

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

ATLANTA, JUNE 24, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0252

J. D.'S GLASSWORKS, INC. ET AL V. ALBERTA RIVAS MARTINEZ ET AL

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

92021

01A41276

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 24 2002

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

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

Clerk.

William Z. Martinez

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **JUN 18 2002**

A02I0253. WILLIAM P. LANIER v. JACK PITTMAN ET AL.

On May 6, 2002, William P. Lanier filed an application for interlocutory review by the Supreme Court of Georgia of the order of the trial court, entered April 4, 2002, granting Plaintiff Jack Pittman's motion for interlocutory injunction. On May 24, 2002, the Supreme Court transferred the application to this Court for appropriate disposition.

On May 28, 2002, this court entered an order directing Lanier to physically file a stamped "filed" copy of the certificate of immediate review within 10 days of the date the order. Because Lanier has failed to timely comply with this order, the above-captioned application is ordered DISMISSED.

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

JUN 18 2002

*I certify that the above is a true extract from
the minutes of 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 27, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0254
GEORGIA DEPARTMENT OF HUMAN RESOURCES, ET AL., V.
L.C. NATION

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.

91021

2001CV0567

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 27 2002

*I certify that the above is a true extract fromd
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,

The Court of Appeals hereby passes the following order: **JUN 18 2002**

A02I0255. BRADLEY v. LONGSHORE, et al.

Martha Bacon Bradley seeks an interlocutory appeal from an order granting the respondents' motion for summary judgment as to Bradley's prayer for punitive damages. The respondents have filed a motion to dismiss on the ground that the trial court's certificate of immediate review, although signed in a timely fashion, was untimely filed with the clerk and therefore ineffective. See *Turner v. Harper*, 231 Ga. 174, 176 (200 SE2d 748) (1973). We agree. Even if the certificate had been timely filed, however, this application would still be dismissed since Bradley chose the wrong avenue of appeal. An order granting partial summary judgment is subject to direct appeal under OCGA § 9-11-56 (h), and the interlocutory appeal procedure applies only to those judgments that are "not otherwise subject to direct appeal." OCGA § 5-6-34 (b); *Artis v. Gaither*, 199 Ga. App. 114 (404 SE2d 322) (1991).

For the foregoing reasons, Bradley's application is hereby *dismissed* for lack of jurisdiction.

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

JUN 18 2002

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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.

William Z. Martin, III, Clerk.

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

ATLANTA, JUNE 20, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0256
TIMOTHY S. MURPHY V. DEBORAH PYY

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
01A7264

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

JUN 20 2002

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

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Clerk.

Will Z. Martin, Jr.

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

ATLANTA, JUNE 27, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0257
COREGIS INSURANCE COMPANY ET AL V. DAVID U. CROSBY

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

90022

01VS019384

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

JUN 27 2002

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hereto affixed the day and year last above above written.*

Clerk.

Will Z. Martin, III

Court of Appeals of the State of Georgia

ATLANTA,

JUN 07 2002

The Court of Appeals hereby passes the following order:

A02I0258. CSX TRANSPORTATION, INC. v. PATRICIA DEEN.

On May 30, 2002, CSX Transportation, Inc. filed an application for interlocutory review of an order, entered on May 6, 2002, denying its motion for summary judgment. On May 21, 2002, a certificate of immediate review was filed under OCGA § 5-6-34 (b).

OCGA § 5-6-34 (b) requires, as a prerequisite to interlocutory review, that the trial judge certifies within ten days of entry of the order, decision, or judgment sought to be appealed that it is of such importance to the case that immediate review should be had. Once a certificate of review is obtained within the ten-day period, it also 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. See *Turner v. Harper* 231 Ga. 174, 176 (200 SE2d 748) (1973); *Laurens County v. Dixon*, 133 Ga. App. 727 (213 SE2d 26) (1975); compare OCGA § 9-11-58.

Because the certificate of immediate review was not filed within the prescribed ten-day period, this application is ordered DISMISSED.

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

JUN 07 2002

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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, JULY 15, 2002

The Court of Appeals passed the following order

Case No. A02I0259

LILLIAN D. WITCHER V. LEVEL 3 COMMUNICATIONS, LLC

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

70-022
01MV229H

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 15 2002

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

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

ATLANTA, JUNE 06, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0260

EMERITUS, LTD., V. WATKINS LUMBER & SUPPLY CO., INC.

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

98022

2001CV701

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

JUN 06 2002

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Clerk.



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

ATLANTA, JUNE 25, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0261
PINELAND COMMUNITY SERVICE BOARD V. MARY D. SALTERS ET AL

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

99022

00CV504

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 25 2002

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

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

Clerk.

Will. Z. Martin, III

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

ATLANTA, JULY 19, 2002

The Court of Appeals passed the following order

Case No. A02I0261

PINELAND COMMUNITY SERVICE BOARD V. MARY D. SALTERS ET AL

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

99-022
00CV504

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JUL 19, 2002*

*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. Marti, III

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

ATLANTA, JUNE 25, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0262

BAXTER HEALTHCARE CORPORATION V. JILL BISHOP ET AL

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

94022

95VS0095697

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 25 2002

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

W. Z. Martin, Jr.

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

ATLANTA, JUNE 25, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0263
WENDY J. TITELMAN V. PATRICK H. HEAD

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

92022

011449633

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

JUN 25 2002

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Clerk.

