

**SECOND DIVISION
DOYLE, P. J.,
DAVIS and WHITAKER, JJ.**

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October 7, 2026

In the Court of Appeals of Georgia

A26A1521. MASON v. WILSON.

DOYLE, Presiding Judge.

In this car-crash case, plaintiff David Mason appeals from a jury verdict in favor of defendant John Wilson. Mason enumerates two errors by the trial court: (1) denying Mason’s strikes for cause with respect to five jurors, thereby failing to afford him an impartial jury panel of twenty-four from which to pick a jury, and (2) allowing Wilson to seek apportionment of fault to a non-party without properly complying with OCGA § 51-12-33(d). Discerning no reversible error, we affirm.

As background, the relevant trial evidence shows that the wreck occurred in stop-and-go traffic on Georgia 400. Mason was driving northbound, and cars were going “from stop and up to maybe 20 or 30 miles per hour.” Behind Mason was a

vehicle driven by Rajendra Bagadiya. Traveling behind Bagadiya was Robert Turner, and behind him was the defendant, Wilson. At some point, Mason had to stop for traffic, and Bagadiya was able to stop without hitting him. However, Turner was not able to stop before hitting Bagadiya, pushing him into Mason; a few seconds later, Wilson hit Turner, who again hit Bagadiya, who again hit Mason. Mason reported persistent neck and spine pain after the collision and ultimately underwent surgery.

Based on these events, Mason sued Wilson and demanded a 12-person jury.¹ Mason did not name any other defendants, but it is undisputed that, separately, Turner's insurance carrier accepted Mason's demand for payment of Turner's policy limits.² Following a trial, the jury returned a verdict in favor of Wilson, giving rise to this appeal.

¹ Mason sued in state court and demanded a 12-person jury. See OCGA § 15-12-122(a)(2), (b) (“[In state courts, upon a proper demand,] the judge shall follow the procedures for superior courts of subsection (b) of this Code section ... (b) In all civil actions in the superior courts, each party may demand a full panel of 24 competent and impartial jurors from which to select a jury.”).

² Mason conceded this in a pleading objecting to Wilson's notice of non-party fault, and Mason's appellate brief acknowledges this occurrence. See generally *Am. Arbitration Ass'n v. Bowen*, 322 Ga. App. 51, 54(1) (743 SE2d 612) (2013) (“[A] party may make admissions in judicio in their pleadings, motions, and briefs. What a party admits to be true in its pleadings may not subsequently be denied.”) (citation omitted).

1. Mason contends that the trial court erred by failing to strike for cause five jurors — Jurors 6, 14, 22, 23, and 25 — thereby denying him a “full panel of 24 competent and impartial jurors from which to select a jury,” in contravention of the requirement in OCGA § 15-12-122(b). See *Hoffman v. Se. Ob/Gyn Ctr., LLC*, 378 Ga. App. 306, 307(1) (925 SE2d 729) (2026) (“Our civil jury statute provides that litigants are entitled to ‘a full panel of 24 competent and impartial jurors from which to select a jury’ by way of alternating peremptory strikes.”) (cert. granted). Based on the record before us, we discern no basis for reversal.

Trial courts have broad discretion to evaluate and rule upon a potential juror’s impartiality, based upon the ordinary general rules of human experience, and a trial court may only be reversed upon a finding of manifest abuse of that discretion. Trial courts have extremely broad discretion to decide whether to exclude a juror for cause once an adequate inquiry has been conducted. A conclusion on an issue of bias is based on findings of demeanor and credibility which are peculiarly in the trial court’s province, and those findings are to be given deference.

Joiner-Carosi v. Adekoya, 357 Ga. App. 388, 390(1) (850 SE2d 823) (2020) (cleaned up). Further,

a prospective juror’s doubt about his or her own impartiality does not demand as a matter of law that he or she be excused for cause.

Nevertheless, a potential juror must be excused for cause if he or she holds an opinion so fixed and definite that he or she will be unable to set it aside and decide the case based on the evidence and the court's charge on the evidence.

Wood v. B&S Enters., Inc., 314 Ga. App. 128, 133(4) (723 SE2d 443) (2012) (cleaned up).

We address each juror in turn.

(a) *Juror 6*. During voir dire, Juror 6 indicated that “if there was not a lot of visible property damage ... [she] would believe the person probably was not that injured.” Defense counsel then asked “would you be able to look at the photographs in this case, listen to the testimony and put that natural bias aside in order to arrive at a fair verdict?” Juror 6 replied, “I mean, I would do my best, but I would be skeptical.” When Mason's trial counsel raised “concerns” with the trial court about Juror 6's response, the trial court did not “find that rises to cause.” Mason's counsel replied, “that's fair.”

A litigant cannot submit to a ruling, acquiesce in the ruling, and still complain of same. He is required to stand his ground and fight in order to successfully enumerate as error an alleged erroneous ruling by the trial judge. Acquiescence completely deprives him of the right to

complain further; he has agreed that the trial court's ruling was correct by submitting to it.

