

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **SEP 10 2002**

**A03I0001. CAROLINE K. CONNALLY v. SUSAN B. POLLARD et al.**

On August 15, 2002, Caroline K. Connally filed this application for interlocutory appeal, seeking review of the trial court's July 12, 2002 order appointing a guardian ad litem for her. The trial court issued a certificate of immediate review on August 7, 2002. For this Court to have jurisdiction to consider an application for interlocutory appeal, a certificate of immediate review must be filed with 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). Where no certificate of immediate review has been filed with the trial court within ten days of entry of the order appealed from, as in this case, this Court does not have jurisdiction to consider the appeal. This appeal is accordingly ordered DISMISSED for lack of jurisdiction.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 10 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, SEPTEMBER 05, 2002

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

APPLICATION NO. A03I0002

F. ALLEN THORNTON, JR. V. WYNELL D. HENSON ET AL

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

96001

01A849856

*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 written.*

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA, AUGUST 27, 2002

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

**A03I0003. STATE FARM FIRE & CASUALTY COMPANY v. ROBERT D.  
TRIMBLE ET AL.**

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

98-001

2001CV1989

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

*William Z. Martin, III*, Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

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

**SEP 10 2002**

**A03I0004. DBL, INC., v. CARSON, et al.**

Defendant DBL, Inc., seeks an interlocutory appeal of two orders certified by the superior court for immediate review. One of the orders appealed from granted in part plaintiffs' motion for interlocutory injunctive relief. An order granting an interlocutory injunction 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 orders entered in the case are likewise directly appealable pursuant to OCGA § 5-6-34 (d). Because applicant's 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).<sup>1</sup>

Applicant 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*

**SEP 10 2002**

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

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<sup>1</sup>In 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, SEPTEMBER 18, 2002

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

APPLICATION NO. A03I0005  
PRICE COMMUNICATIONS WIRELESS, INC., D/B/A CELLULAR ONE  
V. EDMUND W. RUCHALSKI ET AL

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

93001

I992906F

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 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.*

*Will. Z. Martin, III*

Court of Appeals  
of the State of Georgia

ATLANTA, SEPTEMBER 19, 2002

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

APPLICATION NO. A03I0006

MORRIS BROWN COLLEGE ET AL V. HARTWILL CORNELIUS III ET AL

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

99001

99VS0156714F

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 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 written.*

*Clerk.*

*Will. Z. Martin, III*

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

ATLANTA,

SEPTEMBER 09, 2002

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

APPLICATION NO. A03I0007

JOHN R. HORTON V. THE STATE

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

91001

01CR125

*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.*

*Will Z. Martin, III*

Court of Appeals  
of the State of Georgia

ATLANTA,                      OCTOBER                      02, 2002

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

APPLICATION NO.                      A03I0008  
JAMES A. KERSCHNER V. THE STATE

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

90001

0100665

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 02 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*

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

ATLANTA, AUGUST 27, 2002

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

**A03I0003. STATE FARM FIRE & CASUALTY COMPANY v. ROBERT D.  
TRIMBLE ET AL.**

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

98-001

2001CV1989

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta AUGUST 27, 2002*

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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:* **SEP 17 2002**

**A03I0009. Buxton v. The State**

Roderick Antonio Buxton filed this application for interlocutory appeal seeking review of the trial court's denial of his motion to suppress. The order denying Buxton's motion to suppress was entered by the trial court on July 10, 2002. A certificate of immediate review was not filed until August 20, 2002. Pursuant to the interlocutory appeal statute, a certificate of immediate review must be filed within ten days of the entry of the order sought to be appealed. OCGA § 5-6-34 (b). In this case, the certificate of immediate review was not filed until 41 days after entry of the order sought to be appealed. Buxton's failure to comply with the interlocutory appeal requirements deprives this Court of jurisdiction to consider his application. Accordingly, this application is ordered DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 17 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, SEPTEMBER 17, 2002

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

APPLICATION NO. A03I0010

WACHOVIA CAPITAL ASSOCIATES, INC. V. SCIENTIFIC RESEARCH CORPORATION

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

92001

2002CV50864

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 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, III*

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

ATLANTA,                      OCTOBER                      02, 2002

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

APPLICATION NO.                      A03I0011

DANIEL R. WARREN ET AL V. GREGORY POOLE

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

70001

01VS015258F

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 02 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,

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

**SEP 10 2002**

**A03I0012. CASON SMITH v. THE STATE.**

On September 5, 2002, Cason Smith filed an application for interlocutory review of the order, entered August 15, 2002, denying bond. On Monday, August 26, 2002, the deputy clerk of the Superior Court of Monroe County stamped filed a proposed certificate of immediate review of the order denying bond; however, the certificate of immediate review was not signed by the trial judge until August 28, 2002. Thus, the earliest date that the certificate of immediate review could have been granted under OCGA § 5-6-34 (b), was the date it was signed by the trial judge.

Under 5-6-34 (b), a certificate of immediate review must be granted within ten (10) days of the entry of the order for which interlocutory review is sought. Because the certificate of immediate review was not granted with ten (10) days of the date of entry of the order denying bond, this Court lacks appellate jurisdiction over this application and the application is ordered Dismissed. *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973); see *Bowers v. Price*, 168 Ga. App. 125 (308 SE2d 420) (1983).

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

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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, III*, Clerk.

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

ATLANTA,

*The Court of Appeals hereby passes the following order:* **SEP 24 2002**

**A03I0012. CASON SMITH v. THE STATE.**

Cason Smith has filed a motion for reconsideration of the order of this Court, entered September 10, 2002, dismissing his application for interlocutory review. The order of September 10, 2002 is vacated. The motion for reconsideration is granted. Smith's application for interlocutory appeal is ordered DENIED.

