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Warbler Investments, LLC v. City of Social Circle

Supreme Court of Georgia - March 4, 2025 - S.E.2d - 2025 WL 676643

Property owner sued city and city officials in their individual capacities, alleging defendants unlawfully rezoned property and seeking declaratory and injunctive relief, writ of mandamus, and writ of certiorari.

The Superior Court granted owner's unopposed motion to amend the complaint by dropping individual defendants, but then granted city's renewed motion to dismiss amended complaint, reasoning that naming individuals in original complaint violated Georgia Constitution's naming requirement for actions seeking declaratory relief from government acts. The Supreme Court granted property owner's application for discretionary appeal.

The Supreme Court held that:

- A complaint's failure to meet the requirement of the Georgia Constitution provision waiving sovereign immunity that claims must be brought exclusively against the government is not a jurisdictional bar to hearing the case, but is a procedural defect that carries a consequence of dismissal if not cured; overruling *South River Watershed Alliance v. DeKalb County*, 373 Ga. App. 285, 908 S.E.2d 204; and
- Property owner's failure to comply with the Georgia Constitution provision waiving sovereign immunity by including in its initial complaint claims against individual city officials was a procedural error that did not affect the government's waiver of sovereign immunity nor require dismissal of the action and was cured by amendment.

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