

Supreme Court of Georgia Raises Bar for Suits Against the State

Last month, the Supreme Court of Georgia ruled that strict compliance with pre-suit requirements is necessary in order to bring a tort claim against the State. In *Bd. of Regents of the Univ. Sys. of Ga. v. Myers*, the Court held that a plaintiff must “strictly comply” with the Georgia Tort Claims Act’s (“GTCA”) ante litem notice requirements; failure to do so will result in dismissal of the case on sovereign immunity grounds.

The GTCA contains numerous requirements a plaintiff must meet before her claim against the State may proceed. One of those requirements is to provide, “to the extent of the claimant’s knowledge and belief and as may be practicable under the circumstances,” a statement of “the nature and amount of the loss suffered.” The Plaintiff in this case stated only that the amount of her loss “is yet to be determined as she is still incurring medical bills and does not yet know the full extent of her injury.”

The Supreme Court of Georgia held that her statement “failed to strictly comply with [the] ante litem notice requirement because it did not state any amount of loss whatsoever.” Because Ms. Myers had incurred medical expenses at the time she gave her notice, the Court reasoned, she could have included those amounts incurred and added to them as the case proceeded. The Court upheld the dismissal of her case.

For more information, please contact Josh Belinfante or Alexander Denton.