The Clerk of this Court shall take whatever administrative action is appropriate to amend the appellate records of this Court to conform to this order.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **SEP 24 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,            OCTOBER    02, 2002

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

APPLICATION NO.        A03I0013

DONNELL COLLINS V. THE STATE

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

95002

CR35729

CR35728

CR35727

CR37526

CR35719

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 02 2002**

*I certify that the above is a true extract from  
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*Witness my signature and the seal of said court  
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*Clerk.*



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

ATLANTA,            OCTOBER    03, 2002

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

APPLICATION NO.        A03I0014  
IDA V. SHELLEY V. ROBERT E. CHANEY ET AL

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

96002

2000V1016CE

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 03 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. Marti, III*

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

ATLANTA,            OCTOBER    15, 2002

*The Court of Appeals passed the following order*

Case No. A03I0015

WILLIAM P. LANIER V. JACK PITTMAN ET AL

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

98-002  
02CV043DB

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

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

APPLICATION    NO.            A03I0016

BARBARA L. HARKINS V. ATLANTA HUMANE SOCIETY 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.

97002

0111032135

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 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,

*The Court of Appeals hereby passes the following order:* **SEP 25 2002**

**A03I0017. R. P. C., INC., ET AL v. ANGELA FOURNELL.**

R. P. C., Inc., et al. seek interlocutory review of the order of the trial court denying their motion to dismiss this suit on the grounds of forum non conveniens. The common-law doctrine of forum non conveniens is an equitable principle by which a court in this state may decline to exercise its existing jurisdiction over a case on consideration of convenience, efficiency, and justice. *AT & T Corp. v. Sigala*, 274 Ga. 137 (549 SE2d 373) (2001). In considering the factor of justice, a trial court has great latitude in determining what matters to consider in determining the propriety of granting equitable relief and declining to exercise its jurisdiction over a particular case. And, “trial courts should have the discretion to determine whether a tort action should remain on their dockets when it involves foreign plaintiffs.” *Id.* at 139; see also *Southern R. Co. v. Parker*, 194 Ga. 94 (1) (21 SE2d 94) (1942).

Examining the facts presented in this application in light of the current state of the law in Georgia, it appears that the underlying legal issue in this application is the propriety of granting equitable relief to the applicants under the doctrine of forum non conveniens. The issue of “propriety” of granting or denying relief under the doctrine of forum non conveniens is further evident because a trial court has inherent and constitutional authority to “exercise such powers as necessary in aid of its jurisdiction, and thus only the question of propriety remains to be resolved. Ga. Const. of 1983, Art. VI, Sec. I, Par. IV.

“Whether an action is an equity case for the purpose of determining jurisdiction on appeal depends upon the *issue* raised on appeal, not upon how the case is styled nor upon the kinds of relief that may be sought by the complaint. That is, ‘equity cases’

are those in which a substantive issue on appeal involves the legality or propriety of equitable relief *sought* in the superior court – whether the relief was granted or denied.” (Second emphasis supplied.) *Beauchamp v. Knight*, 261 Ga. 608, 609 (2) (409 SE2d 208) (1991); accord *Saxton v. Coastal Dialysis &c.*, 267 Ga. 177, 178-179 (476 SE2d 587) (1996). As this application presents a substantive issue regarding the legality or propriety of the equitable relief sought in superior court, that is, application of the doctrine of *forum non conveniens*, the Supreme Court of Georgia has exclusive appellate jurisdiction over this application. Ga. Const. of 1983, Art. VI, Sec. VI, Par. III (2).

Accordingly, this case is ordered TRANSFERRED to the Supreme Court of Georgia. Ga. Const. of 1983, Art. VI, Sec. I, Par. VIII.

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

**SEP 25 2002**

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

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

ATLANTA,

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

**DEC 13 2002**

**A03I0017. R.P.C., INC., ET AL. v. ANGELA FOURNELL, ET AL.**

The above interlocutory application was filed with the Court of Appeals of Georgia on September 9, 2002. After review and consideration of the application, this Court found the subject matter of the application is properly within the jurisdiction of the Supreme Court of Georgia, pursuant to Ga. Const. of 1983, Article VI, Sec. VI, Para. III (2). Therefore, this Court issued an order on September 25, 2002 transferring the application to the Supreme Court.

Jurisdiction of the application was accepted by the Supreme Court by virtue of the fact that the Supreme Court issued, on October 24, 2002, an order denying the application. Thereafter, the Supreme Court issued an order on November 22, 2002, denying the Motion for Reconsideration, and subsequently issued its remittitur on December 2, 2002.

On December 3, 2002, moveants filed a Supplemental Application for Interlocutory Appeal with this Court, stating that this Court has jurisdiction over the case. However, the jurisdiction of this case has been determined to be in the Supreme Court, and as such, this Court has no jurisdiction to act on the application nor the supplemental application.

The application has been decided by the Supreme Court, and the decisions of the Supreme Court are binding on all other courts as precedence. See Ga. Const. of 1983, Article VI, Sec. VI, Para. VI. Since this Court does not have jurisdiction in this matter, this supplemental application is hereby DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 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.*

*Will Z. Martin, III*

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

ATLANTA,            OCTOBER    03, 2002

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

APPLICATION NO.            A03I0018

ALLSTATE INSURANCE COMPANY V. BILLY WARD CHURCHWELL ET AL

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

99002

2000CV1967

*Court of Appeals of the State of Georgia*

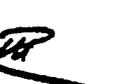
*Clerk's Office, Atlanta*

**OCT 03 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.*

*C. Jill. L. Martin; *

# Court of Appeals of the State of Georgia

ATLANTA,

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

**OCT 03 2002**

**A03I0019. ACEY, et al. v. CSX TRANSPORTATION, INC.**

Mattie B. Acey filed an application for interlocutory appeal from an order granting defendant's motion for summary judgment on the issues of punitive damages and attorney's fees. However, a grant of partial summary judgment is directly appealable under OCGA § 9-11-56 (h). *Smith v. Tommy Roberts Trucking Co.*, 209 Ga. App. 826, 827 (1) (435 SE2d 54) (1993). The interlocutory appeal procedure applies only to those orders and 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). Because Acey has followed the wrong appellate procedure here, her application for appeal is hereby *dismissed* for lack of jurisdiction.

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

**OCT 03 2002**

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

*W. Z. Martin* Clerk.

