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Georgia Association of Professional Process Servers v. Jackson

Supreme Court of Georgia - October 16, 2017 - S.E.2d - 2017 WL 4582622

Association of process servers brought action against sheriffs for mandamus, declaratory judgment, and injunctive relief, alleging a conspiracy to thwart the use of certified process servers statewide and wrongful failure to consider petitions to become certified process servers.

The Superior Court granted summary judgment to sheriffs. Association appealed.

The Supreme Court of Georgia held that:

- Sovereign immunity applied to declaratory judgment and injunctive relief claims, and
- Sheriffs did not violate any clear legal duty, and thus association was not entitled to mandamus relief.

Sovereign immunity applied to declaratory judgment and injunctive relief claims brought by association of process servers against sheriffs, and therefore trial court should have dismissed claims instead of granting summary judgment to sheriffs, even though ruling was in sheriffs' favor and sheriffs did not raise sovereign-immunity defense in their joint motion for summary judgment.

Sheriffs did not violate any clear legal duty by exercising their statutorily-granted discretion to determine, as threshold matter, whether certified process servers could act in their respective counties, and therefore association of process servers was not entitled to mandamus relief. Decision of whether to allow certified process servers to serve process in county was separate issue from sheriffs' duty to process applications for certification to serve process.