

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT SEPTEMBER 28, 2006 THOMAS K. KAHN CLERK

No. 05-16425

D. C. Docket No. 03-00167-CV-4

VANESSA CATALANO,

Plaintiff-Appellant,

versus

MCDONALD'S CORPORATION,

Defendant-Appellee,

GWD MANAGEMENT CORPORATION,
d.b.a. McDonald's Corporation,

Defendant.

Appeal from the United States District Court
for the Southern District of Georgia

(September 28, 2006)

Before BIRCH, PRYOR and FAY, Circuit Judges.

PER CURIAM:

Vanessa Catalano sued McDonald's Corporation ("McDonald's") and GWD Management Corporation ("GWD"), the owner-operator of a McDonald's franchise restaurant in Hinesville, Georgia, for damages resulting from an incident in which GWD employees followed the instructions of a prank caller in performing a strip search of Catalano. The district court granted partial summary judgment to GWD and granted summary judgment to McDonald's on all of Catalano's claims against McDonald's. While the remaining claims against GWD proceeded in district court, the district court entered judgment for McDonald's pursuant to Fed.R.Civ.P. 54(b). Catalano then brought this appeal, challenging only the district judge's grant of summary judgment to McDonald's on Catalano's negligence claims brought pursuant to negligent undertaking and premises liability theories (Counts X and XII of the First Amended Complaint), claim for attorneys' fees (Count XIII), and claim for punitive damages (Count XV).

Having considered the briefs and relevant parts of the record, we find no error in the district court's grant of summary judgment to McDonald's. As to the negligent undertaking claim, we find that summary judgment was properly granted to McDonald's for the reasons stated by the district court. (R.6-117 at 30-31). We also conclude that the district court correctly found that McDonald's fully surrendered the premises to GWD and therefore, pursuant to O.C.G.A. §44-7-14, is not liable to Catalano on a premises liability theory. (R.6-117 at 27). Having decided that the district court properly found that McDonald's is not liable to Catalano on the

negligence claims, we do not address the claims for attorneys' fees and punitive damages. The judgment of the district court is affirmed.

AFFIRMED.