

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

ATLANTA, JUNE 18, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0270
RISCORP, INC. ET AL V. ZENITH INSURANCE COMPANY

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

90023

200CV17847

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 18 2001

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

W. Z. Martin, Jr.

Court of Appeals of the State of Georgia

ATLANTA,

MAY 31 2001

The Court of Appeals hereby passes the following order:

A01I0271. City of Breman v. Campbell

City of Breman filed this application for interlocutory appeal seeking review of the trial court's denial of its motion for summary judgment. The order the City seeks to appeal was entered by the trial court on April 26, 2001. A certificate of immediate review was entered on May 8, 2001. However, for this Court to have jurisdiction to consider an application for interlocutory appeal, a certificate of immediate review must be entered within ten days of entry of the order sought to be appealed. OCGA § 5-6-34 (b). In this case, the certificate of immediate review was not entered until 12 days after entry of the order appealed. Although the tenth day was on a Sunday, the certificate of immediate review had to be filed by Monday, May 7, 2001 to be timely. The City's failure to comply with these time restrictions deprives this Court of jurisdiction to consider this application. Accordingly, this application is ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 31 2001

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 Clerk.

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

ATLANTA, JUNE 18, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0272

GEORGIA DEPARTMENT OF HUMAN RESOURCES V. ARTHUR CLARKE, ADMINISTRATOR
OF THE ESTATE OF KYLE CASSIDY GILBERT

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

99023

99V64234L

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 18 2001

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Clerk.

W. Z. Martin, Jr.

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

ATLANTA,

The Court of Appeals hereby passes the following order:

**A01I0272. GEORGIA DEPARTMENT OF HUMAN RESOURCES v.
ARTHUR CLARKE, ADMINISTRATOR OF THE ESTATE OF KYLE
CASSIDY GILBERT.**

Upon consideration of the petitioner's application for interlocutory appeal, the same is hereby denied. Petitioner's motion to withdraw a portion of the application of interlocutory appeal is therefore moot.

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta* **JUN 18 2001**

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W. Z. Martin, Jr., Clerk.

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

ATLANTA, JUNE 08, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0273

JAMES DAVID POWER, ET AL V. STATE OF GEORGIA

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

97023

2000SUCR083

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN - 8 2001

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Clerk.

W. Z. Martin, Jr.

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

ATLANTA, JUNE 12, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0274
DANIEL LEE PURVIS V. MARIAN PAULDO, ET AL

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

93023

00C244

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

JUN 12 2001

*I certify that the above is a true extract from
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Clerk.

W. Z. Martin, Jr.

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

ATLANTA, JUNE 20, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0275
NUTON, INC., V. SUPERIOR BUILT-IN SYSTEM, INC.

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

92023

2000A35381

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 20 2001

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

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Clerk.



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

ATLANTA, JUNE 08, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0276

ROBERT L. BARRETT V. QUORUM HEALTH RESOURCES

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.

91023

97A67074

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN - 8 2001

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Clerk.

W. Z. Martin, Jr.

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order:

A01I0277. GALE INDUSTRIES, INC. v. TROY O'HEARN.

Gale Industries, Inc. filed this application seeking interlocutory review of the superior court's order denying in part its application for a temporary injunction. The order appealed from, however, is "one granting or denying equitable relief and is directly appealable under OCGA § 5-6-34 (a) (4)." *Saxton v. Coastal Dialysis & Medical Clinic*, 267 Ga. 177 (467 SE2d 587) (1996). To preserve the right to bring a direct appeal, an appellant must timely file a notice of appeal in the trial court. *Woodall v. Woodall*, 248 Ga. 172 (281 SE2d 619) (1981). 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))." *Artis v. Gaither*, 199 Ga. App. 114, 115 (404 SE2d 322) (1991). Thus, the filing of an application for interlocutory appeal will not confer jurisdiction upon this Court to entertain a direct appeal. *Id.* For these reasons, this application is hereby ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 13 2001

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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.

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

ATLANTA, JUNE 11, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0278

RANDOLPH KEITH MYRICK ET AL V. TERRY LEE MORGAN 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.

94024

I001617F

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 11 2001

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the minutes of the Court of Appeals of Georgia.*

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Clerk.



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

ATLANTA, JUNE 07, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0279

ANTAVIUS GRIMES V. THE STATE

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

95024

0190609

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN-7 2001

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Clerk.

