

Bond Case Briefs

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Primas v. City of Milledgeville

Supreme Court of Georgia - February 16, 2015 - S.E.2d - 2015 WL 659598

Corrections officer who allegedly was injured in accident after brake line on city transport bus that he was driving ruptured sued city for negligence. The Superior Court denied city's motion for summary judgment on ground of sovereign immunity. City sought interlocutory appeal, which was granted.

On a petition for a writ of certiorari, the Supreme Court held that remand to the Court of Appeals was required for that court to address the issue of whether city was immune from liability for corrections officer's injuries based on sovereign immunity, rather than official immunity.

In addressing the immunity issue before them as one involving official immunity, the Court of Appeals applied inapplicable legal principles, definitions, and precedent and failed to make any determination regarding whether the alleged negligence arose out of the performance, or non-performance of a governmental function.