

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      NOVEMBER 09, 1998

*The Court of Appeals hereby passes the following order:*

**Case No. A99I0098**

**CITY OF ELBERTON V. BROADUS P. DANIEL**

The interlocutory application received in the above docketed matter does not contain a stamped "filed" copy of the order appealed, nor a stamped "filed" copy of the certificate of immediate review as required by Rule 31 (c).

Applicant is hereby ordered to supplement the application with a stamped "filed" copy of the order instanter. If applicant does not cause a copy of said order to be physically filed with the Court within 10 days of the date of this order, the application will be dismissed. Applicant's submission in response to this order will be deemed filed only on the date it is physically received in the Clerk's office.

The Court is required to issue an order granting or denying the application within 30 days of the filing of the application. See OCGA 5-6-34 (b).

*Court of Appeals of the State of Georgia*  
NOV - 9 1998  
*Clerk's Office, Atlanta*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    NOVEMBER 25, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0099  
STEVEN RUBIN, ET AL V. DR. MELISSA TOBIN

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

98010

97A299854

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    NOV 25 1998*

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martini, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    DECEMBER 01, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0100  
N.A.D., INC., ET AL V. ELIZABETH DEUBLE

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

97010

CV980407BR

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    DEC - 1 1998

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the minutes of the Court of Appeals of Georgia.*

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Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, November 20, 1998

*The Honorable Court of Appeals hereby passes the following order:*

**COURT OF APPEALS CASE A99I0101 SHANNON C. O'MALLEY**

Upon consideration of the motion for withdrawal, it is hereby ordered that said motion be GRANTED.

93-010

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta NOV 20 1998*

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      NOVEMBER 24, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0102  
PIZZA HUT OF AMERICA, INC. V. TRACY L. DINKINS

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

96010

97CV17773

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta            NOV 24 1998*

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the minutes of the Court of Appeals of Georgia.*

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Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            DECEMBER 03, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0103

NORTH GEORGIA ELECTRIC MEMBERSHIP CORPORATION V. TRACY LEE WEBB, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

92011

96VS0113319G 96VS0113320B

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

DEC - 3, 1998

DEC - 3 1998

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

*William L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,            DECEMBER 01, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0104  
VICTOR R. GONZALEZ, M.D. V. DAVID MILES

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

94011

97A387465

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

DEC - 1 1998

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Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            DECEMBER 09, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0105

JAMES E. WILLIAMS, ET AL V. SHAMIKA FRAZIER, minor by her Parent and  
Legal Guardian, LATISHA FRAZIER

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

91011

CV970285BA

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    DEC -9 1998*

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the minutes of the Court of Appeals of Georgia.*

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Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            DECEMBER 09, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0106

JAMES E. WILLIAMS, ET AL V. PATRICK FRAZIER, minor by his Parent and  
Legal Guardian, LATISHA FRAZIER

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

91012

CV970287BA

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    DEC -9 1998*

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the minutes of the Court of Appeals of Georgia.*

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Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    DECEMBER 01, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0107

ERNESTINE PONDER DANILY, ET AL V. LILLIE MAE WALTON

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

90011

98CV09

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    DEC - 1 1998*

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*Witness my signature and the seal of said court  
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*Clerk.*

*Will. L. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA,  
NOV 25 1998

*The Court of Appeals hereby passes the following order:*

**A99I0108. REGINALD WOODS, ET AL. v. MARY MCCLENDON, ET AL.**

Reginald Woods and the Treutlen County Board of Education filed an application for interlocutory review of the trial court's order denying their motion for summary judgment. The order was filed by the clerk of court on August 24, 1998. Although the application states that the certificate of immediate review was granted on August 28, 1998, the certificate of immediate review included in the application was dated October 23 by the trial judge, and it was filed with the trial court on October 27, 1998, 64 days after entry of the order appealed. In addition, although the application states that it was filed within ten days after the certificate of immediate review, it was signed by counsel on November 7 and was filed on November 19, 1998, 23 days after the certificate of immediate review was filed.

If the certificate of immediate review is not obtained within ten days after entry of the interlocutory judgment appealed, it is untimely and the party must wait until a final judgment is entered before appealing an interlocutory judgment rendered in the case. OCGA § 5-6-34 (b); Turner v. Harper, 231 Ga. 175, 176 (200 SE2d

748) (1973). In addition, OCGA § 5-6-34 (b) permits this Court to consider interlocutory appeals only where the application is made within ten days after the certificate of immediate review is entered. Here neither the certificate of immediate review nor the application itself were timely filed, and this Court is without jurisdiction to consider the application. Graves v. Dean, 166 Ga. App. 186 (303 SE2d 751) (1983). Accordingly, the application is hereby DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

NOV 25 1998

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

*Will. L. Mant, III* Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    DECEMBER 17, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0109

TIG PREMIUM COMPANY V. FRANK C. DAVENPORT, ET AL

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

97011

96VS0121663

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

DEC 17 1998

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the minutes of the Court of Appeals of Georgia.*

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Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            DECEMBER 07, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0110  
DAVID WAYNE MERCER V. THE STATE

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

93011

98CV15033

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    DEC -7 1998*

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    DECEMBER 03, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0111

TABITH M. MOORE, ET AL V. JAY WAYNE BOWEN, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

96011

97022153

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta            DEC - 3 1998*

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    DECEMBER 03, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0112  
W. MCMILLAN WALKER V. RONDA HOBBY WALKER

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

92012

971489F

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

DEC 03 1998

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the minutes of the Court of Appeals of Georgia.*

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Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    DECEMBER 17, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0113

QUALITY CONTROL ELECTRIC, INC. V. LOUIE E. FOREHAND

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

94012

96CV133648

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    DEC 17 1998*

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,            DECEMBER 07, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0114  
KENNESTONE HOSPITAL V. OSMYN A. SMITH, ET AL

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

95012

951372234        951372207

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta    DEC -7 1998

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    DECEMBER 15, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0115  
CITY OF BREMEN V. RITA LYNN HERB THOMPSON

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

90012

97486

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta            DEC 15 1998*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      JANUARY      04, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0116  
SHANNON C. O'MALLEY V. THE STATE

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

98012

98CR407

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta            JAN - 4 1999*

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Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      DECEMBER 17, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0117  
SHERRY A. TUDOR V. JOSEPH E. FORD, SR.

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

97012

97CV16977

*10:45*

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      DEC 17 1998

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            DECEMBER 09, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0118

HAPEVILLE HOTEL LIMITED PARTNERSHIP, ET AL V. LINDA LUEKEMEYER, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

99012

E62216

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

DEC - 9 1998

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*Witness my signature and the seal of said court hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    DECEMBER 10, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0119  
ROSCOE BRANTON, ET AL V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

93012  
98R180

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta    DEC 10 1998*

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*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,            DECEMBER 23, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0120

AUGUSTA MOTOR SPEEDWAY, INC. V. DANIEL EVERETT MCDONALD

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

96012

CV97218

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

DEC 23 1998

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the minutes of the Court of Appeals of Georgia.*

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Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            DECEMBER 18, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0121  
PRINCIPAL MUTUAL LIFE INSURANCE COMPANY V. SALLEY EVANS

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

92013

97A372813

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta    DEC 18 1998

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the minutes of the Court of Appeals of Georgia.*

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Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      DECEMBER 15, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0122  
TERRY GIBSON V. CLARENCE CARTER

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

94013

96CV30027

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

DEC 15 1998

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*                      Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,            DECEMBER 17, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0123  
BRANCH REALTY, INC., ET AL V. EDNA WEAVER

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

91013

97VS0127693B

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta    DEC 17 1998

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*William L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,            DECEMBER 17, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0124

CLARK ATLANTA UNIVERSITY, INC. V. SUMMERHILL NEIGHBORHOOD DEVELOPMENT  
CORPORATION d/b/a CARTER HALL

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

95013

97VS0128610F

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

DEC 17 1998

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will R. [Signature]*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    DECEMBER 18, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0125  
PHEARS & MOLDOVAN V. WILLIAM FOSTER

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

90013

97V119T

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    DEC 18 1998*

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*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

# Court of Appeals of the State of Georgia

ATLANTA, JAN - 4 1999

*The Court of Appeals hereby passes the following order:*

**A99I0126. VOLKSWAGEN OF AMERICA, INC., et al. v. GENTRY**

The defendants', Volkswagen of America, Inc. and Volkswagen Aktiengesellschaft, petition for interlocutory appeal of the trial court's order denying their motion for summary judgment with regard to plaintiffs' RICO claims is hereby GRANTED. It is further ordered that upon docketing of this case it will be consolidated with the plaintiffs' direct appeal of the trial court's order granting the defendants' motion for summary judgment in the underlying case Civil Action File No. 90vs0014930.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta JAN - 4 1999*

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

**ATLANTA,** JAN - 4 1999

*The Court of Appeals hereby passes the following order:*

**A99I0127. DILLS v. LA PETITE ACADEMY, INC.**

Plaintiff seeks an interlocutory appeal from an order granting in part defendant's motion for summary judgment. Defendant argues that because the judgment appealed from is directly appealable under OCGA § 9-11-56 (h), plaintiff's application for appeal is improper and should be dismissed. We agree. Because the interlocutory appeal procedure is available only for those judgments not otherwise subject to direct appeal, plaintiff's application is hereby DISMISSED for lack of jurisdiction. OCGA § 5-6-34 (b); Artis v. Gaither, 199 Ga. App. 114-115 (404 SE2d 322) (1991).

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* JAN - 4 1999

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*Will. L. Martin, III*

*Clerk.*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            DECEMBER 17, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0128

NATIONAL COUNCIL ON COMPENSATION INSURANCE, INC. V. ALBERT STRICKLAND

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

99013

97VS127440CC

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    **DEC 17 1998**

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*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*            Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

DEC 20 1998

*The Court of Appeals hereby passes the following order:*

**A99I0129. M. C. Contracting Co., Inc., et al. v. Michael Touchet  
d/b/a M. T. Contractors**

This application for interlocutory appeal seeks review of the trial court's order denying M. C. Contracting Co., Inc.,'s, Craig Paving & Grading Company, Inc.,'s and Craig Touchet's motion for summary judgment. The order denying the motion was entered on November 20, 1998. Although applicants obtained a certificate of immediate review, they did not do so until December 2, 1998, the day the certificate of immediate review was entered.

A certificate of immediate review is ineffective unless it is filed within ten days of the entry of the order or judgment sought to be appealed. OCGA § 5-6-34 (b); Turner v. Harper, 231 Ga. 175 (200 SE2d 748) (1973); Van Schallern v. Stanco, 130 Ga. App. 687 (204 SE2d 317) (1974). If the certificate of immediate review is not entered within the ten day period, it is untimely, and the party seeking review must wait until the final judgment in the case to seek review of the interlocutory order. Turner, supra. In this case, the certificate of immediate review was not filed within ten days of the entry of the trial court's November 20, 1998 order, and therefore, it is untimely. Accordingly, this application is

dismissed for lack of jurisdiction.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

DEC 29 1998

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Willie L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,            JANUARY    07, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A99I0130

VAL D' AOSTA COMPANY d/b/a COMFORT INN V. ROBERTA CROSS, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

96013

97CV2279

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JAN -7 1999

*I certify that the above is a true extract from  
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*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Mant*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,            JANUARY    06, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0131

CENTRAL MUTUAL INSURANCE COMPANY V. PATRICIA LYNN DONHAM, ET AL

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

92014

97104616

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JAN - 6 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,            DECEMBER 18, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0132  
CHARLES G. WRIGHT, ET AL V. JOHN WILLIAM GAY, JR.

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

94014

97CV1175

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

DEC 18 1998

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      JANUARY    13, 1999

*The Honorable Court of Appeals met pursuant to adjournment.*

*The Following order was passed:*

Case No. A99I0133

J.H. HARVEY COMPANY, INC. d/b/a HARVEY'S SUPERMARKET V. DIANE MILLER

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

91-014  
97CV949

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JAN 13 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

*Clerk.*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            DECEMBER 30, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0133

J.H. HARVEY COMPANY, INC. d/b/a HARVEY'S SUPERMARKET V. DIANE  
MILLER

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

91014

97CV949

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

DEC 30 1998

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            JANUARY    07, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A99I0134

BIRNBREY, MINSK & MINSK, LLC ET AL V. NOAH YIRGA AS GUARDIAN OF ELLENI  
TOMBASSA

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

95014

97VS134657A

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JAN -7 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Mart, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            DECEMBER 29, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0135  
STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY V. MARY MARGARET  
SHIERLING, ET AL

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

90014

97V674

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    DEC 29 1998*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            JANUARY    06, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0136

JOHN WILLIAM GAY, JR. V. CHARLES G. WRIGHT, ET AL

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

94015

97CV117

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    JAN -6 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            JANUARY    06, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A99I0137

GEORGIA FARM BUREAU MUTUAL INSURANCE COMPANY, ET AL V. PATRICIA  
HUNKE, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

98014

1S97CV116M

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    JAN 6 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,            JANUARY    08, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A99I0138  
PAUL SACCO, ET AL V. DOUGLAS SOTHERLAND

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

97014

97A22807

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    JAN - 8 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martini, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    JANUARY    08, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0139

THE TRAVELERS INDEMNITY COMPANY OF AMERICA V. SUNBELT PERSONNEL  
INCORPORATED d/b/a LABOR FORCE

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

99014

34357

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta            JAN - 8 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*William L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    JANUARY    06, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A99I0140  
BORIS BABICHENKO V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

93014

98D01768S2

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    JAN - 6 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,            JANUARY    08, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A99I0141  
LARRY ARRINGTON, ET AL V. RICHARD GREEN

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

96014

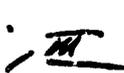
SC97CV1170

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    JAN - 8 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Mart*,  Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,            JANUARY    08, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0142

EDWIN THOMAS TAYLOR V. STEVEN E. BLACKBURN, ET AL

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

92015

97CV354

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    JAN 8 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Mart, III*            Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    DECEMBER 30, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0143  
FLUIDMASTER, INC. V. JOHN SEVERINSON

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

91015

98SC0320

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

DEC 30 1998

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            JANUARY    13, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A99I0144

GEORGIA FARM BUREAU INSURANCE CO. V. BENJAMIN FRANKLIN VINES, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

95015

97516

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    JAN 13 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

*Clerk.*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    JANUARY    14, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0145

ALLIED READYMIX, INC. V. JOHN B. BAGLEY, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

90015

96A276716

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    JAN 14 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JAN 12 1999

*The Court of Appeals hereby passes the following order:*

**A99I0146. NORMAN W. MORGAN v. AMERICAN INSURANCE MANAGERS, INC.  
ET AL.**

This application for interlocutory appeal is from the grant of partial summary judgment for the defendants in this action alleging breach of an employment contract and fraud. However, the interlocutory appeal procedures set forth in OCGA § 5-6-34 (b) apply to judgments that are not otherwise subject to direct appeal. Because orders granting partial summary judgment may be appealed directly, OCGA § 9-11-56 (h); Sapp v. ABC Credit & Inv. Co., 243 Ga. 151 (253 SE2d 82) (1979), this interlocutory application is inappropriate and must be dismissed.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* JAN 12 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      JANUARY                      08, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.                      A99I0147

SHAQUANTA LYUNETTE HALL V. PATRICK KENNETH

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

97015

98SCV0323

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta                      JAN - 8 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will L. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA, JAN 14 1999

*The Court of Appeals hereby passes the following order:*

**A99I0148. CAMDEN COUNTY, GEORGIA, et al. v. HADDOCK.**

Defendants seek immediate review of an order denying cross motions for summary judgment in a case wherein plaintiff is seeking mandamus, declaratory and injunctive relief, and compensatory and punitive damages. Because defendants' arguments are based largely on grounds that are not specific to the propriety of the injunctive or mandamus relief plaintiff seeks, it would appear that the application is properly addressed to this court rather than the Supreme Court. However, OCGA § 9-6-1 provides in part that "[n]o appeal as to any ruling or decision in a mandamus or quo warranto proceeding or in a case involving a writ of prohibition shall be taken . . . until there has been a final judgment in the trial court."

