

Bond Case Briefs

Municipal Finance Law Since 1971

IMMUNITY - GEORGIA

McCloud v. Lowndes County Board of Commissioners

Court of Appeals of Georgia - October 30, 2023 - S.E.2d - 2023 WL 7122543

Motorist whose vehicle was struck by a tractor-trailer at a road construction area brought personal injury action against county employee who was directing traffic at the site.

The Superior Court granted employee's motion to dismiss. Motorist sought interlocutory review.

The Court of Appeals held that trial court's order would be vacated and remanded for clarification of trial court's reasoning for granting county employee's motion to dismiss motorist's claim.

Trial court order dismissing motorist's personal injury claim against county employee who was directing traffic at the road construction area where motorist's vehicle was struck by a tractor-trailer would be vacated and remanded for clarification, where trial court's reasoning for granting employee's motion to dismiss motorist's claim was unclear from its order, and the record contained no evidence that could potentially shed some analytical light on whether trial court applied the standard for a motion to dismiss for lack of subject-matter jurisdiction, or a motion to dismiss for failure to state a claim.