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Bray v. Watkins

Court of Appeals of Georgia - September 4, 2025 - S.E.2d - 2025 WL 2537329

As guardian of child, administratrix of estate of child's father, and in her individual capacity, child's mother sued county sheriff's lieutenant in both her official and individual capacities for damages, alleging that tornado caused tree to fall on bedroom of their home, which tree killed child's father and injured child and herself, and that lieutenant failed to activate a tornado warning system while working in county emergency center.

The Superior Court entered summary judgment for lieutenant and mother appealed. The Court of Appeals affirmed. Mother petitioned for certiorari review. The Supreme Court granted mother's petition for certiorari, vacated, and remanded. On remand, the Court of Appeals adopted the Supreme Court's opinion as its own, vacated the trial court's order, and remanded for trial court to resolve the sovereign immunity issue in the first instance. After remand, mother filed motion requesting that trial court deny lieutenant's motion for summary judgment. The trial court granted lieutenant's motion for summary judgment and found that sovereign immunity applied, and mother appealed.

The Court of Appeals held that:

- Sovereign immunity applied and barred mother's claims against lieutenant in her official capacity, and
- Mother's claims against lieutenant, in her individual capacity, were barred by the public duty doctrine.