Because plaintiff's claim for mandamus relief remains pending in the court below and the grant of defendants' application would delay final resolution of that part of the case by the trial court in violation of both the letter and spirit of OCGA § 9-6-1, we are constrained to hold that defendants' application for appeal is improper and cannot be considered. Accordingly, the application is hereby DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* JAN 14 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Mart, III* Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,            JANUARY    27, 1999

*The Honorable Court of Appeals met pursuant to adjournment.*

*The Following order was passed:*

Case No. A99I0148

CAMDEN COUNTY, GEORGIA, ET AL V. MARY E. HADDOCK

Upon consideration of the motion for reconsideration filed  
in this case, it is ordered that it be hereby denied.

99-015  
97V087

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*    JAN 27 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*            Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,            JANUARY    27, 1999

*The Honorable Court of Appeals met pursuant to adjournment.*

*The Following order was passed:*

Case No. A99I0148

CAMDEN COUNTY, GEORGIA, ET AL V. MARY E. HADDOCK

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

99-015  
97V087

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    JAN 27 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*            Clerk.

**Court of Appeals  
of the State of Georgia**

**ATLANTA,**

**SEPTEMBER 01, 1998**

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0001

RAY WILLIAMS, ET AL V. JAMES E. ROGERS, JR., ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

92001

97VS0123804C

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta SEP - 1 1998*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            SEPTEMBER 14, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0002  
THOMAS ANDREW SWEENEY V. THE STATE

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

94001

97RCCR1030

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    SEP 14 1998

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,

SEPTEMBER 10, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0003

JOE A. WEEKS V. HUBERT W. MERCHANT, JR.

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

91001

98CV59884

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* SEP 10 1998

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*William L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

**ATLANTA,            SEPTEMBER 15, 1998**

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0004  
FIRST UNION NATIONAL BANK V. SMOKE RISE GOLF AND COUNTRY CLUB, INC.

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

95001

96VS0121392D

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    SEP 15 1998

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            SEPTEMBER 10, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0005  
DERMATOLOGY CLINIC, S.C. V. MEDICAL SOFTWARE MANAGEMENT, INC.

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

90001

98CV1377

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta        SEP 10 1998*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, SEPTEMBER 15, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0006  
ALLEN GIBSON V. ROBERT KNIGHT, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

98001

97VS0130460

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta SEP 15 1998*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III* Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, SEPTEMBER 22, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0007  
ANTHONY W. BACON, JR., ET AL V. CITY OF GLENNVILLE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

97001

97V193

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta SEP 22 1998*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      SEPTEMBER 16, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A99I0008  
ROBERT HAYNIE, ET AL V. BROTHERS BUILDING SUPPLY COMPANY, INC.

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

99001

96597

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    SEP 16 1998

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, SEP 10 1998

*The Court of Appeals hereby passes the following order:*

**A99I0009. DEAN v. SIKES**

Jeannie Rena Dean and Gregory S. Dean filed this application for interlocutory appeal from the trial court's order denying their motion for summary judgment. The trial court certified its order for immediate review on August 10, 1998, and the application was filed with this Court on August 21, 1998, eleven days after entry of the certificate for immediate review. OCGA § 5-6-34 (b) requires that applications for interlocutory appeal be filed within ten days of the date of entry of the certificate of immediate review. Accordingly, the application is untimely, which deprives this Court of jurisdiction to consider the appeal. Graves v. Dean, 166 Ga. App. 186 (303 SE2d 751) (1983). The application for interlocutory appeal is thus DISMISSED for lack of jurisdiction.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* SEP 10 1998

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, Jr.* Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,            SEPTEMBER 24, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0010  
L.E. SIDRE, JR. V. CHARLES WILSON HARVARD, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

96001

97A66514

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta        SEP 24 1998*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*



# Court of Appeals

## Memorandum

---

To: Bill Martin

From: Ed Johnson *EJ*

Subject: Transfer A99I0010 and A99I0011

Date: September 22, 1998

---

Per the attached memo, Chief Judge Andrews wants to grant these applications. Per Bill Martin's instructions, please transfer these cases to Chief Judge Andrews.



# Court of Appeals

## Memorandum

---

To: Judge Johnson  
From: Chief Judge Andrews *JA*  
Subject: A99I0010 and A99I0011  
Date: September 22, 1998

---

I am voting to grant these applications in order to look into the premises liability issue more closely. It may be that I will dismiss them as improvidently granted; however, at first glance, it is difficult to find any negligence, at least on the part of the homeowner.

After a preliminary reading, the evidence shows that the homeowner did not even know that Sidre was home alone instead of at day care, much less that he had a friend over. I do not believe the homeowner was negligent just because there were matches in the house; nor do I believe that the "attractive nuisance" doctrine is applicable in this case. Therefore, I would grant both applications. Please have the case transferred to me.

**Court of Appeals  
of the State of Georgia**

ATLANTA,

SEPTEMBER 23, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0012  
KEITH GENARA RUSSELL V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

92002

Y03607

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* SEP 23 1998

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      SEPTEMBER 18, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0013  
LINCOLN GENERAL INSURANCE COMPANY V. JOHN HILTON, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

94002  
97CV59

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

SEP 18 1998

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA, SEP 18 1998

*The Court of Appeals hereby passes the following order:*

**A99I0014. LAMB v. STATE**

Lewis Early Lamb filed this application for interlocutory review of the trial court's August 17, 1998 order denying his "Motion in Limine, Motion to Suppress and Demurrers." Lamb obtained and filed a certificate of immediate review of that order on August 28, 1998.

"[A] certificate of immediate review of a nonfinal or interlocutory judgment is ineffective unless entered, i.e., filed with the clerk, within ten days after entry of the judgment appealed from." Van Schallern v. Stanco, 130 Ga. App. 687 (204 SE2d 317) (1974). If the certificate of immediate review is not obtained during the ten-day period, it is untimely and the party must wait until a final judgment is entered before appealing an interlocutory judgment rendered in the case. Turner v. Harper, 231 Ga. 175, 176 (200 SE2d 748) (1973).

Lamb's certificate of immediate review was filed 11 days after entry of the order appealed. It is untimely and therefore ineffective to confer jurisdiction upon this Court to consider an interlocutory order. Accordingly, this application is hereby ordered DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* SEP 18 1998

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      SEPTEMBER 16, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0015  
VICKI DOWNS V. PAMELA MARIE CLISBEE ET AL

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

95002

I970949G

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* SEP 16 1998

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will L. Martin, III* Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, SEPTEMBER 18, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0016

FRANK MAYES AND ASSOCIATES, INC., ET AL V. LOUIS E. MASOOD

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

90002

97A362593

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* SEP 18 1998

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      OCTOBER      05, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0017  
STEVEN MCNAMEE, ET AL V. A.J.W., a minor, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

98002

97C55854            97C63984

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    OCT - 5 1998*

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will L. Martin, III*



**Court of Appeals  
of the State of Georgia**

**ATLANTA,                    SEPTEMBER 23, 1998**

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0019  
STEPHEN M. ORT V. THE STATE

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

99002  
98T6232

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta            SEP 23 1998*

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            OCTOBER    05, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0020  
PLATT'S FUNERAL HOME, INC., ET AL V. SARAH POWELL JENKINS, ET AL

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

97003

96RCSC954

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta    OCT - 5 1998

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

**ATLANTA, September 25, 1998**

*The Court of Appeals hereby passes the following order:*

**A99I0021. GRAHAM v. LILBURN GERIATRIC CENTER.**

Upon consideration of applicant's "Withdrawal of Application for Appellate Review," which the court will treat as a Motion for Permission to Withdraw the Application, the same is hereby Granted.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      SEP 25 1998

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, SEPTEMBER 30, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0024  
CARRIE JEANETTE BARBER V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

91003

98Z204316F

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta SEP 30 1998

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, SEPTEMBER 24, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0022  
FIRST ALLIANCE BANK V. WESTOVER, INC., ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

92003

931198724

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta SEP 24 1998*

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*William L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, SEP 30 1998

*The Court of Appeals hereby passes the following order:*

**A99I0023. WOODS, et al. v. McCLENDON, et al.**

The Treutlen County Board of Education and Reginald Woods seek an interlocutory appeal from an order denying their motion for summary judgment entered August 24, 1998. This court issued an order on September 11, 1998, directing that applicants supplement their application for appeal with a stamped "filed" copy of the certificate of immediate review within ten days or the application would be dismissed. The document was not received in this court until September 23, 1998. The defendants' application is therefore subject to dismissal for failure to comply with this court's order of September 11. Moreover, although the trial court signed the certificate of immediate review on August 28, 1998, it appears the document was not actually filed until September 15, 1998. To be effective, a certificate of immediate review must be signed and filed within ten days of the entry of the order to which the certificate refers. Turner v. Harper, 231 Ga. 175, 176 (200 SE2d 748) (1973).

For the foregoing reasons, the application is hereby DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* SEP 30 1998

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

*Clerk.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, SEPTEMBER 30, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0025  
LAVERN SUPAN V. JOEY D. GRIFFIN, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

95003

97CV269

*Court of Appeals of the State of Georgia*  
SEP 30 1998  
*Clerk's Office, Atlanta*

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    OCTOBER    08, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0026  
HOLLY PIKE ROMANO V. THOMAS K. PIKE, SR. ET AL

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

90003  
98V584

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*      OCT - 8 1998

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Jill L. Mart, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      SEPTEMBER 28, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0027  
RITA S. CARPENTER V. THE STATE

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

93003  
39032B

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*                      SEP 28 1998

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*                      Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,            OCTOBER    01, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A99I0028

GARY ROBERT SLAUSON a/k/a GARY SKULLY V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

98003

98R034

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    OCT - 1 1998*

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*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            OCTOBER    01, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0028

GARY ROBERT SLAUSON a/k/a GARY SKULLY V. THE STATE

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

98003

98R034

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    OCT - 1 1998*

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            OCTOBER    06, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0029

MUSTAFA MUSLIM, as administrator of the estate of ANIYYAH MUSLIM,  
deceased V. LYNN JAMES DARBY, ET AL

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

99003

SU95CV0227

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    OCT -6 1998*

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*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,            OCTOBER    15, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0030  
LEANNE WHITE V. MIKE FRANCHI, ET AL

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

96003

97C5976S3

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*        OCT 15 1998

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*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

# of Appeals of the State of Georgia

ATLANTA, October 01, 1998

*The Court of Appeals hereby passes the following order:*

**A99I0031. IN RE: JOHN ETHAN LUND.**

This application for interlocutory appeal seeks review of a juvenile court's order denying a motion to permit discovery. The discovery order was entered on July 28, 1998, but the certificate of immediate review was not filed until September 11, 1998.

Under OCGA § 5-6-34 (b), in order to obtain an interlocutory appeal, a certificate of immediate review must be filed within 10 days of entry of the order from which appeal is sought. If the certificate of immediate review is not filed within the ten-day period allowed, the party seeking review must wait until entry of final judgment in the matter to appeal the order. Turner v. Harper, 231 Ga. 175 (200 SE2d 748) (1973). As the certificate of immediate review was untimely in this case, the application must be dismissed.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      **OCT - 1 1998**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            OCTOBER    09, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0032  
JOSEPH FARMER, ET AL V. RODELL HARLEY

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

94004

I962147G

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta    OCT - 9 1998*

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

*Will L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,            OCTOBER    13, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A99I0033

TAYLOR AUTO GROUP, INC. V. GEJUAN C. JESSIE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

91004

97RCCV338

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    OCT 13 1998

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      OCTOBER      01, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A99I0034  
CITY OF VIDALIA V. MONA LISA BROWN, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

95004  
96CV802

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta            OCT - 1 1998*

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    OCTOBER    14, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0035  
LAWRENCE JONES, ET AL V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

90004

97CR490

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

OCT 14 1998

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    OCTOBER    01, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0036

DONNA C. TAYLOR V. JIMMY AUTRY STATE PRISON, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

98004

97V526

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta      OCT - 1 1998*

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hereto affixed the day and year last above written.*

*Will. L. Martin, III*

*Clerk.*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            OCTOBER    21, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0037

CONNIE LIESMAN, ET AL V. SUSAN WOO d/b/a/ PROFESSIONAL CLEANERS

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

97004

97CV1575V

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    OCT 21 1998*

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            OCTOBER    06, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A99I0038  
T. WAYNE RENTZ, ET AL V. LAVADA TAYLOR

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

99004

9702093

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    OCT - 6 1998*

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*William L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    OCTOBER    13, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A99I0039

GEORGIA LOTTERY CORPORATION V. DARRYL E. SUMNER

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

93004

97VS0134072J

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*            OCT 13 1998

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      OCTOBER      09, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A99I0040

SARAH HALL V.    RODELL HARLEY

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

94005

I962147G

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      OCT - 9 1998

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*      Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      OCTOBER      19, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0041  
VETERANS LIFE INSURANCE COMPANY V. LILLIAN KIRTON

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

96004

97V028

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

OCT 19 1998

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*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      OCTOBER      16, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0042

BACKUS CADILLAC-PONTIAC, INC. V. GEORGE SAULS

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

92005

I981458G

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

OCT 16 1998

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Mart, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            OCTOBER    16, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A99I0043

JOHN IMHOFF, M.D., ET AL V. EILEEN HARRELL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

91005

9801088

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

OCT 16 1998

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
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Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      OCTOBER      16, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0044

MELVIN N. ABEND, M.D., ET AL V. BETTY KLAUDT, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

95005

97VS0126064C

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta            OCT 16 1998*

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    OCTOBER    26, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A99I0045

GEORGIA DEPARTMENT OF TRANSPORTATION V. BEATRICE COE, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

90005

97VS0126174J

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    OCT 26 1998

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hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            OCTOBER    15, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION   NO.            A99I0046

MACCONOCHIE CONSTRUCTION COMPANY V. BUFFINGTON/RED OAK DEVELOPMENT  
COMPANY, ET AL

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

98005

96A260211

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    OCT 15 1998*

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hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA, OCT 13 1998

*The Court of Appeals hereby passes the following order:*

**A99I0047. Westbrook v. The State**

David E. Westbrook seeks interlocutory review of the trial court's denial of his motion to declare OCGA § 17-16-1 unconstitutional, void and of no effect. However, the Supreme Court has exclusive appellate jurisdiction in all cases in which the constitutionality of a law has been drawn into question. Ga. Const. of 1983, Art. VI, Sec. VI, Par. II. Because the sole issue on appeal is the trial court's denial of Westbrook's motion to declare OCGA § 17-16-1 unconstitutional, this Court lacks jurisdiction over this appeal. Accordingly, this appeal is hereby TRANSFERRED to the Supreme Court.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* OCT 13 1998

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III* Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    OCTOBER    21, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0048  
RONALD D. ERWIN, ET AL V. ALLEN COX

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

99005

94V0226E

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    OCT 21 1998

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    OCTOBER    30, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A99I0049

TOOMBS COUNTY NURSING HOME V. MILDRED FISHER, individually and  
b/n/f of T.C. FISHER

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

93005

93SPCV534

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    OCT 30 1998

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            OCTOBER    30, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0050

MILDRED FISHER, individually and b/n/f of T.C. FISHER V. TOOMBS  
COUNTY NURSING HOME

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

93006

93SPCV534

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    OCT 30 1998

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            OCTOBER    16, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0051

DANIEL DUBOVSKY, M.D., ET AL V. BETTY KLAUDT, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

95006

97VS0126064C

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* OCT 16 1998

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA, OCT 15 1998

*The Court of Appeals hereby passes the following order:*

**A99I0052. Chip Harp d/b/a Sisters Court Coffee v. Georgia Mountain Water**

Chip Harp d/b/a Sisters Court Coffee ("Harp") filed this application for interlocutory appeal seeking review of the trial court's denial of his motion for summary judgment. The trial court's order was entered on September 15, 1998. A certificate of immediate review was obtained and filed of record on September 23, 1998. Harp filed this application on October 6, 1998.

OCGA § 5-6-34 (b) sets forth the criteria for an interlocutory application. A certificate of immediate review must be obtained and filed within 10 days of the entry of the order sought to be appealed. An application for interlocutory appeal must be filed within 10 days of the filing of the certificate. In this case the certificate was filed within 10 days of the entry of the order Harp seeks to appeal; however, the application was not filed until 13 days after the entry of the certificate. The application is therefore untimely and this Court lacks jurisdiction to consider this application.

Accordingly, this application for interlocutory appeal is hereby ordered DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    OCT 15 1998

*I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto affixed the day and year last above written.*

*Will. L. Mat, III* Clerk.