W. Z. Marti, III

Court of Appeals of the State of Georgia

ATLANTA,

JUN 11 2002

The Court of Appeals hereby passes the following order:

A02I0264. THOMAS E. SPENCER v. THE STATE.

Thomas E. Spencer filed this application seeking appellate review of an order denying his motion to dismiss an indictment charging him with the offenses of aggravated cruelty to animals and terroristic threats. Because Spencer's application is from a non-final order and lacks a timely granted certificate of immediate review, it cannot be considered by this Court under either OCGA § 5-6-34 (b) or OCGA § 5-6-35. Moreover, even if Spencer's application did contain a valid certificate of immediate review filed on the latest date permissible under OCGA § 5-6-34 (b), the application would be untimely.

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

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

JUN 11 2002

*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.*

W. Z. Martin, Jr., Clerk.

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

ATLANTA, JULY 09, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0265

NALACO, INC., D/BA/A SECURITY SYSTEMS INTEGRATION V. MARLON J. VARADY

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

91022

006870

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

JUL 09 2002

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

W. Z. Marti, III

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

ATLANTA, JUNE 24, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0266
JOHN DOE V. DAVID HALL 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.

97023

01VS026172

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 24 2002

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Clerk.

Will Z. Martin, III

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

ATLANTA, JULY 01, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0267
TOWN OF REGISTER V. SHEILA M. FORTNER AS ADMINISTRATRIX OF THE ESTATE
OF LEON M. FORTNER

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

1B98CV067W

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 01 2002

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the minutes of the Court of Appeals of Georgia*

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Clerk.

W. Z. Martin, III

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

ATLANTA, JULY 01, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0268
OGEECHEE RAILWAY V. SHEILA M. FORTNER AS ADMINISTRATRIX OF THE ESTATE
OF LEON M. FORTNER 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.

95024

1B98CV067W

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 01 2002

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

Will Z. Martin, Jr.

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

ATLANTA, JULY 01, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0269
KIM MITCHELL ET AL V. LAURA E. AUSTIN

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.

90023
0010815934

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **JUL 01 2002**

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Clerk.



Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **JUL 11 2002**

A02I0270. CHANDRA LAMPKIN v. THE STATE.

A02I0271. KHADIJAH MERRITT v. THE STATE.

Lampkin and Merritt filed apparent interlocutory applications seeking review of the denials of their motions for pretrial bonds. OCGA § 5-6-34 (b) permits such petitions where the trial judge "certifies within ten days of entry" that the order, decision, or judgment sought to be appealed "is of such importance to the case that immediate review should be had..." The certificate of immediate review need not conform to the exact language of OCGA § 5-6-34 (b). Substantial compliance with the statute is all that is required. *Clayton v. Edwards*, 225 Ga. App. 141, 144 (4) (483 SE2d 111) (1997).

Nonetheless, these applications do not contain certificates of immediate review which are in substantial compliance with the statute. Both applications contain an order stating that a request for a motion for certificate of immediate review is granted. But these orders do not amount to substantial compliance with the requirements of the statute. See *Bibb County v. McDaniel*, 127 Ga. App. 129 (1) (192 SE2d 544)

(1972), citing with approval the dissent in *Hodge v. Dixon*, 119 Ga. App. 397 (167 SE2d 377) (1969).

Nor can it be suggested that any order, decision, or judgment has been certified in compliance with OCGA § 5-6-34 (b) when none is identified in any way by the trial court. The supposed certificates of immediate review contained in these applications fail to reference any other order, decision, or judgment, as the one to be certified.

Due to the failure to comply with the interlocutory appeal procedure, this Court lacks jurisdiction to consider these applications. Therefore, these applications are hereby ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL 11 2002

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

Will Z. Martin, Jr., Clerk.

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

ATLANTA, JULY 26, 2002

The Court of Appeals passed the following order

Case No. A02I0270

CHANDRA LAMPKIN V. THE STATE

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

93-023
2002CR85

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JUL 26, 2002*

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the minutes of the Court of Appeals of Georgia.*

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Clerk.

Will. Z. Martin, III

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

ATLANTA, JULY 26, 2002

The Court of Appeals passed the following order

Case No. A02I0270

CHANDRA LAMPKIN V. THE STATE

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

93-023
2002CR85

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JUL 26, 2002*

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Clerk.

Will Z. Martin, III

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: JUL 11 2002

A02I0270. CHANDRA LAMPKIN v. THE STATE.

A02I0271. KHADIJAH MERRITT v. THE STATE.

Lampkin and Merritt filed apparent interlocutory applications seeking review of the denials of their motions for pretrial bonds. OCGA § 5-6-34 (b) permits such petitions where the trial judge "certifies within ten days of entry" that the order, decision, or judgment sought to be appealed "is of such importance to the case that immediate review should be had..." The certificate of immediate review need not conform to the exact language of OCGA § 5-6-34 (b). Substantial compliance with the statute is all that is required. *Clayton v. Edwards*, 225 Ga. App. 141, 144 (4) (483 SE2d 111) (1997).