W. Z. Martin, Jr.

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

ATLANTA, JUNE 22, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0280

LINDA PORTER V. STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, ET AL.

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

96024

00VS005065

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 22 2001

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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.

W. Z. Martin, Jr.

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

ATLANTA, JUNE 25, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0282
LIZZIE LUE WALKER V. THE STATE

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

98024

01CR056

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 25 2001

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

W. Z. Mathis, Jr.

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

ATLANTA, JUNE 20, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0283

DAIVD K. SHIRLEY V. MCI CONSTRUCTION, INC., GA.

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

99024

99CV2093

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 20 2001

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Clerk.

W. Z. Martin, Jr.

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

ATLANTA, JUNE 18, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A0110284

GEORGIA FARM BUREAU MUTUAL INSURANCE COMPANY V. CLAUDETTE SHAHEEN

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

97024

78163A

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 18 2001

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hereto affixed the day and year last above written.*

Clerk.

W. Z. Martin, Jr.

Court of Appeals of the State of Georgia

ATLANTA,

JUN 26 2001

The Court of Appeals hereby passes the following order:

A01I0285. KMART CORPORATION v. KINES, et al.

KMart Corporation seeks an appeal from an order denying its motion to set aside judgment and open default. Because a certificate of immediate review was included with KMart's submission, it was docketed as an application for interlocutory appeal as a matter of course. A post-judgment order that fully disposes of the matter addressed therein, however, is clearly not subject to the interlocutory appeal procedure. It follows that the certificate of immediate review included with KMart's submission is superfluous. Moreover, we agree with the respondents that the order complained of here is the denial of a discretionary motion to set aside, which is effectively the denial of a motion for reconsideration. *Bell v. Cochran*, 244 Ga. App. 510 (536 SE2d 187) (2000); *Stone v. Dawkins*, 192 Ga. App. 126 (384 SE2d 225) (1989). Such a motion does not extend the time for filing an appeal from a final judgment, nor is it otherwise appealable in its own right. *Id.* See also *Blackwell v. Sutton*, 261 Ga. 284 (404 SE2d 114) (1991); *Savage v. Newsome*, 173 Ga. App. 271 (326 SE2d 5) (1985). Accordingly, the respondents' motion to dismiss is *granted* and KMart's application is hereby *dismissed*.

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

JUN 26 2001

*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.

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

ATLANTA, JUNE 25, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0286

LATOYA HUZZIE 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 State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

92024

2000S1902

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 25 2001

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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.



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

ATLANTA, JUNE 29, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0287
TIMOTHY CAMPBELL V. ROBERT DONALD COATS

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.

91024
99CV620

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **JUN 29 2001**

*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.

W. Z. Mathis, Jr.

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

ATLANTA, JUNE 29, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A0110288

BERING MOTORS, LLC D/B/A STONE MOUNTAIN CHEVROLET V. DUANE GENTES

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

70024

981844022

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 29 2001

*I certify that the above is a true extract from
the minutes of 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 03, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0289

HARRIS TRUST AND SAVINGS BANK ET AL V. LEONARD ROSS 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.

94025

00VS005747G

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 03 2001

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

W. Z. Martin, III

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

ATLANTA, JULY 05, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0290
SHAHEEN & COMPANY V. MIKHAIL FOURMAN

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.

95025

00A656546

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 05 2001

*I certify that the above is a true extract from
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Clerk.

W. Z. Martin, Jr.

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

ATLANTA, JUNE 21, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0291

ANTHONY CRANE RENTAL, L.P. V. KENNETH G. DREW & EVELYN W. DREW

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

96025

CV961110FR

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 21 2001

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the minutes of the Court of Appeals of Georgia.*

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Clerk.



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

ATLANTA, JULY 10, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0292

MANHATTAN NATIONAL LIFE INSURANCE COMP V. JAMIE SILVA-NETO

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

90025

1999CV08852

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 10 2001

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Clerk.

W. Z. Martin, III

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

ATLANTA, JULY 03, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0293

ELSIE GIBSON V. CHARLES E. JOHNSON; JOHNSON GALLERIES OPELIKA INC.
ET AL

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

98025

HS01CV005

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 03 2001

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Clerk.

