

# **Bond Case Briefs**

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## **IMMUNITY - GEORGIA**

### **Georgia Ports Authority v. Lawyer**

**Supreme Court of Georgia - November 1, 2018 - S.E.2d - 2018 WL 5668518**

Longshoreman who was seriously injured while working aboard a docked vessel brought action against Georgia Ports Authority for negligence under federal maritime law.

Following a jury trial, the State Court denied Ports Authority's motion to dismiss and entered judgment against Ports Authority for damages in the amount of \$4.5 million. Ports Authority appealed. The Court of Appeals affirmed. Ports Authority filed petition for writ of certiorari.

After granting certiorari, the Supreme Court of Georgia held that:

- Determination of whether state instrumentality was arm of the state for purposes of Eleventh Amendment immunity involved consideration of how state law defined the entity, what degree of control the state maintained over entity, and from where the entity derived its funds and who was responsible for satisfying judgments against the entity;
- Ports Authority was an arm of the state entitled to immunity under the Eleventh Amendment from suit in federal court, overruling *Hines v. Georgia Ports Authority*, 278 Ga. 631, 604 S.E.2d 189; and
- Sovereign immunity from suit in state court that was reserved to Ports Authority under Georgia Constitution was not susceptible of abrogation by federal maritime law, and therefore doctrine of sovereign immunity barred present suit to the extent damages exceeded \$1 million.