

2026 WL 2873295

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Court of Appeals of Georgia.

JONES

v.

GEORGIA PORTS AUTHORITY.

A26A1190

|

September 24, 2026

**Synopsis**

**Background:** Longshoreman working as flagman brought negligence action against Georgia Ports Authority (GPA) alleging that GPA's crane operator negligently failed to inspect cargo container for foreign objects and failed to warn workers below when object fell from container and struck longshoreman in head. The trial court granted GPA's motion for summary judgment. Longshoreman appealed.

**[Holding:]** The Court of Appeals, [Dillard](#), P.J., held that longshoreman abandoned claims that genuine issues of material fact precluded summary judgment.

Affirmed.

[McFadden](#), P.J., filed dissenting opinion.

**Procedural Posture(s):** Motion for Summary Judgment.

West Headnotes (9)

**[1] Appeal and Error**  **Necessity**

The Court of Appeals is not obliged to cull the record on behalf of a party, particularly in a case where the record is voluminous.

**[2] Summary Judgment**  **Response or Other Opposition**

Because there is no such thing as a default summary judgment, a party's failure to respond to a motion for summary judgment does not

automatically entitle the movant to judgment in his favor.

**[3] Summary Judgment**  **Response or Other Opposition**

A party opposing a summary-judgment motion need not respond and may instead rely on the movant's failure to remove any fact questions.

**[4] Summary Judgment**  **In conjunction with right to judgment as matter of law**

**Summary Judgment**  **Shifting burden**

**Summary Judgment**  **Speculation or conjecture; mere assertions, conclusions, or denials**

**Summary Judgment**  **Materials Considered**

Summary judgment is proper if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law; significantly, if the movant meets this burden, the nonmovant cannot rest on its pleadings, but rather must point to specific evidence giving rise to a triable issue, and speculation which merely raises a conjecture or possibility is not sufficient to create even an inference of fact for consideration on summary judgment.

**[5] Appeal and Error**  **Summary Judgment**  
**Appeal and Error**  **Summary Judgment**

If summary judgment is granted, it enjoys no presumption of correctness on appeal, and the Court of Appeals must satisfy itself that the requirements of the summary judgment rule have been met. [Ga. Code Ann. § 9-11-56\(c\)](#).

**[6] Appeal and Error**  **Summary Judgment**

In conducting de novo review of a trial court's grant of summary judgment, the Court of Appeals is charged with viewing the evidence

and all reasonable conclusions and inferences drawn from the evidence in the light most favorable to the nonmovant. [Ga. Code Ann. § 9-11-56\(c\)](#).

**[7] Appeal and Error** 🔑 [Summary judgment](#)

Longshoreman who worked as flagman abandoned claims that trial court erred in granting summary judgment to Georgia Ports Authority in negligence action because there were genuine issues of material fact as to whether GPA's crane operator was negligent in failing to keep proper lookout and as to whether operator was negligent in failing to immediately warn workers when something fell off of cargo container; longshoreman provided only sparse record citations in violation of civil procedure rules, detailed general standard of review for grant of summary judgment, and included two-page section of appellate brief referencing or discussing supporting legal authority. [Ga. Code Ann. § 9-11-56\(c\)](#).

**[8] Appeal and Error** 🔑 [Form and requisites in general](#)

**Appeal and Error** 🔑 [Points and arguments](#)

An appellant must support enumerations of error with argument and citation of authority, and mere conclusory statements are not the type of meaningful argument contemplated by the civil procedure rules.

**[9] Appeal and Error** 🔑 [Failure to Assert or Adequately Discuss Error](#)

An appellant who abandons his claims of error cannot satisfy his burden of showing that the trial court erred.

## Opinion

[Dillard](#), Presiding Judge.

**\*1** Gary Jones appeals the trial court's grant of summary judgment to the Georgia Ports Authority ("GPA") in his negligence action against it arising from an incident in which an object fell from a crane and struck him in the head. More precisely, he argues the court erred in granting summary judgment to GPA when genuine issues of material fact exist as to (1) whether its crane operator, Justin Pfuelb, was negligent in failing to use reasonable care to properly and visually inspect a large cargo container for foreign objects before and while "hoisting it off [a] vessel"; and (2) whether Pfuelb failed to exercise reasonable care when he did not alert and "warn the dock stevedore and others"—including Jones—"that a foreign object was falling from [a] container so as to allow him the opportunity to get out of way from the object as it was falling." For the following reasons, we affirm.<sup>1</sup>