W. Z. Martin, Jr.

Court of Appeals of the State of Georgia

ATLANTA, Georgia

The Court of Appeals hereby passes the following order:

A0110294. KENNETH FARRIS v. THE STATE.

Kenneth Farris filed this application seeking review of the denial of his motion to suppress evidence. The trial court denied the motion on May 24, 2001, and a certificate of immediate review was filed on June 1, 2001. The application was filed 12 days later on June 13, 2001.

However, under OCGA § 5-6-34 (b), an application for appeal of an interlocutory order must be filed within 10 days after entry of a certificate of immediate review. Because this application is untimely, this Court lacks jurisdiction to consider it. Therefore, the application is DISMISSED.

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **JUN 22 2001**

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....., Clerk.
W. Z. Martin, Jr.

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order:

JUL 17 2001

A0110294. KENNETH FARRIS v. THE STATE.

By order dated June 22, 2001, this Court dismissed this application for interlocutory appeal on the grounds the application was not filed within 10 days after the June 1, 2001 entry of a certificate of immediate review as required under OCGA § 5-6-34 (b). On motion for reconsideration, however, applicant Kenneth Farris submitted the certified mail receipt provided by the United States Postal Service bearing an official postmark date which shows the application was timely filed pursuant to Court of Appeals Rule 4 by deposit in the certified mail on June 11, 2001. Therefore, the motion for reconsideration is granted and the dismissal order of June 22, 2001 is hereby VACATED.

Having reviewed Kenneth Farris's application on its merits, the application is DENIED.

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

JUL 17 2001

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 Clerk.

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

ATLANTA, JUNE 21, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0295

HARNISCHFEGER CORPORATION ET AL V. KENNETH G. DREW ET AL

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

96026

CV961110FR

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 21 2001

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

Clerk.

W. Z. Martin, Jr.

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order:

A01I0296. Crane and Rigging Consultants, Inc. v. Drew

Crane and Rigging Consultants, Inc. ("CRC") filed this application for interlocutory appeal seeking review of the trial court's order denying summary judgment. The trial court's order was entered on May 21, 2001. A timely certificate of immediate review was entered on May 30, 2001. CRC filed this application on June 14, 2001, 15 days after entry of the certificate of immediate review. However, an application for interlocutory review must be filed within ten days after entry of the certificate of immediate review. OCGA § 5-6-34 (b). CRC's failure to timely file this application deprives this Court of jurisdiction to consider this application. Accordingly, this application is ordered DISMISSED.

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

JUN 21 2001

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W. Z. Mathis, Jr., Clerk.

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

ATLANTA, JULY 05, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0297
ARDRE PIERRE GORDON V. THE STATE

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

97025

01CR2479

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 05 2001

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Clerk.

W. Z. Hunt, Jr.

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

ATLANTA, JUNE 28, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0298

GEORGIA DEPARTMENT OF TRANSPORTATION V. FEDERAL EXPRESS CORPORATION

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.

93025

01V0091

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 28 2001

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hereto affixed the day and year last above written.*

Clerk.



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

ATLANTA, JULY 10, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0299

A.L. BRADY V. LEE HUGHES, OPHELIA HUGHES, DONALD HUGHES ET AL

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

92025

00SV792D

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 10 2001

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Clerk.

W. Z. Martin, Jr.

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

ATLANTA, JULY 03, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0300
ROSANNE B. MARKS 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.

71025

01B16293

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 03 2001

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the minutes of the Court of Appeals of Georgia.*

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Clerk.

W. Z. Martin, Jr.

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

ATLANTA, JUNE 28, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0301

MAURICE ALLAIN 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.

91025

99C25340

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 28 2001

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Clerk.

W. Z. Martin, III

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

ATLANTA, JULY 11, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0302

LINDA MARTINEZ MCCLURE V. S.C. BARKER ET AL

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

70025

2000CV1932

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 11 2001

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Clerk.

W. Z. Martin, Jr.

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

ATLANTA, JULY 03, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0303
FOWARD AIR V. LLOYD DUNN ET AL

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

94026

2000CV04296D

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 03 2001

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Clerk.

W. Z. Martin, Jr.

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

ATLANTA, JULY 12, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0304

MARK C. BAIN V. THE STATE

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

95026

0104807

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 12 2001

*I certify that the above is a true extract from
the minutes of 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,

The Court of Appeals hereby passes the following order:

A01I0305. DR. HAROLD KENT ET AL v. DARREN A. ANDERSON.