Nonetheless, these applications do not contain certificates of immediate review which are in substantial compliance with the statute. Both applications contain an order stating that a request for a motion for certificate of immediate review is granted. But these orders do not amount to substantial compliance with the requirements of the statute. See *Bibb County v. McDaniel*, 127 Ga. App. 129 (1) (192 SE2d 544)

(1972), citing with approval the dissent in *Hodge v. Dixon*, 119 Ga. App. 397 (167 SE2d 377) (1969).

Nor can it be suggested that any order, decision, or judgment has been certified in compliance with OCGA § 5-6-34 (b) when none is identified in any way by the trial court. The supposed certificates of immediate review contained in these applications fail to reference any other order, decision, or judgment, as the one to be certified.

Due to the failure to comply with the interlocutory appeal procedure, this Court lacks jurisdiction to consider these applications. Therefore, these applications are hereby ordered DISMISSED.

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

JUL 11 2002

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William Z. Martin, III
....., Clerk.

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

ATLANTA, JULY 12, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0272
JEFFREY DOUGLAS MARGERUM 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.

70023
CR02164

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

JUL 12 2002

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the minutes of the Court of Appeals of Georgia*

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Clerk.

W. Z. Martin, III

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

ATLANTA, JUNE 27, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0273

CARLOS MILLER V. THE STATE

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

98023

029088642

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 27 2002

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Clerk.

Will. Z. Martin, III

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

ATLANTA, JULY 12, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0274
PRAN SOOD, M.D. V. SONYA SMEIGH

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.

99023

2002CV645

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 12 2002

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Clerk.

W. Z. Martin, Jr.

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

ATLANTA, JULY 01, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0275
JAMES EDWARD LAWSON V. THE STATE

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

94023

SU01CR15985

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

JUL 01 2002

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Clerk.

Will. Z. Martin, III

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

ATLANTA, JULY 11, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0276
BRYAN JOSEPH HICKS V. THE STATE

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

92023

02872 02873

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **JUL 11 2002**

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Clerk.

Will Z. Martin, III

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

ATLANTA, JULY 17, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0277

ALCOVY PROPERTIES, INC V. MTW INVESTMENT COMPANY ET AL

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

71023

183531628

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 17 2002

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Clerk.

W. Z. Martin, Jr.

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

ATLANTA, JULY 10, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0278
JESUS ALFARIO JARAMILLO V. THE STATE

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

91023

01CR01872

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

JUL 10 2002

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Clerk.

W. Z. Martin, III

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

ATLANTA, JULY 16, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0279
GEORGIA PORTS AUTHORITY ET AL V. JOHNNY LEE HINES
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.

97024
CV010732BR

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 16 2002

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

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

W. Z. Martin, Jr.

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

ATLANTA, JULY 15, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0280
CAROLYN HEAD V. BENJAMIN S. BROWN, M.D., 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.

96024
95V540

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL 15 2002

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Clerk.

Will Z. Martin, III

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

ATLANTA, JULY 18, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0281
A&D ASPHALT COMPANY V. GEORGIA DEPARTMENT OF
TRANSPORTATION ET AL

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

90024

98CV4011

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 18 2002

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Clerk.

W. Z. Martin, III

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

ATLANTA, JULY 24, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0282
WILLIAM CASTLEBERRY V. GARY ZIELINSKI

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

70024

0010229234

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

JUL 24 2002

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

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

Clerk.

W. Z. Martin, III

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

ATLANTA, JULY 09, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0283
ALTERMAN PROPERTIES, LTD. V. ECKERD CORPORATION,
SUCCESSOR-IN -INTEREST TO ECKERD DRUGS OF GEORGIA, INC.

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

98024

01A827086

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 09 2002

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

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

Clerk.

W. Z. Martin, III

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

ATLANTA, JULY 24, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0284

CITY OF WARNER ROBINS, GEORGIA V. LARRY N. MOORE

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

99024

01V69147N

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 24 2002

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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 above written.*

Clerk.

Will Z. Martin, III

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

ATLANTA, JULY 09, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0285
NOE MACIAS PEREZ V. THE STATE

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

94024

02B09642

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

JUL 09 2002

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

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hereto affixed the day and year last above above written.*

Clerk.

W. Z. Martin, Jr.

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

ATLANTA, JULY 19, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0286

TOM KEITH BARFIELD, AS THE ADMINISTRATOR OF THE
ESTATE OF EMILY KAY BARFIELD V. BREW-CO, INC., ET AL

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

92024

2001CV2692

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 19 2002

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

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

Clerk.

Will Z. Martin, III

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

ATLANTA, JULY 24, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0287
YOUNG MEN'S CHRISTIAN ASSOCIATION OF ATHENS,
GEOGIA V. JOSEPH STERLING ET AL

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

71024

ST01CV0190

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **JUL 24 2002**

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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 above written.*

Clerk.



