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**Important - Following Supreme Court Decision – Next Step for Cities (Chang v. Milton)**

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**From** Peyton Jamison <peyton.jamison@miltonga.gov>  
**Date** Sat 4/25/2026 4:56 PM  
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Mayors,

I'm reaching out again on an issue that has real importance for cities across Georgia, and I'm asking for your continued partnership.

First, some good news. As you may recall, Milton previously asked for amicus support in litigation involving sovereign immunity and roadway maintenance. The response from across the state was incredible - more than 80 cities joined in, which sent a strong, unified message. That effort paid off with the Supreme Court's March 12, 2026 decision in *City of Milton v. Chang*, where the Court clarified that a city's duty related to roadway safety applies only to ordinary travel on the parts of the road intended for that purpose. That was a significant and meaningful win for all of us.

That same case is now back before the Court of Appeals, and it presents another important challenge -this time involving the "nuisance" exception for personal injury claims. In simple terms, there's an old court-created doctrine (going back to a 1968 case) that allows cities - but not counties - to be sued more broadly under a nuisance theory. Over time, that doctrine has expanded well beyond its original footing and is not grounded in the Constitution or general law.

More recently, in a 2021 case, the Supreme Court itself questioned the legal foundation of that doctrine and whether it still holds up under today's sovereign immunity framework. The Court of Appeals now has the opportunity to take a closer look.

The stakes here are significant. If this doctrine remains in place, cities across Georgia could face expanded and unpredictable liability, which ultimately impacts operations, budgets, and taxpayers. On the other hand, a clear ruling that reins this in would provide much-needed clarity and protection for municipalities.

As with the first *Chang* case, I believe we have a real opportunity to make an impact. A strong, unified show of support will reinforce how important this issue is for cities statewide.

I've attached a draft resolution for your consideration if you're willing to authorize your city attorney to join the amicus effort in *Chang v. Milton*. Please feel free to use or modify it as

needed. Timing is critical as we would need the adopted resolution returned in 30 days.

I've copied Samantha Allyn from our City Attorney's Office in case you have any questions

Thank you again for your leadership and for the support.

Best regards,

Peyton



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## Peyton Jamison

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