On June 18, 2001, defendants Dr. Harold Kent, et al., filed an application for interlocutory review of the order of the superior court, entered on May 29, 2001, denying defendants' motion to dismiss or for summary judgment for failure to comply with the expert affidavit requirement of OCGA § 9-11-9.1. On June 4, 2001, the trial court entered a certificate of immediate review of its order of May 29, 2001.

OCGA § 5-6-34 (b) expressly requires that an application for interlocutory review be filed within 10 days after the granting of a certificate of immediate review. Court of Appeals Rule 32 (a) provides that "[a]n application for interlocutory appeal shall be filed in this Court within 10 days of entry of the trial court's order granting the certificate for immediate review. Entry of the trial court's order shall be the date it is filed with the trial court." Neither the statute nor the court rule provides for any additional time to be allowed because a certificate of immediate review is mailed to the parties after the entry of the document granting the certificate of immediate review.

As defendants have failed to make an application for interlocutory review to this court within 10 days of the granting of the certificate of intermediate review, said application is hereby DISMISSED. *Genter v. State*, 218 Ga. App. 311 (460 SE2d 879) (1995); see *Baynes v. State*, 189 Ga. App. 797 (377 SE2d 708) (1989).

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

JUN 29 2001

*I certify that the above is a true extract from
the minutes of 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 18, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0306
BLUE OLIVE V. ROBERT W. STYRON

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

98026

99CV14068

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 18 2001

*I certify that the above is a true extract from
the minutes of 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. Z. Martin, Jr. Clerk.

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

ATLANTA, JULY 19, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0307
SCOTT NEIL SAVAGE V. THE STATE

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

99026

01CR0265

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 19 2001

*I certify that the above is a true extract from
the minutes of 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. Z. Martin, Jr.

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order:

A0110308. Compton v. Compton

On March 29, 2001, Vernon Kenneth Compton filed a Petition for Modification of Child Support. The child support provision Compton sought to modify was incorporated into the parties Final Judgment and Decree of Divorce. Debbie Ashworth Compton filed a motion to dismiss for lack of jurisdiction and improper venue. The trial court denied the motion and Debbie Compton filed this interlocutory application.

As the jurisdiction and venue issue is ancillary to an action seeking modification of a divorce decree, jurisdiction over this application is vested in the Supreme Court of Georgia. Ga. Const. of 1983, Art. VI, Sec. VI, Par. III (6); see *Eickhoff v. Eickhoff*, 263 Ga. 498, 499 (1) (435 SE2d 914) (1993)(on appeal from judgments and orders in domestic relations cases, the Supreme Court has jurisdiction over all divorce and alimony cases); see also, *Early v. Early*, 269 Ga. 415 (499 SE2d 329) (1998). Accordingly, this application is hereby TRANSFERRED to the Supreme Court.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 28 2001

*I certify that the above is a true extract from
the minutes of 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,

The Court of Appeals hereby passes the following order:

AUG 24 2001

A0110309. DAVID E. HARRIS v. PAMELA HARRIS

David E. Harris seeks reconsideration of this Court's July 18, 2001 order denying his application for interlocutory appeal. Harris' motion for reconsideration was not filed with this Court until July 31, 2001. Court of Appeals Rule 37 (b) requires that motions for reconsideration be filed within ten days of the judgment or dismissal. Harris' motion, which was not filed until 13 days after this Court's order denying his application, is therefore untimely and is hereby ordered DISMISSED.

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

AUG 24 2001

*I certify that the above is a true extract from
the minutes of 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 Z. Martin, Jr.

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

ATLANTA, JULY 06, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A0110310

GEORGIA DEPARTMENT OF TRANSPORTATION V. CAROLYN DIANE LANDRUM

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

76873B

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 06 2001

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

W. Z. Martin, Jr.

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

ATLANTA, JULY 17, 2001

The Court of Appeals hereby passes the following order:

JUL 17 2001

APPLICATION NO. A01I0311

RUGGLES PERFORMANCE PRODUCTIONS V. JACK ANSLEY D/B/A LOTUS RACING

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.

71026

93C02972S3

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 17 2001

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

W. Z. Mathis, Jr.

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

ATLANTA,

The Court of Appeals hereby passes the following order: **JUL 24 2001**

A0110312. CALDWELL v. THE STATE.