**[1] [2] [3]** Viewing the evidence in the light most favorable to Jones (*i.e.*, the nonmoving party),<sup>2</sup> the record shows<sup>3</sup> that on March 22, 2018, Jones was a longshoreman working as a "ship-side" flagman at "Container Berth 7" while GPA's Savannah Crane 32 unloaded containers from a Maersk vessel. At the time of the incident, Pfuelb was operating the crane, and he was tasked with lifting containers from the vessel and loading them onto "jockey trucks" in GPA's terminal. According to Jones, at some point, a foreign object fell from the top of the crane and hit him on the head, causing him serious injuries.

**\*2** Jones sued GPA for negligence based on Pfuelb's alleged negligent acts and omissions in failing to prevent his injuries. Discovery ensued, and eventually, GPA moved for summary judgment. Jones did not respond to the motion. And after a hearing, the trial court granted GPA's motion. Jones now appeals that judgment.

**[4] [5] [6]** Summary judgment is proper if "the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law."<sup>4</sup> Significantly, if the movant meets this burden, the nonmovant "cannot rest on its pleadings, but rather must point to specific evidence giving rise to a triable issue."<sup>5</sup> And speculation which "merely raises a conjecture or possibility is not sufficient to create even an inference of fact for consideration on summary judgment."<sup>6</sup> Moreover, if summary judgment is granted, it "enjoys no presumption of correctness on appeal, and this Court must satisfy itself that the requirements of [OCGA §](#)

9-11-56(c) have been met.”<sup>7</sup> In conducting this *de novo* review, we are charged, then, with “viewing the evidence[,] and all reasonable conclusions and inferences drawn from the evidence, in the light most favorable to the nonmovant.”<sup>8</sup> With these guiding principles in mind, we turn now to Jones's specific claims of error.

[7] For starters, Jones argues the trial court erred in granting summary judgment to GPA when genuine issues of material fact exist as to whether (1) evidence exists in the record that a jury “could properly have considered to establish negligence on the part of [Pfuelb] in failing to keep a proper lookout for foreign objects on [a] container as he was hoisting it above the dock[,] which posed a substantial hazard to the workers below”; and (2) Pfuelb was negligent in “failing to immediately warn the workers on the dock that something was falling of the container when he first saw it fall.”

[8] [9] In his brief, Jones addresses his second claim of error individually, and he separates his first claim of error into five sections. In doing so, Jones provides only sparse record citations in violation of our rules;<sup>9</sup> and other than detailing the general standard of review for a grant of summary judgment, only one two-page section of his brief references or discusses any legal authority. This is abandonment.<sup>10</sup> Indeed, an appellant must support enumerations of error with argument and citation of authority, and “mere conclusory statements are not the type of meaningful argument contemplated by our rules.”<sup>11</sup> Simply put, Jones abandoned all of his claims of error because they are unsupported by relevant authority and meaningful argument.<sup>12</sup> And this matters because an appellant who abandons his claims of error cannot satisfy his burden of showing that the trial court erred.<sup>13</sup>

\*3 In the only section of his brief discussing purported legal authority (other than the standard of review for summary judgment), Jones claims that “when a witness testifies to a fact in support of a motion for summary judgment, if there are other facts in the record inconsistent with the inferences which could be drawn from that witness's testimony, summary judgment should be denied.” But while Jones references and discusses potentially relevant legal authority, he does *not* apply it to the facts of this case or identify the evidence he contends is “inconsistent.”<sup>14</sup> Jones then cites a few cases for basic legal principles about the credibility of witnesses and conflicting evidence at the summary-judgment stage without

applying it to the facts of this case or identifying the witness testimony at issue. Next, Jones recites the facts of two cases, as well as their holdings.<sup>15</sup> But again, he merely summarizes those cases without explaining how they are relevant to the facts of *this* one.

