

IN THE STATE COURT OF FULTON COUNTY
STATE OF GEORGIA

SHERYL REID,

Plaintiff,

v.

LAMARTEI DIGGS and
MARLANA BAGBY,

Defendants.

CIVIL ACTION FILE
NO. 24EV006669

ORDER

Before the Court is Defendants' Motion to Dismiss. The Motion has been fully briefed and is ripe for ruling, and the Court finds as follows:

As pled in his Amended Complaint, Plaintiff Reid's civil action arises out of a motor vehicle accident that occurred on June 17, 2022. Plaintiff Reid filed her Complaint initiating this suit on July 30, 2024, some two years and thirteen days later. Defendants filed a motion to dismiss alleging that Reid's suit is barred by the applicable two-year statute of limitations. This Court agrees.

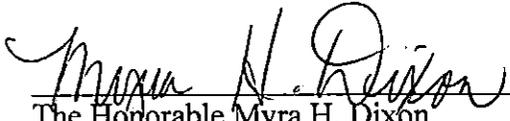
O.C.G.A. § 9-3-33 provides that actions arising from injuries to the person, including motor vehicle accidents, must be filed within two years from the date of the accident. Plaintiff waited until well outside the two-year period to file suit. Her claims are, therefore, time-barred and due to be dismissed, unless there is an applicable tolling provision.

Furthermore, Plaintiff is not entitled to the tolling provisions of O.C.G.A. § 9-3-99, which tolls the limitations period for tort actions brought by crime **victims**, where the alleged crime and the tort arise from the same facts and circumstances. Plaintiff is not the victim of a crime, nor is

there any evidence in the record of such. Instead, Plaintiff was the only party who received a traffic citation in this case. Moreover, because the time for any prosecution has come and gone and no pending prosecution against the Defendants has been or can be initiated in the future, Plaintiff's tort claims cannot be tolled under O.C.G.A. § 9-3-99. *See Toliver v. Dawson*, 896 S.E.2d 714, 718 (Ga. Ct. App. 2023), *reconsideration denied* (Jan. 30, 2024). Put simply, O.C.G.A. § 9-3-99 does not benefit a plaintiff where, as in this case, the *plaintiff* is the alleged perpetrator. *Id.*

Therefore, since Plaintiff is not entitled to toll the limitations period on her claims, they are time barred based on the fact that she filed her Complaint two years and thirteen days past the two year statute of limitations. Accordingly, the Defendants' Motion to Dismiss is hereby GRANTED, and all claims against the Defendants are hereby DISMISSED.

SO ORDERED this 23rd day of January 2026.


The Honorable Myra H. Dixon
Judge, Fulton County State Court