Demetrick Caldwell seeks immediate review of an order denying his motion for pre-trial bond. Caldwell included with his application the original certificate of immediate review issued by the trial court. It is well settled that a certificate for immediate review must be signed by the trial judge and filed with the clerk within ten days of the date of the entry of the order to which the certificate refers. *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973). Because the certificate upon which Caldwell relies was not filed with the clerk as required, this application is hereby *dismissed* for lack of jurisdiction.

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

JUL 24 2001

*I certify that the above is a true extract from
the minutes of 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. Z. Mathis, Jr. Clerk.

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **JUL 18 2001**

A0110313. Louie G. Carter v. The State

Louie G. Carter filed this application for interlocutory appeal seeking review of the denial of his motion to suppress. He did not include with the application stamped "filed" copies of the order denying the motion to suppress or the certificate of immediate review as Court of Appeals Rule 30 (b) requires. On June 28, 2001, this Court ordered that Carter supplement his application with a stamped "filed" copy of the order. The Court emphasized that if Carter did not cause a copy of the order to be physically filed with the Court within 10 days, the application would be dismissed. The tenth day after the entry of the June 28, 2001 order was July 8, 2001, a Sunday. Therefore, Carter had until Monday, July 9, 2001 to physically file the document with the Court. Carter filed stamped "filed" copies of the order and the certificate of immediate review on July 10, 2001, one day late. Therefore, this application is hereby DISMISSED.

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

JUL 18 2001

*I certify that the above is a true extract from
the minutes of 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, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0314

MARCUS OWEN CARABELLI V. SHARLA BROWN ET AL

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

94027

00CV0697

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL 23 2001

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

W. Z. Marti, Jr.

Court of Appeals
of the State of Georgia

ATLANTA, JULY 12, 2001

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A01I0315. DERRICK KINGSLEY WALKER v. STATE OF GEORGIA

Upon consideration of the MOTION TO
WITHDRAW THE APPLICATION FOR INTERLOCUTORY IS HEREBY
GRANTED.

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

JUL 12 2001

I certify that the above is a true
extract from the minutes of 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.

W. Z. Martin, III

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

ATLANTA, JULY 17, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0316

WILLIAM JOHNSON ET AL V. COMCAR INDUSTRIES 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 State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

90027

97A360514

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 17 2001

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

W. Z. Martin, Jr.

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

ATLANTA, JULY 26, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0317
DERRICK KINGSLEY WALKER V. THE STATE

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

98027

00B22022

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **JUL 26 2001**

*I certify that the above is a true extract from
the minutes of 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 19, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0318
O.C. CONLEY V. JESSIE DANIELS DAWSON

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.

99027

99VS157932E

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL 19 2001

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

W. Z. Martin, Jr.

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

ATLANTA, JULY 31, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0319

INSURANCE AGENCY OF GLYNN COUNTY, INC. V. PATRICIA WARD CHAVARRIA, ATLA
NTA CASUALTY COMPANIES

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

97027

99V087

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 31 2001

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

W. Z. Martin, Jr.

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

ATLANTA, AUGUST 01, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0320
MARY STEWART JOHNSON V. CITY OF ATLANTA

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

93027

2000CV27695

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 01 2001

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

W. Z. Martin, Jr.

CLERK'S OFFICE
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

Docketing Date: August 20, 2001

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S01C1772**

MARY STEWART JOHNSON v. CITY OF ATLANTA

Clerk, Supreme Court of Georgia

Case No. A0110320

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

Clerk, Court of Appeals of Georgia

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

ATLANTA, AUGUST 08, 2001

The Court of Appeals hereby passes the following order: **AUG 08 2001**

APPLICATION NO. A01I0321
SWEET BOTTOM PLANTATION OWNERS ASSOCIATION, INC. V. ROBERT J.
SHILLIDAY, JR., ET AL

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

92027

00A75986

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **AUG 08 2001**

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

W. Z. Martin, Jr.

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

ATLANTA, AUGUST 08, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0322
THE KROGER COMPANY V. KAREN CATALAN

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.

71027

98CV30806

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 08 2001

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

W. Z. Martin, Jr.

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

ATLANTA, JULY 26, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0323
JAMES C. HURLEY V. STEPHANIE 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.

