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LIABILITY - GEORGIA

Fleureme v. City of Atlanta

Court of Appeals of Georgia - April 12, 2024 - S.E.2d - 2024 WL 1594606

Plaintiff filed suit against city and city employee for injuries sustained when employee "failed to yield" and struck plaintiff on public sidewalk.

City filed motion to dismiss due to plaintiff's noncompliance with ante litem notice statute. The State Court granted motion, and plaintiff appealed.

The Court of Appeals held that:

- General service statute did not control over specific statute governing claim for money damages against municipality, which mandated that service of ante litem notice of such claim "shall be served" upon mayor or chairperson of city council or city commission "personally or by certified mail or statutory overnight delivery";
- Plaintiff's service by statutory overnight mail of ante litem notice of claim with envelope addressed to "[city] City Hall[, city] City Council" failed to strictly comply with statute mandating that notice of claim be served upon mayor or chairperson of city council or city commission, as prerequisite to suit; and
- Service by statutory overnight mail of ante litem notice with envelope mailing label addressed to "Office of the Mayor," failed to strictly comply with statute mandating that ante litem notice of claim be served upon mayor or chairperson of city council or city commission.

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