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

ATLANTA, JULY 19, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0288

GEORGE CHRISTOPHER BROWN V. DONALD CARSWELL ET AL

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

91024

2002V79

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 19 2002

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

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hereto affixed the day and year last above above written.*

Clerk.

W. Z. Martin, Jr.

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

ATLANTA, JULY 29, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0289
MEMORIAL HEALTH UNIVERSITY MEDICAL CENTER, INC
V. JAMES D. WILLIAMS

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

97025

I991108F

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 29 2002

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

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

Clerk.

W. Z. Martin, Jr.

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

ATLANTA, JULY 17, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0290

MOHAWK INDUSTRIES, INC., ET AL V. NANCY C. CLARK 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.

95025

02CV40038

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 17 2002

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

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

Clerk.

W. Z. Martin, Jr.

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

ATLANTA, JULY 17, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0291

MOHAWK INDUSTRIES, INC., ET AL V. NANCY C. CLARK 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.

95026

02CV40039

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 17 2002

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

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

Clerk.

Will Z. Martin, Jr.

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

ATLANTA, JULY 16, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0292
GEORGIA PORTS AUTHORITY ET AL V. MS ANDRE RICKMERS
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.

97026

CV010732BR

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 16 2002

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

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

Clerk.



Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **JUL 11 2002**

**A02I0293. WELLS FARGO HOME MORTGAGE, INC. v. PARKER YOUNG
CONSTRUCTION, INC.**

Wells Fargo Home Mortgage, Inc. filed this application for interlocutory appeal seeking review of the trial court's order denying in part its motion for summary judgment. On June 28, 2002, this Court entered an order directing applicant to physically file stamped filed copies of the order sought to be appealed and of the certificate of immediate review within 10 days of the date of the order. No stamped "filed" orders have been filed within the time allowed. Therefore, this application is ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **JUL 11 2002**

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

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

ATLANTA, JULY 25, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0294
STANCO DEVELOPMENT, INC V. REGIONS BANK

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

90025

2002CV54168

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 25 2002

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

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

Clerk.

W. Z. Marti, III

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

ATLANTA, JULY 22, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0295
HOWARD MCCALL ET AL V. TONYA ANNE SMALLWOOD
INDIVIDUALLY AND AS PARENT AND NEXT FRIEND OF
ALISHA SANDERS AND KIMBERLY SMALLWOOD

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

0008383

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 22 2002

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

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

Clerk.

Will. Z. Martin, Jr.

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

ATLANTA, JULY 29, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0296

KIMBERLY BRUNDAGE V. CHARLES BENYON BRUNDAGE, III

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

70025

01CV551B

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 29 2002

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

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

Clerk.

William L. Martin, III

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order:

JUL 02 2002

**A02I0297. ROYCE JONES v. PARCEL OF LAND, BEING KNOWN AS 5060
CASCADE OVERLOOK, ET AL.**

On June 26, 2002, Royce Jones filed an application for interlocutory review of the trial court's order granting Defendant Option One's Motion for Partial Summary Judgment. The trial judge signed the order granting the motion on May 16, 2002 and it was entered on May 20, 2002. The trial judge signed the certificate of immediate review on June 18, 2002 "nunc pro tunc" May 20, 2002. The certificate was filed with the clerk on June 18, 2002.

"[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). And, a "nunc pro tunc certificate of immediate review is without efficacy to support an appeal." *Whitlock v. State*, 124 Ga. App. 599 (1) (185 SE2d 90) (1971); see *Baxter v. Lone*, 122 Ga. App. 500, 501 (4) (177 SE2d 712) (1970). Therefore, despite the nunc pro tunc entry of the certificate for immediate review, the certificate of immediate review filed 29 days after entry of the order appealed is untimely and the application is ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 02 2002

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

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

ATLANTA, JULY 23, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0298
EMORY UNIVERSITY D/B/A CRAWFORD LONG HOSPITAL
V. BEATRICE 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.

99025

2002CV47928

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

JUL 23 2002

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

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

Clerk.

W. Z. Martin, Jr.

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

ATLANTA, JULY 24, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0299
CONSTANTINO URQUIZA - ACUNA V. THE STATE

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

94025

02B09642

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 24 2002

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

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

Clerk.

Will. Z. Martin, III

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

ATLANTA, JULY 17, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0300
METROPOLITAN PROPERTY ET AL V. JASON MCCALL 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

0008723

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **JUL 17 2002**

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

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

W. Z. Martin, Jr.

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

ATLANTA, JULY 29, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0301

JOHN BRANNON V. THE STATE

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

71025

97CR01013 98CR00277

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 29 2002

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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 above written.*

Clerk.

Will Z. Martin, III

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

ATLANTA, AUGUST 09, 2002

The Court of Appeals passed the following order

Case No. A02I0301

JOHN BRANNON V. THE STATE

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

71-025
97CR01013 98CR00277

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta AUG 09, 2002*

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

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

ATLANTA, JULY 18, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0302

JOHN ALTON BARRENTINE ET AL V. PHILLIP CARTRELL 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.