91027
2000CV2795

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JUL 26 2001

*I certify that the above is a true extract from
the minutes of 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, AUGUST 06, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0324

BARRY WERMAN V. WAYNE BONNER & ASSOCIATES

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

70027

99A607766

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 06 2001

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

W. Z. Martin, Jr.

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

ATLANTA, AUGUST 03, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0325
RANDY FLACHBART ET AL V. THE STATE

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

94028

00CR140851

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **AUG 03 2001**

*I certify that the above is a true extract from
the minutes of 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, AUGUST 13, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0326

KRISTEN WENDLAND V. JENNIFER EASON, C.J. COPELAND, & BARBARA COPELAND

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

95028

165376

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 13 2001

I certify that the above is a true extract from the minutes of 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, AUGUST 29, 2001

The Court of Appeals passed the following order:

Case No. A01I0327

WELLSTAR HEALTH SYSTEMS ET AL V. BARBARA J. MOSES ET AL

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

96-028
00CV0340

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 29 2001

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

W. Z. Martin, Jr.

CLERK'S OFFICE
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

Docketing Date: September 18, 2001

A01I 329
A01I 327

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S02C0013**

WELLSTAR HEALTH SYSTEMS, INC., et al. v. BARBARA J. MOSES et al.

Clerk, Supreme Court of Georgia

Case No. A01I0329 A01I0327

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

Clerk, Court of Appeals of Georgia

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

ATLANTA, AUGUST 15, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0328

TECO PROFFITT ET AL V. FRANCISCO DUENO, M.D., ET AL

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

90028

CV990515FR

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 15 2001

*I certify that the above is a true extract from
the minutes of 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, AUGUST 29, 2001

The Court of Appeals passed the following order:

Case No. A01I0329

RODOLFO CARDENAS, M.D., V. BARBARA J. MOSES

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

96-029
00CV0340

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **AUG 29 2001**

*I certify that the above is a true extract from
the minutes of 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. Z. Hunt, Jr. Clerk.

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

ATLANTA, AUGUST 13, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0330
DONTAVIUS WILCHER ET AL V. JOHN EDWARD SMITH

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.

98028
99CV441

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 13 2001

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

W. Z. Mathis, Jr.

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

ATLANTA, JULY 30, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0331

GILBERT F. FISHER, M.D., ET AL V. KATHY WALLS

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

99028

99CV438

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 30 2001

*I certify that the above is a true extract from
the minutes of 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. Z. Martin, Jr. Clerk.

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

ATLANTA, AUGUST 16, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A0110332
JOHN BOLTON ET AL V. THE CITY OF ROSWELL

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

97028

1999CV14483

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 16 2001

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

W. Z. Marti, Jr.

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

ATLANTA, JULY 30, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0333
MANDALYN MANNING ET AL V. KATHY WALLS

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

99029

99CV438

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 30 2001

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

W. Z. Mathis, Jr.

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

ATLANTA, AUGUST 15, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0334

ISHMAEL LYNCH V. THE STATE

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

93028

NO #

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 15 2001

*I certify that the above is a true extract from
the minutes of 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. Z. Martin, Jr. Clerk.

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

ATLANTA, AUGUST 08, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0335

PATRICIA ANN FARMER V. ROBIN H. BARNETT ET AL

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

92028

001232

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 08 2001

I certify that the above is a true extract from the minutes of 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.

W. Z. Martin, Jr.

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

ATLANTA,

The Court of Appeals hereby passes the following order: **AUG 17 2001**

**A0110336. THE SECURITY STATE BANK v. VISITING NURSES
ASSOCIATES OF TELFAIR COUNTY, INC.**

Upon consideration of the Security State Bank's application for interlocutory appeal, the application is hereby GRANTED. Visiting Nurses Associates of Telfair County, Inc.'s motion to dismiss the appeal is hereby DENIED. Because of a clerical error, the docketing date for this case was originally shown as July 20, 2001. The docketing date is hereby changed to the correct date of July 18, 2001.

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

AUG 17 2001

*I certify that the above is a true extract from
the minutes of 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. Z. Martin, Jr., Clerk.

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

ATLANTA, AUGUST 09, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0337

TINA N. KELLY V. SUN C. SMITH

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

91028

99CV0647

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 09 2001

*I certify that the above is a true extract from
the minutes of 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. Z. Hunt, Jr. Clerk.

