

# Challenge to sovereign immunity settled



By Dennis Smith

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A Mableton woman who planned to challenge Cobb County's use of "sovereign immunity" as a defense in traffic accidents has agreed to a settlement with the county, her attorney said Friday.

Michelle Rusin and her husband, Sam, filed a lawsuit against the county last year in Cobb County Court after she was injured in a head-on collision with a Cobb County police car on Nickajack Road a year earlier. The Rusins were asking for more than \$1 million in damages.

Marietta lawyer Matt Flournoy, the plaintiff's attorney, would not disclose the amount of the settlement other than to say the county, along with Ms. Rusin's insurance company, State Farm, made a proposal and his client accepted.

"It was a compromise," he said.

The settlement will become public once commissioners have a chance to review it. The Board of Commissioners will still have to approve the agreement.

County officials could not be reached for comment Friday evening.

Flournoy said as a part of the settlement, the county has still not admitted to being at fault in the crash. Police reports cited the officer with crossing the center line and driving too fast for conditions.

Mrs. Rusin suffered a broken leg and foot, chest injuries and had to go through reconstructive surgery on her heel after the accident, Flournoy said. She was wearing a seat belt.

While settling the claim out of court, Flournoy said his client still plans to challenge the sovereign immunity law, which allows the county to operate its vehicles without liability insurance.

Flournoy said he and Mrs. Rusin plan to meet with state Rep. Roy Barnes, D-Mableton, to discuss what can be done in the Legislature to change the law. A meeting date with Rep. Barnes has not been set.