91025

2001SCV952

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 18 2002

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

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

Clerk.

W. Z. Martin, III

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **JUL 09 2002**

**A02I0303. SUNSET MORTGAGE COMPANY L. P. v. NEW FREEDOM
MORTGAGE CORPORATION.**

This application for interlocutory appeal seeks review of the denial of defendant Sunset Mortgage Company, L. P.'s motion to open default judgment. The order was filed June 7, 2002, but the certificate of immediate review was not filed until June 19, 2002.

To be effective, a certificate of immediate review must be signed and filed within 10 days of the entry of the order to which the certificate refers. *Turner v. Harper*, 231 Ga. App. 175 (200 SE2d 748) (1973). As the certificate of immediate review was untimely, this Court lacks jurisdiction to consider this application. Therefore, the application is ordered DISMISSED.

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

JUL 09 2002

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

Court of Appeals of the State of Georgia

ATLANTA, July 18, 2002

The Court of Appeals hereby passes the following order:

A02I0304. LEONARD HALL v. THE STATE

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

90-026

CR020149FR

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta July 18, 2002*

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

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **JUL 18 2002**

A02I0305. MARK WEBER et al. v. SMITHCO RENTALS, INC. et al.

Mark Weber has filed an interlocutory application to appeal the grant of summary judgment to defendants W.H. Smith Brokers, Inc. and Walter H. Smith. But an order granting summary judgment as to any party is subject to direct appeal under OCGA § 9-11-56 (h), and the interlocutory appeal procedure applies only to those judgments that are “not otherwise subject to direct appeal.” OCGA § 5-6-34 (b); *Artis v. Gaither*, 199 Ga. App. 114 (404 SE2d 322) (1991). For this reason, Weber’s application is hereby *dismissed* for lack of jurisdiction.

Court of Appeals of the State of Georgia

Clerk’s Office, Atlanta **JUL 18 2002**

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

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

ATLANTA, AUGUST 06, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0306

BORDER PROPERTIES, LTD., ET AL V. JAMES MARSHALL ET AL

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

70026

00VS005172

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **AUG 06 2002**

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

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

ATLANTA, JULY 29, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0307
JOHN JAMES JAWBACK ET AL V. BRANCH BANKING
AND TRUST COMPANY F/K/A AMERIBANK, N.A.

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

98026

I020390F

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

JUL 29 2002

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

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

Clerk.

W. Z. Martin, Jr.

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

ATLANTA, AUGUST 01, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0308
GEORGIA FARM BUREAU MUTUAL INSURANCE COMPANY
V. MARGARET PHILLIPS

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

99026

HS00CV443

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 01 2002

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

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

Clerk.

W. Z. Martin, Jr.

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

ATLANTA, AUGUST 07, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0309

COBB COUNTY, GEORGIA V. BELLSOUTH TELECOMMUNICATIONS INC

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

94026

011530218

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 07 2002

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

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

Clerk.

W. Z. Martin, III

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

ATLANTA, JULY 26, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0310

MARY ROSALES ET AL V. ELIZABETH 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

00CV344

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 26 2002

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

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

Clerk.

W. Z. Martin, III

Court of Appeals
of the State of Georgia

ATLANTA, AUGUST 09, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0311
DIAMOND HOLDING CORPORATION ET AL V. ARTHUR L.
HARPER ET AL

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

71026

01A2736

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **AUG 09 2002**

*I certify that the above is a true extract fromd
the minutes of 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 29, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0312
BRYAN JOSEPH HICKS V. THE STATE

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

92027

02872 02873

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 29 2002

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

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

Clerk.

W. Z. Martin, III

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

ATLANTA, AUGUST 14, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0313
PIEDMONT HOSPITAL, INC., V. MARY CAMILLE DAVIS REDDICK
AS ADMINISTRATOR OF THE ESTATE OF JAMES CARLTON 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.

91026

2001CV37390

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **AUG 14 2002**

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

*Witness my signature and the seal of said court
hereto affixed the day and year last above 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 13 2002**

A02I0314. KASSEM, et al. v. PREFERRED MEDICAL GROUP, L. P., et al.

Applicants seek immediate review of an order of the superior court granting the plaintiffs' application for a temporary restraining order and interlocutory injunctive relief as well as plaintiffs' motion to compel arbitration. An order granting an interlocutory injunction, however, is directly appealable under OCGA § 5-6-34 (a) (4); *Saxton v. Coastal Dialysis & Medical Clinic*, 267 Ga. 177 (467 SE2d 587) (1996). Moreover, other issues resolved in that same order are likewise directly appealable pursuant to OCGA § 5-6-34 (d). Because applicants' submission meets all the procedural requirements for a timely filed application for discretionary appeal under OCGA § 5-6-35 (b), we deem it appropriate to treat the application as one for discretionary appeal. As such, the application is hereby *granted* under OCGA § 5-6-35 (j).¹

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.