**Court of Appeals  
of the State of Georgia**

**ATLANTA, NOV -3 1998**

*The Court of Appeals hereby passes the following order:*

**A99I0052. Harp d/b/a Sisters Court Coffee v. Georgia Mountain Water.**

Chip Harp d/b/a Sisters Court Coffee seeks reconsideration of this Court's dismissal of his application for interlocutory appeal. Harp's application was dismissed as untimely. Harp claims the dismissal was in error as he timely filed his application by certified mail as permitted by Court of Appeals Rule 4. However, Harp's application was mailed via "Express Mail" which does not meet the requirements for certified mail return receipt requested as provided by Rule 4. Accordingly, Harp's motion for reconsideration is denied.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta NOV -3 1998*

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

*Will. L. Martin, III*

*Clerk.*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      OCTOBER      27, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.                      A99I0053

SUSAN HARDING, M.D. V. MELANIE MONTGOMERY GODWIN, individually and  
as Administratrix of the Estate of NICHOLAS EDWARD GODWIN, deceased

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby GRANTED. The Appellant may  
file a Notice of Appeal within 10 days of the date of this order.  
The Clerk of SUPERIOR COURT is directed to include a copy of this  
order in the record transmitted to the Court of Appeals.

92006

97CV441

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      OCT 27 1998

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      OCTOBER      27, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A99I0054  
PATRICK WILLINGHAM V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

94006

98CR224

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

OCT 27 1998

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      OCTOBER      22, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0055  
CANAL INSURANCE COMPANY V. ANITIA TEKRONY

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

91006  
97V457

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta      OCT 22 1998*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*William L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      OCTOBER      30, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0056  
MOORE-SAPP INVESTORS V. J.C. RICHARDS

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

90006  
9602093

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

OCT 30 1998

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      OCTOBER    30, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.                      A99I0057

CITY OF BRUNSWICK, GEORGIA V. JOHN C. RICHARDS

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

90007

9602093

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

OCT 30 1998

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            OCTOBER    21, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0058  
MICHAEL LEON HARVEY V. THE STATE

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

98006

97R110

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta        OCT 21 1998*

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      OCTOBER     29, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0059

COMMERCIAL CREDIT PLAN, INCORPORATED V. FRED G. WILLIAMS, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

97006

9849992

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta     OCT 29 1998*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      OCTOBER      27, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0060

MARTIN MARTINEZ V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

99006

98CR139

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta      OCT 27 1998*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martinez*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      OCTOBER      27, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A99I0061  
PHILIP M. TYRSECK V. THE STATE

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

96006

98SR2436

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

OCT 27 1998

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, NOVEMBER 05, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0062  
JEFFERY CAIN, ET AL V. ANGELA MESSICK

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

92007

95A140436

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta NOV -5 1998*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, NOVEMBER 05, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0063

TUCKER FEDERAL BANK V. PRIME GROUP, INC., ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

94007

97RCCV1128

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta NOV - 5 1998*

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

Clerk.

*Will L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, NOVEMBER 02, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0064  
GARY RICE V. THE STATE OF GEORGIA

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

91007

98FCV118J

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta NOV -2 1998*

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, NOVEMBER 02, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0065  
JANICE KAY RICE V. THE STATE OF GEORGIA

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

91008

98FCV118J

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta* NOV -2 1998

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III* Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,            OCTOBER    27, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0066

STATE FARM FIRE & CASUALTY COMPANY V. JOE CRENSHAW, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

95007

98V338

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

OCT 27 1998

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
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Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, NOVEMBER 10, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0067  
BILL JOSEPH WILLIAMS V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

98007

9792584

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta NOV 10 1998*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*William L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, NOVEMBER 03, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0068  
JAMES V. JORDAN V. DERICK HOMER, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

97007

96A215821

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

NOV - 3 1998

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the minutes of the Court of Appeals of Georgia.*

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Clerk.

*Will. L. Mat, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      NOVEMBER 03, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0069

I.B. SIRMANS V. THE STATE

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

99007

98386

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

NOV -3 1998

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*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, NOVEMBER 18, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0070

ARTHUR MORRISON, ET AL V. ARMADA VEHICLE RENTAL, INC.

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

93007

97CV10207

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

NOV 18 1998

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the minutes of the Court of Appeals of Georgia.*

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Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, NOVEMBER 03, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0071  
FRANKLIN D. SMITH V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

96007

98CR0124

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

NOV - 3 1998

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hereto affixed the day and year last above written.*

*Will. L. Martini, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, NOVEMBER 13, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0072  
LORENE MULLINS V. STAR CHOICES, INC.

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

92008

98CV2139

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

NOV 13 1998

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Clerk.

*Will. L. Mat, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, NOVEMBER 09, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0073  
THE HOME PLACE, INC. V. ANDY SHURLEY, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

94008

97CV13948

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

NOV - 9 1998

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Clerk.

*William L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      NOVEMBER 18, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0074

AMERICAN ASSOCIATION OF CAB COMPANIES, INC., ET AL V. THOMAS PARHAM,  
SR., ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

95008

94VB88590A

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

NOV 18 1998

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Clerk.

*Will L. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA, NOV -3 1998

*The Court of Appeals hereby passes the following order:*

**A99I0075. SABRINA D. MCCURRY v. THE STATE.**

This application for interlocutory appeal is from the denial of a motion to suppress the results of a blood test in a DUI case. The trial court denied the defendant's motion on September 28, 1998, and a certificate of immediate review was entered on October 12, 1998.

However, under OCGA § 5-6-34 (b), a certificate of immediate review must be entered within ten days of entry of the judgment for which an appeal is sought. "[T]he certificate must be filed with the clerk of the trial court or 'entered' within the ten-day period in order to secure immediate review of a non-final judgment; and if the certificate is not entered within the ten-day period, then the party seeking review will merely have to await a final judgment in the case before he can obtain review of interlocutory judgments entered in the trial court." Turner v. Harper, 231 Ga. 175, 176 (200 SE2d 748) (1973).

In this case, as the certificate of immediate review was not filed within ten days of the denial to the motion to suppress, the application is hereby dismissed.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta NOV -3 1998*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

# Court of Appeals of the State of Georgia

ATLANTA, NOV -2 1998

*The Court of Appeals hereby passes the following order:*

**A99I0076. Turnbull v. Neustadt**

T. David Turnbull and Indra Turnbull filed this interlocutory application seeking review of the trial court's grant of partial summary judgment to Laurence T. Neustadt. However, because grants of summary judgment are subject to direct appeal, and because the interlocutory appeal procedure is applicable only to those orders, decisions, and judgments which are "not otherwise subject to direct appeal," (OCGA § 5-6-34 (b)) this Court lacks jurisdiction over this application. Artis v. Gaither, 199 Ga. App. 114-115 (404 SE2d 322) (1991). Accordingly, the application for interlocutory appeal is ordered DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* NOV -2 1998

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      NOVEMBER 20, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0077

TORIONO LAWSON V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

97008

96R086

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta            NOV 20 1998*

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*                      Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, NOVEMBER 20, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0078  
DEXTER L. MCSWAIN, ET AL V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

97009

96R086

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

NOV 20 1998

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Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      NOVEMBER 09, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0079

SANTEL CONTRACTORS, INC. V. CENTRAL OF GEORGIA RAILROAD CO.

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

99008

95CV8762

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

NOV - 9 1998

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Mart, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      NOVEMBER 09, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0080

SANTEL CONTRACTORS, INC. V. CENTRAL OF GEORGIA RAILROAD CO.

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

99009

95CV8562

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*            NOV - 9 1998

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*Witness my signature and the seal of said court  
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*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      NOVEMBER 09, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0081

CENTRAL OF GEORGIA RAILROAD COMPANY V. JOHNNY L. BRYANT

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

99010

95CV08562

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

NOV -9 1998

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      NOVEMBER 09, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0082

CENTRAL OF GEORGIA RAILROAD COMPANY V. ERNEST K. FOUNTAIN, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

99011

95CV08762

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

NOV -9 1998

*I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      OCTOBER      28, 1998

*The Court of Appeals hereby passes the following order:*

**Case No. A99I0082**

**CENTRAL OF GEORGIA RAILROAD COMPANY V. ERNEST K. FOUNTAIN, ET AL**

The interlocutory application received in the above docketed matter does not contain a stamped "filed" copy of the order appealed, as required by Rule 31 (c).

Applicant is hereby ordered to supplement the application with a stamped "filed" copy of the order instanter. If applicant does not cause a copy of said order to be physically filed with the Court within 10 days of the date of this order, the application will be dismissed. Applicant's submission in response to this order will be deemed filed only on the date it is physically received in the Clerk's office.

The Court is required to issue an order granting or denying the application within 30 days of the filing of the application. See OCGA 5-6-34 (b).

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta      OCT 28 1998*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, NOVEMBER 18, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0083  
CYBEX INTERNATIONAL, INC., ET AL V. LUMEX/ BASIC AMERICAN HOLDINGS,  
INC., ET AL

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

93008

98VS0136709A

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

NOV 18 1998

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. E. Martin, III*

NOV 18 1998

**Court of Appeals  
of the State of Georgia**

ATLANTA, NOVEMBER 12, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0084  
CHRISTOPHER CLARK, ET AL V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

96008

989017234

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta NOV 12 1998*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Mart, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    NOVEMBER 25, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0085  
DONALD K. JOHNSON V. JAMES BARTON RODIER, M.D.

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

92009

HS98CV412

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta            NOV 25 1998*

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, NOVEMBER 18, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0086

BLUEPRINT DEVELOPMENT, INC., ET AL V. SHERRON C. LEE, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

94009

CV960468MO

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* NOV 18 1998

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      NOVEMBER 18, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0087  
UNITED PARCEL SERVICE, INC. V. JERUSHA MOORE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

91009  
97CV346

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      NOV 18 1998

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, NOVEMBER 18, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0088  
MICHAEL WAYNE BELLAMY, JR. V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

95009

98CR1424V

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* NOV 18 1998

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      NOVEMBER 18, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0089  
AMERICA FIRST PROPERTIES V. JASON LANE, ET AL

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

90009

E49640

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

NOV 18 1998

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA, NOV 25 1998

*The Court of Appeals hereby passes the following order:*

**A99I0090. Portman v. Portman**

Marquitta Portman seeks interlocutory review of the trial court's denial of her motion to recuse the Honorable Michael Stoddard. The order Portman seeks to appeal was entered by the trial court on October 27, 1998. A certificate of immediate review was entered by the trial court on November 6, 1998. Portman filed this application on November 17, 1998. An application for interlocutory review must be filed within ten days after a certificate of immediate review is granted. OCGA § 5-6-34 (b). Portman's application was not filed until eleven days after entry of the certificate. Portman's failure to timely file this application deprives this Court of jurisdiction over this application. Accordingly, this application is ordered DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* NOV 25 1998

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Mat, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

**ATLANTA,                   DECEMBER 15, 1998**

*The Court of Appeals hereby passes the following order:*

Case No. A99I0090

MARQUITTA PORTMAN V. GREGORY R. PORTMAN

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

DEC 15 1998

*I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, NOVEMBER 18, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0091  
ANTHONY MARK LEWIS V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

95010

98CR1424V

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

NOV 18 1998

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, NOVEMBER 18, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0092  
MICHAEL WAYNE BELLAMY, SR., ET AL V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

95011

98CR1424V

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta NOV 18 1998*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, NOVEMBER 24, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0093  
RONALD WADE THOMPSON V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

93009

98CR00811

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

NOV 24 1998

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    DECEMBER 02, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0094  
FICKLING & COMPANY V. SHARON E. GRANT

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

96009

98CV0373

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    DEC -2 1998

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA, November 17, 1998

*The Court of Appeals hereby passes the following order:*

**A99I0095. ALTON LIVELY v. MATHEL LEE GILLIS.**

This application for interlocutory appeal is from the denial of summary judgment for the defendant in a tort action. The trial court denied the motion for summary judgment on October 14, 1998, and granted a certificate of immediate review on October 27, 1998. However, under OCGA § 5-6-34 (b), the deadline for filing the certificate of immediate review was October 26, 1998. If the certificate is not filed within the required time period, "then the party seeking review will merely have to await a final judgment in the case before he can obtain review of interlocutory judgments entered in the trial court." Turner v. Harper, 231 Ga. 175, 176 (200 SE2d 748) (1973). Accordingly, this application is hereby dismissed.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      NOV 17 1998

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

*Clerk.*

**Court of Appeals  
of the State of Georgia**

**ATLANTA,                    NOVEMBER 25, 1998**

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0096

JOSEPH M. HUGHES V. GEORGIA DEPARTMENT OF CORRECTIONS

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

94010

E47916

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    NOV 25 1998*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      NOVEMBER 24, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0097  
THOMAS F. PALMER V. SUSAN M. BERTRAND

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

91010

97CV15498

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    NOV 24 1998*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martini, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,            DECEMBER 03, 1998

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0098  
CITY OF ELBERTON V. BROADUS P. DANIEL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

90010

97EV368B

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      DEC -3 1998

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

*Will L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

**ATLANTA,            JANUARY    13, 1999**

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0149  
CHASE BANK OF TEXAS, N.A. F/K/A TEXAS COMMERCE BANK, N.A. V.  
J. OGBURN BLAKE ET AL

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

93015

E61930

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    JAN 13 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

*Clerk.*

*William L. McIntosh, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    JANUARY    14, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0150

STEVEN MONTALTO ET AL V. SAMUEL L. BROOKS ET AL

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

96015

E43610

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    JAN 14 1999*

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
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*Clerk.*

*William L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    JANUARY    27, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A99I0151

CRAIG DAVID MINNIX ET AL V. TONY CARROLL PAYNE ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

92016

98CV0423

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    JAN 27 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      JANUARY      25, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0152  
ARTHUR PANICUCCI ET AL V. THE STATE

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

94016

98R8250

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      JAN 25 1999

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    JANUARY    20, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0153

MARILOIS LASTER V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

91016

98CR3203

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JAN 20 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      JANUARY      25, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0154  
ALTON LIVELY V. RANDY MCDANIEL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

95016

98CV00067

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JAN 25 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, NOVEMBER 13, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0155  
BDO SEIDMAN, LLP. V. J. OGBURN BLAKE, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

93016

E61930

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JAN 13 1999

*I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            JANUARY    13, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A99I0156  
BDO SEIDMAN, ET AL V. LESLIE WHITE, ET AL

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

93017

E61995

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    JAN 13 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    JANUARY        15, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A99I0157  
TELFAIR ARMS APARTMENTS V. BARBARA M. HANNAH

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

90016

I962042F

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*                    JAN 15 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      JANUARY      19, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0158

ROSEMARY BAUER V. GEORGIA EYE BANK, INC., ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

98016

E68113

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta            JAN 19 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            JANUARY    27, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A99I0159  
ROBERT W. GRUNDUSKI V. KIMBERLY MARQUIS

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

97016

98A09322

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JAN 27 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,            JANUARY    22, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A99I0160  
KIMBERLY ANNE MICHAEL V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

99016

98SR689

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta    JAN 22 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      JANUARY    22, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0160  
KIMBERLY ANNE MICHAEL V. THE STATE

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

99016

98SR689

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    JAN 22 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martini, III*

Clerk.

# Court of Appeals of the State of Georgia

ATLANTA, JAN 11 1999

*The Court of Appeals hereby passes the following order:*

**A99I0161. Lonnie Lee Lassinger v. The State**

Applicant Lonnie Lee Lassinger seeks interlocutory review of the trial court's denial of his motion to dismiss. An application for interlocutory review is required to be filed with this court within ten days of the grant of a certificate of immediate review. OCGA § 5-6-34 (b). Further, a certificate of immediate review must be obtained and filed within ten days of the interlocutory order being appealed. *Id.* In this case, Lassinger's failure to obtain a certificate of immediate review within ten days of denial of his motion to dismiss deprives this Court of jurisdiction over this application. Accordingly, this application is ordered DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* JAN 11 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,            JANUARY    26, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0162

DONALD L. BOYD, M.D., ET AL V. RITA PEAK, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

96016

94SCV0005

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JAN 26 1999

*I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

**ATLANTA,                    FEBRUARY 11, 1999**

*The Honorable Court of Appeals met pursuant to adjournment.*

*The Following order was passed:*

Case No. A99I0162

DONALD L. BOYD, M.D., ET AL V. RITA PEAK, ET AL

Upon consideration of the motion for reconsideration filed  
in this case, it is ordered that it be hereby denied.

