

**SECOND DIVISION
MILLER, P. J.,
RICKMAN and PIPKIN, JJ.**

**NOTICE: Motions for reconsideration must be physically received in our clerk's office within ten days of the date of decision to be deemed timely filed.
<https://www.gaappeals.us/rules>**

January 25, 2024

In the Court of Appeals of Georgia

A22A0002. MCBRAYER et al. v. SCARBROUGH.

MILLER, Presiding Judge.

In *McBrayer v. Scarbrough*, 364 Ga. App. 112 (874 SE2d 146) (2022), this Court affirmed the trial court's grant of judgment on the pleadings in this case based on sovereign immunity. In *McBrayer v. Scarbrough*, 317 Ga. 387 (893 SE2d 660) (2023), the Supreme Court of Georgia reversed the judgment of this Court and concluded that sovereign immunity was waived because the underlying wrongful death arose from the sheriff deputies' alleged negligent "use" of a covered motor vehicle under OCGA §§ 33-24-51 (b) and 36-92-2. We therefore vacate our prior opinion, adopt the Supreme Court's opinion as our own, and reverse the trial court's grant of judgment on the pleadings.

Judgment reversed. Rickman and Pipkin, JJ., concur.