

Bond Case Briefs

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LIABILITY - GEORGIA

Harrell v. City of Griffin

Court of Appeals of Georgia - June 27, 2018 - S.E.2d - 2018 WL 3135053

Automobile passenger brought action against city, alleging that, while riding in truck driven by her husband, she was injured in an automobile accident with a police car being driven by a city police officer.

City filed motion to dismiss, alleging that passenger's ante litem notice was insufficient. The trial court granted city's motion. Passenger appealed.

The Court of Appeals held that:

- Ante litem notice given by passenger failed to substantially comply with statute requiring notice to "include the specific amount of monetary damages being sought";
- The amendment to the ante litem notice statute applies prospectively; and
- Amendment to ante litem notice statute affected only procedure or remedy, and thus applying amendment to passenger's ante litem notice filed after effective date of amendment but arising out of tort that occurred prior to effective date did not constitute improper retrospective application of amendment.