

Bond Case Briefs

Municipal Finance Law Since 1971

LIABILITY - GEORGIA

Payton v. City of College Park

Court of Appeals of Georgia - June 27, 2023 - S.E.2d - 2023 WL 4193455

Survivors and estate of decedent killed by errant gunfire filed a complaint against emergency response organizations and cities, asserting claims for negligence and wrongful death related to the timeliness of defendants' response to a 911 call.

The State Court granted defendants' motion to dismiss. Plaintiffs appealed.

The Court of Appeals held that:

- Plaintiffs' ante litem notice seeking "an amount not less than \$1 million" did not substantially comply with Georgia's ante litem notice requirements;
- Plaintiffs lacked standing to challenge the constitutionality of statute setting out requirements for ante litem notices to municipalities; and
- Plaintiffs' failure-to-render-aid claim did not fall within the intentional tort exception to statutory requirements for ante litem notices to municipalities.