

Bond Case Briefs

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COUNTIES - GEORGIA

First Center, Inc. v. Cobb County

Supreme Court of Georgia - February 6, 2024 - S.E.2d - 2024 WL 422804

Plaintiffs brought action against county, county commissioner, and county zoning division manager seeking declaratory, injunctive, and mandamus relief relating to a dispute about rules dictating the height of a wall surrounding a subdivision.

The Superior Court denied mandamus relief and dismissed other claims for failure to state a claim. Plaintiffs applied for discretionary review, which was granted after transfer.

The Supreme Court held that suit was not brought exclusively against and in the name of the county, as required for constitutional waiver of sovereign immunity.

Suit against county seeking declaratory, injunctive, and mandamus relief relating to a dispute about rules dictating the height of a wall surrounding a subdivision did not comply with state constitutional provision waiving sovereign immunity only for claims brought exclusively against and in the name of the state or local government, and therefore the entirety of the case was due to be dismissed, where plaintiffs sued the county but also named as defendants a county commissioner and the county zoning division manager.