Court of Appeals  
of the State of Georgia

ATLANTA, SEPTEMBER 23, 2002

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

APPLICATION NO. A03I0020

KENNESTONE HOSPITAL, INC., V. MARTHA MACCULLEN ET AL

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

90002

99A71543

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 23 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  
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*Clerk.*

*William Z. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* OCT - 8 2002

## **A03I0021. AFLAC INCORPORATED v. CHUBB & SON, INC. ET AL.**

AFLAC Incorporated filed an action against Chubb & Son, Inc. and other insurers, seeking, inter alia, a declaratory judgment as to the insurers' obligations to provide coverage for "Y2K"-related losses. AFLAC then filed a "Motion for Partial Summary Judgment and Declaratory Relief," seeking summary judgment and a declaratory judgment from the court on the issue of the insurers' obligations to provide this coverage. In its order denying the motion, the trial court stated, "viewing the evidence in a light most favorable to the non-moving party, [AFLAC] has failed to make out a prima facie case necessary to entitle it to judgment as a matter of law. THEREFORE, IT IS ORDERED, that [AFLAC's] Motion for Partial Summary Judgment and Declaratory Relief is HEREBY DENIED." AFLAC filed this application for interlocutory appeal from this order.

Normally, the interlocutory appeal procedures of OCGA § 5-6-34 (b) must be followed to take an appeal from the denial of a motion for summary judgment. In this case, however, the only issue for the court to decide was whether the insurance contracts provided the contested coverage. The construction of an insurance contract is a question of law for the court. See *Travelers Ins. Co. v. Blakey*, 255 Ga. 699, 700 (342 SE2d 308) (1986). In denying AFLAC's request for declaratory judgment, the court effectually decided the only legal issue before it in favor of defendants. The

order at issue is thus a final order entering a declaratory judgment against AFLAC and in favor of the defendants. Such an order is directly appealable, because “[d]eclaratory judgments ‘have the force and effect of [final judgments] and [are] reviewable as such.’ OCGA § 9-4-2 (a).” *Sunstates Refrigerated Svcs. v. Griffin*, 215 Ga. App. 61, 62 (1) (449 SE2d 858) (1994); OCGA § 5-6-34 (a) (1); *Spivey v. Safeway Ins. Co.*, 210 Ga. App. 775 (1) (437 SE2d 641) (1993). This is the case even if other issues remain pending below. See *Sunstates Refrigerated*, supra. Accordingly, the proper procedure for appealing this order was by filing a notice of appeal with the trial court,<sup>1</sup> not by filing an application for interlocutory appeal. This Court thus lacks jurisdiction to consider this application, which is hereby DISMISSED. See *Artis v. Gaither*, 199 Ga. App. 114 (404 SE2d 322) (1991).

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      OCT - 8 2002

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

*Will. Z. Mart*, Clerk.

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<sup>1</sup>We note that AFLAC has in fact filed a notice of direct appeal in the superior court on September 18, 2002.

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **SEP 17 2002**

**A03I0022. DONALD W. PATE v. JANE DYKES PATE.**

Donald W. Pate seeks an interlocutory appeal of the order denying his motion to dismiss on grounds of lack of personal jurisdiction and improper venue. Donald Pate and Jane Dykes Pate were divorced and the "Divorce, Judgment and Decree" incorporated a settlement agreement of the parties. Subsequently, Jane Dykes Pate filed an action for modification of child support and motion for contempt. The underlying subject matter of the pending suit involves the terms of the settlement agreement incorporated into the judgment and decree of divorce.

Although Donald Pate has filed his application with this Court, we conclude that appellate jurisdiction lies in the Supreme Court which has exclusive jurisdiction over appeals in all divorce cases. Ga. Const. of 1983, Art. VI, Sec. VI, par. III (6). Because the order sought to be appealed is an order attempting to dismiss a suit for modification of child support and motion for contempt directly resulting from the alleged violations of the terms of a settlement agreement incorporated in a judgment and decree of divorce, this Court lacks jurisdiction to consider this application. See *Keeler v. Keeler*, 263 Ga. 151 (439 SE2d 5) (1883); *Shapiro v. Lipman*, 259 Ga. 85 (377 SE2d 673) (1989); *Odem v. Odem*, 241 Ga. 451 (246 SE2d 308) (1978); compare *Lewis v. Lewis*, 270 Ga. 409 (509 SE2d 936) (1999).

Also, the portion of the pending suit seeking a motion for contempt to enforce a settlement agreement incorporated into a judgment and decree of divorce is ancillary to, and an incident of the divorce action, and jurisdiction to hear an appeal of this nature is vested with the Supreme Court of Georgia. See *Griffin v. Griffin*, 243 Ga. 149 (254 SE2d 80) (1979); see also *Brown v. King*, 266 Ga. 890 (472 SE2d 65)

(1996); *Smith v. Smith*, 254 Ga. App. 450, 452 (2) (330 SE2d 706) (1985); *Hines v. Hines*, 237 Ga. App. 755 (1) (229 SE2d 744) (1976).

Accordingly, this application is ordered TRANSFERRED to the Supreme Court of Georgia for disposition. Ga. Const. of 1983, Art. VI, Sec. I, Par. VIII.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 17 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. Math, III* ..... Clerk.

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

ATLANTA,

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

**OCT 09 2002**

**A03I0023. MUHAMMAD SOHAIL AKBAR v. CARLOS O. MARTINEZ ET AL.**

Plaintiff Muhammad Sohail Akbar filed this application seeking interlocutory review of the superior court's order granting injunctive relief to defendant Renal Physicians of Georgia, P. C. 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). Nonetheless, because Akbar's 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).

