

Bond Case Briefs

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Thomas v. Henry County Water Authority

Court of Appeals of Georgia - April 18, 2023 - S.E.2d - 2023 WL 2983097

Motorist brought personal-injury action against public water authority, which operated and maintained water system within county, and its employee, alleging that motorist suffered catastrophic injuries when authority's truck, which was being driven by employee, collided with motorist's automobile.

The Superior Court granted defendants' motion to dismiss. Motorist appealed.

The Court of Appeals held that:

- Limited waiver of sovereign immunity for automobile injury claims that are brought against counties and other local government entities is not conditioned on presentment of an ante litem notice of claim;
- Water authority was not entitled to be treated as a county for purposes of ante-litem-notice requirement;
- County is not immune from suit when a claimant fails to timely present ante litem notice of claim, as the suit is nonexistent; and
- Motorist's allegation that employee acted outside scope of employment precluded granting dismissal based on immunity for local governmental employee who committed tort involving use of motor vehicle while in performance of official duties.