

Bond Case Briefs

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Cannon v. Oconee County

Court of Appeals of Georgia - October 30, 2019 - S.E.2d - 2019 WL 5588788

Surviving parents brought wrongful death suit against county, alleging county was responsible for sheriff's deputy's actions in high-speed police chase that led to their daughter's death.

The county moved for summary judgment, and surviving parents filed a motion for sanctions and a motion to substitute sheriff as defendant. The Superior Court granted county's motion and denied surviving parents' motions. Surviving parents appealed.

The Court of Appeals held that:

- Sheriff's office constituted "local government entity" under statute waiving sovereign immunity for motor vehicle claims, and
- County sheriff would not suffer prejudice as result of being substituted as defendant.

Sheriff's office constituted "local government entity" under statute waiving sovereign immunity for motor vehicle claims, and thus sheriff's office, and not county, was proper party in wrongful death action brought by surviving parents' alleging sheriff's deputy's actions in high-speed car chase contributed to their daughter's death; sheriff's offices, which were separate from county itself, performed governmental services on local level.

County sheriff would not suffer prejudice as result of being substituted as defendant in surviving parents' wrongful death action against county, alleging sheriff's deputy's actions in high-speed police chase contributed to their daughter's death, for purposes of substitution relating back to original pleading date, where sheriff had received notice of action through his coordination with county through their vigorous defense of action, and sheriff should have known that, but for parents' mistake in identifying proper party, based on their misunderstanding of proper local government entity to sue, action would have been brought against him.