defective product claim."); *Duncan v. Cessna Aircraft Co.*, 665 S.W.2d 414, 423 (Tex. 1984) ("[T]he only defenses to a strict product liability action are the absolute defense of assumption of the risk and the comparative defense of unforeseeable product misuse."); *Crown Controls Corp. v. Corella*, 98 Nev. 35, 37, 639 P.2d 555, 557 (1982) ("[U]se of a product in a manner which the manufacturer should

reasonably anticipate is not misuse."); *Anderson v. Hyster Co.*, 74 Ill. 2d 364, 369, 385 N.E.2d 690, 693 (1979) ("[M]isuse would serve to break the causal connection between the defective product and the plaintiffs' injuries only if such misuse was not reasonably foreseeable."); *Reid v. Spadone Mach. Co.*, 119 N.H. 457, 465, 404 A.2d 1094, 1099 (1979) ("Thus, before a defendant may successfully argue a third person's negligence or misuse as a superseding cause, he must prove that the negligence or misuse was not reasonably foreseeable."); *Olson v. A. W. Chesterton Co.*, 256 N.W.2d 530, 535 (N.D. 1977) ("[A] manufacturer may be held liable where the misuse by the customer was reasonably foreseeable."); *Fields v. Volkswagen of Am., Inc.*, 1976 OK 106, 555 P.2d 48, 56 (1976) (The defense of misuse refers to "cases where the method of using a product is not that which the maker intended or is a use that could not reasonably be anticipated by a manufacturer."); *Arbet v. Gussarson*, 66 Wis. 2d 551, 558, 225 N.W.2d 431, 436 (1975) ("[E]ven if the plaintiffs did misuse the car, that would not ipso facto defeat their claim if the misuse, or risk of an accident, was reasonably foreseeable."); *Stroud v. Dorr-Oliver, Inc.*, 112 Ariz. 403, 412, 542 P.2d 1102, 1111 (1975) (The jury was properly instructed that a product is misused when "not used for the purpose or in the manner ... which the manufacturer in the exercise of reasonable prudence should foresee."); *Baumgardner v. Am. Motors Corp.*, 83 Wash. 2d 751, 754–55, 522 P.2d 829, 831 (1974) ("The manufacturer should not be heard to say that it does not intend its

product to be involved in any accident when it can easily foresee" such accidents and should design its vehicles accordingly.); *Cronin v. J.B.E. Olson Corp.*, 8 Cal. 3d 121, 126, 501 P.2d 1153, 1157 (1972) ("[S]trict liability should not be imposed upon a manufacturer when injury results from a use of its product that is not reasonably foreseeable.).

In conclusion, this Court should reverse the Court of Appeals' decision as wrongly decided under Georgia law and as contravening the established legal principle that product manufacturers owe a duty to factor reasonably foreseeable product misuse into their design decisions.

B. <u>The Court of Appeals' decision, if permitted to stand, would erode the fundamental right under Georgia law to a trial by jury.</u>

Under the Court of Appeals' decision, an injured party cannot, as a matter of law, state a design-defect claim against a manufacturer where the injury stems from a third party's intentional misuse of a product because, according to that decision, "there is no "general legal duty to all the world not to subject others to an unreasonable risk of harm." *Maynard II,* 357 Ga. App. at 499. By framing the issue in this case as one of "duty" for the court to decide, the court below deprived Appellants-Plaintiffs of their right to trial by jury, which Georgia has preserved in its Constitution as "inviolate." Ga. Const. art. I, § 1, ¶ XI(a). *Accord* O.C.G.A. § 9-11-38 ("The right of trial by jury as declared by the Constitution of the state or as given by a statute of the state shall be preserved to the parties inviolate."). *See also*

Raintree Farms, Inc. v. Stripping Center, Ltd., 166 Ga. App. 848, 848 (1983) ("The Constitution of Georgia as well as the Civil Practice Act guarantee the right of a jury trial to civil litigants in most cases.").

This case presents questions of reasonableness and foreseeability, *e.g.*, whether the subject misuse of the Speed Filter, resulting in a traffic accident, was reasonably foreseeable to Snapchat and whether Snapchat reasonably designed the product considering its foreseeable misuse. It is well settled that questions of reasonableness and foreseeability fall well within the province of the jury. *See, e.g.*, *Lay v. Munford, Inc.*, 235 Ga. 340, 341 (1975) ("The question of reasonable foreseeability and the statutory duty … to exercise ordinary care to protect the plaintiff in the circumstances of this case, is for a jury's determination rather than summary adjudication by the courts."); *Bishop v. Mangal Bhai Enters.*, 194 Ga. App. 874, 878 (1990) (same). *See also, e.g.*, *Olson*, 256 N.W.2d at 535 ("Whether the use or misuse of the product by the plaintiff was reasonably foreseeable is ultimately a jury question."); *Calmes*, 61 Ohio St. 3d at 478, 575 N.E.2d at 422 ("The issue for the jury to decide was whether plaintiff's misassembly, which admittedly caused the accident, constituted product misuse").

In the present case, by erroneously dismissing Appellants-Plaintiffs' action on "no-duty" grounds, the lower court deprived them of their right to present their evidence of Snapchat's wrongful conduct to a jury. Unless corrected, the Court of

Appeals' decision will substantially curtail litigants' ability to state a viable cause of action against at-fault manufacturers who breach their duty to adopt the safest feasible product designs, thereby infringing upon Georgia's "inviolate" right to a trial by jury.

C. The Court of Appeals' contrived distinction between intentional and accidental misuse of a product, if accepted, would portend a dangerous divergence from underlying public policy.