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **AUG 13 2002**

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

¹In the interest of clarity, we note that the procedure employed herein is available only in those cases where the order from which the appeal is sought is otherwise directly appealable under OCGA § 5-6-34 (a). Compare *Artis v. Gaither*, supra (dismissal of interlocutory appeal involving order directly appealable under OCGA § 9-11-56 (h) but not OCGA § 5-6-34 (a)). By its express terms, OCGA § 5-6-35 (j) applies only in those cases where the order complained of is "enumerated in subsection (a) of Code Section 5-6-34."

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

ATLANTA, AUGUST 08, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0315
CITY OF GAINESVILLE, GEORGIA V. TOWN OF BRASELTON,
GEORGIA ET AL

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

95027

2001CV3115A

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 08 2002

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

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

Clerk.

Will. Z. Martin, III

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

ATLANTA, AUGUST 16, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0316

BERRYAN DAVIS V. THE STATE

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

96027

02R050

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 16 2002

*I certify that the above is a true extract fromd
the minutes of 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, AUGUST 06, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0317
CEDRIC BERNARD TUGGLE V. THE STATE

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

90027

02B7585

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

AUG 06 2002

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

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

ATLANTA, AUGUST 16, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0318

IVEY POOLE V. THE STATE

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

96028

02R050

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **AUG 16 2002**

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

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

Clerk.

W. Z. Martin, III

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

ATLANTA, AUGUST 14, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0319

LEONARD HALL 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.

93027

CR020149FR

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 14 2002

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

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

Clerk.

W. Z. Martin, Jr.

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

ATLANTA, AUGUST 08, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0320
FRANCISCO PABLO ZAPATA V. THE STATE

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

70027

01B35708

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 08 2002

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

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

Clerk.

Will Z. Martin, III

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

ATLANTA, AUGUST 09, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0321

MICHAEL T. STECHISON, M.D. V. A. RANDY MYERS ET AL

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

98027

98CV2473

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

AUG 09 2002

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

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

Clerk.

Will Z. Martin, III

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

ATLANTA, AUGUST 21, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0322
MICHAEL J. BRAGAGNOLO V. PRICEWATERHOUSECOOPERS
LLP, ET AL

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

99027

00VS012679F

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **AUG 21 2002**

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

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

Clerk.



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

ATLANTA, AUGUST 08, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0323
KENNETH RICKEY BROWN V. THE STATE

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

94027

02TR165658

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **AUG 08 2002**

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

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

Clerk.

Will. Z. Martin, III

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

ATLANTA, AUGUST 16, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0324

STEPHANIE C. PABEY ET AL V. STATE OF 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.

71027

01V0868

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 16 2002

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

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

Clerk.

William Z. Martin, III



SUPREME COURT OF GEORGIA

Case No. S02I1499.

Atlanta July 26, 2002

FILED IN OFFICE

JUL 31 2002

FILED BY CERTIFIED MAIL
JUL 31 2002
CLERK COURT OF APPEALS OF GA.

The Honorable Supreme Court met pursuant to adjournment.

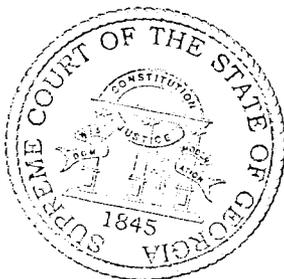
The following order was passed:

CLERK COURT OF APPEALS OF GA.

OLIN C. NETHERLAND et al. v. DONALD NELSON et al.

From the Superior Court of McIntosh County.

Appellants filed this application for interlocutory appeal from the trial court's order permanently enjoining them from maintaining, possessing or operating a private well within the confines of the Pine Harbor Subdivision and ordering them to restore, at their own cost, the subdivision's water system. The injunction was based on the court's determination that appellants had violated not only McIntosh County zoning ordinances but also the subdivision's restrictive covenants. Although appellants seek to invoke this Court's equity jurisdiction based on the fact that the trial court issued a permanent injunction, it appears that the availability of that equitable relief was wholly dependent on the resolution of the underlying legal issues of whether appellants' actions violated either the applicable zoning ordinance or the subdivision's restrictive covenants. Thus, the request for equitable relief would not invoke this Court's jurisdiction over equity cases. See Redfearn v. Huntcliff Homes Assn., Inc., 271 Ga. 745 (524 SE2d 464) (1999); Lee v. Green Land Co., Inc., 272 Ga. 107 (527 SE2d 204) (2000). There being no other basis for jurisdiction in this Court, this application hereby is transferred to the Court of Appeals for resolution.



SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

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.

Lynne M. Finckow
Chief Deputy Clerk

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **AUG 26 2002**

A02I0325, A02I0333. NETHERLAND, et al. v. NELSON, et al. (two applications).

Among other things, the order appealed from in the above styled applications permanently enjoins applicants from maintaining, possessing or operating a private well within the Pine Harbor Subdivision. Such a judgment is directly appealable under OCGA § 5-6-34 (a) (4). See *Saxton v. Coastal Dialysis & Medical Clinic*, 267 Ga. 177 (467 SE2d 587) (1996). Because interlocutory application no. A02I0325 meets all the procedural requirements for a valid discretionary appeal under OCGA § 5-6-35, we deem it appropriate to treat the certificate of immediate review included therein as superfluous and hereby *grant* the application as provided for under OCGA § 5-6-35 (j).¹ Application No. A02I0333, which is identical to Application No. A02I0325 and was docketed as a separate application due to a clerical error, is hereby *dismissed* as superfluous.