Akbar shall have ten days from the date of this order to file his 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*

**OCT 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. Mart. III*, Clerk.

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

ATLANTA SEPTEMBER 18, 2002

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

**A03I0024. HUDDLE HOUSE, INC., v. PARAGON FOODS, INC., ET AL**

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

71-002

01CV19892

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta SEPTEMBER 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, SEPTEMBER 27, 2002

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

APPLICATION NO. A03I0025

ALBERT R. WYMBS V. THE STATE

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

95003

SU02CR0211S

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 27 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,            OCTOBER    09, 2002

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

APPLICATION NO.        A03I0026  
CARTER & SLOOPE, INC. V. LEWIS CONTRACTING CORP

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

96003

200100875

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 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, SEPTEMBER 30, 2002

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

APPLICATION NO. A03I0027

ROBERT C. KENDRICK, JR., ET AL V. RALPH EDWIN WATSON

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

98003

01CV1235

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 30 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.*

*W. Z. Martin, Jr.*

Court of Appeals  
of the State of Georgia

ATLANTA,            OCTOBER    16, 2002

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

APPLICATION NO.        A03I0028

SCOTT COLLINS CONSTRUCTION, INC. V. TRAVIS CROW

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

97003

00CV0963C

*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.*

*W. Z. Martin, Jr.*

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

ATLANTA,            OCTOBER    11, 2002

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

APPLICATION NO.        A03I0029

ERNEST W. SHEPHERD ET AL V. CARLA MCDONALD ROBINSON

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

93003

45021                    45284

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 11 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 30, 2002

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

APPLICATION NO. A03I0030  
AEW #2 CORPORATION V. FEDERAL INSURANCE COMPANY

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.

99003

01VS014899C

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 30 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.*

*W. Z. Martin, III*

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

ATLANTA,            OCTOBER    17, 2002

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

APPLICATION NO.        A03I0031

HUDDLE HOUSE, INC., V. PARAGON FOODS, INC., ET AL

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

91003

01CV19892

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    **OCT 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,                      OCTOBER      08, 2002

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

APPLICATION NO.            A03I0032  
WILLIAM EDWARD ROCCO V. THE STATE

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

90003

2001CR1614C

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 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.*

*W. Z. Martin, III*

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

ATLANTA,            OCTOBER    18, 2002

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

APPLICATION    NO.            A03I0033  
MARY CAMILLE DAVIS REDDICK ET AL V. BEERS  
CONSTRUCTION COMPANY

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.

94003

2001CV37390

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 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 written.*

*Clerk.*

*W. Z. Martin, Jr.*

Court of Appeals  
of the State of Georgia

ATLANTA,            OCTOBER    18, 2002

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

APPLICATION NO.        A03I0034

MARY CAMILLE DAVIS REDDICK ET AL V. HOWELL, RUSK-DODSON  
ARCHITECTS, PC

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.

94004

2001CV37390

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 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 above written.*

*Clerk.*

*W. Z. Martin, III*

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

ATLANTA,            OCTOBER    18, 2002

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

APPLICATION NO.            A03I0035  
DOUGLAS L. JARVIE ET AL V. BULL RUN CORPORATION

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

92003

02VS027163

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 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 above written.*

*Clerk.*

*Will Z. Martin, III*

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

ATLANTA,            OCTOBER    07, 2002

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

APPLICATION NO.            A03I0036

JEFFERY GARRETT NALLEY ET AL V. RICHARD LEE BALDWIN, 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 State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

70003

01A17335

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

OCT - 7 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.*

*Clerk.*

*Will. Z. Martin, Jr.*

Court of Appeals  
of the State of Georgia

ATLANTA,                      OCTOBER    18, 2002

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

APPLICATION    NO.            A03I0037  
ALAN A. STEIGROD V. TERRI HAYES

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

71003

01A000042

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 18 2002**

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*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,

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

OCT 07 2002

**A03I0038. JAMES ELVIN OWEN, M.D. et al v. JO JONES**

On Tuesday, September 24, 2002, defendants James Elvin Owen, M.D. et al filed an application for interlocutory review of the order entered September 6, 2002, denying their motion for summary judgment. On September 12, 2002, the superior court granted a certificate of immediate review of the order of September 6, 2002.

OCGA § 5-6-34 (b) permits this Court to consider interlocutory appeals only where the application is made within ten (10) days after the certificate of immediate review is granted. Because defendants failed to file their application within this time frame, the application is untimely and this Court is without jurisdiction to consider it. See *Graves v. Dean*, 166 Ga. App. 186 (303 SE2d 751) (1983); see also *Genter v. State*, 218 Ga. App. 311 (460 SE2d 879) (1995). Accordingly, the application for interlocutory review is order DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

OCT 07 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, Jr.*, Clerk.

Court of Appeals  
of the State of Georgia

ATLANTA,            OCTOBER    17, 2002

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

APPLICATION NO.        A03I0039

LEGRAND ROBERTS D/B/A COUNTRYWIDE HOMES V. ESTELLE MCDUFFIE

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

96004

2000S080746

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    **OCT 17 2002**

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the minutes of the Court of Appeals of Georgia*

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

*W. Z. Martin, III*

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

ATLANTA,                      OCTOBER    17, 2002

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

APPLICATION    NO.            A03I0040  
DAMON E. BALMER ET AL V. ELAN CORPORATION,  
PLC, ELAN HOLDINGS, INC., ET AL

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

98004

01CV1898B

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 17 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.*



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

ATLANTA,            OCTOBER    17, 2002

*The Court of Appeals passed the following order*

Case No. A03I0041

CHARLES L. BARRETT, III. V. POPE, MCGLAMRY, KILPATRICK  
MORRISON & NORWOOD

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

97-004  
2002CV53555

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    OCT 17, 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.*

*Clerk.*

*William Z. Martin, III*

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

ATLANTA,

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

**OCT 18 2002**

**A03I0042. GAIL SCOTT v. CISELY GRACE**

Gail Scott seeks interlocutory review of an order granting the motion for summary judgment of ALFA Insurance Corporation, Scott's uninsured motorist carrier. Under OCGA § 9-11-56 (h), "[t]he grant of partial summary judgment as to one or more but fewer than all the claims or parties is reviewable by direct appeal if the notice of appeal is filed within 30 days of the rendition of such judgment." *Olympic Dev. Group v. American Druggists' Ins. Co.*, 175 Ga. App. 425 (1) (333 SE2d 622) (1985). The order in this case is thus directly appealable and is not subject to the interlocutory appeal requirements. This Court will grant an otherwise timely interlocutory application if the order is subject to direct appeal and the applicant has not timely filed a notice of appeal. Accordingly, this appeal is ordered GRANTED. Scott shall have ten days from the date of this order to file a notice of appeal with the trial court. The Clerk of the Superior Court is directed to include a copy of this order in the appeal record transmitted to this Court.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 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.*

