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Cain v. Mayor and Aldermen of City of Savannah

Court of Appeals of Georgia - November 2, 2026 - S.E.2d - 2026 WL 3300936

Motorist injured in car accident while exiting condominium complex brought action asserting various claims against homeowners association (HOA) and city officials.

The State Court granted summary judgment for officials on motorist's claims of negligence and nuisance, granted summary judgment for HOA on motorist's claims of nuisance, punitive damages, and attorney fees, and denied HOA's motion for summary judgment on claims of negligence and premises liability. Motorist appealed.

The Court of Appeals held that:

- Motorist's ante litem notice substantially complied with statutory requirements;
- City was not entitled to sovereign immunity as to motorist's negligence and premises liability claims;
- City was not entitled to sovereign immunity as to motorist's nuisance claim;
- Motorist could not establish public nuisance claim;
- Motorist was not entitled to punitive damages; and
- Motorist was not entitled to attorney fees.

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