Significantly, in our limited role and discretion as an appellate court, the Supreme Court of Georgia has rightly emphasized the importance of declining to address abandoned arguments. Indeed, in *Davenport v. State*,<sup>16</sup> our Supreme Court provided sound reasons for abandoning its long-time practice of reviewing the sufficiency of the evidence to support a murder conviction (except in death-penalty cases), even when the issue was not raised on appeal.<sup>17</sup> These reasons include that (1) our legal system provides for an adversarial process; (2) courts “sometimes make mistakes, and the risk of mistakes is at its highest when we consider an issue that no party has briefed or argued”; (3) “un-briefed and thus potentially flawed sufficiency holdings become precedent that stare decisis makes difficult to correct even when the issue is later considered more thoughtfully”; (4) addressing un-briefed and un-argued claims of error “consumes a volume of judicial resources far out of proportion to the likely benefit”; and (5) “we ordinarily should respect strategic decisions by parties and their lawyers about what arguments to assert on appeal.”<sup>18</sup> Ultimately, the *Davenport* Court advised that “it is almost always a better course to decide the appeal the parties bring us, rather than the appeal we might have brought were we in counsel's shoes.”<sup>19</sup> Needless to say, *Davenport's* reasoning is even more compelling in the civil context.<sup>20</sup> So, while we certainly understand and appreciate the dissent's concerns, we nevertheless decline to address Jones's abandoned claims of error.

\*4 For these reasons, we affirm the trial court's grant of summary judgment to GPA.

*Judgment affirmed.*

Pipkin, J., concurs. McFadden, P. J., dissents.

McFadden, Presiding Judge, dissenting.

I respectfully dissent. Appellants Gary and Sharon Jones have not abandoned their claim.

Their claim rests on a handful of undisputed facts. Those facts are sufficiently set out in their briefs and sufficiently supported by record citations. At issue are competing inferences from those facts. The Joneses contend that those inferences are for a jury, not for summary judgment. The case law they cite shows they are right.

The majority agrees that the record shows that Gary Jones was a longshoreman working alongside a Georgia Port Authority crane. The crane operator was lifting containers from a vessel and loading them onto trucks.

Citing to the crane operator's deposition and photographic evidence, the Joneses' brief tells what happened. A large bag containing trash and a food tray fell from a container and hit Gary Jones.

The operator acknowledged that he was responsible for the safety of workers below. But he denied having seen the trash bag before it fell. He maintained that, because he had not seen it, the trash bag must have fallen from the bottom of the container, where he would not have been able to see it. But he did not explain how that could have happened.

So the port authority contends that, in light of the crane operator's uncontradicted testimony that he had not seen the trash bag, there is no evidence that it was ever on top of the container. The trial court adopted that contention. He granted summary judgment on the basis that the crane operator's testimony that he "checked the top of the container for any such hazard before he began moving it, but he did not see anything," means "that there is no question of material fact regarding the existence of a hazard on the top of the container at issue."

On appeal, the Joneses cite *Hopkins v. Moore*, 207 Ga. App. 383, 385(1), 427 S.E.2d 853 (1993), and *Kirby v. Spivey*, 167

Ga. App. 751, 754(2), 307 S.E.2d 538 (1983). Those cases, they explain, stand for the proposition that other evidence setting out the relevant circumstances of the case may call into question the credibility of uncontradicted witness testimony, and such evidence precludes summary judgment. They argue that the evidence here would authorize a jury to infer that the crane operator simply failed to pay close enough attention.

But for the majority, the Joneses' argument isn't fulsome enough. The majority complains that they fail to explain how *Hopkins* and *Kirby* "are relevant to the facts of" this case. I disagree. I think the relevance is pretty clear.

More fundamentally, I don't think we have the authority to declare abandonment on the basis of "sparse record citations" or a "two-page" argument. Our Supreme Court has held that the court rule permitting us to deem an enumeration of error abandoned "applies only where the party has made no meaningful argument, e.g., referenced only the language of the enumeration, or demonstrated by a lack of interest that the enumeration possesses no merit." *Am. Cent. Ins. Co. v. Lee*, 273 Ga. 880, 883-84(2), 548 S.E.2d 338 (2001) (citation modified) (construing former Ga. Court of Appeals Rule 27(c)(2)).

\*5 And that Court has recently reminded us that "[t]he first provision of the [Appellate Practice] Act requires that it 'shall be liberally construed so as to bring about a decision on the merits of every case appealed and to avoid dismissal of any case ..., except as may be specifically referred to in this article.' OCGA § 5-6-30." *Neely v. Parsell*, — Ga. —, — S.E.2d — (2025), S26G1095, slip op. at \*3-4, (Ga. Sept. 9, 2026) (2026 WL 2647945).