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

ATLANTA, AUGUST 16, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0338
FAIRFIELD PONTIAC ET EL V. JIN LEE

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

70028

99CV1944C

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 16 2001

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

W. Z. Martin, Jr.

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

ATLANTA, AUGUST 22, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0339

KELLY HENDERSON, ET AL V. JACKSON COUNTY, GEORGIA, ET AL

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

94029

X00CV0634

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 22 2001

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

W. Z. Martin, Jr.

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **AUG 16 2001**

A01I0340. THE STATE v. TRIPLETT

The State filed this application seeking interlocutory review of the trial court's order denying the State's motion for court ordered medical records and granting in part and denying in part Deanna Lea Triplett's motion to suppress. In its application, the State contends that medical records obtained via an ex-parte subpoena issued prior to *King v. State*, 272 Ga. 788 (535 SE2d 492) (2000) should be able to be obtained by the State under the "independent source" doctrine as an exception to the "exclusionary rule." However, the authority of the State to appeal an adverse ruling in a criminal case is limited to the instances enumerated in OCGA § 5-7-1. In this case, the State is not appealing the trial court's order granting the motion to suppress as required by *King*, but is seeking review of the trial court's denial of its motion for court-ordered medical records as an exception to the exclusionary rule. Because the issue the State seeks to appeal does not come within one of the enumerated instances set forth in OCGA § 5-7-1, this Court lacks jurisdiction to consider this application. *Berky v. State*, 266 Ga. 28 (463 SE2d 891) (1995).

Further, to the extent the State contends it is seeking to appeal the grant of a motion to suppress, this Court also lacks jurisdiction to consider this application for interlocutory appeal as an appeal by the State of the grant of a motion to suppress is directly appealable. OCGA § 5-7-2; *State v. Blossfield*, 165 Ga. App. 111 (1) (299 SE2d 588) (1983). Therefore, the interlocutory appeal process is not applicable. *State v. Medley*, 205 Ga. App. 427 (422 SE2d 677) (1992).

For the foregoing reasons, the State's application is hereby DISMISSED for lack of jurisdiction.

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

AUG 16 2001

*I certify that the above is a true extract from
the minutes of 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,

The Court of Appeals hereby passes the following order:

AUG 23 2001

A01I0341. PENNY E. EATON ET AL. v. F. L. MURRAY, JR. ET AL.

Penny E. Eaton and John D. Adams filed this application for interlocutory appeal from the superior court's order denying their motion for summary judgment. They requested and obtained a certificate of immediate review from the court, which was timely entered on July 16, 2001. The application was docketed when received in this Court on July 30, 2001.

Rule 4 of the Court of Appeals provides that documents are deemed to be filed when physically delivered to the Clerk's office or when mailed, provided they are sent by *registered or certified mail*. Here, the application was not sent by registered or certified mail and, thus, was filed fourteen 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

AUG 23 2001

*I certify that the above is a true extract from
the minutes of 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. Z. Mathis, Jr., Clerk.

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

ATLANTA, AUGUST 17, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0342

COTTON STATES MUTUAL INSURANCE COMPANY V. CHARLES J. PHILLIPS 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.

98029

2000CV388

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 17 2001

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

W. Z. Mathis, Jr.

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

ATLANTA, AUGUST 29, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0343
GLORIA PHELPS V. REGIONS BANK ET AL

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

97029

011289399

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 29 2001

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

W. Z. Martin, Jr.

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

ATLANTA, AUGUST 21, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0344

DIANE DODSON V. THOMAS A DEAN

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.

93029

99CV2100

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 21 2001

*I certify that the above is a true extract from
the minutes of 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. Z. Mark, Jr. Clerk.

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

ATLANTA, SEPTEMBER 04, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0345
HONDA NORTH AMERICA V. LARRY TODD ADCOCK

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

92029

99VS153798C

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 04 2001

*I certify that the above is a true extract from
the minutes of 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. Z. Martin, Jr. Clerk.

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **AUG 23 2001**

A01I0346. Lodgenet Entertainment Corporation v. Scotts Creek, Inc.