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.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 26 2002

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

¹In the interest of clarity, we note that the procedure employed herein is available only in those cases where the order from which the appeal is sought is otherwise directly appealable under OCGA § 5-6-34 (a). Compare *Artis v. Gaither*, supra (dismissal of interlocutory appeal involving order directly appealable under OCGA § 9-11-56 (h) but not OCGA § 5-6-34 (a)). By its express terms, OCGA § 5-6-35 (j) applies only in those cases where the order complained of is "enumerated in subsection (a) of Code Section 5-6-34."

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

ATLANTA, AUGUST 09, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0326
ROGER TALAMANTEZ V. THE STATE

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

97028

02CR278

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 09 2002

*I certify that the above is a true extract fromd
the minutes of 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, AUGUST 26, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0327

D.K. CONSTRUCTION, INC., ET AL V. DAVID FISCHELS ET AL

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

95028

00A092374

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

AUG 26 2002

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

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

Clerk.

Will Z. Martin, III

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

ATLANTA, AUGUST 26, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0328

DR. ALLEN D. BOWNS ET AL V. DAVID FISCHELS ET AL

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

95029

00A092374

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 26 2002

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

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

Clerk.

Will Z. Martini, III

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

ATLANTA, AUGUST 13, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0329

ALLSTATE INSURANCE COMPANY V. ALLEN CROCKETT 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.

90028

98CV38612

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 13 2002

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

*Witness my signature and the seal of said court
hereto affixed the day and year last above 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 27 2002**

A02I0330. CARLOS MATTOX ET AL. v. WENDY CONDO.

Carlos Mattox and DH Supply Company, Inc. have filed an interlocutory application to appeal an order granting enforcement of a settlement agreement between the parties. But, the interlocutory appeal procedure applies only to those judgments that are "not otherwise subject to direct appeal." OCGA § 5-6-34 (b); *Artis v. Gaither*, 199 Ga. App. 114 (404 SE2d 322) (1991). And here the trial court has certified that there was no just reason for delay and directed entry of final judgment for plaintiff Wendy Condo in accordance with OCGA § 9-11-54 (b). Where the trial court makes such an express determination, the judgment is final and ripe for direct appeal. *Culwell v. Lomas & Nettleton Co.*, 242 Ga. 242, 243 (248 SE2d 641) (1978). Since the trial court's order was directly appealable, this Court lacks jurisdiction to consider this application for interlocutory appeal, which is DISMISSED. It is further noted that applicants have stated that they were filing a notice of appeal and that this application was filed as a precaution.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 27 2002

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

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

ATLANTA, AUGUST 28, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0331

THE DEPARTMENT OF TRANSPORTATION, STATE OF
GEORGIA V. TENA WATTS, ADMINISTRATRIX OF THE
ESTATE OF KAYLA KIMBROUGH

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.

70028

99V370

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 28 2002

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

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

Clerk.

Will Z. Martin, Jr.

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

ATLANTA, AUGUST 15, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0332
KENNEY SCOTT GREEN V. BARBARA LEWIS

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

98028

01SC0006

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 15 2002

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

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

Clerk.

W. Z. Martin, III

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **AUG 26 2002**

A02I0325, A02I0333. NETHERLAND, et al. v. NELSON, et al. (two applications).

Among other things, the order appealed from in the above styled applications permanently enjoins applicants from maintaining, possessing or operating a private well within the Pine Harbor Subdivision. Such a judgment is directly appealable under OCGA § 5-6-34 (a) (4). See *Saxton v. Coastal Dialysis & Medical Clinic*, 267 Ga. 177 (467 SE2d 587) (1996). Because interlocutory application no. A02I0325 meets all the procedural requirements for a valid discretionary appeal under OCGA § 5-6-35, we deem it appropriate to treat the certificate of immediate review included therein as superfluous and hereby *grant* the application as provided for under OCGA § 5-6-35 (j).¹ Application No. A02I0333, which is identical to Application No. A02I0325 and was docketed as a separate application due to a clerical error, is hereby *dismissed* as superfluous.

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.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 26 2002

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

¹In the interest of clarity, we note that the procedure employed herein is available only in those cases where the order from which the appeal is sought is otherwise directly appealable under OCGA § 5-6-34 (a). Compare *Artis v. Gaither*, supra (dismissal of interlocutory appeal involving order directly appealable under OCGA § 9-11-56 (h) but not OCGA § 5-6-34 (a)). By its express terms, OCGA § 5-6-35 (j) applies only in those cases where the order complained of is "enumerated in subsection (a) of Code Section 5-6-34."

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

ATLANTA, AUGUST 29, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0334

SURGICOE CORPORATION ET AL V. DEBORAH MOORE

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

99028

01CV112747

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 29 2002

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

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

Clerk.

