

2026 WL 1857852

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Court of Appeals of Georgia.

MAZZA

v.

JEKYLL ISLAND STATE  
PARK AUTHORITY.

A26A0759

|  
June 25, 2026

#### Attorneys and Law Firms

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#### Opinion

Watkins, Judge.

\*1 Amanda Mazza commenced this premises liability/negligence action against the Jekyll Island State Park Authority (the “Authority”), seeking to recover damages for injuries she allegedly sustained on a waterslide at the Authority's property. The Authority filed a motion to dismiss for lack of subject matter jurisdiction, contending that Mazza's ante litem notice was insufficient to overcome the State's sovereign immunity. The trial court granted the Authority's motion, and Mazza now appeals. For the reasons discussed herein, we affirm.

“The [Georgia Tort Claims Act] provides a limited waiver of the State's sovereign immunity, and that waiver is effective only if all of the requirements in the [A]ct are met.”<sup>1</sup> Under the Act, “a tort claimant who plans to file a lawsuit against the State [must] provide an ante litem notice within a certain time frame, in a certain manner, and including certain information. If the required notice of a claim is not given, the courts do not have jurisdiction over the claim.”<sup>2</sup> The “ante litem requirements ensure that the State receives adequate notice of the claim to facilitate settlement before the filing of a lawsuit[,]” and a claimant must strictly comply with the notice

requirements.<sup>3</sup> “Strict compliance is exactly what it sounds like: strict. Thus, if the ante-litem notice requirements are not met, then the State does not waive sovereign immunity, and the trial court lacks subject-matter jurisdiction over the case.”<sup>4</sup>

This appeal concerns a notice requirement of OCGA § 50-21-26(a)(5), which provides:

A notice of claim under this Code section shall state, to the extent of the claimant's knowledge and belief and as may be practicable under the circumstances, the following:

- (A) The name of the state government entity, the acts or omissions of which are asserted as the basis of the claim;
- (B) The time of the transaction or occurrence out of which the loss arose;
- (C) The place of the transaction or occurrence;
- (D) The nature of the loss suffered;
- (E) The amount of the loss claimed; and
- (F) The acts or omissions which caused the loss.

The trial court found that Mazza's ante litem notice failed to strictly comply with OCGA § 50-21-26(a)(5)(F)'s requirement that the notice specify the acts or omissions that she believed may have caused the loss. We review the trial court's conclusion de novo.<sup>5</sup>

Mazza's ante litem notice identified the name of the government entity involved, the date of the loss, the place where the loss occurred, the nature of the loss (a broken tibia and fibula, which required surgery), and the amount of loss claimed (\$1,000,000). As to the acts or omissions which caused the loss, the notice stated: “Mazza was sliding down the slide at Summer Waves Water Park, she hit the bottom of the pool, causing two bones to break in her right leg. She sustained serious injuries including a broken tibia and fibula. She recently underwent surgery and remains in recovery.”

\*2 In support of her contention that her ante litem notice was sufficient, Mazza emphasizes that under *Roberts v. Unison Behavioral Health*,<sup>6</sup> a claimant is not required to state perfect information, but, instead, need only state the required information “to the extent of the claimant's knowledge and belief and as may be practicable under the circumstances[.]”<sup>7</sup>

She insists that her ante litem notice included all the information available to her, given that she was not able to inspect the pool, and she cites *Bush v. Eichholz*<sup>8</sup> for the principle that a claimant is not required to identify the technical defect or “ ‘mechanism’ for what went wrong[ ]” in her ante litem notice.

In *Bush*, the plaintiff was a longshoreman who was injured while driving a chassis truck at a terminal owned by the Georgia Ports Authority.<sup>9</sup> The ante litem notice stated that while the plaintiff “was driving a jockey truck, a crane picked up the truck along with its container, and then dropped the truck.”<sup>10</sup> We held that the notice satisfied the requirements of § 50-21-26(a)(5)(F) as it “clearly stated the act which caused [the plaintiff]’s losses — the lifting and dropping of the truck.”<sup>11</sup>

In her brief on appeal, Mazza argues that “[t]he ‘act or omission’ in *Bush* was the lifting and dropping of the truck, and the ‘act or omission’ here was the fact that the Authority’s slide propelled Ms. Mazza so forcefully into the floor.” But as quoted above, Mazza’s ante litem notice did not state that the waterslide propelled her too forcefully; it stated only that she hit the bottom of the pool at the end of the slide.

As the trial court observed, nothing in Mazza’s ante litem statement identified any act or omission by the Authority as the cause of Mazza’s injuries. And while Mazza contends that the ante litem notice, considered in its entirety, clearly revealed that her theory of recovery was that “she sustained an injury on a feature of the property the Authority was in a position to correct or warn about[,]” this does not satisfy the requirements of the statute — especially considering that the notice gave no indication that Mazza believed her injury was

the result of a defect on the property rather than, for example, an act of an employee. Again, a claimant is required to “state, to the extent of the claimant’s knowledge and belief and as may be practicable under the circumstances, ... (F) [t]he acts or omissions which caused the loss.”<sup>12</sup> As the Authority has pointed out, instead of believing that she hit the bottom of the pool because the slide propelled her too forcefully, Mazza could have believed that she hit the bottom of the pool because an employee pushed her down the slide, because there was a foreign object in the pool, or because the pool was too shallow. All of those could constitute different acts or omissions by the Authority, and Mazza’s ante litem notice gave no indication of which acts or omissions were the basis of her claim. In this sense, Mazza’s ante litem notice was significantly different than her complaint, where she clearly alleged that the Authority negligently failed to keep the premises in a safe condition; that the Authority failed to warn invitees of hidden dangers, including the defective nature of the pool; and that the Authority failed to follow reasonable inspection procedures to discover the defect.

Ultimately, Mazza’s ante litem notice did not identify “[t]he acts or omissions which caused the loss” as required by OCGA § 50-21-26(a)(5)(F). The trial court, therefore, properly granted the Authority’s motion to dismiss, and we affirm.

*Judgment affirmed.*

*McFadden, P. J., and Padgett, J., concur.*

#### All Citations

--- S.E.2d ----, 2026 WL 1857852

#### Footnotes

- 1 *Roberts v. Unison Behavioral Health*, 312 Ga. 438, 440(2), 863 S.E.2d 99 (2021) (citations omitted).
- 2 *Id.*
- 3 *Board of Regents of the Univ. System of Ga. v. Myers*, 295 Ga. 843, 845, 764 S.E.2d 543 (2014).
- 4 *Farmer v. Dep’t of Corr.*, 346 Ga. App. 387, 389(1), 816 S.E.2d 376 (2018) (citations and punctuation omitted).
- 5 *Douglas v. Dept. of Juvenile Justice*, 349 Ga. App. 10, 10, 825 S.E.2d 395 (2019) (“We review de novo a trial court’s ruling on a motion to dismiss based on sovereign immunity grounds, which is a matter of law.”(citation omitted)).
- 6 312 Ga. at 441-42(2)(a), 863 S.E.2d 99.

- 7 See OCGA § 50-21-26(a)(4).
- 8 352 Ga. App. 465, 833 S.E.2d 280 (2019).
- 9 352 Ga. App. at 466, 833 S.E.2d 280.
- 10 Id. at 471(1)(c), 833 S.E.2d 280.
- 11 Id.
- 12 OCGA § 50-21-26(a)(5)(F).

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