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

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

ATLANTA,            OCTOBER    09, 2002

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

APPLICATION    NO.            A03I0043  
HOYT EDWARD DODD, JR. V. THE STATE

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

99004

02CR853C

*Court of Appeals of the State of Georgia*

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

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the minutes of the Court of Appeals of Georgia*

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



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

ATLANTA,

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

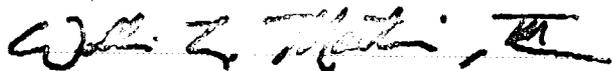
**A03I0044. RUTHIE WATSON v. MARGARET WATSON.**

Defendant Ruthie Watson filed this interlocutory application seeking review of the superior court's grant of summary judgment in favor of plaintiff Margaret Watson in this action for ejectment from certain real property. Under Ga. Const. 1983, Art VI, SEc. VI, Par. III, the Supreme Court has original appellate jurisdiction over cases involving title to land. "Cases involving 'title to land,' as that term is used in the Constitution for the purpose of defining the jurisdiction of the Supreme Court, refer to and mean actions at law, such as ejectment and statutory substitutes, in which the plaintiff asserts enforceable legal title against the possession of the defendant for the purpose of recovering the land." (Citation and punctuation omitted.) *Cole v. Cole*, 205 Ga. App. 332 (1) (422 SE2d 230) (1992). Because this case falls within the ambit of this definition, the Supreme Court has exclusive jurisdiction of this appeal and it is hereby TRANSFERRED to the Supreme Court.

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

 Clerk.

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

ATLANTA,            OCTOBER    24, 2002

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

APPLICATION NO.            A03I0045  
KENNESTONE HOSPITAL, INC., V. SHERRI B. HOPSON

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.

90004  
01A30762

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

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

APPLICATION    NO.            A03I0046  
RICHARD H. SULKEN ET AL V. JEREMY GILDEN ET AL

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

92004

00VS005746

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

**OCT 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.



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

ATLANTA,            OCTOBER    16, 2002

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

APPLICATION NO.        A03I0047  
KENYA SHANEKE NEWSON V. AUBREY FOSTER

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.

70004  
00SV48

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*        **OCT 16 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,            OCTOBER    24, 2002

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

APPLICATION    NO.            A03I0048

AUGUSTA, GEORGIA V. HENRIETTA BOYCE, ET AL

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

71004

2001RCCV111

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 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 written.*

*Clerk.*

*W. Z. Martin*

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

ATLANTA,                      OCTOBER      24, 2002

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

APPLICATION NO.              A03I0049

AUGUSTA, GEORGIA V. THE ESTATE OF JENNIE R. MCELMURRAY, ET AL

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

71005

2001RCCV126

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 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 written.*

*Clerk.*

*W. Z. Martin, III*

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

ATLANTA,            OCTOBER    23, 2002

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

APPLICATION    NO.            A03I0050

LEA WILLIAMS ET AL V. I'DELLA O'NEAL ET AL

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

95005

I011516F

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 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.*

*Will. Z. Martin, Jr.*

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

ATLANTA,                      OCTOBER      23, 2002

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

APPLICATION    NO.            A03I0051  
RAYMOND SCOTT LOWERY V. THE STATE

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

96005

2002SC15427    2002SC15428

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      **OCT 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.*

*Will Z. Martin, Jr.*

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

ATLANTA,            OCTOBER    15, 2002

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

APPLICATION NO.        A03I0052  
BMC SOLUTIONS, INC V. JUANITA GILES ET AL

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

98005

I011222F

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    **OCT 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, Jr.*

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

ATLANTA,                      OCTOBER      18, 2002

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

APPLICATION NO.            A03I0053  
FOOD LION, INC. V. JANE L. ISAAC

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.

97005  
CV2000461

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

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Clerk.



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

ATLANTA,                      OCTOBER      24, 2002

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

APPLICATION NO.            A03I0054

NICK MARSHALL V. THE STATE

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

93005

02R093

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 24 2002**

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the minutes of the Court of Appeals of Georgia*

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

*Wil. Z. Martin, III*

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

ATLANTA,                      OCTOBER      30, 2002

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

APPLICATION NO.            A03I0055

LONNELL JONES V. THE STATE

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

99005

02CR261354

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 30 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,                      OCTOBER      23, 2002

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

APPLICATION    NO.            A03I0056  
GEORGIA PORTS AUTHORITY V. COOPER/T. SMITH STEVENDORING  
CO., INC

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

91005

I001326F

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 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.*

*Will Z. Martin, III*

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

ATLANTA,            OCTOBER    24, 2002

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

APPLICATION NO.        A03I0057  
BRIDGESTONE / FIRESTONE, INC. V. KEITH JENKINS

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.

90005  
01V430

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 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,

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

**OCT 09 2002**

**A03I0058. SCOTT M. SWANSON v. TAMMY R. SWANSON.**

Defendant Scott M. Swanson has filed an application for interlocutory review of the order of the superior court granting Plaintiff Tammy R. Swanson's motion to enforce an agreement reached in mediation. This order was entered during and as part of a pending divorce proceeding between the parties.

The order in this case is an inextricable part of the divorce proceedings and is not merely ancillary thereto. Under Article VI, Section VI, Paragraph III (6), Georgia Constitution of 1983, the Supreme Court of Georgia has exclusive appellate jurisdiction over all divorce and alimony cases. Compare *Stookey v. Stookey*, 274 Ga. 472 (554 SE2d 472) (2001); *DeGarmo v. DeGarmo*, 269 Ga. 480 (499 SE2d 317) (1998); *Mathes v. Mathes*, 267 Ga. 845 (483 SE2d 573) (1997); *Moss v. Moss*, 265 Ga. 802 (463 SE2d 9) (1995); Accordingly, this application is order TRANSFERRED to the Supreme Court. Georgia Constitution of 1983, Art. VI, Sec. I, Par. VIII.