W. Z. Martin, Jr.

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

ATLANTA, AUGUST 29, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0335

SURGICOE CORPORATION ET AL V. J. BARRY MCKERNAN, M.D.

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

99029

01CV112737

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 29 2002

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

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

Clerk.

W. Z. Martin, III

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

ATLANTA, AUGUST 23, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0336
JAMES E. STRAUB ET AL V. DAVID E. RYAN

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

94028

HS01CV418

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

AUG 23 2002

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

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

Clerk.

W. Z. Martin, Jr.

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

ATLANTA, SEPTEMBER 04, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0337
AUTONATION FINANCIAL SERVICES CORP. V. KHALID
ARAIN

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

011640224

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **SEP 04 2002**

*I certify that the above is a true extract fromd
the minutes of 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: **SEP 03 2002**

**A02I0338. CONSECO FINANCE SERVICING CORPORATION f/k/a GREEN
TREE FINANCIAL SERVICING CORPORATION v. HILL, et al.**

On August 14, 2002, applicant filed a notice of direct appeal referencing, among other rulings, an order granting partial summary judgment entered on July 17, 2002. That order is directly appealable under OCGA § 9-11-56 (h). All rulings within that order and any other nonfinal rulings entered previously in the case may also be raised as part of that appeal.¹ Accord *Southeast Ceramics v. Klem*, 246 Ga. 294, 295 (1) (271 SE2d 199) (1980). The applicant's above styled petition for interlocutory appeal is therefore *dismissed* as superfluous.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **SEP 03 2002**

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

¹That appeal has been docketed in this court as Appeal No. A03A0056.

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **AUG 14 2002**

A02I0339. HAROLD K. VAUGHN v. SHARON A. STOENNER

Harold K. Vaughn seeks to appeal the grant of partial summary judgment to Sharon A. Stoenner in Vaughn's action for exclusive title to a parcel of real property. From the language of the order granting Stoenner partial summary judgment, it appears that Vaughn proceeds under equitable theories. But he has not included his complaint with his interlocutory application. Under Ga. Const. 1983, Art. VI, Sec. VI, Par. III (2), the Supreme Court has original appellate jurisdiction over equity cases. The Supreme Court also has exclusive appellate jurisdiction over cases involving the title to land. Ga. Const. 1983, Art. VI, Sec. VI, Par. III (1). Because the issues raised in this application concern equitable remedies and title to land, this Court lacks jurisdiction to consider this application, and it is hereby TRANSFERRED to the Supreme Court.

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

AUG 14 2002

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

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

ATLANTA, SEPTEMBER 04, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0340

BOWEN & BOWEN CONSTRUCTION CO., INC., V. EVELYN B. FOWLER

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

96029

00SV930D

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 04 2002

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

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

Clerk.

Will. Z. Martin, Jr.

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

ATLANTA, OCTOBER 11, 2002

The Court of Appeals passed the following order

Case No. A02I0340

BOWEN & BOWEN CONSTRUCTION CO., INC., V. EVELYN B. FOWLER

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

96-029
00SV930D

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta OCT 11, 2002*

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

The Court of Appeals hereby passes the following order: **AUG 13 2002**

A02I0341. COBB COUNTY v. BELLSOUTH COMMUNICATIONS, INC.

Because the above styled application is effectively identical¹ to Application No. A02I0309, which was denied by this court on August 7, 2002, the present application is hereby *dismissed* as superfluous.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 13 2002

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

¹Cobb County simultaneously filed applications for interlocutory appeal in this court and in the Supreme Court. The above styled application was transferred from the Supreme Court to this court for disposition.

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

ATLANTA, SEPTEMBER 05, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0342
PEARLIE MAE JONES ET AL V. BRENDA SHAW ET AL

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

90029

02CV15441

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 05 2002

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

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

Clerk.

Will Z. Martin, III

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

ATLANTA, SEPTEMBER 05, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0343
LESLIE P. HARRISON V. GWINNETT COUNTY, GEORGIA

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

93029

01A122567

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

SEP 05 2002

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

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

Clerk.

Will. L. Martin, III

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

ATLANTA, SEPTEMBER 05, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0344

J. HAROLD HARRISON V. GWINNETT COUNTY, GEORGIA

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

93030

01A122577

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

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

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

Clerk.

Will. Z. Martin, III

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

ATLANTA, SEPTEMBER 06, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0345
STONCOR GROUP, INC., F/K/A STONHARD, INC. ET AL
V. FIREMAN'S FUND INSURANCE COMPANY ET AL

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

70029

00C46924

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 06 2002

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

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

Clerk.

W. Z. Martin, Jr.

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

ATLANTA, SEPTEMBER 09, 2002

The Court of Appeals hereby passes the following order:

APPLICATION NO. A02I0346
KENNESTONE HOSPITAL, INC., D/B/A PROMINA KENNESTONE
HOSPITAL , ET AL V. JANET BREESE ET AL

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

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97A54714

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

SEP 09 2002
*I certify that the above is a true extract fromd
the minutes of the Court of Appeals of Georgia*

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

Clerk.

W. Z. Martin, III