

Bond Case Briefs

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Young v. Johnson

Court of Appeals of Georgia - June 14, 2021 - S.E.2d - 2021 WL 2410699

Driver of vehicle that was hit by city vehicle being driven by motorist, a city employee, brought negligence action against city and motorist.

The trial court granted city's and motorist's motion to dismiss based on sovereign immunity. Injured driver appealed.

The Court of Appeals held that driver's failure to explicitly plead a waiver of city's sovereign immunity barred her from bringing negligence action against city and motorist.

Failure of driver of vehicle that was hit by city vehicle being driven by motorist, a city employee, to explicitly plead a waiver of city's sovereign immunity, barred her from bringing negligence action against city and motorist; driver did not explicitly plead a waiver of city's sovereign immunity in her complaint, she failed to amend her complaint to allege such a waiver, she did not raise sovereign immunity in any of her filings in the court below, she failed to respond to city's motion to dismiss based on sovereign immunity, and she did not otherwise contest the motion to dismiss.