Ga. Dep't of Transp. v. Baldwin, 292 Ga. App. 816, 817(1) (665 SE2d 898) (2008) (punctuation omitted). By raising a concern and then agreeing that the trial court's finding was "fair," Mason acquiesced in the court's ruling. But even if not, the juror's statements do not rise to the level of a fixed and definite opinion such that disqualification was required as a matter of law. "[A] juror who indicates a willingness to try to be objective and whose reservations relate to an issue in the case rather than to a party may be eligible for service." *Wood*, 314 Ga. App. at 134(4) (cleaned up). The doubt expressed by the juror represented a basic presumption that lighter impacts cause less damage and injury, and the juror agreed to do her best to be fair when looking at the evidence presented in the case. As noted above, "a prospective juror's doubt about his or her own impartiality does not demand as a matter of law that he or she be excused for cause," and Juror 6's voir dire response did not rise to the level requiring disqualification as a matter of law. *Id.* at 133(4) (cleaned up).

(b) *Juror 14*. Juror 14 was an insurance agent and reported that she had rearended a neighbor who later appeared at her door "with a wrap." She further explained

that she received a letter stating that the neighbor was suing her, but her insurance agent “[took] care of it, and I never heard back.” She also explained that she was “biased against like aggressive advertisements. Maybe it’s because of all the things I’ve heard from my clients ... so I have to say it, I guess.”³ When Mason’s counsel asked if the juror would hold that bias against Mason, the juror stated, “No. No. It’s not personal. It’s more the system,” but when asked if she could set that aside and listen to the facts of the case fairly, she said, “I’m not sure.”

Based on this colloquy, Mason argues that the trial court should have struck Juror 14 for cause. Nevertheless, the juror expressed that her distaste for advertising was “not personal” and a view of “the system.” Cf. *Sears v. State*, 292 Ga. 64, 66(2) (734 SE2d 345) (2012) (affirming the denial of a strike for cause when a juror “said that the criminal justice system has numerous ‘loopholes’ that allow guilty persons to ‘get off scot free just because one little thing wasn’t done,’ that she ‘sometimes thinks that there are more rights for criminals than victims,’ and that the criminal justice system involves a ‘revolving door’ by which persons are released from prison only to commit crimes again” (punctuation omitted)). When pressed about her fairness, Juror

³ Mason was represented at trial by an attorney from Morgan and Morgan, who described the firm as “big on advertising. We advertise a lot.”

14 only expressed uncertainty, and in this context, the trial court was entitled to weigh her credibility and demeanor and find that her opinion was not so fixed and definite as to require striking her for cause as a matter of law. See *Joiner-Carosi*, 357 Ga. App. at 390(1); *Wood*, 314 Ga. App. at 134(4); *Remillard v. Longstreet Clinic, P.C.*, 267 Ga. App. 230, 234(2)(a) (599 SE2d 198) (2004) (“excusal [is not] required when a potential juror expresses reservations about his or her ability to put aside personal experiences.”) (punctuation omitted).

(c) *Juror 22*. This juror was a construction field engineer, and he stated that he had “seen many cases where people will fake or exaggerate injuries in order to get money and not have to work.” Even so, he stated that he had seen “the opposite where people actually do get injured,” and based on that, he would “be willing to listen” but “could possibly be w[ary], yes.” He explained that he has seen “more often that people will exaggerate injuries than I have seen them be actually injured, so there’s doubt in my mind.”

Again, although Juror 22 candidly reported his experience and “doubt,” he did not express a fixed and definite opinion about the facts or outcome of the case, and he agreed that he would “be willing to listen.” The trial court was within its discretion

to weigh his expressed wariness and conclude that it did not rise to the level requiring a strike for cause. See, e.g., *Remillard*, 267 Ga. App. at 234–35(2)(a).

(d) *Juror 23*. Similarly, Juror 23 stated his view that in “the society we live in now[,] anybody is able to take anybody to court for any reason they feel they need to or want to.” When asked if he had any beliefs about “whether the plaintiff is presenting a valid claim or not,” he answered that “there can always be doubt in my mind about that because ... I would definitely have to listen to the evidence and see what’s what. I have had friends who have put up fraudulent claims and taken people to court several times.” Mason’s counsel then asked if, based on Juror 23’s past experience, he would be able to listen objectively, and he responded, “I could listen objectively.” The following colloquy ensued:

Counsel: Okay. And could you be unbiased in listening objectively?

Juror 23: I don’t want to say probably not, but probably not.

Counsel: And why would you say that you probably could not be unbiased in listening to the evidence?

Juror 23: Because I’m listening. I don’t know anything about any of this, but listening to the evidence and what really happened, in my mind, I will

say two other things[.] ... There's a question of what really happened? I know what you're telling me. I know what you're presenting to me[,] but, again, I've had individuals who quote, unquote, got hurt at work, but I know they didn't get hurt at work.

Counsel: Understood. So Mr. Mason would be starting a step back in this trial from your perspective because you have this bias and these preconceived ideas about was someone really injured?

Juror 23: It's possible.