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

**OCT 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.*

*W. Z. Mathis, III*, Clerk.

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

ATLANTA,            NOVEMBER 12, 2002

*The Court of Appeals passed the following order*

Case No. A03I0059

EDWARDS BAKING COMPANY ET AL V. JOHN DAVID WILSON

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

92-005  
I001398F

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

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:** December 2, 2002

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 **S03C0464**

EDWARDS BAKING COMPANY et al. v. JASON WILSON et al.

Clerk, Supreme Court of Georgia

Case No. **A03I0059** A03I0060 S03C0465

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

**DEC 05 2002**

Clerk, Court of Appeals of Georgia

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

ATLANTA,            NOVEMBER 12, 2002

*The Court of Appeals passed the following order*

Case No. A03I0060

EDWARDS BAKING COMPANY ET AL V. JASON WILSON ET AL

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

92-006  
I001399F

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



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: December 2, 2002

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 **S03C0465**

EDWARDS BAKING COMPANY et al. v. JASON WILSON et al.

Clerk, Supreme Court of Georgia

Case No. **A03I0060** A03I0059 S03C0464

Court of Appeals of Georgia **DEC 05 2002**

Notice of Petition for Certiorari

filed in office

Clerk, Court of Appeals of Georgia

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

ATLANTA,                      OCTOBER      25, 2002

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

APPLICATION NO.            A03I0061

TYRONE KING V. THE STATE

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

93006

02R093

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

**OCT 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. Martin, Jr.*

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

ATLANTA,                      OCTOBER      24, 2002

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

APPLICATION NO.            A03I0062

MARY L. ROSE WISE ET AL V. TIDAL CONSTRUCTION COMPANY, INC.

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

70005

2000V518

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 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,                      OCTOBER      22, 2002

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

APPLICATION    NO.                      A03I0063

TOMMY LEE TURBYFILL ET AL V. ANTHONY TIRRELL RIVERS

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

95006

01A061375

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 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.*

*W. Z. Martin, III*

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

ATLANTA, NOVEMBER 04, 2002

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

APPLICATION NO. A03I0064

WILLIAM ODELL JOHNSON ET AL V. DALTON WILLIAMS ET AL

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

96006

I012466F

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 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.

*W. Z. Martin, III*

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

ATLANTA,                      OCTOBER      24, 2002

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

APPLICATION NO.            A03I0065  
PONDER'S, INC. D/B/A PONDER'S OFFICE PLUS V.  
MARY LOU BRANDSTETTER

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

98006

01CV737

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      **OCT 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.*

*Will Z. Martin, III*

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

ATLANTA,                      OCTOBER      30, 2002

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

APPLICATION NO.            A03I0066  
CLARY LOGGING, INC., V. CHARLES LEROY MORRIS

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

97006  
00V472

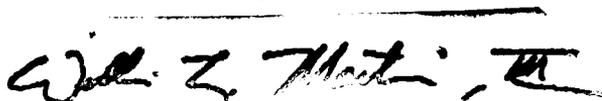
*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**OCT 30 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,                      NOVEMBER 21, 2002

*The Court of Appeals passed the following order*

Case No. A03I0066

CLARY LOGGING, INC., V. CHARLES LEROY MORRIS

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

97-006  
00V472

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    NOV 21, 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, NOVEMBER 06, 2002

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

APPLICATION NO. A03I0067  
RODERICK ANTONIO BUXTON V. THE STATE

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

99006

CR021965BR

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

**NOV 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. [Signature]*

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

ATLANTA,

*The Court of Appeals hereby passes the following order:* **OCT 31 2002**

**A03I0068. EASON v. THE STATE.**

The appellant filed a motion to withdraw her application for interlocutory appeal of the trial court's order denying her motion to suppress. The appellant filed the application before the trial court signed its order. Accordingly, the application was premature and the appellant's motion to withdraw is GRANTED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 31 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.

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

ATLANTA,                      OCTOBER     30, 2002

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

APPLICATION    NO.            A03I0069  
THOMAS K. RHINEHART, JR V. THE STATE

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

90006

2002CR000083

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

**OCT 30 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,                      OCTOBER      29, 2002

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

APPLICATION NO.            A03I0070  
AUTOZONE STORES, INC. V. CECILIA THOMPSON

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

94006

01VS019126J

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

*Will Z. Martin, III*

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

ATLANTA,                      OCTOBER      31, 2002

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

APPLICATION    NO.                      A03I0071

TOM MCLANE V. THE STATE

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

70006

02HR38T

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

**OCT 31 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. L. Martin, Jr.*

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

ATLANTA,                      NOVEMBER 05, 2002

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

APPLICATION NO.            A03I0072  
ALFRED EUGENE CALDWELL 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.

71006  
01B39622

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

**NOV 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.

*John Z. Martin, III*

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

ATLANTA, NOVEMBER 05, 2002

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

APPLICATION NO. A03I0073

PATRICE SMITH 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.

71007

01B39622

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 05 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.*

*Will Z. Martin, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **OCT 24 2002**

**A03I0074. RACHELLE A. REYES v. ALBERT SIDNEY JOHNSON ET AL.**

Rachelle A. Reyes filed this application for interlocutory appeal. It appears from the application materials that Reyes was operating a beauty parlor out of her home in the Amberwood Estates subdivision in Vidalia, Georgia. Some of her neighbors filed suit in the Toombs Superior Court on the basis that the restrictive covenants of the subdivision and the City of Vidalia's ordinances prohibited Reyes from operating a beauty parlor out of her home. The complaint sought temporary and permanent injunctive relief against Reyes, to prohibit her from continuing to operate the beauty parlor out of her home, and against the City of Vidalia, to restrain and enjoin the city from licensing or otherwise allowing Reyes to operate the business out of her home. Reyes answered and counterclaimed alleging that her constitutional rights had been violated and that she had become the subject of unlawful discrimination.

On May 29, 2002, the superior court entered a temporary injunction against Reyes and the City of Vidalia.<sup>1</sup> The order also reserved ruling on the constitutional issues raised by Reyes until a hearing set for October 21, 2002. The case thus remains pending below.

