

IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA

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GWINNETT COUNTY, GA

2017 JAN 18 PM 3:02

RICHARD ALEXANDER, CLERK

ADRIENNE DANIELLE SMITH,)
)
Plaintiff,)
)
) Civil Action Number:
)
)
vs.) 14C-798-4
)
)
AVIS RENT A CAR SYSTEM, LLC, AVIS)
BUDGET GROUP, INC., PV HOLDING)
CORP., CSYG, INC, YONAS G.)
GEBREMICHAEL, PETER DUCA and)
BYRON DEVON PERRY,)
)
)
Defendants.)

IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA

BRIANNA SHAUNAY JOHNSON,)
)
Plaintiff,)
)
)
vs.)
)
)
AVIS RENT A CAR SYSTEM, LLC, AVIS) 15C-4651-4
BUDGET GROUP, INC., PV HOLDING)
CORP., CSYG, INC., YONAS G.)
GEBREMICHAEL, PETER DUCA and)
BYRON DEVON PERRY,)
)
)
Defendants.)

ORDER DENYING AVIS DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Defendants Avis Rent A Car System, LLC, Avis Budget Group, Inc. and Peter Duca (collectively referred to as "Avis Defendants") filed a Motion for Summary Judgment to which Plaintiffs filed responses. After consideration of the Motion and briefs, responses thereto, affidavits, oral arguments, all matters of record and the applicable and controlling law, this Court finds as follows.

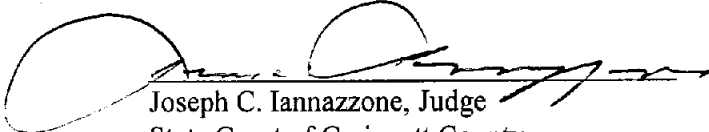
Prior to 2012, Avis rental facility at Courtland Street operated out of the first floor of the

building as a rental car facility operated by corporate Avis and the second floor of that building housed the sales office for Avis Budget Group's car sales. Beginning in 2012, Avis stopped operating the rental car facility and contracted with CSYG to operate the Rental Facility. Avis and CSYG assert that CSYG was an independent contractor who pursuant to their Agreement was an "independent, commissioned operator."

Plaintiffs have alleged negligence against the Avis Defendants in the form of direct negligence as well as vicarious liability. Plaintiffs have alleged Avis is directly liable for failing to use ordinary care to secure its vehicles and that it is vicariously liable for CSYG's negligence. Plaintiffs have argued that the relationship between Avis and CSYG is not an independent contractor relationship.

The Court finds that there are genuine issues of material fact concerning Avis's direct liability as well as vicarious liability, including but not limited to Avis's control over the security at the rental facility, Avis's failure to insist that CSYG follow safety and security policies, Avis's use of a "one-key" system for high end vehicles, other key usage and policies and whether or not the gate locks should have been changed. Therefore, Avis Defendants' Motion for Summary Judgment is DENIED. Lastly, the Plaintiffs shall be permitted to go forward with their claims for punitive damages subject to a motion for directed verdict at the close of evidence.

SO ORDERED this 18 day of January, 2017.


Joseph C. Iannazzone, Judge
State Court of Gwinnett County

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