96-016  
94SCV0005

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

FEB 11 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,            JANUARY    25, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0163

DEWITT PRODUCE COMPANY, INC., ET AL V. RICHARD BONDS, ET AL

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

92017

97CV520

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    JAN 25 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            JANUARY    29, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0164

ROBERT JOSEPH HANOUSEK V. NAOMI SCHAFFER

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

91017

981405F

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    JAN 29 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            FEBRUARY 03, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0165

ATLANTA STADIUM DESIGN TEAM, ET AL V. HELMARK STEEL, INC.

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

95017

96VS0115622A

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

FEB - 3 1999

*I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            JANUARY    29, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0166  
ALVINA MARTIN V. DEBBIE RICHMOND

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

90017

96CV0169

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta        JAN 29 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA, JAN 29 1999

*The Court of Appeals hereby passes the following order:*

**A99I0167. Aundare Griffin v. The State**

This application for interlocutory review seeks review of the trial court's order denying Aundare Griffin's motion to suppress. The order denying Griffin's motion was entered on December 21, 1998. Although Griffin obtained a certificate of immediate review, it was not entered until January 6, 1999.

A certificate of immediate review is ineffective unless it is filed within ten days of the entry of the order or judgment sought to be appealed. OCGA § 5-6-34 (b); Turner v. Harper, 231 Ga. 175 (200 SE2d 748) (1973); Van Schallern v. Stanco, 130 Ga. App. 687 (204 SE2d 317) (1974). If the certificate of immediate review is not entered within the ten day period, it is untimely, and the party seeking review must wait until the final judgment in the case to seek review of the interlocutory order. Turner, supra. In this case, the certificate of immediate review was not filed within ten days of the entry of the trial court's December 21, 1998 order, and therefore, it is untimely. Accordingly, this application is dismissed for lack of jurisdiction.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JAN 29 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will L. Mart*,            Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      FEBRUARY 09, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0168  
TROY FRANKLIN MINCEY V. THE STATE

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

97017

1E98CR146M

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta            FEB -9 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      FEBRUARY 03, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0169

LINDSEY PROPERTIES, INC., ET AL V. DANE PAUL HENRY, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

99017

9701079

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      FEB 03 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

# Court of Appeals of the State of Georgia

ATLANTA, FEB - 3 1999

*The Court of Appeals hereby passes the following order:*

**A99I0170. BENJAMIN E. BROWN v. DANE PAUL HENRY et al.**

This application for interlocutory appeal is from the denial of summary judgment for one defendant in an action arising out of a real estate transaction. The trial court entered orders denying summary judgment and granting a certificate of immediate review on January 11, 1999. This application was filed eleven days later on January 22, 1999.

Under OCGA § 5-6-34 (b), in order to secure immediate review of a non-final judgment, the certificate of immediate review must be filed within 10 days of the judgment's entry and the application for appeal must be filed within 10 days of the certificate's entry. Graves v. Dean, 166 Ga. App. 186 (303 SE2d 751) (1983). As this application is untimely, it must be dismissed for lack of jurisdiction.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* FEB - 3 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

*Clerk.*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      FEBRUARY 11, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0171

DAVID CHADWICK V. BRENDA GAIL RAY, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

96017

97SC0435

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta            FEB 11 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            FEBRUARY 22, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0172

LEOLA SCOGGINS SEGARS V. MICHAEL STEPHEN SHIRLEY, ET AL

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

92018

98CV95W

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*        FEB 22 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*William L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,            FEBRUARY 12, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0173

SFR WEST GEORGIA LLC d/b/a PAPA JOHN'S PIZZA V. JOHN ROBERT SANDERS,  
ET AL

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

94018

97SV344

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta    FEB 12 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            FEBRUARY 08, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0174

CARLTON R. NORTH, ET AL V. THE UNIFIED GOVERNMENT OF ATHENS - CLARKE  
COUNTY, GEORGIA

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

91018

SU97CV0898J

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    FEB - 8 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martini, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,            FEBRUARY 10, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0175

P.E. ATLANTA, INC., d/b/a BELL BOTTOMS NIGHTCLUB, ET AL V. LARRY W.  
BREEDLOVE, JR., ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

95018

97VS0130540C

*Court of Appeals of the State of Georgia*  
FEB 10 1999  
*Clerk's Office, Atlanta*  
FEB 10 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*William L. Martin, III*            Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,            FEBRUARY 16, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0176  
LEON MITCHELL V. STATE OF GEORGIA

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

90018

98CV2348

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    FEB 16 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            FEBRUARY 10, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0177

HABERSHAM VENTURE, LTD. V. LARRY W. BREEDLOVE, JR., ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

95019

97VS130540

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

FEB 10 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,            FEBRUARY 10, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0178

AIRBORNE FREIGHT CORPORATION d/b/a AIRBORNE EXPRESS V. ARTURO VIGIL,  
individually and as Legal Guardian for EMILIA VIGIL, an incapacitated  
adult

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

98018

97VS0126120F

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    FEB 10 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*



# Court of Appeals of the State of Georgia

ATLANTA, FEB 12 1999

*The Court of Appeals hereby passes the following order:*

**A99I0180. DARRELL W. LEE, ET AL. v. ENVIRONMENTAL PEST & TERMITE CONTROL, INC.**

On February 1, 1999, applicants Darrell W. Lee, Future Pest Control, Inc. d/b/a Future Termite and Pest Control, and Dell Walker filed this application seeking to appeal the trial court's January 20, 1999 orders denying their motions for summary judgment. The applicants simultaneously filed an application to appeal the denial of summary judgment with the Supreme Court (S99I0645). The case is already pending in the Georgia Supreme Court on direct appeal of the trial court's earlier order granting an interlocutory injunction (S99A0184). On November 23, 1998, the Supreme Court denied the motion of these applicants to transfer the direct appeal in S99A0184 to this Court.

There appears to be no reason for the appeals in this case to be divided between the appellate courts. Accordingly, because the Supreme Court affirmatively assumed jurisdiction in S99A0184, this application is hereby ordered transferred to the Supreme Court for disposition.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* FEB 12 1999 FEB 12 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will L. Martin, III*

*Clerk.*

**Court of Appeals  
of the State of Georgia**

**ATLANTA,            FEBRUARY 24, 1999**

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0181

STIMSONITE CORPORATION V. MICHAEL S. WHITTLE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

96018

97VS0131411A

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            FEBRUARY 26, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0182

MARY LOU MOYA V. LEROY GENTRY

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

92019

68599B

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    FEB 26 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will L. Mat...*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,            FEBRUARY 12, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0183

MECHANICAL EQUIPMENT CO. V. CELESTE M. HOOSE, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

94019

96SV821D

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* FEB 12 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,            FEBRUARY 19, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0184

FREDA W. THOMAS, ET AL V. SYLVESTER WILEY, JR.

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

91019

1969456G

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta        FEB 19 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA, FEB -9 1999

*The Court of Appeals hereby passes the following order:*

**A99I0185. TERRY LEE CUZZORT v. THE STATE.**

This application is from the denial of a criminal defendant's motion for the Lookout Mountain Judicial Circuit to change its system for case assignment and calling cases for trial.

Uniform Superior Court Rule 3 provides in part: "In multi-judge circuits, unless a majority of the judges in a circuit elect to adopt a different system, all actions, civil and criminal, shall be assigned by the clerk of each superior court . . . ." On May 11, 1998, the four superior court judges of the Lookout Mountain Judicial Circuit rejected the method of case assignment set forth in that uniform rule and instead chose to continue the system of having the District Attorney assign cases and decide the order of cases called for trial.

Maintenance of a state court system capable of providing for the administration of justice in an orderly and efficient manner falls within the inherent power of the Supreme Court. Garcia v. Miller, 261 Ga. 531 (408 SE2d 97) (1991). See also, Lumpkin v. Johnson, Ga. (Case No. S98A1444, decided December 4, 1998). As

this application raises an issue that invokes the application of that inherent power, it is hereby transferred to the Supreme Court.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* FEB - 9 1999

*I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto affixed the day and year last above written.*

*Will. L. Martin, III*

*Clerk.*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      FEBRUARY 19, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0186

AUDREY NEWSOME V. STATE OF GEORGIA DEPARTMENT OF ADMINISTRATIVE  
SERVICES

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

98019

97V8190

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    FEB 19 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            FEBRUARY 19, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0187  
EDWARD RADFORD V. ALYCE RADFORD

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

97019

97A79831

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*        FEB 19 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      FEBRUARY 24, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0188  
TERESA ANN JOINER V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

99019  
98R033

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    FEB 24 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            FEBRUARY 22, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0189

ABBLITT CORPORATION V. HENRY KEITH UNDERWOOD, ET AL

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

93019

97SC1156

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    FEB 22 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will L. Mat...<sup>III</sup>*

Clerk.

# Court of Appeals of the State of Georgia

ATLANTA, MAR - 8 1999

*The Court of Appeals hereby passes the following order:*

**A99I0190. Abner Clark Mackey v. The State**

In July 1997, Abner Clark Mackey was convicted of rape. In December 1998, Mackey filed in the trial court what he labels a motion to arrest judgment. On February 4, 1999, Mackey filed an application for interlocutory appeal in this Court. On February 5, 1999, this Court issued an order requiring Mackey to file a stamped "filed" copy of the order appealed and a stamped "filed" copy of the certificate of immediate review within ten days of the date of the order, or by February 16, 1999.<sup>1</sup> The order specifically stated that if Mackey failed to do so, his application would be dismissed. Because Mackey has failed to comply with this Court's February 5, 1999 order, this application must be dismissed. Mackey's application also must be dismissed because it does not appear that Mackey's motion has ever been ruled on by the trial court. See Mackey's response to this Court's February 5, 1999 order. Thus, Mackey's application is premature. Because Mackey's appeal must be dismissed for the reasons stated, it is unnecessary to address

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<sup>1</sup>February 15, 1999 was a federal holiday, and therefore, Mackey had until February 16, 1999 to file a stamped "filed" copy of the order appealed and the certificate of immediate review.

Mackey's argument that he did not need to obtain a certificate of immediate review, which pertains to only one part of one reason for dismissal. Mackey's motion to transfer to the Supreme Court is DENIED because this Court has jurisdiction of the subject matter.

For the reasons stated, Mackey's application is defective and deficient and therefore is hereby ordered DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    MAR - 8 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. McArthur, Jr.*    Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 16, 1999

*The Honorable Court of Appeals met pursuant to adjournment.*

*The Following order was passed:*

Case No. A99I0191

CAROLINA CRANES, INC. V. UNIVERSITY HEALTH SERVICES, INC., ET AL

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

96-019  
98RCS1432

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*      MAR 16 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

**ATLANTA,            MARCH            16, 1999**

*The Honorable Court of Appeals met pursuant to adjournment.*

*The Following order was passed:*

Case No. A99I0191

CAROLINA CRANES, INC. V. UNIVERSITY HEALTH SERVICES, INC., ET AL

Upon consideration of the motion for reconsideration filed  
in this case, it is ordered that it be hereby denied.

96-019  
98RCS1432

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    MAR 16 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, Jr.*

*Clerk.*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      FEBRUARY 22, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0192

J.H. HARVEY COMPANY, INC. V. DEBORAH FOWLER HOWARD

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

92020

97SCV187

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

FEB 22 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 02, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0193  
ERIC BATTERSBY d/b/a CHEROKEE CYCLE ATV AND SMALL ENGINES V.  
JEANNE BOYER, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

94020

95SC0489

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* MAR -2 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 02, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0194

AMERICAN HONDA MOTOR COMPANY, INC., ET AL V. JEANNE BOYER, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

94021

95SC0489

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta MAR - 2 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will L. Martin, III* Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,            FEBRUARY 22, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0195

EMPIRE FIRE AND MARINE INSURANCE COMPANY V. JOAN REYNOLDS

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

95020

SU96CV15745

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

FEB 22 1999

*I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    FEBRUARY 26, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0196  
COMSOUTH TELESERVICES, INC. V. CATHY C. LIGGETT, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

90020  
97V8210

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*                    FEB 26 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA, FEB 19 1999

*The Court of Appeals hereby passes the following order:*

**A99I0197. ARMANDO MARTINEZ v. THE STATE.**

This application for interlocutory appeal is from the denial of a motion to suppress evidence. The trial court denied the motion on January 27, 1999, and granted a certificate of immediate review on January 29, 1999. This application was filed 11 days later on February 9, 1999.

However, under OCGA § 5-6-34 (b), an application for appeal of an interlocutory judgment must be filed within 10 days after the grant of a certificate of immediate review. Because this application was filed untimely, this court lacks jurisdiction to consider it. Summer Tree Club Assocs. v. Graves Constr. Co., 140 Ga. App. 214 (230 SE2d 503) (1976). Accordingly, this application is hereby dismissed.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta FEB 19 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*William L. Martinez, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            FEBRUARY 26, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0198

AAA TRUCK SALES, INC. V. MERSHON TRACTOR COMPANY, INC.

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

97020

94CV343

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

FEB 26 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA, FEB 26 1999

*The Court of Appeals hereby passes the following order:*

**A99I0199. NIALL DOWNIE v. JENNIFER LOCKETT**

Niall Downie seeks to appeal the January 29, 1999 order of the trial court which continued "the Injunction and Restraining Order entered by the Court on November 24, 1998 . . . until further order of this Court." Apparently, the November 24, 1998 order, entered ex parte, restrained Anthony Zezima, Downie's attorney and not a party to the action, from disbursing funds in the amount of \$10,000 being held in trust for Downie in Zezima's attorney trust account. Generally, where the issue on appeal is the legality or propriety of equitable relief granted by the superior court, jurisdiction is in the Supreme Court, whereas where the grant of injunctive relief was merely ancillary to an underlying legal issue, jurisdiction is in this Court. See Saxton v. Coastal Dialysis and Medical Clinic, Inc., 267 Ga. 177, 178-79 (476 SE2d 587) (1996). In Manning v. Manning, 270 Ga. 86, 86 (1) (1998), the Supreme Court exercised jurisdiction where the superior court granted equitable relief in the form of a prejudgment freezing of assets. In this case, because Downie seeks an appeal on the issue of the legality or propriety of the injunctive relief granted by the superior court,

and the issue of the injunction was not merely ancillary to underlying legal issues, the issues raised in the application appear to be reserved within the exclusive jurisdiction conferred on the Supreme Court by Ga. Const. Art. VI, Sec. VI, Par. III (2).

Although Downie's application does not appear to be sufficiently supported with materials from the record, we deem it proper to allow the Supreme Court to determine, under its rules, whether Downie's application for appeal should be granted. Accordingly, it is ordered that this application be transferred to the Supreme Court for disposition.

99-020

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      FEB 26 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*William L. Martin, III*

*Clerk.*

# Court of Appeals of the State of Georgia

ATLANTA, MAR -5 1999

*The Court of Appeals hereby passes the following order:*

**A99I0200. WEIR v. THE STATE.**

Reginald Weir is alleged to have molested and sodomized a five-year-old family member on August 16, 1997. Weir was then 15 years of age. A complaint was filed against Weir in the juvenile court on September 22, 1997, by a police officer. A preliminary hearing was scheduled in the matter, but in the meantime Weir was indicted by a grand jury and charged with child molestation and sodomy. The preliminary hearing scheduled in juvenile court was canceled as a result. Weir's counsel thereafter filed a petition for bond in which he asserted that his client was indicted prior to arrest, prior to a preliminary hearing, and prior to any action having been taken in the juvenile court to determine probable cause or whether the case should be transferred to superior court. Weir filed a motion to dismiss, which was denied by order entered on January 22, 1999. A certificate of immediate review was filed on February 1, 1999, and this application followed.

It appears any error in the denial of Weir's motion to dismiss has been rendered moot by Weir's re-indictment on charges of aggravated sodomy and aggravated child molestation on January 30,

1999. OCGA §§ 15-11-5 (b) (2) (A) (iv) and (v). We specifically note that at no time prior to re-indictment did the juvenile court acquire exclusive jurisdiction in this matter by any of the methods enumerated in OCGA § 15-11-11. Accord State v. Whetstone, 264 Ga. 135, 136 (441 SE2d 842) (1994) (filing of juvenile complaint form does not operate to vest exclusive jurisdiction in the juvenile court).