---

<sup>1</sup>Reyes was entitled to file a direct appeal from this order, but failed to do so. See OCGA § 5-6-34 (a) (4). A notice of appeal must be filed within 30 days after entry of the order appealed from. OCGA § 5-6-38 (a). The time for filing a notice of appeal from this order has expired.

Reyes filed a motion for reconsideration from this order and a motion for more definite statement. On August 29, 2002, the court denied these motions and dismissed Reyes' counterclaim. Reyes requested a certificate of immediate review, which the trial court signed on September 11, 2002. The certificate of immediate review, however, was never filed in the superior court clerk's office. On September 23, 2002, Reyes filed an application for interlocutory appeal in the Georgia Supreme Court, which transferred the case to this Court for decision on October 15, 2002.

For this Court to have jurisdiction to consider an application for interlocutory appeal, a certificate of immediate review must be filed with 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). Reyes' failure to have a certificate of immediate review filed with the trial court within ten days of entry of the order appealed from deprives this Court of jurisdiction to consider this application. Accordingly, this application is hereby ordered DISMISSED.

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

OCT 24 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, III*, Clerk.

Court of Appeals  
of the State of Georgia

ATLANTA, NOVEMBER 08, 2002

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

APPLICATION NO. A03I0075

GAYLE C. SCOTT V. AUGUSTA, GEORGIA ET AL

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

96007

2000RCCV923

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 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.*



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

ATLANTA,                      NOVEMBER 15, 2002

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

APPLICATION NO.            A03I0076

BIBLER MASONRY, INC., ET AL V. WILLIE L. YOUNG ET AL

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

98007

00VS11306

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 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.*

*Will. Z. Martin, III*

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

ATLANTA,                      NOVEMBER 15, 2002

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

APPLICATION NO.            A03I0077

BEERS CONSTRUCTION COMPANY, ET AL V. WILLIE L. YOUNG ET AL

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

98008

00VS11306

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 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, NOVEMBER 18, 2002

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

APPLICATION NO. A03I0078

MYRTLE EASON V. THE STATE

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

91007

02CR404

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 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 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:*

NOV 15 2002

**A03I0079. Lopez-Morales v. Crawford, et al.**

On August 16, 2002, the trial court entered an order denying Juan Lopez-Morales' motion to recuse Judge David L. Dickinson. A certificate of immediate review was filed on August 26, 2002. Lopez-Morales filed his application for interlocutory appeal with the Supreme Court on September 23, 2002. The Supreme Court found that jurisdiction over the questions raised in Lopez-Morales' application rests with this court. The application was transferred to this court on October 11, 2002.

OCGA § 5-6-34 (b) provides in part that [w]here the trial judge in rendering an order, decision, or judgment, not otherwise subject to direct appeal, certifies within ten days of entry thereof that the order, decision, or judgment is of such importance to the case that immediate review should be had, the Supreme Court or the Court of Appeals may thereupon, in their respective discretions, permit an appeal to be taken from the order, decision, or judgment *if application is made thereto within ten days after such certificate is granted.*

(Emphasis supplied.) Lopez-Morales did not file his application with the Supreme Court until 28 days after the trial court granted his certificate of immediate review. Although dicta in the Supreme Court's order suggests that the application was timely filed, it is abundantly clear that Lopez-Morales did not meet the ten day time requirement for filing his application as mandated under OCGA § 5-6-34 (b). Accordingly, the application is hereby dismissed for lack of jurisdiction. *Baynes v. State*, 189 Ga. App. 797 (377 SE2d 708) (1989).

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

NOV 15 2002

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John Z. Martini, 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:** April 9, 2003

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 **S03C1112**

JUAN LOPEZ-MORALES v. BRINTON M. CRAWFORD et al.

Clerk, Supreme Court of Georgia

Case No. A03I0079

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

APR 10 2003

Clerk, Court of Appeals of Georgia



**SUPREME COURT OF GEORGIA**  
Case No. S03C0430

Atlanta

FEB 10 2003

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed.

**JUAN LOPEZ-MORALES v. BRINTON M. CRAWFORD et al.**

Since the Court of Appeals was bound by this Court's determination of timeliness, its dismissal of the application on that ground was error. Therefore, the writ of certiorari is granted and the case is remanded to the Court of Appeals with direction to consider the application on its merits.

All the Justices concur, except Carley and Thompson, JJ., who dissent.

Court of Appeals No. A03I0079

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

I 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.



*Sydney M. Stuchlik*, Chief Deputy Clerk

RECEIVED IN OFFICE  
2003 FEB 11 PM 4:45  
CLERK OF APPEALS OF GA.

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

ATLANTA, MARCH 20, 2003

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

APPLICATION NO. A03I0079

JUAN LOPEZ - MORALES V. BRINTON M. CRAWFORD ET AL

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

97007

97CV010722

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **MAR 20 2003**

*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. Mait; JR*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **MAR 20 2003**

**A03I0079. LOPEZ-MORALES v. CRAWFORD, et al.**

Juan Lopez-Morales filed a motion to recuse six judges of the Court of Appeals, including Chief Judge Smith, Presiding Judge Blackburn, Presiding Judge Ruffin, Judge Miller, Judge Mikell, and former Court of Appeals judge Marion T. Pope, Jr. Because the motion fails to state facts that warrant recusation, it is hereby DENIED.

Movant first asserts that Chief Judge Smith, Presiding Judge Ruffin and Judge Miller were “not telling the truth” in the order issued on November 15, 2002, by asserting “that the [application for interlocutory appeal] was not filed in the Supreme Court in the ten (10) days requirement of the O.C.G.A. § 5-6-34 (b).” It is undisputed, however, that the certificate of immediate review was filed on August 26, 2002, and that the application was not filed in the Supreme Court until September 23, 2002. Because movant’s specific assertion plainly contradicts the Supreme Court record on which this court relied in its order of November 15, 2002, we deem it insufficient to state proper grounds for recusal.

Because neither Presiding Judge Blackburn, Judge Mikell nor former judge Pope are participating in the disposition of this application, movant’s motion as to these judges presents nothing for review.

