

WHOLE COURT

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October 12, 2017

In the Court of Appeals of Georgia

A15A0828. A15A0829. SIX FLAGS OVER GEORGIA II, LP et al.
v. MARTIN; and vice versa.

DILLARD, Chief Judge.

In *Martin v. Six Flags Over Georgia II, L.P.*, ___ Ga. ___ (801 SE2d 24) (2017), the Supreme Court of Georgia affirmed in part and reversed in part our previous decision in *Six Flags Over Georgia II, L.P. v. Martin*, 335 Ga. App. 350 (780 SE2d 796) (2015), and remanded the case with direction. Specifically, the Supreme Court of Georgia affirmed our holding that the evidence was sufficient to support the jury's verdict as to liability in Joshua Martin's premises-liability action against Six Flags Over Georgia II, L.P. (albeit for different reasons), but reversed our decision to the extent that we held that, due to an apportionment error, the case must

be retried in its entirety.¹ Instead, our Supreme Court concluded that, upon remand to the trial court, the apportionment error, which is detailed in our original opinion, requires a retrial only as to apportionment, and thus, the Supreme Court remanded the case to this Court with direction that we remand the case to the trial court for further proceedings not inconsistent with the Supreme Court of Georgia's opinion.² Accordingly, we adopt the judgment of the Supreme Court of Georgia as our own, vacate the jury's verdict with respect to apportionment of damages *only*, and remand the case for further proceedings consistent with the opinion of our Supreme Court.

Judgment affirmed in part, reversed in part, and case remanded with direction.

All judges concur.

¹ See generally *Martin*, ___ Ga. at ___ (II) (A), ___ (III).

² See *id.* at ___ (III).