For the foregoing reasons, Weir's application for interlocutory appeal is hereby DISMISSED as moot.

93-020

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    MAR -5 1999

*I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto affixed the day and year last above written.*

*Will. L. Mart, III* <sup>Clerk.</sup>

**Court of Appeals  
of the State of Georgia**

**ATLANTA, MARCH 11, 1999**

*The Honorable Court of Appeals met pursuant to adjournment.*

*The Following order was passed:*

Case No. A99I0200

REGINALD WEIR V. THE STATE

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

93-020  
Z98717

Z94520

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 11 1999**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will L. Martin, III*

*Clerk.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 02, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0201

JACK MULLIS, ET AL V. MATTHEW SHANNON CHESSER

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

96020

98V054

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta MAR -2 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      FEBRUARY 24, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0202  
CARLOS A. TREMINO V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

98021

98CR4665

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 02, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0203  
STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION V. TERA CUSHWAY

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

To: 95  
92021  
96DV3115

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta MAR -2 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA, MAR 11 1999

*The Court of Appeals hereby passes the following order:*

**A99I0204. ROYAL INDEMNITY COMPANY v. PLANTATION PIPE LINE COMPANY, INC.**

Defendant Royal Indemnity Company seeks an interlocutory appeal from an order granting in part plaintiff Plantation Pipe Line Company's motion for summary judgment on defendant's duty to defend certain claims. "The interlocutory appeal procedure is applicable to those rulings which are not otherwise subject to direct appeal." Southeastern Security Insurance Co. v. Empire Banking Co., 268 Ga. 450, 451 (490 SE2d 372) (1997). A grant of partial summary judgment is directly appealable pursuant to OCGA § 9-11-56 (h). Artis v. Gaither, 199 Ga. App. 114-115 (404 SE2d 322) (1991). Because the order sought to be appealed is subject to direct appeal, the interlocutory appeal provisions of OCGA § 5-6-34 (b) are inapplicable. Accordingly, Royal Indemnity Company's application for appeal is hereby DISMISSED for lack of jurisdiction.

91-021

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

MAR 11 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will L. Martin, III*

*Clerk.*

**Court of Appeals  
of the State of Georgia**

**ATLANTA,** FEB 22 1999

*The Court of Appeals hereby passes the following order:*

**A99I0205. BELLSOUTH BUSINESS SYSTEMS, INC. v. GEORGIA DEPARTMENT  
OF ADMINISTRATIVE SERVICES.**

In this case, the Georgia Department of Administrative Services (DOAS) initially awarded BellSouth Business Services, Inc. a contract for a statewide data communications service, but later canceled that contract and awarded it to another company. BellSouth filed this action to enjoin DOAS's cancellation of the contract. This application for interlocutory appeal is from the superior court's denial of summary judgment for BellSouth.

However, under Ga. Const. 1983, Art. VI, Sec. VI, Par. III, the Supreme Court has original appellate jurisdiction over all equity cases. See, e.g., International Business Machines Corp. v. Evans, 265 Ga. 215 (453 SE2d 706) (1995). Accordingly, this application is hereby TRANSFERRED to the Supreme Court.

95-021

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* FEB 22 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III* Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 09, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0206  
NEWNAN FAMILY PRACTICE, ET AL V. REBA MCKOY

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

90021

98V415

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta MAR -9 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 05, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0207  
J. H. HARVEY COMPANY V. CAROLYN REDDICK

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

97021  
97V745

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* MAR -5 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 11, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0208  
THOMAS CURTIS WHITEN V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

99021

98CR199W

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta MAR 11 1999*

*I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 11, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0209  
HENRY MEDICAL CENTER, INC. V. LOIS I. CROWE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

93021

97CV0843

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* MAR 11 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 09, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0210  
MARILYN KEHOE V. RONDA LEA RINKER

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

96021

97CV33610

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta MAR -9 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 19, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0211

DENNIS ESTEP, M.D., ET AL V. JEFF MOUSSEAU, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

92022

96CV30314

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta MAR 19 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 15, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0212

J.H. HARVEY COMPNAY, INC. d/b/a HARVEY'S SUPERMARKET V. VERENE C.  
WATTS

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

94022

97C327

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta MAR 15 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Mart* 

Clerk.

**Court of Appeals  
of the State of Georgia**

**ATLANTA,            APRIL            01, 1999**

*The Honorable Court of Appeals met pursuant to adjournment.*

*The Following order was passed:*

Case No. A99I0212

J.H. HARVEY COMPANY, INC. d/b/a HARVEY'S SUPERMARKET V. VERENE C.  
WATTS

Upon consideration of the motion for reconsideration filed  
in this case, it is ordered that it be hereby denied.

94-022  
97C327

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    APR - 1 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

**SUPREME COURT OF GEORGIA**

Remittitur, Case No. S99C1089

Atlanta, September 10, 1999

The Honorable Supreme Court met pursuant to adjournment.

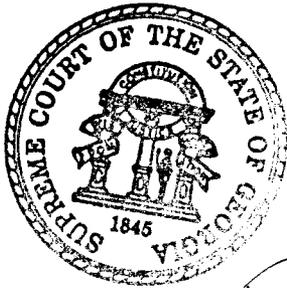
The following order was passed:

J.H. HARVEY COMPANY, INC., d/b/a HARVEY'S SUPERMARKET v. VERENE C. WATTS

Upon consideration of the petition for certiorari filed to review the judgment of the Court of Appeals in this case, it is ordered that the writ be hereby denied.

All the Justices concur.

Bill of Costs, \$80.00



**SUPREME COURT OF THE STATE OF GEORGIA**

Clerk's Office, Atlanta October 1, 1999

I hereby certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

*Nathaniel J. Maddala, Deputy*  
A99I 0212  
Clerk.

Lower Court Case No.  
Court of Appeals of Georgia

Filed in office  
on:

OCT -1 1999

Remittitur from the Supreme Court.

Clerk, Court of Appeals of Georgia.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 05, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0213

GWINNETT COUNTY, GEORGIA V. 27.390 acres of land, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

91022

96A32797

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* MAR -5 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

**ATLANTA,            MARCH            22, 1999**

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0214  
HYATT CORPORATION V. DANIEL K. COOK

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

95022  
I960006F

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*            MAR 22 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Mant, III*            Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 23, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0215  
HCPIII HERITAGE, INC. V. SIDNEY A. HEAD, SR.

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

98025

98HV134B

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta MAR 23 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 11, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0216  
ANTHONY PETRO AS NEXT FRIEND OF BRANDON PETRO, A MINOR V. FRED  
SOLLBERGER, JR.

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

98022

96C58031

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* MAR 11 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 11, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0217  
SUMNER FEED & SEED INC. V. JOHNNY WALKER

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

97022

97CV2813

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta* MAR 11 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 29, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0218

THOMAS GRIFFITH V. MITSUBISHI MOTOR SALES OF AMERICA, INC.

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

99022

98VS0142205D

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

MAR 29 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 16, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0219  
GARY HARDEN, ET AL V. THE STATE

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

93022

99CR084

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* MAR 16 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 18, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A9910220  
SAM'S WHOLESALE CLUB V. VICTORIA L. RILEY

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

96022

97RCSC1034

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* MAR 18 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 30, 1999

*The Honorable Court of Appeals met pursuant to adjournment.*

*The Following order was passed:*

Case No. A99I0220

SAM'S WHOLESALE CLUB V. VICTORIA L. RILEY

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

96-022  
97RCSC1034

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

MAR 30 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 23, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0221

MOBILE TOOL INTERNATIONAL, INC., ET AL V. ROBERT KNIGHT, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

92023

97VSO130460A

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* MAR 23 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

**ATLANTA,**

MAR 30 1999

*The Court of Appeals hereby passes the following order:*

**A99I0222. ALLMERICA FINANCIAL LIFE INSURANCE & ANNUITY COMPANY v. SULLEN.**

Allmerica Financial Life Insurance & Annuity Company seeks an interlocutory appeal from a February 1, 1999 order denying the company's motion for summary judgment. Although the state court timely issued a certificate of immediate review on February 9, that certificate was not actually filed until February 19. Because the certificate of immediate review included with Allmerica's application was not filed within ten days after entry of the order complained of as required under Turner v. Harper, 231 Ga. 175, 176 (200 SE2d 748) (1973), this court is without jurisdiction to consider the applicant's submission. Accordingly, Allmerica's application for interlocutory appeal is hereby DISMISSED.

94-023

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

MAR 30 1999

*I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 23, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0223

DORSEY TRAILERS, INC., ET AL V. ROBERT KNIGHT, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

92024

97VS0130460A

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

MAR 23 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

# Court of Appeals of the State of Georgia

ATLANTA, MAR -9 1999

*The Court of Appeals hereby passes the following order:*

**A99I0224. APPLE SOUTH, INC. v. ERMA A. ELMORE.**

In this case, the trial court denied summary judgment for the defendant on February 5, 1999, and certified that ruling for immediate review on February 15, 1999. Under OCGA § 5-6-34 (b), in order to secure immediate review of an interlocutory ruling, the application of appeal must be filed within 10 days of the grant of the certificate. Although this application for interlocutory appeal was sent by certified mail within that 10 day period, it was not filed until March 2, 1999, upon payment of the requisite application fee, because OCGA § 5-6-4 prohibits the Clerk of the Court of Appeals from receiving an application for appeal until such fee is paid.

This application was filed untimely and thus was ineffective to confer appellate jurisdiction upon this court. Accordingly, the application is hereby dismissed.

91-023

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* MAR -9 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Mart*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 23, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0225  
THOMAS CLARK, ET AL V. JOHN W. JOINER, JR.

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

95023

97V0548

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* MAR 23 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 15, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0226  
MICHAEL JAMES BASS, ET AL V. AUDREY R. JOHNSON

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

90023

97CV805

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta MAR 15 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

**ATLANTA,            MARCH            11, 1999**

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0227

P.M.A. CEMETERIES, INC. V. JAMES E. DALTON, SR.

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

98023

961905818

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    MAR 11 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 17, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0228  
THE SERVICEMASTER COMPANY, L.P. V. RAY D. MARTIN

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

97023

96VS0114677J

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* MAR 17 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

MAR 15 1999

*The Court of Appeals hereby passes the following order:*

**A9910229. DONALD W. ROBERTS v. THE STATE**

Donald W. Roberts filed an application for interlocutory review of the trial court's order denying his motion to suppress entered on February 16, 1999. The trial court granted a certificate of immediate review which was filed on February 19, 1999. Roberts' application for appeal was filed on March 4, 1999, thirteen days after the certificate of immediate review.

OCGA § 5-6-34 (b) permits this Court to consider interlocutory appeals only where the application is made within ten days after the certificate of immediate review is entered. Because the application was not timely filed, this Court is without jurisdiction to consider the application. Graves v. Dean, 166 Ga. App. 186 (303 SE2d 751) (1983). Accordingly, the application is hereby DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

MAR 15 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III* Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 30, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0230  
BRYON POLSTON V. ANGELA POLSTON

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

93023

98CV3151S

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* MAR 30 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 24, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0231

J.C. PENNEY COMPANY INC. V. ATHENS-CLARKE COUNTY BOARD OF TAX  
ASSESSORS

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

96023

SU96CV2101S

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

MAR 24 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*William L. Mont, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 24, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0232

TOMMY LADALE MCNEECE V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

94024

99CR94

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

MAR 24 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA, April 7, 1999

*The Court of Appeals hereby passes the following order:*

**A99I0232. TOMMY LADALE MCNEECE v. THE STATE**

The Court's order of March 24, 1999, granting the application for interlocutory appeal, is hereby VACATED due to clerical error, the clerk's office having mailed applicant's copy of the order to an incorrect address. The Court hereby reissues the order granting the application and the applicant may have ten (10) days from the date of this order to file the Notice of Appeal. The clerk of the trial court is directed to include a copy of this order in the record on appeal.

94-024

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      APR 7 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Mart, III*

*Clerk.*

# Court of Appeals of the State of Georgia

ATLANTA, MAR 24 1999

*The Court of Appeals hereby passes the following order:*

**A99I0233. COMMUNICATIONS INTERNATIONAL GROUP, INC. v. MILDRED WATERHOUSE, ET AL.**

Communications International Group, Inc. seeks an interlocutory appeal from the trial court's order denying its motion for reconsideration of the trial court's order denying its motion to quash depositions. The applicant failed to include in its application a stamped "filed" copy of the order from which the appeal is sought as required by Rule 31 (c) of the Court of Appeals. On March 8, 1999, this Court issued an order to the applicant directing it to supplement the application within ten days with a stamped "filed" copy of the order appealed and stressed that the application would be dismissed if the document was not timely filed with this court. The applicant had until March 18, 1999 to file the "filed" copy of the order with this court but failed to do so, although the applicant did supplement the application with a stamped "filed" copy of the certificate of immediate review which had also been lacking. Because the applicant has failed to comply with the clear mandate of Rule 31 (c), its application is fatally deficient and is hereby DISMISSED. See Court of Appeals Rule 7.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

MAR 24 1999

MAR 24 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Mart* Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 07, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0234

R. DUDLEY BROACH, ET AL V. KENNETH DRISKELL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

95024

E62344

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta APR 7 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will L. Martin, III*

Clerk.

# Court of Appeals of the State of Georgia

ATLANTA, APR 28 1999

*The Court of Appeals hereby passes the following order:*

**A99I0234. BROACH et al. v. DRISKELL.**

Fred M. Valz and Webb, Carlock, Copeland, Semler & Stair, LLP., have filed a motion to withdraw as attorneys of record for applicants R. Dudley Broach and J. C. Motors, Inc. Because the application referenced was denied and is no longer pending in this court, the motion is hereby DISMISSED as moot.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta APR 28 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Jill L. Maut, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 30, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0235  
DAVID HARRISON V. RICKY DAVIDSON

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

90024

97CV135

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

MAR 30 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

# Court of Appeals of the State of Georgia

ATLANTA, MAR 16 1999

*The Court of Appeals hereby passes the following order:*

**A99I0236. ANTHONY ROGERS v. THE STATE**

Anthony Rogers filed an application for interlocutory review of the trial court's order denying his motion to suppress. The order was filed by the clerk of court on February 17, 1999.

Pursuant to OCGA § 5-6-34 (b), a certificate of immediate review must be obtained within 10 days after the entry of the order appealed. While the trial court did sign a certificate of immediate review in a timely fashion on Friday, February 26, 1999, the certificate was not filed with the clerk until the following Thursday, March 4, 1999 rendering it untimely. "[T]he certificate must be filed with the clerk of the trial court or 'entered' within the ten-day period in order to secure immediate review of a non-final judgment; and if the certificate is not entered within the ten-day period, then the party seeking review will merely have to await a final judgment in the case before he can seek a review of interlocutory judgments entered in the trial court." Turner v. Harper, 231 Ga. 175, 176 (200 SE2d 748) (1973). Because the certificate of immediate review in this case was not timely filed, this Court lacks jurisdiction to consider the application. Accordingly, the application is hereby ordered DISMISSED.

98-024

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* MAR 16 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

*Clerk.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 19, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0237

CENTURY PROPERTIES GROWTH FUND XXII, ET AL V. SYLVESTER HARDY, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

96024

E65575

E65572

E65573

E65574

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta APR 19 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Maut, III* Clerk.

# Court of Appeals of the State of Georgia

ATLANTA, APR 6 1999

*The Court of Appeals hereby passes the following order:*

**A99I0238, A99I0241. POWER v. GEORGIA EXTERMINATORS, INC., et al.;  
and vice versa.**

Plaintiff Nancy Power filed an application for interlocutory appeal from an order granting summary judgment in favor of certain defendants but denying summary judgment in favor of defendants Georgia Exterminators, Inc., Emmet A. Nelson, and Ricky Douglas. Power filed a direct appeal as authorized under OCGA § 9-11-56 (h), but also filed an application for interlocutory appeal because of her concern that this court might not otherwise have jurisdiction on direct appeal to review all of the substantive and evidentiary rulings contained in the trial court's order. Power's concern is unwarranted. See Southern Ceramics v. Klem, 246 Ga. 294-296 (1) (271 SE2d 199) (1980). Because Power has already filed a timely and valid notice of appeal entitling her to the same scope of appellate review sought in her petition, Application no. A99I0238 is hereby DISMISSED as superfluous.

