

# COUNTIES & THE LAW

This edition of *Counties & the Law* includes decisions of interest to county attorneys published in the Daily Report Opinions Weekly between June 11, 2016, and June 17, 2016.

We welcome your suggestions and opinions regarding Counties & the Law. Please contact Kelly Pridgen at [kpridgen@accg.org](mailto:kpridgen@accg.org) or Joe Scheuer at [jscheuer@accg.org](mailto:jscheuer@accg.org) with your comments.

## ***IMMUNITY***

### ***Tricoli v. Watts***

Georgia Court of Appeals  
March 30, 2016; A15A2256

A former college president sued the board of regents for breach of contract and RICO violations. The Court of Appeals upheld the trial court since a waiver of sovereign immunity for breach of contract requires a showing of an actual valid, written contract. The plaintiff failed to make that showing. Even if there had been a contract, it had been terminated because the plaintiff had resigned. Finally, RICO claims are not allowed since O.C.G.A. 50-21-25(a) provides that the State Tort Claims Act is the exclusive remedy for claims that sovereign immunity have been waived.

## ***NEGLIGENCE***

### ***Mayor & City Council of the City of Richmond Hill v. Maia***

Georgia Court of Appeals  
March 30, 2016; A15A2334

*{This is a complicated decision with a lengthy fact situation and the interested reader is directed to the actual case text.}*

A police officer who had been called to the scene of an attempted suicide and who had taken photos of the injuries was later sued by the victim's mother following a later, successful suicide. The officer had shown the photos to his daughter who then later obtained copies and showed

them at school. Even though the victim was calmed by a counselor and had normal exchanges with her mother and showed no suicidal intent, the officer was held liable. The Court of Appeals appears to have ignored well established case law and binding precedent that suicide is an unforeseen intervening event that absolves a tortfeasor of liability in reaching its decision.

***OPEN MEETINGS OPEN RECORDS***

***Smith v. Northside Hospital, Inc.***

Georgia Court of Appeals  
March 30, 2016; A15A2303; A15A2304

*{Please see Counties & the Law Special Edition for case summary.}*