



SUPREME COURT OF GEORGIA
Case No. S19C0473

August 05, 2019

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed.

SRM GROUP, INC. v. TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA.

Court of Appeals Case No. A18A1418

The Supreme Court today granted the writ of certiorari in this case.

All the Justices concur, except Peterson, J., who dissents.

This case will be assigned to the December 2019 oral argument calendar automatically under Supreme Court Rule 50 (2), as amended September 13, 1996. Oral argument is mandatory in granted certiorari cases.

This Court is particularly concerned with the following issue or issues:

Whether the Court of Appeals correctly determined that a defendant asserting a compulsory counterclaim is automatically precluded from seeking an award of the expenses of litigation under OCGA § 13-6-11? Compare *Vogle v. Coleman*, 259 Ga. 115 (376 SE2d 861) (1989), and *Ballenger Corp. v. Dresco Mechanical Contractors, Inc.*, 156 Ga. App. 425, 432 (274 SE2d 786) (1980),

with *Byers v. McGuire Props., Inc.*, 285 Ga. 530, 540 (6) (269 SE2d 1) (2009), and *Sanders v. Brown*, 257 Ga. App. 566, 570 (c) (571 SE2d 532) (2002).

Briefs should be submitted only on these points. See Supreme Court Rule 45.

SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta

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

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

 , Clerk