The above-named defendants' Application no. A99I0241 from the denial of their motion for summary judgment is hereby GRANTED. Applicants shall have ten days from the date of this order to file their notice of appeal. The clerk of the superior court is directed to include a copy of this order in the record transmitted to this court.

97-024

97-025

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* APR 6 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 30, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0239  
ISMAIL ESENER V. NANCY KINSEY

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

99024

34278

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* MAR 30 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Mart, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

**ATLANTA,** APR - 1 1999

*The Court of Appeals hereby passes the following order:*

**A9910240. PLANTATION PIPE LINE CO. v. ROYAL INDEMNITY CO.**

The application of Plantation Pipe Line Company ("PPL") for interlocutory appeal is contingent upon this Court granting Royal Indemnity Company's application for interlocutory appeal. Since Royal's application was dismissed by this Court, and since PPL states that it withdraws its application upon such dismissal, PPL's application for interlocutory appeal is hereby dismissed.

93-024

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* APR - 1 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III* Clerk.

**Court of Appeals  
of the State of Georgia**

**ATLANTA, APR 6 1999**

*The Court of Appeals hereby passes the following order:*

**A99I0238, A99I0241. POWER v. GEORGIA EXTERMINATORS, INC., et al.;  
and vice versa.**

Plaintiff Nancy Power filed an application for interlocutory appeal from an order granting summary judgment in favor of certain defendants but denying summary judgment in favor of defendants Georgia Exterminators, Inc., Emmet A. Nelson, and Ricky Douglas. Power filed a direct appeal as authorized under OCGA § 9-11-56 (h), but also filed an application for interlocutory appeal because of her concern that this court might not otherwise have jurisdiction on direct appeal to review all of the substantive and evidentiary rulings contained in the trial court's order. Power's concern is unwarranted. See Southern Ceramics v. Klem, 246 Ga. 294-296 (1) (271 SE2d 199) (1980). Because Power has already filed a timely and valid notice of appeal entitling her to the same scope of appellate review sought in her petition, Application no. A99I0238 is hereby DISMISSED as superfluous.

The above-named defendants' Application no. A99I0241 from the denial of their motion for summary judgment is hereby GRANTED. Applicants shall have ten days from the date of this order to file their notice of appeal. The clerk of the superior court is directed to include a copy of this order in the record transmitted to this court.

97-024  
97-025

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta APR 6 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martini, III*

*Clerk.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 30, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0242

PINE TREE PUBLISHING, INC. V. COMMUNITY HOLDINGS, INC, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

92025

98CV2572S

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

MAR 30 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 09, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0243

MARK ONE CONSTRUCTION COMPANY V. HOUSING AUTHORITY OF THE CITY OF  
SAVANNAH, ET AL

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

94025

CV980651FR

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* APR 9 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will L. Mant, III*

Clerk.

**Court of Appeals**  
of the State of Georgia

ATLANTA,            APRIL            21, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A99I0244  
JEFFREY LEE LANDERS V. THE STATE OF GEORGIA

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

91025

971130510

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

*I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto affixed the day and year last above written.*

Clerk.

*Will L. Mant, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 14, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0245

RICHARD DIBLE V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

95025

98D32923

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

APR 14 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Mart, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 07, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0246

COMMERCIAL REAL ESTATE PROPERTIES, INC., ET AL V. JOHN R. CALHOUN

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

90024

I960614F

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta APR 7 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will L. Mart*

Clerk.

# Court of Appeals of the State of Georgia

ATLANTA, MAR 30 1999

*The Court of Appeals hereby passes the following order:*

**A99I0247. Taylor v. J. H. Harvey Company**

Plaintiffs Jenelda M. Taylor and William Jack Taylor seek interlocutory review of an order granting defendant J. H. Harvey Company's motion for summary judgment. "The interlocutory appeal procedure is applicable to those rulings which are not otherwise subject to direct appeal." Southeastern Security Insurance Co. v. Empire Banking Co., 268 Ga. 450, 451 (490 SE2d 372) (1997). A grant of partial summary judgment, or summary judgment to one defendant, is directly appealable pursuant to OCGA § 9-11-56 (h). Artis v. Gaither, 199 Ga. App. 114-115 (404 SE2d 322) (1991). Because the order sought to be appealed is subject to direct appeal, the interlocutory appeal provisions of OCGA § 5-6-34 (b) are inapplicable. Accordingly, the Taylors' application for appeal is hereby DISMISSED for lack of jurisdiction.

90-025

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* MAR 30 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,            APRIL            21, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0248  
THOMAS J. BOUGHAN V. THE STATE OF GEORGIA

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

91026

971130510

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will L. Maut, III* Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 07, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0249

IRA TEDOFF, PHD., V. MARTIN MECHANICAL CONTRACTORS, INC., ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

99025

97VS0127123

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta APR 7 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 27, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0250

DALTON EMERGENCY PHYSICIANS, P.C., ET AL V. JIMMY B. JOHNS, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

93025

95CV8463

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta APR 27 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

**ATLANTA,** APR 7 1999

*The Court of Appeals hereby passes the following order:*

**A99I0251. SHELIA ATKINSON v. MCINTOSH COUNTY.**

This application for interlocutory appeal is from an order entered in a mandamus action brought by the McIntosh County Commissioners against Shelia Atkinson in her official capacity as tax commissioner. Under Ga. Const. 1983, Art. VI, Sec. III, Par. III, the Supreme Court has original appellate jurisdiction over cases involving extraordinary remedies, and mandamus is such a remedy. Felton v. Chandler, 201 Ga. 347 (39 SE2d 654) (1946). Accordingly, this application is hereby transferred to the Supreme Court.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* APR 7 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III* Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 13, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0252  
SANFORD ETHRIDGE, ET AL V. RICKY DAVIS, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

92026

98CV16743

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* APR 13 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 28, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0254

MAQ / ASHLEY - RIVER ASSOCIATES, L.P., ET AL V. KIMBERLY LYNNE JONES,  
ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

94027

E49743

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta APR 28 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Mant, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 12, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0255

T. JERRY JACKSON, COMMISSIONER OF GEORGIA DEPARTMENT OF REVENUE V.  
ROY C. VAN VLAKE

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

95026

98CV717

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* APR 12 1999 APR 12 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 13, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0256  
GARY BAGGETT V. MAY ANN ZELEZNIK

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

90026

980318T

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

APR 13 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will L. [Signature]*

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 22, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0257  
JACKSON D. MORGAN V. LARRY LEMMING

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

98026

96CV56361

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* APR 22 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III* Clerk.

**Court of Appeals  
of the State of Georgia**

**ATLANTA, APRIL 21, 1999**

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0259  
JOSEPH J. RITCHART V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

99026

98M4141

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

APR 21 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Mat...* Clerk.

**Court of Appeals  
of the State of Georgia**

**ATLANTA,** APR 22 1999

*The Court of Appeals hereby passes the following order:*

**A99I0268. SUMMERHILL NEIGHBORHOOD DEVELOPMENT CORPORATION v.  
TELERENT LEASING CORPORATION.**

This application for interlocutory appeal is from the grant of partial summary judgment for the plaintiff in an action over an equipment lease. However, because the grant of summary judgment is subject to direct appeal and because the interlocutory appeal procedures apply only to rulings that are not otherwise subject to direct appeal (OCGA § 5-6-34 (b)), this application must be dismissed for lack of jurisdiction. See Artis v. Gaither, 199 Ga. App. 114 (404 SE2d 322) (1991).

98-027

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* APR 22 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

*Clerk.*

**Court of Appeals  
of the State of Georgia**

ATLANTA,      APR 21 1999

*The Court of Appeals hereby passes the following order:*

**A99I0269.    Shep Masarek, et al. v. Harold Korey, et al.**

Shep and Rhoda Masarek filed this application for interlocutory appeal from the trial court's order denying their motion for summary judgment. The Masareks obtained a certificate of immediate review that was entered on March 25, 1999, but did not file the application with this Court until April 9, 1999, 15 days after the certificate was filed. OCGA § 5-6-34 (b) requires that an application for interlocutory appeal be filed with this Court within ten days after the certificate of immediate review is granted. The Masareks' failure to comply with this requirement deprives this Court of jurisdiction to consider this appeal. Accordingly, the respondents' motion to dismiss is granted; the Masareks' motion for acceptance of defendant/petitioners' petition for interlocutory appeal is denied; and this application is hereby DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta      APR 21 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will L. Mant, III* Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 28, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0270  
ROY SENIOR RAMSEY, JR. V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

91029

96B033073

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta APR 28 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will L. Mant, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 10, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0271

GEORGIA DEPARTMENT OF TRANSPORTATION V. DAMALOS & SONS

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

99027

E44375

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* MAY 10 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. McInt, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 29, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0272

YOLANDA SUE OXLEY V. WILLIAM H. KILPATRICK, M.D., ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

96027

E38070

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

APR 29 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 03, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0273  
CHESTER HICKS, ET AL V. BONNIE POTTS

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

70027

98A34372

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

MAY - 3 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Mart, III*

Clerk.

Court of Appeals  
of the State of Georgia

ATLANTA, APRIL 30, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0274

TALENT TREE STAFFING SERVICES, INC. V. MICHAEL EDWARD FARMER, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

71027

97VS0131193D

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* APR 30 1999

*I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 10, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0275  
PATTI JEAN ROACH V. RAJ AYODHYA KAPUR

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

92028

71668

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* MAY 10 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Mart, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 06, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0276  
LARRY CHEATHAM, ET AL V. JOHN THOMPSON, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

94028

97VS0126727

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

MAY -6 1999

*I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto affixed the day and year last above written.*

*Will. L. Mart*, 

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 04, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0277  
WILLIE GENE SMITH ET AL V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

95028

99CR0832

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

MAY - 4 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY - 7 1999

*The Court of Appeals hereby passes the following order:*

**A99I0278. IN RE: ALLEN G. STROH, ET AL.: FOR ADOPTION OF T. M. G.**

Mr. and Mrs. Allen G. Stroh filed an application for interlocutory review of the trial court's order denying their motion to intervene in the adoption proceedings below. The trial court entered the order and granted a certificate of immediate review on April 6, 1999. The Strohs' application for appeal was filed 16 days later on April 22, 1999.

OCGA § 5-6-34 (b) permits this Court to consider interlocutory appeals only where the application is made within ten days after the certificate of immediate review is entered. Because the application was not timely filed, this Court is without jurisdiction to consider the application. Graves v. Dean, 166 Ga. App. 186 (303 SE2d 751) (1983). Accordingly, the application is hereby DISMISSED.

98-028

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      MAY - 7 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will L. Mart*,  Clerk.

**Court of Appeals  
of the State of Georgia**

**ATLANTA,            MAY            13, 1999**

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0279

BANK BUILDING LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP  
V.    ELIZABETH HUFF ET AL

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

96028

98VS0137842C

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 13 1999**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Mart, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

**ATLANTA, MAY 10, 1999**

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0280

TENET HEALTHCARE CORP. V. LOUISIANA FORUM CORP. ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

90028

E67798

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta MAY 10 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Mont, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 11, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0281

THE UNIFIED GOVERNMENT OF ATHENS - CLARKE COUNTY, GEORGIA V. CARLTON  
R. NORTH, ET AL

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

97028

SU97CV0898J

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* MAY 11 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Mart*,  Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 26, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0282

SHAWN WHIRL V. SAFECO INSURANCE COMPANY, individually and as subrogee  
of WILLIE E. RICHMOND

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

99028

98C60124

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

MAY 26 1999

MAY 26 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 14, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0283

IN RE: MICHAELA MAE JOHNSON

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

70028

98CV1057

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

MAY 14 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*William L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 17, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0284

JACOB LEAL ET AL V. SHERRY HOBBS, INDIVIDUALLY AND AS ADMINISTRATRIX OF THE ESTATE OF DARRYL HOBBS, DECEDENT.

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

71028

98VS0140936C

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta MAY 17 1999*

*I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

**ATLANTA,            MAY            14, 1999**

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0285  
GEORGE WILLIAMS, JR. V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

93028

49842

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 14 1999**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. [Signature]*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 26, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0286

DEPT. OF TRANSPORTATION, STATE OF GEORGIA V. CAROLYN W. DUPREE,  
ADMINISTRATRIX OF THE ESTATE OF BETTY N. LAMB, DECEASED, AND SAMUEL  
LAMB

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

92029

98VS0146389D

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* MAY 26 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, May 27, 1999

*The Honorable Court of Appeals hereby passes the following order:*

A99I0287 LEONARD E. MASTERS, M.D., ET AL v. DOUGLAS TALBOTT,  
M.D., ET AL

Upon consideration of the motion for withdrawal, it is  
hereby ordered that said motion be GRANTED.

99-021

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* MAY 27 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will L. [Signature]* Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,            MAY            18, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0288

LAWRENCE ZAGLIN, ET AL V. ATLANTA COMMITTEE FOR THE OLYMPIC GAMES, INC

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

95029

96VS0116320J

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta MAY 18 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 01, 1999

*The Honorable Court of Appeals met pursuant to adjournment.*

*The Following order was passed:*

Case No. A99I0288

LAWRENCE ZAGLIN, ET AL V. ATLANTA COMMITTEE FOR THE OLYMPIC GAMES, INC

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

95-029  
96VS0116320J

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta JUN - 1 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Mart, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 27, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0289  
MARK STEPHEN GOBER V. CHERYL STANSELL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

98029  
98CV0495

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta MAY 27 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 24, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0290  
TRAINA ENTERPRISES, INC. d/b/a PARK MARINA V. RACETRAC PETROLEUM, INC.

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

96029  
CV98933

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* MAY 24 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 19, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0291

LATASHA WHITE V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

90029

41072

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

MAY 19 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            MAY            18, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0292  
MAURICE WINKLER V. MARY SHATZ

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

97029

98A505224

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

MAY 18 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

**ATLANTA,            MAY            28, 1999**

*The Honorable Court of Appeals met pursuant to adjournment.*

*The Following order was passed:*

Case No. A99I0292

MAURICE WINKLER V. MARY SHATZ

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

97-029  
98A505224

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 28 1999**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, Jr.*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 25, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0293  
ROBERT L. HARRISON, JR. V. AMY SANDERS

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

99029

990447

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* MAY 25 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 27, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0294  
KAMBRA E. MILLER V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

70029

209070

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta MAY 27 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. McIntire, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 18, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0295  
OCONEE COUNTY BOARD OF TAX ASSESSORS V. MIKE POWER

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

71029

98CV440S

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

MAY 18 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Mart, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 27, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0296

KIMBERLYNN SHAW, individually and as n/f of JARRIS SHAW V. SONYA R.  
LITTLEJOHN

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

93029

98A427031

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

MAY 27 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III* Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 01, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0297

STEVEN E. ZAGORIA, ET AL V. DR. NORMAN WASSERMAN, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

92030

951869128

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JUN - 1 1999

*I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto affixed the day and year last above written.*

*William P. [Signature]* Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 28, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0298

ALLIED CLINICAL LABORATORIES, INC., ET AL V. LEITA SEABORN WILLIAMS

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

94030

SU97CV2609

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* MAY 28 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 27, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0299

DEKALB EMERGENCY GROUP V. FENECE P. OLIVER, individually and as  
Administratrix of the estate of MICHAEL OLIVER, deceased

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby GRANTED. The Appellant may  
file a Notice of Appeal within 10 days of the date of this order.  
The Clerk of State Court is directed to include a copy of this  
order in the record transmitted to the Court of Appeals.

