

Bond Case Briefs

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Sharma v. City of Alpharetta

Court of Appeals of Georgia - October 28, 2021 - S.E.2d - 2021 WL 5001916

Estate of swimmer who died in city swimming pool brought action against city, alleging premises liability, negligence in lifeguards' supervision of swimmers, and negligence in city's training and supervision of lifeguards.

The State Court granted city's motion to dismiss. Estate appealed.

The Court of Appeals held that city did not waive its municipal sovereign immunity when it purchased a liability insurance policy.

City did not waive its municipal sovereign immunity when it purchased a liability insurance policy, where "Sovereign Immunity and Damages Caps" provision of the policy, which stated that "issuance of this insurance shall not be deemed a waiver of any statutory immunities by or on behalf of any insured," was clear expression of intent to preserve city's municipal sovereign immunity where possible and to prevent purchase of the policy from expanding city's liability in any way.