Based on this exchange, Mason argues that the trial court should have struck Juror 23 for cause. But in context of the exchange as a whole, the juror's "possible" reservations do not rise to the level of fixed bias requiring a strike for cause as a matter of law. The juror did express that "I don't know anything about any of this," and that "I could listen objectively." This reflected his understanding and acceptance of his duty as a juror, and the doubts he expressed were not so definite that he could not set aside his preconceptions and weigh the evidence objectively. See *Wood*, 314 Ga. App. at 133(4). Accordingly, this argument presents no basis for reversal.

(e) *Juror 25*. This juror was an electrical engineer who professed that

I absolutely could be objective and analytical. I love to look at evidence and reach conclusions. I will add that with being — just how litigious our

society is and how many fraudulent lawsuits you do see, personally, I think the fundamental effect it has on me would be to raise the bar, that you would have to meet — 51 percent just wouldn't be good enough. I think it would have to be somewhere in between 51 percent and no reasonable doubt, you know, for the criminal cases.

When Mason's counsel asked for clarification, Juror 25 replied,

Well, her honor hasn't given us the legalese, the exact verbiage of the standard we would have to apply. I certainly would attempt to abide by her instructions. I'm just telling you about my personal kind of bias. I would want to see more than 51 percent, let's put it at 60 percent on it is what I would want to see.

Later, when Wilson's counsel explored this, the juror explained:

I understand it's completely different in criminal cases. I'm not trying to drum it up, but I'm just saying with the unnecessary litigation out there and fraudulent lawsuits, that's just been the result of me personally, my beliefs. ... I would certainly do my best and, again, when we hear [about] the bar as far as the actual criteria that I need to explicitly follow.

Counsel: Right. [The trial judge] is going to give you the law. And we're going to present evidence, the attorneys on both sides. So, would you be able to hear the evidence on both sides, listen to the law and be impartial?

Juror 25: Yes. Yes.

Counsel: But you would need to hear [the judge's] law first?

Juror 25: Yeah, that's a big part of it, right. But I guess my point is just barely over the halfway point just doesn't feel like it's enough.

Counsel: Okay. Thank you.

Juror 25: But, yes, I would absolutely do my best to be impartial and neutral.

Based on this exchange, Juror 25's reservations about the standard of proof were preliminary, before he was given any instruction about the applicable standard, and he explained that he would want to listen to the trial judge's instruction and "absolutely do [his] best to be impartial and neutral." Thus, to the extent that the juror expressed doubt coming into the case, he explicitly stated that he could set it aside, listen to the evidence, and "be objective and analytical." Based on this, the trial court did not err by failing to strike Juror 25 for cause. See *id.*

Given the foregoing, Mason has not established that the trial court abused its discretion by failing to strike these jurors for cause. Therefore, Mason has not established that the court violated the requirements of OCGA § 15-12-122.

2. Mason also contends that the trial court erred by allowing apportionment of fault as an issue for the jury's consideration. Prior to trial, Wilson filed a notice of nonparty fault, naming Turner and Bagadiya as potentially at fault. After Mason opposed the notice, the trial court ruled that it was untimely as to Bagadiya because it was not filed within 120 days prior to trial, but Turner could be considered because his insurer had accepted Mason's demand for Turner's policy limits, thereby amounting to a settlement. See OCGA § 51-12-33(d)(1) ("Negligence or fault of a nonparty shall be considered *if the plaintiff entered into a settlement agreement with the nonparty or if a defending party gives notice not later than 120 days prior to the date of trial* that a nonparty was wholly or partially at fault.") (emphasis added).

Mason argues that the trial court erred by ruling that Turner's insurance payment reflected an actual settlement in the absence of a settlement agreement in the record. Based on this, he argued that potential apportionment was not proper, and the trial court erred by instructing the jury on apportionment and allowing the jury to consider the percentage of fault as between Wilson (who hit Turner) and Turner (who hit Bagadiya). He also points out that the verdict form outlined the following process:

(1) find in favor of the plaintiff or in favor of the defendant, and if the finding is for the plaintiff,⁴ (2) assess the percentage of fault to Wilson and Turner with a total of 100%.

But as argued by Wilson, the jury returned a verdict in his favor, and it did not proceed to the apportionment phase relating to Turner. Thus, pretermitted whether the trial court erroneously equated Turner's insurance payment to a full settlement for purposes of OCGA § 51-12-33, Mason cannot show harm by the inclusion of Turner as a potential party at fault. Rather than reaching the question of apportionment, the jury found that Mason had failed to meet his burden to show any fault on the part of Wilson, the only named defendant.⁵ Accordingly, this argument presents no basis for reversal. See *Monitronics Int'l, Inc. v. Veasley*, 323 Ga. App. 126, 141(5) (746 SE2d 793) (2013) (“[T]o show reversible error, ‘there must be harm as well as error and the lack of harm makes this enumeration of error without merit.’”). Cf. *King v. State*, 178 Ga. App. 343, 345(3) (343 SE2d 401) (1986) (noting that a

⁴ The verdict form instructed the jury to stop at step one if it found for defendant Wilson.

⁵ Mason, Turner, Bagadiya, and Wilson all appeared and testified as to the facts surrounding the crash.

potential issue with the verdict form was harmless in light of a jury's finding, which finding did not implicate the alleged defect).

Judgment affirmed. Davis and Whitaker, JJ., concur.