

IN THE SUPERIOR COURT OF BIBB COUNTY
STATE OF GEORGIA

LINDSAY D. HOLLIDAY,)	
)	
PLAINTIFF,)	
)	
V.)	CIVIL ACTION FILE NO.
)	12-CV-58472
GEORGIA DEPARTMENT OF)	
TRANSPORTATION,)	
)	
DEFENDANT.)	

FINAL ORDER AND JUDGMENT

Plaintiff filed his Complaint for Injunction and Restraining Order on December 14, 2012 seeking a permanent injunction against the Georgia Department of Transportation's ("GDOT") letting of a construction contract for a road improvement project for Forest Hill Road in Macon, Georgia – GDOT project numbers STP-3213(1,3)/BRMLB-3213(5), Bibb County. PI No. 350520 & 35r 130/351.135 (the "Project"). The parties commenced voir dire in this case on October 21, 2013. The jury trial on the factual issues began on October 22, 2013. *See Hague v. Pitts*, 262 Ga. 777 (1993) ("The trial court may, in its discretion, authorize a jury to return special verdicts in order to resolve factual disputes.") The factual issues for the jury were as follows: (1) Is there any evidence in the record to support GDOT's design of Forest Hill Road; and (2) Is the design for Forest Hill Road reasonable and logical. If the answer to these questions is yes, then, as a matter of law, GDOT's actions in approving the engineering plans for the Project were not arbitrary or capricious, and therefore Plaintiff is not entitled to a permanent injunction.

Upon the close of Plaintiff's case-in-chief on October 22, 2013, GDOT moved for a directed verdict pursuant to O.C.G.A. § 9-11-50, which provides, in part, "If there is no conflict

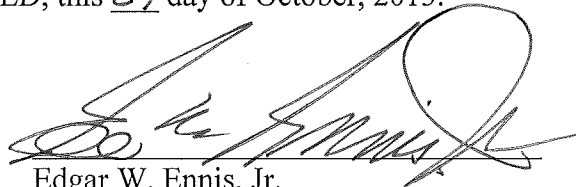
in the evidence as to any material issue and the evidence introduced, with all reasonable deductions therefrom, shall demand a particular verdict, such verdict shall be directed.”

Based upon Plaintiff’s failure to offer evidence in his case-in chief to meet his burden of proof to show that GDOT acted arbitrarily and capriciously, the Court DIRECTED THE VERDICT in favor of GDOT.

This being so, this Court enters this ORDER AND JUDGMENT in favor of GDOT as a final resolution of this case.

IT IS FURTHER ORDERED AND ADJUDGED that the interlocutory injunction entered by this Court on May 13, 2013, enjoining further actions with regard to the Project, be automatically dissolved on the thirty-sixth day after October 22, 2013, to wit: November 27, 2013. If Plaintiff provides written notice to GDOT’s counsel or the Court prior to November 27, 2013 that he is waiving his right to appeal this Order, the injunction shall immediately dissolve upon receipt of said notice.

SO ORDERED, this 24 day of October, 2013.



Edgar W. Ennis, Jr.
Judge, Superior Courts of Georgia
Macon Judicial Circuit

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