

FILED IN OFFICE
JUL-24 2012
DEPUTY CLERK SUPERIOR COURT
FULTON COUNTY, GA

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

THOMAS HAYDEN BARNES,)

Plaintiff,)

vs.)

CIVIL ACTION FILE NO. 2012CV212942

JUDGE KENNEDY M. EDMOND ADAMS

UNIVERSITY OF GEORGIA SYSTEM,)

ORDER DENYING DEFENDANT'S MOTION TO DISMISS

The above-styled action is before the Court on Defendant The Board of Regents of the University System of Georgia's ("Defendant") Motion to Dismiss. Having considered the motion, response, the record and the applicable law, the Court hereby **DENIES** Defendant's motion for the reasons more fully set forth below.

Plaintiff filed a breach of contract claim against Defendant for expelling him from Valdosta

waived in the Georgia Constitution or as provided by an act of the General Assembly. See Ga. Const., Art. I, Sec. IX, Par. IX(e). The defense of sovereign immunity is waived in contract actions involving the breach of a written contract. See O.C.G.A. § 50-21-1. The Court finds that Plaintiff has established a waiver of Defendant's sovereign immunity defense by demonstrating that his claims are based on a breach of a written contract.

O.C.G.A. § 13-3-1 provides that a contract is valid when "there are parties able to contract, a consideration moving to the contract, the assent of the parties to the terms of the contract, and a subject matter upon which the contract can operate." See O.C.G.A. § 13-3-1. A valid written

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