

Bond Case Briefs

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Gwinnett County, Ga v. Ashby

Court of Appeals of Georgia - April 15, 2020 - S.E.2d - 2020 WL 1873232

Spectator, who was attending her son's football practice at county park when she allegedly sustained severe personal injuries when her foot slipped into an uncovered drain, brought personal injury action against county for the negligent acts of its agents or employees.

The trial court denied county's motion to dismiss on grounds of sovereign immunity, and county appealed.

The Court of Appeals held that:

- Georgia Tort Claims Act provision under which the state waived its sovereign immunity for the torts of state officers and employees while acting within the scope of their official duties or employment did not constitute a waiver of county's sovereign immunity from personal injury negligence action;
- Spectator failed to allege that a county motor vehicle was involved, as required to support her claim that county waived its sovereign immunity to the extent of its liability coverage; and
- County did not waive sovereign immunity under the Recreational Property Act when it charged a fee for spectator's son's participation in football.