

Court of Appeals of the State of Georgia

ATLANTA, April 28, 2026

The Court of Appeals hereby passes the following order:

A26I0194. DAVCARREA BEAR, LLC v. JEFFREY KNIGHT et al.

Plaintiffs Jeffrey and Dana Knight purchased two lots adjacent to a golf course owned and operated by Defendant Davcarrea Bear, LLC, and built their home on one of the lots, which overlooked the golf course's 16th fairway. After Defendant turned the 16th hole into a driving range, Plaintiffs filed a complaint for trespass, nuisance, breach of easement, permanent injunction, attorney fees, and punitive damages. Defendant filed a motion for summary judgment and Plaintiffs filed a motion for partial summary judgment as to Defendant's liability for nuisance, trespass, and negligence and for full summary judgment as to Defendant's counterclaim.¹ The trial court granted Plaintiffs summary judgment on their claims for nuisance and trespass. The trial court denied Plaintiffs' motion on their remaining claims and Defendant's motion for summary judgment. Defendant appeals.

The grant of partial summary judgment on any issue may be appealed directly and immediately. See OCGA § 9-11-56 (h); *Ellis v. Oles*, 364 Ga. App. 133, 133-34(2) (873 SE2d 251) (2022). "This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicants have not otherwise filed a notice of appeal." *Spivey v. Hembree*, 268 Ga. App. 485, 486 n. 1 (602 SE2d 246) (2004).

Accordingly, this interlocutory application is hereby GRANTED. Applicants

¹ Defendant also filed a motion for sanctions for spoliation of evidence, which the trial court granted.

shall have ten days from the date of this order to file a notice of appeal in the trial court. If they have already filed a notice of appeal from the orders at issue here, they need not file a second notice. The clerk of the trial court is DIRECTED to include a copy of this order in the record transmitted to the Court of Appeals.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 04/28/2026

I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

Christina Bailey Smith

, Clerk.