#### All Citations

--- S.E.2d ----, 2026 WL 2873295

### Footnotes

- 1 GPA filed a supplemental brief with permission, arguing that Jones improperly raised some of his arguments for the first time on appeal; and Jones filed a response. See *State v. Jennings*, 368 Ga. App. 91, 91, 889 S.E.2d 212 (2023) (explaining that we are "a court of review, not of first view" (punctuation omitted)). But because Jones does not present any meaningful arguments for us to review in his opening brief, we need not address whether he preserved his claims of error below. See *We Care Transp., Inc. v. Branch Banking*

& *Tr. Co.*, 335 Ga. App. 292, 296(2), (780 S.E.2d 782) (2015) (refusing to consider arguments appellants made for the first time in a supplemental brief because they did not raise them in their initial brief).

- 2 See, e.g., *Graham v. Hospice Savannah, Inc.*, 368 Ga. App. 91, 91, 889 S.E.2d 212 (2023).
- 3 In his brief, Jones provides only sparse record citations, some of which are to pleadings and trial court orders instead of actual evidence. This is troubling because the record is comprised of 1,409 pages (including transcripts), and his arguments are largely based on alleged conflicts in the evidence. Suffice it to say, we are not obliged to “cull the record on behalf of a party, particularly in a case such as this where the record is voluminous.” *Callaway v. Willard*, 351 Ga. App. 1, 5(1), 830 S.E.2d 464 (2019) (punctuation omitted)). So, to the extent Jones failed to provide us with adequate record citations, we glean the facts from the trial court's order and the parties' pleadings for context. See *Austell Healthcare v. Scott*, 308 Ga. App. 393, 395(1), 707 S.E.2d 599 (2011) (holding that when the alleged error “is shown only in the appellant's brief and not by the record, we must assume that the trial court's rulings were correct”(quotation marks omitted)). Jones also did not file a response to GPA's motion for summary judgment, but because there is “no such thing as a default summary judgment, a [party's] failure to respond to a motion for summary judgment does not automatically entitle the [movant] to judgment in his favor.” *Friendship Enters., Inc. v. Hasty*, 368 Ga. App. 7, 14(7), 889 S.E.2d 137 (2023) (punctuation omitted). Indeed, a party opposing a summary-judgment motion “need not respond and may instead rely on the movant's failure to remove any fact questions.” *Id.* (punctuation omitted).
- 4 *Graham*, 368 Ga. App. at 91, 889 S.E.2d 212. Accord OCGA § 9-11-56 (c).
- 5 *Graham*, 368 Ga. App. at 92–93, 889 S.E.2d 212. (quotation marks omitted).
- 6 *Id.* at 93, 889 S.E.2d 212 (quotation marks omitted).
- 7 *Id.* (quotation marks omitted).
- 8 *Id.* (quotation marks omitted).
- 9 See Ct. App. R. 25(d)(1)(i) (“Each enumerated error shall be supported in the brief by specific reference to the record or transcript. In the absence of a specific reference, the Court will not search for and may not consider that enumeration.”); *Wilson v. Mallard Creek Holdings*, 238 Ga. App. 746, 747, 519 S.E.2d 925 (1999) (“It is not the function of appellate judges to engage in the ... search for support of alleged error without citation to relevant parts of the record.” (punctuation omitted)).
- 10 See *infra* note 11–12 & accompanying text.
- 11 *Brittain v. State*, 329 Ga. App. 689, 704(4)(a), 766 S.E.2d 106 (2014) (punctuation and footnote omitted). See *Wolf v. Middleton*, 305 Ga. App. 784, 790(2), 700 S.E.2d 598 (2010) (“The [appellants] ... failed to support this claim of error with citation to legal authority or legal analysis, as required by Court of Appeals Rule [2(d)(1)]. Therefore, this claim of error is deemed abandoned.”); Ga. Ct. App. R. 25(d)(1) (“Any enumeration of error that is not supported in the brief by citation of authority or argument may be deemed abandoned.”).
- 12 See *Arnold v. Fairway Mgmt., Inc.*, 376 Ga. App. 34, 44(2)(b)(iii), 918 S.E.2d 56 (2025) (“Legal argument requires, at a minimum, a discussion of the appropriate law as applied to the relevant facts, and a mere reference to a case citation to support a conclusory allegation is not the type of meaningful argument contemplated by our rules.” (punctuation omitted)); *In the Interest of K. R.*, 367 Ga. App. 668, 677(2)(b), 888 S.E.2d 204 (2023) (“[We have held that an argument is abandoned if it provides general citations to the ‘most basic legal authority’ without providing any legal authority or argument related to the specific facts of her case.” (quotation marks omitted)); *Morton v. Macatee*, 345 Ga. App. 753, 757(1)(a), 815 S.E.2d 117 (2018) (deeming a claim of error abandoned when the appellant failed to provide even a single citation to

legal authority in violation of our rules); *Flowers v. State*, 269 Ga. App. 443, 445(1), 604 S.E.2d 285 (2004) (“As we have explained, legal analysis is, at a minimum, a discussion of the appropriate law as applied to the relevant facts.” (punctuation omitted)).