The Court of Appeals' decision is also unfounded in public policy. Georgia's public policy underlying product designs and defects emanates from its Constitution, legislative enactments, and judicial decisions. *See Burnette v. Ga. Life & Health Ins. Co.*, 190 Ga. App. 485, 486 (1989). O.C.G.A. § 51-1-11(b)(1), along with the relevant, prior decisions of Georgia's appellate courts, establish a public policy that manufacturer liability for defective design extends to all persons who may reasonably be affected by a product and puts responsibility on the manufacturer to "adopt a reasonable alternative design which would [reduce] the foreseeable risks of harm presented by the product." *Jones*, 274 Ga. at 117-118. *See also Wilson Foods Corp. v. Turner*, 218 Ga. App. 74, 77 (1995) (recognizing "the public policy to encourage safety through remedial action"). Therefore, the public policy of this State dictates that a manufacturer implement "a feasible alternative design" to prevent and minimize reasonably foreseeable injuries to the public. *See Banks*, 264 Ga. at 737. Georgia's public policy puts a premium on public safety and thus places the

obligation on manufacturers to the guard the public against anticipated dangers posed by their products.

Significantly, based on this public policy, this Court has twice rejected attempts to diminish manufacturers' duties to guard against foreseeable risks posed by their products. *Ogletree v. Navistar Int'l Transp. Corp.*, 269 Ga. 443 (1998), involved whether the "open and obvious danger" rule absolved a manufacturer of liability for defective design where the alleged defect is "open and obvious" to the consumer. This Court held that the open and obvious nature of the danger is not controlling and explained:

> Total reliance upon the hypothetical ordinary consumer's contemplation of an obvious danger diverts the appropriate focus and may thereby result in a finding that a product is not defective even though the product may easily have been designed to be much safer at little added expense and no impairment of utility. [Cit.] Uncritical rejection of design defect claims in all cases wherein the danger may be open and obvious thus ***contravenes sound public policy by encouraging design strategies which perpetuate the manufacture of dangerous products***. [Cits.]

Ogletree, 268 Ga. at 445 (emphasis added) (citations omitted).

Additionally, in *Jones*, this Court considered whether "'use' of a product is a predicate to [manufacturer] liability" in a claim alleging defective design. 274 Ga. at 117. Again, this Court declined to limit manufacturer liability, explaining that such an analysis would be problematic because the "use" of a product "may be narrowly or broadly defined" and further emphasizing the importance of designing

products to reduce the foreseeable risks of harm they present, whether in "use" or not. *Id.* at 117-118.

Georgia's public policy, grounded in the paramount concern for public safety, is to encourage safe product designs and discourage and minimize the manufacture of dangerous products. Returning to the instant case, the Court of Appeals' limitation upon the long-established law regarding defective design claims flies in the face of this public policy and, unless reversed, would encourage product manufacturers to discount or wholly ignore foreseeable (or, in this case, known) dangers to the public that could be avoided with reasonable design modifications.

The practical implications of the Court of Appeals' decision, if not reversed, are expansive. As with the instant case, which involves Snapchat, a social media platform, the quickly evolving realm of computer-based technology and social media is fraught with concerns of intentional, tortious misuse, including for example the illegal surveillance or tracking of individuals' locations by third parties and the hacking of sensitive personal and financial data. The "new" law promulgated by the Court of Appeals would discourage technology companies from implementing designs to guard against these types of intentional, tortious misuses by fully insulating them from liability, even where, as in the instant case, the intentional misuse is not only foreseeable but probable and predictable.

Adherence to the established duty of manufacturers to design products considering ***all*** foreseeable misuses is especially important within the domain of technology and social media as new, innovative technologies and applications are being developed and made available for public consumption at a speed greater than the General Assembly and the courts can adapt. It has even more importance to this case, where there is no financial cost for Snapchat to remove the Speed Filter and where Snapchat has not identified any meaningful benefit that the Speed Filter provides to the public that could justify its evident dangers to public safety.

The Court of Appeals' erroneous decision is equally applicable to more traditional products. By way of example, tortious, reckless driving and speeding are not confined to misuse of Snapchat's Speed Filter. Anyone who engages in reckless driving or speeding intentionally uses their vehicle in an unintended, potentially tortious manner. Yet, reckless driving and speeding are foreseeable, and under long-established Georgia law, automobile and tire manufacturers must factor the known potential for reckless driving and speeding into their safety-related design decisions. The Court of Appeals' decision, should it stand, would eliminate automobile and tire manufacturers' duties to implement safety designs related to these types of misuse while, at the same time, prohibiting injured drivers, passengers, and other motorists' abilities to bring viable claims against manufacturers for the failure to implement feasible safety designs that would have prevented or lessened their injuries.

Lastly, the Court of Appeals' decision is concerning to the extent it opens the door to future, further erosion of manufacturers' duties to implement safety measures to guard against foreseeable, intentional misuse of their products. Examples of foreseeable, intentional product misuse are virtually infinite. From the intentional use of tobacco by children, to the intentional yet incorrect installation of child car seats, to the intentional overnight use of space heaters, to the intentional use of trampolines by exceeding the limit on the suggested number of users, the safety of the public at large is dependent upon a manufacturer's duty to adopt reasonable measures to protect against foreseeable misuse. By reversing the Court of Appeals' decision, this Court will uphold and protect Georgia's sound public policy of encouraging safe product designs.

III. CONCLUSION

The Court of Appeals' erroneous decision represents a fundamental, dangerous divergence from settled law concerning manufacturer liability for product design defects. Should the Court of Appeals' decision be permitted to stand, it would fundamentally erode both the accepted duty owed by manufacturers to design their products considering all foreseeable misuses and Georgia's constitutional right to a trial by jury. Thus, for the reasons herein, amici curiae GTLA and AAJ respectfully urge this honorable Court to reverse the Court of Appeals' decision.

Respectfully submitted, this 25th day of August, 2021.

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