95030

97A292022

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta MAY 27 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 02, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0300  
WILLIAM WOODWARD V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

98030

98CR212

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta JUN - 2 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 03, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0301  
TRANSOIL STATION & AUTO PARTS, INC., ET AL V. COLLATA FIELDS

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

96030

1B98CV173W

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

JUN - 3 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 26, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0302

OLIVARES R. GUERRERO V. GUILLERMO TELLEZ, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

90030

98A488116

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

MAY 26 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 27, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0303

MARIA BUTLER V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

97030

99CR12754

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

MAY 27 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 03, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0304  
GRADY THOMAS CONNELL V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

99030

99CR006

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

JUN - 3 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Mart, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 01, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0305

HAROLD NEAL V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

70030

99B07631

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* JUN - 1 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III* Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 27, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0306  
THE KROGER CO., V. ERINN G. GRIER

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

71030

SU96CV1202

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

MAY 27 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 08, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0307

PIEDMONT HOSPITAL, INC., ET AL V. INEZ PYE SMITH, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

91030

99VS148919A

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

JUN - 8 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 03, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0308  
JAMES RONALD LEUTY V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

93030

98CR698E

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta JUN -3 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martini, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 01, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0309

THE UNIFIED GOVERNMENT OF ATHENS - CLARKE COUNTY, GEORGIA V. CARLTON  
R. NORTH, ET AL

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

92031

SU97CV0890

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JUN - 1 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

**ATLANTA,            MAY            28, 1999**

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0310

E. R. GILLIS , ET AL V. FRANK A. BUCHHEIT, ET AL

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

94031

CV951492MI

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

MAY 28 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 10, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0311

MOORE AND MOORE PULPWOOD CO., ET AL V. BRENDA J. HOLLOMAN, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

95031

98CV040

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JUN 10 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 11, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0312  
HUNTON & WILLIAMS V. DOCUTRONICS, INC., ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

98031  
255204

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JUN 11 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Mant, III* Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 04, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0313  
ARTIS BENTON V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

96031

99CR17464

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta JUN - 4 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 16, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0314

ATLANTA COMMITTEE FOR THE OLYMPIC GAMES V. LAWRENCE ZAGLIN, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

90031

96VS0116320J

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JUN 16 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will L. Mat, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 16, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0315

LARRY C. MORRIS d/b/a LARRY MORRIS & ASSOCIATES V. BEN W. SIMS, JR.

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

97031

E62324

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JUN 16 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 14, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0316  
KYLE RICHARD BISHOP V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

99031

9890477518

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JUN 14 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 07, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0317

GAINOR MEDICAL U.S.A., INC. V. HTL Sp. z o.o

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

70031

98CV2584S

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta JUN -7 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Marti, III*

*Clerk.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUN 16 1999

*The Court of Appeals hereby passes the following order:*

**A99I0318. HOLDEN v. THE STATE.**

Judy Holden seeks an appeal from a bench ruling made April 28, 1999, denying her motion to suppress. However, "an oral order is not final nor appealable until and unless it is reduced to writing, signed by the judge, and filed with the clerk." Sharp v. State, 183 Ga. App. 641, 642 (1) (360 SE2d 50) (1987).

Even if the court's ruling could be appealed in the absence of a written order, Holden failed to file her application within ten days of the date the certificate of immediate review was filed. Moreover, even if a written order had been entered on April 28, 1999, the court's order vacating the original certificate of immediate review and its issuance of a new certificate on May 19, 1999, would still have served no purpose since to be valid a certificate of immediate review must be filed within ten days of the date of the order sought to be appealed. Turner v. Harper, 231 Ga. 175 (200 SE2d 748) (1973).

For the foregoing reasons, Holden's application is hereby DISMISSED.

71-031

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JUN 16 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will L. Martin, III* Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 08, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0319  
DEEPAK SHAH V. ELIOT GOLDBERG

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

91031

98CV02196

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta JUN - 8 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

**ATLANTA,**

MAY 25 1999

*The Court of Appeals hereby passes the following order:*

**A99I0319. SHAH v. GOLDBERG.**

Petitioner Shah has moved for an emergency order to preclude mootness pursuant to Court of Appeals Rule 40 (b). Having considered this motion, this Court orders that it is hereby DENIED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

MAY 25 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA, JUN -3 1999

*The Court of Appeals hereby passes the following order:*

**A99I0320. Barton Protective Services, et al. v. Dainis Turaidis**

Applicants Barton Protective Services, Incorporated, Continental Security Services, Incorporated and Dennis Robertson seek interlocutory review of the trial court's order denying their motion for summary judgment which order was entered on April 28, 1999. Although the defendants obtained a certificate of immediate review, it was not filed until May 20, 1999, 22 days after entry of the trial court's order.

A certificate of immediate review is ineffective unless it is filed within ten days of the entry of the order or judgment sought to be appealed. OCGA § 5-6-34 (b); Turner v. Harper, 231 Ga. 175 (200 SE2d 748) (1973); Van Schallern v. Stanco, 130 Ga. App. 687 (204 SE2d 317) (1974). If the certificate of immediate review is not entered within the ten day period, it is untimely, and the party seeking review must wait until the final judgment in the case to seek review of the interlocutory order. Turner, supra. In this case, the certificate of immediate review was not filed within ten days of the entry of the trial court's April 28, 1999 order, and

therefore, it is untimely. Accordingly, this application is dismissed for lack of jurisdiction.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* JUN - 3 1999

*I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto affixed the day and year last above written.*

*Will. L. Martin, III* Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 25, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0321

J.H. HARVEY COMPANY, INC. V. SARAH NASH, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

92032

96SC18

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 25 1999**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 12, 1999

*The Honorable Court of Appeals met pursuant to adjournment.*

*The Following order was passed:*

Case No. A99I0321

J.H. HARVEY COMPANY, INC. V. SARAH NASH, ET AL

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

92-032  
96SC18



*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

JUL 12 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 22, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0322

KINDLE LADAWN GALLOWAY V. KIMBERLY ANN WOOTEN, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

94032

98CV3404

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* JUN 22 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 22, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0323

NORTHSIDE HOSPITAL, INC., ET AL V. HORMOZ MOMANI, individually and as  
Next Friend of MARIA LONDONO, BABY MOMANI "A", and BABY MOMANI "B",  
Deceased

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

95032

97VS0131475J

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 22, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0324

OCWEN FEDERAL BANK FSB V. ALL SOUTH MINI STORAGE #2, LTD., ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

98032

98A96155

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JUN 22 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Mart, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 24, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0325  
WINN DIXIE STORES, INC. V. SANDRA CARTER

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

96032

98CV1183

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JUN 24 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 23, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0326

GLYNN COUNTY V. NEIL YOUMANS

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

90032

9701068

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

JUN 23 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 22, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0327

ANTHONY ROGERS V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

97032

98CR015024

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* JUN 22 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*William E. Martin*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,

JUNE

15, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0328

CHARLES PENNINGTON, M.D. V. GLORIA KATHRYN ALLRED

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

99032

98VS143525H

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JUN 15 1999

*I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

**ATLANTA, JUNE 29, 1999**

*The Honorable Court of Appeals met pursuant to adjournment.*

*The Following order was passed:*

Case No. A99I0328

CHARLES PENNINGTON, M.D. V. GLORIA KATHRYN ALLRED

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

99-032  
98VS143525H

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta JUN 29 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III* Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 01, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0329

THE AMERICAN CENTRAL INSURANCE COMPANY V. RANDY LIVINGSTON, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

70032

98CV093

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JUL - 1 1999

*I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto affixed the day and year last above written.*

*Will. L. Mart, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 16, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0330  
WEST LUMBER COMPANY V. JAMES CAMPBELL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

71032

98VS0140478A

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta JUN 16 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 22, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0331

ESTATE OF MARK LUDDEN, ET AL V. JOEL SMITH, M.D., ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

91032

96CV0149

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JUN 22 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            JULY            02, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0332

STATE FARM FIRE & CASUALTY COMPANY V. JOE CRENSHAW, ET AL

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

93032

98V338

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JUL - 2 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

# Court of Appeals of the State of Georgia

ATLANTA, June 29, 1999

*The Court of Appeals hereby passes the following order:*

**A99I0333. PAMELA SUE GUANTT v. DUANE L. GUANTT.**

This action arises from a petition for change of custody. A non-final temporary custody order was filed on May 20, 1999, and subsequently the superior court signed a certificate of immediate review. Nonetheless, the certificate of immediate review was not entered until June 9, 1999, 20 days after entry of the order sought to be appealed.

A certificate of immediate review is ineffective unless it is filed within ten days of the entry of the order or judgment sought to be appealed. OCGA § 5-6-34 (b); Turner v. Harper, 231 Ga. 175 (200 SE2d 748) (1973); Van Schallern v. Stanco, 130 Ga. App. 687 (204 SE2d 317) (1974). If the certificate of immediate review is not entered within the ten day period, it is untimely, and the party seeking review must wait until the final judgment in the case to seek review of the interlocutory order. Turner, supra. In this case, the certificate of immediate review was not filed within ten days of the entry of the trial court's May 20, 1999 order, and therefore, it is untimely. Accordingly, this application is dismissed for lack of jurisdiction.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JUN 29 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 28, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0334  
EDWARD E. BOSHEARS V. R. LINDAY THOMAS

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

94033

9900133

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JUN 28 1999

*I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 22, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0335  
BUILDER'S EXTERIOR DESIGN, INC. V. MILES-HUNTINGTON WOODS, L.L.C.,  
ET AL

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

95033

981544924

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

JUN 22 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 12, 1999

*The Honorable Court of Appeals met pursuant to adjournment.*

*The Following order was passed:*

Case No. A99I0335

BUILDER'S EXTERIOR DESIGN, INC. V. MILES-HUNTINGTON WOODS, L.L.C.,  
ET AL

Upon consideration of the motion for reconsideration filed  
in this case, it is ordered that it be hereby denied.

95-033  
981544924

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta JUL 12 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 30, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0336  
PICKERING CORPORATION V. LINNIE GOODWIN

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

98033

S98V169

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta JUN 30 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will L. Martin, III* Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 28, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0337  
PAUL TOCCI V. RICHARD S. DEAHL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

96033

97VS0127380D

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JUN 28 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

# Court of Appeals of the State of Georgia

ATLANTA, JUN 23 1999

*The Court of Appeals hereby passes the following order:*

**A99I0338. KRISTY JOHNS v. THE STATE**

Kristy Johns filed an application for interlocutory review of the trial court's order denying her motion to suppress certain evidence. The order was filed by the clerk of court on May 21, 1999. Although it signed by the trial court on May 31, 1999, the certificate of immediate review included in the application was not stamped "filed" by the clerk of court until June 9, 1999, 18 days after entry of the order appealed.

If the certificate of immediate review is not obtained within ten days after entry of the interlocutory judgment appealed, it is untimely and the party must wait until a final judgment is entered before appealing an interlocutory judgment rendered in the case. OCGA § 5-6-34 (b); Turner v. Harper, 231 Ga. 175, 176 (200 SE2d 748) (1973). "[A] certificate of immediate review of a nonfinal or interlocutory judgment is ineffective unless entered, i.e., filed with the clerk, within ten days after entry of the judgment appealed from." Van Schallern v. Stanco, 130 Ga. App. 687 (204 SE2d 317) (1974). Here the certificate of immediate review was not timely filed, and this Court is without jurisdiction to consider the application. Graves v. Dean, 166 Ga. App. 186 (303 SE2d 751) (1983). Accordingly, the application is hereby DISMISSED.

90-033

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta JUN 23 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will L. Martin, III* Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 08, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0339

LONG LEAF INDUSTRIES, INC. V. WILLIAM C. MITCHELL, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

97033

981230124

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JUL - 8 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III* Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 13, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0340

BELLSOUTH TELECOMMUNICATIONS, INC. V. WALTER D. STAPLETON, JR.

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

99033

96SCV0689

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JUL 13 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 01, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0341

RJV CORP. V. JACQUELYN BARRETT, FULTON COUNTY SHERIFF, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

70033

E67612

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JUL - 1 1999

*I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 28, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0342

DELORIS A. GLISSON V. CAROL FREEMAN, as Executor of the Estate of  
THEODORE F. GLISSON

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

71033

I972107G

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta JUN 28 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will L. Mont, III* Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 16, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0343

WILSONART INTERNATIONAL, INC., ET AL V. THE ESTATE OF M.O.D.E., INC.,  
by and through its Trustee in Bankruptcy, HARRY W. PETTIGREW

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

91033

97VS0127521

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JUL 16 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 16, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0344

BURT DEVELOPMENT COMPANY V. JAYANTITAL PATEL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

93033

97CV27661

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JUL 16 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 29, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0345  
LUCILLE G. CLARK V. JEROD I. BAKER

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

92034

97CV688

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta JUN 29 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will L. Martin, III* Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 14, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0346

RANDOLPH C. CHURCHILL, ET AL V. RICHARD E. PADGETT, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

94034

98CV0989

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 14 1999**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III* Clerk.

**Court of Appeals  
of the State of Georgia**

**ATLANTA,**

*The Court of Appeals hereby passes the following order:*

**A99I0347. KARIN JONES v. LARRY JONES, JR.**

Karin Jones, the defendant in this divorce action, filed this application for interlocutory appeal seeking review of the superior court's denial of her motion to disqualify plaintiff's attorney and his law firm due to alleged conflicts of interest.

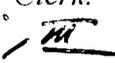
Under the State constitution, the Supreme Court has exclusive jurisdiction over all divorce and alimony cases. Ga. Const. of 1983, Art VI, Sec. VI, Par. III (6). See Griffin v. Griffin, 243 Ga. 149 (253 SE2d 80) (1979). Accordingly, this case is ordered TRANSFERRED to the Supreme Court.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      JUL 21 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. [Signature]*      Clerk.  


**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 06, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0348

REWIS H. SAPP V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

98034

99SR3075

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta JUL -6 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Mart, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 07, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0349

ALLSTATE INSURANCE COMPANY V. RUFUS J. BALDWIN, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

96034

98CV2142

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JUL - 7 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III* Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 16, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0350

EDDIE LEE ROBINSON, as Surviving Spouse of ANNETTE M. ROBINSON V.  
STAR GAS OF HAWKINSVILLE, INC.

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

90034

91114154

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JUL 16 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:*

**A99I0351. GOTTFRIED KAPPELMEIER v. NORMTEX, INC.**

This application for interlocutory appeal seeks review of a state court's order granting a motion to open default. The order was entered on May 24, 1999, and this application was filed on June 23, 1999. The application does not contain a certificate of immediate review. Pursuant to OCGA § 5-6-34 (b), a certificate of immediate review must be obtained and filed within ten days of the interlocutory order being appealed and an application for interlocutory review is required to be filed with this court within ten days of the grant of a certificate of immediate review. Court of Appeals Rule 30 (b) requires that an application for interlocutory appeal "have attached ... a stamped 'filed' copy of the certificate of immediate review."