Lodgenet Entertainment Corporation filed this application seeking interlocutory review of the trial court's denial of its motion for summary judgment. The order denying summary judgment was entered by the trial court on July 9, 2001. A certificate of immediate review was entered by the trial court on July 30, 2001. However, for this Court to have jurisdiction to consider an application for interlocutory appeal, a certificate of immediate review must be filed or "entered" by the trial court within ten days after entry of the order sought to be appealed. OCGA § 5-6-34 (b); *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973). Lodgenet's failure to obtain a certificate of immediate within ten days of entry of the order sought to be appealed deprives this Court of jurisdiction to consider this appeal. Accordingly, this appeal is ordered DISMISSED.

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

AUG 23 2001

*I certify that the above is a true extract from
the minutes of 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. Z. Martin, Jr., Clerk.

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

ATLANTA, AUGUST 29, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0347

HIPES & NORTON, P.C., V. PYE AUTOMOBILE SALES OF CHATTANOOGA

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.

91029

78568T

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 29 2001

*I certify that the above is a true extract from
the minutes of 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,

The Court of Appeals hereby passes the following order: **AUG 06 2001**

A0110348. REDCO CORPORATION ET AL. v. FORBES & BOWMAN.

Due to a delay in printing the notice of docketing for this case, the time allowed appellee to file a response is extended to 10 days from the date of this order. Therefore, the customary practice of the Court of Appeals to issue an order granting or denying such an appeal within 30 days of the filing of the application will be suspended in this case only. An order granting or denying the application will be entered within 45 days of the date on which the interlocutory application was filed. OCGA § 5-6-34 (b).

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **AUG 06 2001**

*I certify that the above is a true extract from
the minutes of 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, AUGUST 23, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0348

REDCO CORPORATION ET AL V. FORBES & BOWMAN

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

70029

2001V18

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **AUG 23 2001**

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

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

[Handwritten Signature] Clerk.

CLERK'S OFFICE
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

Docketing Date: September 11, 2001

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S01C1872**

REDCO CORPORATION et al. v. FULTON SMITH

Clerk, Supreme Court of Georgia

Case No. A0110348

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

Clerk, Court of Appeals of Georgia

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

ATLANTA, SEPTEMBER 05, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0349
BENJAMIN S. BROWN ET AL V. CAROLYN HEAD

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

94030
95V540

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

SEP 05 2001

*I certify that the above is a true extract from
the minutes of 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, AUGUST 22, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0350
CALVIN SMITH V. GOLDEN GLIDE, INC.

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

95030

00A746234

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **AUG 22 2001**

*I certify that the above is a true extract from
the minutes of 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, SEPTEMBER 05, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0351

UPSON COUNTY HOSPITAL, INC. ET AL V. CAROLYN HEAD

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

94031

95V540

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 05 2001

I certify that the above is a true extract from the minutes of 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, AUGUST 29, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0352
PATRICK R. IMM V. SABIHA MASROOR

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

96030

I003528F

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 29 2001

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

W. Z. Martin, Jr.

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

ATLANTA, SEPTEMBER 05, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0353
CADILLAC RANCH, INC. ET AL V. DAVID WAYNE FLEEMAN ET AL

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

90030

X99CV0878

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **SEP 05 2001**

*I certify that the above is a true extract from
the minutes of 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. Z. Martin, Jr.

Clerk.

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

ATLANTA, SEPTEMBER 06, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0354

ELDONTA HALL V. THE STATE

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

98030

01CR18754

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **SEP 06 2001**

I certify that the above is a true extract from the minutes of 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, SEPTEMBER 12, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0355
JERMONTE WILLIAMS V. THE STATE

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

99030

1B00CR280 1B00CR285

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **SEP 12 2001**

*I certify that the above is a true extract from
the minutes of 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, AUGUST 30, 2001

The Court of Appeals hereby passes the following order:

APPLICATION NO. A01I0356

THOMAS KING III V. THE STATE

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

97030

00B038392

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 30 2001

I certify that the above is a true extract from the minutes of 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. Z. Mark, Jr.

Clerk.

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

ATLANTA, SEPTEMBER 13, 2001

The Court of Appeals passed the following order:

Case No. A01I0356

THOMAS KING III V. THE STATE

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

97-030
00B038392

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

SEP 13 2001

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

W. Z. Martin, Jr.

CLERK'S OFFICE
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

Docketing Date: October 3, 2001

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S02C0098**

THOMAS KING, III v. THE STATE

Clerk, Supreme Court of Georgia

Case No. A0110356

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

Clerk, Court of Appeals of Georgia