- 13 See *Mercer v. Washington Mut. Home Loans*, 287 Ga. App. 388, 388, 651 S.E.2d 499 (2007) (noting that the appellant “has the burden of proving error on appeal”). Accord *Sullens v. State*, 375 Ga. App. 74, 75 & n.6, 914 S.E.2d 651 (2025); *Hicks v. State*, 337 Ga. App. 567, 569, 788 S.E.2d 502 (2016); *HA & W Fin. Advisors, LLC v. Johnson*, 336 Ga. App. 647, 653, 782 S.E.2d 855 (2016); *Prime Home Properties, LLC v. Rockdale County Bd. of Health*, 290 Ga. App. 698, 701(1), 660 S.E.2d 44 (2008); *West v. Austin*, 274 Ga. App. 729, 729, 618 S.E.2d 662 (2005); *Fowler v. Catoosa County*, 246 Ga. App. 740, 740, 541 S.E.2d 127 (2000); *Dent v. Candler Hosp.*, 236 Ga. App. 540, 541, 512 S.E.2d 392 (1999). See *Nuckles v. State*, 324 Ga. 154, 158, 929 S.E.2d 249 (2026) (noting that when an appellant “offers absolutely no argument about or context for [a] claim on appeal,” “cites no legal authority in support of this claim in his briefing,” “includes no citations to the record,” and “fails to identify any error in the record,” he has “failed to meet his burden of showing trial court error on this claim”).
- 14 Jones summarily states that he “introduce[d] other evidence in response to the GPA’s factual showing establishing facts inconsistent with the purported truth of Pfuelb’s statements and testimony.” But he neither specifies what evidence he presented nor details the allegedly inconsistent evidence presented by GPA. Jones also does not provide a single record citation in this division of his brief, further complicating our ability to comprehend his argument. See *supra* note 9.
- 15 See *Hopkins v. Moore*, 207 Ga. App. 383, 427 S.E.2d 853 (1993); *Kirby v. Spivey*, 167 Ga. App. 751, 307 S.E.2d 538 (1983).
- 16 309 Ga. 385, 846 S.E.2d 83 (2020).
- 17 See *id.* at 396(4)(b), 846 S.E.2d 83 (“We cannot now identify a compelling reason to retain our current practice of sua sponte review of the sufficiency of the evidence in cases in which the appellant is not sentenced to death, and there are good reasons to abandon that practice.”).
- 18 See *id.* at 397–98(4)(b), 846 S.E.2d 83.
- 19 *Id.* at 398(4)(b), 846 S.E.2d 83. We take this opportunity to remind litigants that “the requirements as to the form of appellate briefs were created, not to provide an obstacle, but to aid parties in presenting their arguments in a manner most likely to be fully and efficiently comprehended by this Court.” *Daker v. State*, 300 Ga. 74, 76 (2), 792 S.E.2d 382 (2016) (punctuation omitted). Accord *Daniel v. Allstate Ins. Co.*, 290 Ga. App. 898, 900-01 (1), 660 S.E.2d 765 (2008).
- 20 See *AU Med. Ctr., Inc. v. Dep’t of Cmty. Health*, 366 Ga. App. 94, 106, 880 S.E.2d 275, 285 (2022) (noting that “in terms of our limited role as an appellate court ... declining to address an unbriefed and unargued issue is not simply a minor procedural matter that we are at liberty to disregard ... appellate courts should not be in the business of addressing parties’ abandoned arguments ... Suffice it to say, we find the Supreme Court’s reasoning in *Davenport* equally persuasive in this jurisprudential context”). See also *Smith v. Blackhall Real Est., LLC*, 373 Ga. App. 177, 187, 908 S.E.2d 1 (2024) (noting that appellant did not argue, “as he did before the trial court, that the award should be vacated due to impartiality or procedural irregularities, and thus he has abandoned any such arguments”).