Applicant was directed to supplement the application with a stamped "filed" copy of the certificate of immediate review and instructed that if he did not cause such copy to be filed within the time allowed, this application would be dismissed. The time allowed applicant to supplement the application has passed and no

stamped "filed" copy of a certificate of immediate review has been provided to complete this application. Accordingly, this application must be dismissed.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      JUL 22 1999

*I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto affixed the day and year last above written.*

*Will. L. Mart*, <sup>Clerk.</sup> 

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 08, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0352

JUDY HOLDEN V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

99034

98R1092

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JUL - 8 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 23, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0353

NANCY PARDEN ROUNSAVILLE V. FULTON COUNTY BOARD OF TAX ASSESSORS

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

70034

E71728

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JUL 23 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 23, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0354

THOMAS A. BARROW, JR. V. FULTON COUNTY BOARD OF TAX ASSESSORS

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

70035

E70903

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JUL 23 1999

*I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto affixed the day and year last above written.*

*Clerk.*

*Will L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 26, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0355

PAUL WADE V. YULA CARTER

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

71034

97CV59205

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JUL 26 1999

*I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 20, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0356  
MICHAEL KEITH BREWER V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

91034

99CR003

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JUL 20 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Mat...*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:*

**A99I0357. GLENDA WOODWARD v. TAWANDA AUSTIN, ET AL.**

Glenda Woodward filed an "application for appellate review in discretionary appeal" from the trial court's May 3, 1999 order denying her motion for summary judgment. "Denial of summary judgment is not reviewable by the appellate courts in the absence of a timely certificate of immediate review and the granting of an interlocutory appeal by the appellate court unless there is a final judgment in the case and the cause is no longer pending in the lower court." Sharpe's Appliance Store, Inc. v. Anderson, 161 Ga. App. 112 (289 SE2d 312) (1982). Woodward's application failed to include in her application a certificate of immediate review as required by OCGA § 5-6-34 (b) and Court of Appeals Rule 30 (b). On June 30, 1999, this Court issued an order to Woodward directing her to supplement the application within ten days with a stamped "filed" copy of the certificate of immediate review and stressed that the application would be dismissed if the document was not timely filed with this Court. Woodward's supplemental pleading does not show that a certificate of immediate review was obtained within ten days of the May 3, 1999 order. Any certificate of

immediate review filed after the ten day period would be without effect; "[a] nunc pro tunc entry of certificate for immediate review cannot revive a right of appeal which has expired. [Cit.]" Whitlock v. State, 124 Ga. App. 599, 601 (1) (185 SE2d 90) (1971). Because Woodward has failed to comply with the clear mandate of OCGA § 5-6-34 (b) and Rule 30 (b), her application is fatally deficient and is hereby DISMISSED. See Court of Appeals Rule 7.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JUL 26 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, III*

*Clerk.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 02, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0358

TRONCALLI MOTORS, INC., ET AL V. FRED P. DEWITT

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

92035

97128475

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      AUG -2 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Mart, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 02, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0359

ZACHARIA B. NEWTON, III, M.D., ET AL V. DELISA DOTSON, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

94035

96VS0119345

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

AUG -2 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 02, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0360  
PATRICK STUBBS V. BARBARA D. GERACHTY

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

95035  
SU97CV1218J

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

AUG - 2 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 03, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0361

INTERNATIONAL BUSINESS MACHINES CORPORATION V. BARBARA J. KEMP, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

98035

941225533

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

AUG - 3 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 30, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0362  
SANTY SOLIS, ET AL V. MARCIE LAMB

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

90035

97CV26032

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta JUL 30 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 23, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0363

LIFE INSURANCE COMPANY OF NORTH AMERICA V. BARBARA B. SMITH

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

96035

97CV01927

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 23 1999**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 30, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0365

GRANGE MUTUAL CASUALTY COMPANY V. MIKE CZEREPINSKI

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

99035

9701910

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JUL 30 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will L. ...*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 06, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0364

BEN G. STATHAM, JR., ET AL V. GEORGIA TRANSMISSION CORPORATION

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

97035

1999CV05141

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta AUG - 6 1999*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*William L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 05, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0366

METRO COMMERCIAL SERVICES, INC. V. JERRIE E. BURRUSS, ET AL.

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

71035

97VS0129110E

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

AUG -5 1999

*I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto affixed the day and year last above written.*

Clerk.

*Will L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 30, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0367

NORTHSIDE HOSPITAL INC V. JEANNE RUOTANEN

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

91035

98VS138334F

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JUL 30 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 17, 1999

*The Honorable Court of Appeals met pursuant to adjournment.*

*The Following order was passed:*

Case No. A99I0368

WINN DIXIE STORES, INC. V. VIRGINIA GLENN, ET AL

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

93-035  
98CV1033

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

AUG 17 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Mart*, <sup>Clerk.</sup> 

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 10, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0369

PHOEBE PUTNEY MEMORIAL HOSPITAL, INC. V. EMMA FERGUSON

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

92036

97CV23132

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

AUG 10 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 04, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0370

MCCLUNG SURVEYING, INC., ET AL V. JAMES L. WORL, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

94036

E55422

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG -4 1999**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            AUGUST        13, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A99I0372

VIVIAN J. DUBUC V. OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

95037

E71422

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

AUG 13 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Mart, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 17, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0373

LIEN ANN BUI, ET AL V. SHANNON DUVENDACK

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

98036

98V0830

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

AUG 17 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 13, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0374

FIDELITY NATIONAL TITLE INSURANCE COMPANY OF NEW YORK V. OLD REPUBLIC  
NATIONAL TITLE INSURANCE COMPANY

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

95038

E71422

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* AUG 13 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Mart, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 12, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0375

DIANE C. MOORE V. TENET HEALTHCARE CORPORATION, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

96036

96VS109988F

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

AUG 12 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 09, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0376

THE SOUTH GEORGIA REGIONAL DEVELOPMENT CENTER, ET AL V. COMMUNITY  
NATIONAL BANK

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

90036

95CV924

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

AUG - 9 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 16, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0377

CAVALIER HOMES OF ALABAMA INC., ET AL V. RAY MARLIN CRAWFORD

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

To 95  
97036  
98V641

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

AUG 16 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 18, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0378

COBB COUNTY, GEORGIA ET AL V. FREDERICK J. SORRENTINO FJS, INC.

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

99036

991379124

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

AUG 18 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 16, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0379

RESULTS ORIENTED, INC. D/B/A ASSURED HOUSING V. RAY MARLIN CRAWFORD

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

To 95  
~~97037~~

98V641

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

AUG 16 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            AUGUST        23, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0380

SOUTH FULTON MEDICAL CENTER INC., ET AL V. AUGUSTA LEVERT ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

70036

96VS01116949

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

AUG 23 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 23, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0381

GARY M. SAMS, AS TEMPORARY ADMINISTRATOR OF THE ESTATE OF FRANKYE  
WOOD RICKS V. FARYL SIMS MOSS, AS ADMINISTRATOR OF THE ESTATE OF JAMES  
W. RICKS JR.

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

71036

9501143

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

AUG 23 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 20, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0382

PRIVATE LINE GROUP, INC., V. MARTHA P. DOVE, ET AL.

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

91036

98EV579J

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

AUG 20 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:*

**A99I0383. KENNETH WILSON v. RICHARD AND GLORIA FERRELL.**

Applicant Wilson filed an objection with the superior court to the introduction by respondents Richard and Gloria Ferrell of certain medical reports pursuant to OCGA § 24-3-18. This interlocutory application seeks appellate review of the denial of Wilson's objection to respondents' medical exhibits.

The issues raised by Wilson and ruled on by the superior court include a challenge on several grounds to the constitutionality of OCGA § 24-3-18. These issues as to the constitutionality of the statute are again submitted in this application.

The application lies within the Supreme Court's exclusive jurisdiction to rule on the constitutionality of statutes. Ga. Const. of 1983, Art. VI, Sec. VI, Par. III (2), Doe v. Department of Corrections, 224 Ga. App. 494 ( SE2d ) (1997). Accordingly, this application for interlocutory appeal must be transferred to the Supreme Court.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

AUG 17 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Wilk. L. Mart, III*  
Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 16, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0384

GREEN TREE FINANCIAL SERVICING CORPORATION V. RAY MARLIN CRAWFORD

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

To 95  
~~97038~~

98V641

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

AUG 16 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 23, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0385

JAMES OSMENT V THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

92037

974297

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

AUG 23 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Mart, III*

# Court of Appeals of the State of Georgia

ATLANTA, AUG 24 1999

*The Court of Appeals hereby passes the following order:*

**A99I0386. 350 MARIETTA, INC., ET AL v. REARDON, et al.**

This application is from the denial of a motion for reconsideration of an order transferring the case to the Superior Court of DeKalb County pursuant to OCGA § 9-10-50. The transfer order was entered on June 3, 1999. A certificate of immediate review was issued on June 11, but no application was filed in this court. On July 14, the trial court denied applicants' motion for reconsideration of the order entered June 3. The applicants claim that a certificate of immediate review from the order entered on July 14 was filed in the trial court on July 19. We agree that such a certificate would authorize an application for appeal from the order denying the applicants' motion for reconsideration under Mayor & Aldermen of Savannah v. Norman J. Bass Construction Company, 264 Ga. 16 (441 SE2d 63) (1994). However, the only certificate of immediate review included with the application submitted to this court is the one filed on June 11 from the transfer order entered June 3.

Since the application is untimely as applied to the order entered June 3 and no certificate of immediate review has been submitted from the order entered July 19, the application is hereby DISMISSED for lack of jurisdiction.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* AUG 24 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Mart*  
Clerk.

# Court of Appeals of the State of Georgia

ATLANTA, SEP 28 1999

*The Court of Appeals hereby passes the following order:*

**A99I0386. 350 MARIETTA, INC., et al. v. REARDON, et al.**

Upon consideration of the applicants' motion for reconsideration of this court's order dismissing the application for lack of a valid certificate of immediate review, it is hereby ordered that the motion be GRANTED. Accordingly, the previous order dismissing the application for interlocutory appeal is hereby VACATED. Furthermore, the application for appeal is GRANTED. Applicants shall have ten days from the date of this order to file their notice of appeal. The clerk of the superior court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* SEP 28 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*W. L. Martin, III*  
Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,            AUGUST        24, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A99I0387

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY V. GARY C. MCMANUS

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

98037

98CV00424

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

AUG 24 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:*

**A99I0388. Metro Ambulance Service, Inc. d/b/a American Medical Response v. Georgia Department of Human Resources, et al.**

Metro Ambulance Service, Inc. d/b/a American Medical Response ("AMR") filed this interlocutory application seeking review of the trial court's grant of the Georgia Department of Human Resources, Georgia Board of Human Resources, Tommy C. Olmstead, in his capacity as Commissioner of the Georgia Department of Human Resources, Kathleen M. Toomey, M.D. as Director of the Division of Public Health of the Georgia Department of Human Resources and the District III E.M.S. Council's (the "State") motion to change venue. The trial court's order changed venue from Cobb to Fulton County.

The State has filed a motion to dismiss this interlocutory application. AMR is seeking to appeal an interlocutory decision of the trial court reviewing an administrative decision of the State pursuant to OCGA § 31-5-3. However, since the appeal procedure set forth in OCGA § 31-5-3 is consistent with judicial review under the APA and is not a "pretrial, trial, or post trial procedure" as contemplated by the Civil Practice Act, the APA applies to this

case. See Howell v. Harden, 231 Ga. 594 (203 SE2d 206) (1974). Further, in DeKalb County v. Metro Ambulance Services, Inc., 253 Ga. 561 (322 SE2d 881) (1984) the Supreme Court applied the APA standard in reviewing a decision of the State under OCGA § 31-5-3.

The interlocutory appeal procedure does not apply to cases arising under the APA because the APA does not authorize appellate review until the superior court has rendered a "final judgment". OCGA § 50-13-20. Since there has been no final judgment by the trial court in this case, this Court lacks jurisdiction to consider this application. Accordingly, this application is ordered DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

AUG - 5 1999

*I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto affixed the day and year last above written.*

*Clerk.*

*William L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 27, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0389

R.T. JONES HOSPITAL, INC. ET AL V. KAREN JONES, INDIVIDUALLY AND AS  
ADMINISTRATRIX OF THE ESTATE OF ELIZABETH O. HOLLOMAN

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

90037

97112089

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

AUG 27 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

Court of Appeals  
of the State of Georgia

A9901 0390 changed to  
A0000012

ATLANTA, AUGUST 23, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0391  
VAUGHN & MURPHY V. DON SCOTT COCHRAN

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

70037

98MV500T

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

AUG 23 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            SEPTEMBER 02, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A99I0392

AT&T CORP., ET AL V. LIGIA PACHECO DE PEREZ, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

71037

95VS0104492

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

SEP -2 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    SEPTEMBER 02, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A99I0393  
AT&T CORP, ET AL V. CRUZ SIGALA, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

71038

95VS0104493

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

SEP -2 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, SEPTEMBER 02, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0394

HOOTERS OF AUGUSTA, INC., ET AL V. SAM NICHOLSON

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

91037

95RCCV616

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

SEP -2 1999

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      SEPTEMBER 03, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A99I0395

TAMMY CARTER V. DONALD JACKSON MCCOWEN, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

93037

46464

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

SEP -3 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,

SEPTEMBER 01, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0396  
TRONCALLI MOTORS, INC. V. FRED P. DEWITT

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

92038

97128475

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

SEP - 1 1999

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, SEPTEMBER 07, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0397

LOUIS G. PREVOSTI, M.D. V. HERSCHEL MARSHALL BRANNON, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

94038

E59701

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* SEP -7 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA, AUG 30 1999

*The Court of Appeals hereby passes the following order:*

**A99I0398. LYONS v. THE STATE.**

Nancy L. Lyons seeks appellate review of the denial of her motion for reconsideration of her motion to suppress State-administered field sobriety tests. The trial court issued a certificate of immediate review which adequately sets forth the order which Lyons seeks appellate review. Lyons seeks review of the trial court's order based upon the audio and video recording of the subject traffic stop which she contends plainly contradicts the arresting officer's testimony. Based upon our review of the video tape, Lyons' application is hereby GRANTED. Lyons is hereby directed to file a notice of appeal with the trial court within ten (10) days of this order.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      AUG 30 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*W. L. Mant, III*  
Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 24, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0399

U.S. FILTER DISTRIBUTION GROUP, INC. V. JIMMY C. BARNETT, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

96038

97MV379T

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

AUG 24 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will L. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA, SEP -2 1999

*The Court of Appeals hereby passes the following order:*

**A99I0400. TOMMY C. JANES v. JOYCE v. JANES**

Tommy C. Janes filed a petition for interlocutory review of the superior court's order denying his application to reinstate his demand for jury trial, which was entered July 15, 1999. The trial court issued a timely certificate of immediate review on July 26, 1999. Janes sent his application for interlocutory appeal to this Court by certified mail on August 5, 1999, the day the application was due. See OCGA § 5-6-34 (b). However, the filing fee required by Court of Appeals Rule 5 was not included in the application. The application could not be docketed when received because no filing fee was included. OCGA § 5-6-4. Accordingly, the application was not deemed filed and docketed until the following day, August 6, 1999, when the filing fee was submitted by certified mail. Court of Appeals Rule 4. The application is thus untimely. Without a timely filed application, this Court is without jurisdiction to consider the request for appeal. Graves v. Dean,

166 Ga. App. 186 (303 SE2d 751) (1983). Accordingly, Janes' application is hereby DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

SEP - 2 1999

*I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto affixed the day and year last above written.*

*William P. Hunt, III*  
Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, SEPTEMBER 03, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0401  
FREDDIE K. STEWART V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

99038

98R100 S99I1589

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

SEP -3 1999

*I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA, SEP -3 1999

*The Court of Appeals hereby passes the following order:*

**A99I0402. FREDDIE K. STEWART v. THE STATE.**

Via interlocutory application, defendant Stewart seeks appellate review of an order of the superior court, entered on July 9, 1999, and denying his motion to dismiss indictments. The application includes a certificate of immediate review entered on July 21, 1999, or 12 days after entry of the order sought to be appeal.

A certificate of immediate review is ineffective unless it is filed within ten days of the entry of the order or judgment sought to be appealed. OCGA § 5-6-34 (b); Turner v. Harper, 231 Ga. 175 (200 SE2d 748) (1973); Van Schallern v. Stanco, 130 Ga. App. 687 (204 SE2d 317) (1974). If the certificate of immediate review is not entered within the ten day period, it is untimely, and the party seeking review must wait until the final judgment in the case to seek review of the interlocutory order. Turner, supra. In this case, the certificate of immediate review was not filed within ten days of the entry of the superior court's July 9, 1999 order, and

therefore, it is untimely. Accordingly, this application is dismissed for lack of jurisdiction.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      SEP - 3 1999

*I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto affixed the day and year last above written.*

*Clerk.*  
*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 23, 1999

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A99I0403  
OK CAFE, L.P., ET AL V. STEPHEN W. RICH

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

70038

98VS0142066

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

AUG 23 1999

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, SEP -2 1999

*The Court of Appeals hereby passes the following order:*

**A99I0404. 2929 PANTHERSVILLE ASSOCIATES, ET AL V. MARLENE M.  
PHILLIPS, ET AL**

The applicants, 2929 Panthersville Associates, Sherwood Apartments, Inc., and Gateway Management Co., Inc., filed a petition for interlocutory review of the superior court's order denying their motion for summary judgment, which was filed in the trial court July 15, 1999. The trial court then issued a timely certificate of immediate review on July 26, 1999. The applicants filed their application for interlocutory review on August 11, 1999, sixteen days after the certificate of immediate review was issued. OCGA § 5-6-34 (b) permits this Court to consider interlocutory appeals only where the application is made within ten days after the certificate of immediate review is entered. Because the applicants failed to file their application within this time frame, the application is untimely, and this Court is without jurisdiction to consider it. Graves v. Dean, 166 Ga. App. 186 (303 SE2d 751) (1983). Accordingly, the application for interlocutory appeal is hereby DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta SEP -2 1999*

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Mart* <sup>Clerk</sup>