

**FIFTH DIVISION  
MCFADDEN, C. J.,  
PIPKIN AND COLVIN, JJ.**

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**January 26, 2021**

## In the Court of Appeals of Georgia

A19A0621. FORBES et al. v. AULD et al.

MCFADDEN, Chief Judge.

This case returns to us from the Supreme Court of Georgia, which has exercised its certiorari jurisdiction. At issue are the statutes of limitation applicable: Georgia's two-year statute or Belize's one-year statute.

In Division 2 of our earlier opinion, *Forbes v. Auld*, 351 Ga. App. 555 (830 SE2d 770) (2019), we held that the Georgia statute applies to the wrongful death claim because, we held, the Belizean law governing wrongful death claims violates Georgia public policy. *Id.* at 557-560 (2). So we reversed the trial court's dismissal of that claim. On certiorari the Supreme Court of Georgia reversed our decision, holding that "[a] mere difference in law is not sufficient to justify [application of the public policy] exception[,]" and "disapprove[d] of cases where the public policy

exception has been construed more liberally.” *Auld v. Forbes*, \_\_\_ Ga. \_\_\_, \_\_\_ (2) (b) (848 SE2d 876) (2020). So we vacate Division 2 of our earlier opinion and adopt the opinion and decision of the Supreme Court as our own.

In Division 3 of our earlier opinion we held that, because the personal injury claim is based on the common law, that claim is governed by the general rule that the statute of limitation of the forum state applies. 351 Ga. App. at 560 (3). So we also reversed the dismissal of the personal injury claim. *Id.* The Supreme Court “did not grant certiorari to consider the personal injury claim” and consequently “decline[d] to address this portion of the Court of Appeals’ decision.” \_\_\_ Ga. at \_\_\_ (1) n. 2. So Division 3 of our earlier opinion stands. See *Shadix v. Carroll County*, 274 Ga. 560, 562-564 (1) (554 SE2d 465) (2001).

*Judgment affirmed in part and reversed in part. Pipkin and Colvin, JJ., concur.*