*Court of Appeals of the State of Georgia*

*Clerk’s Office, Atlanta*

**MAR 20 2003**

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

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

*C. Will. L. Maitland, Jr.*, Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

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

**OCT 30 2002**

**A03I0080. Pierce v. Georgia Department of Human Resources**

Barry Pierce filed this application for interlocutory appeal seeking review of the trial court's order concerning jurisdiction and service of process. The order Pierce seeks to have this Court review was entered on September 25, 2002. A certificate of immediate review was obtained and entered on October 8, 2002. For this Court to have jurisdiction to consider an application for interlocutory appeal, a certificate of immediate review must be entered with 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). Pierce's failure to obtain a certificate of immediate review within ten days of entry of the order appealed from 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*

**OCT 30 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,                      NOVEMBER 13, 2002

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

APPLICATION NO.            A03I0081  
KENYON DEMARIO REYNOLDS V. THE STATE

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

99007

02B23614

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 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.*



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:** December 23, 2002

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 **S03C0563**

KENYON DEMARIO REYNOLDS v. THE STATE

Clerk, Supreme Court of Georgia

Case No. A03I0081

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, NOVEMBER 08, 2002

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

APPLICATION NO. A03I0082  
RICHARD FORD CARTER V. THE STATE

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

90007

01CR256

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 08 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, NOVEMBER 20, 2002

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

APPLICATION NO. A03I0083  
EUGENE P. WALKER V. PATRICIA ALEXANDER

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

94007

01VS029852B

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **NOV 20 2002**

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

*Will Z. Mathis, III*

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:** December 10, 2002

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 **S03C0493**

EUGENE P. WALKER v. PATRICIA ALEXANDER

Clerk, Supreme Court of Georgia

Case No. A03I0083

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

**DEC 10 2002**

Clerk, Court of Appeals of Georgia

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

ATLANTA, NOVEMBER 20, 2002

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

APPLICATION NO. A03I0084

PHILIP HARPER, III V. CHARLES W. ROBINSON 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.

92007

01CV1374X

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 20 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, NOVEMBER 21, 2002

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

APPLICATION NO. A03I0085  
DAVID KEITH HILL ET AL V. REBECCA CHASON

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

70007

CV000005

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 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 written.*

Clerk.

*W. Z. Martin, Jr.*

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

ATLANTA, NOVEMBER 18, 2002

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

APPLICATION NO. A03I0086  
MONICA YVONNE STAN V. THE STATE

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

95008

019175733

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **NOV 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, Jr.*

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

ATLANTA,                      NOVEMBER    06, 2002

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

APPLICATION NO.            A03I0087  
DARREN EDWARD CARSWELL 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.

96008  
97F078

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

**NOV 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.



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

ATLANTA,                    NOVEMBER 18, 2002

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

APPLICATION NO.            A03I0088  
THE CLO WHITE COMPANY V. MARY LATTIMORE

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

97008

0016241

*Court of Appeals of the State of Georgia*

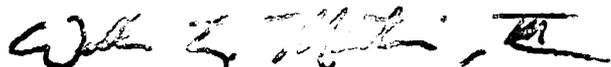
*Clerk's Office, Atlanta*

**NOV 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 above written.*

*Clerk.*



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

ATLANTA,            NOVEMBER 25, 2002

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

APPLICATION NO.        A03I0089  
STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY  
V. HEALTH HORIZONS, INC

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

93008

97CV1007410

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

**NOV 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. Mathis, III*

Court of Appeals  
of the State of Georgia

ATLANTA, NOVEMBER 13, 2002

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

APPLICATION NO. A03I0090

ROYAL METAL PRODUCTS, INC. V. ERNEST G. CARRUTH

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

99008

01SV00025

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **NOV 13 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.

*W. Z. Martin, III*

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

ATLANTA, NOVEMBER 22, 2002

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

APPLICATION NO. A03I0091

STEVEN KATZENSTEIN ET AL V. JAMES M. BREEDEN ET AL

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

91008

00CV1283

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 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, III*

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

ATLANTA,                      NOVEMBER 19, 2002

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

APPLICATION NO.            A03I0092  
SUNTRUST BANK, ATLANTA ET AL V. GALEN L. PETERSON

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.

90008  
02CV110

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      **NOV 19 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.



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

ATLANTA,                      NOVEMBER 26, 2002

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

APPLICATION NO.            A03I0093  
SCOTT FITZ RANDOLPH 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.

94008  
01R699P

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*                      **NOV 26 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.*

*W. Z. Martin, Jr.*

Court of Appeals  
of the State of Georgia

ATLANTA,            DECEMBER 02, 2002

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

APPLICATION NO.            A03I0094  
GEORGIA FARM BUREAU MUTUAL INSURANCE COMPANY  
V. JOHN T. CROLEY, JR.

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

92008

99CV425

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 02 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.*

*W. Z. Martin, III*

Court of Appeals  
of the State of Georgia

ATLANTA, NOVEMBER 27, 2002

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

APPLICATION NO. A03I0095

BILLY BARTON GARDNER V. THE STATE

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

70008

2002CR54A 2002CR55A 2002CR56A 2002CR317A

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 27 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.

*W. Z. Martin, III*

Court of Appeals  
of the State of Georgia

ATLANTA, DECEMBER 04, 2002

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

APPLICATION NO. A03I0096  
AMERIDCOR CABINETRY COMPONENTS, LLC V. RYDER TRUCK RENTALS, INC.

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

71008

02V171

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 04 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, NOVEMBER 27, 2002

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

APPLICATION NO. A03I0097

PIONEER LOGISTICS, INC. ET AL V. PORSCHE CARS NORTH AMERICA, INC.

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

95009

0111004416

*Court of Appeals of the State of Georgia*

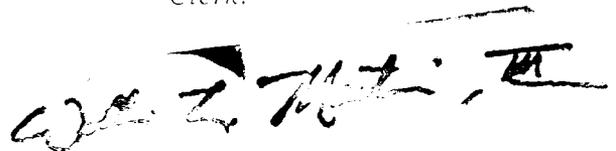
*Clerk's Office, Atlanta*

NOV 27 2002

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Clerk.



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

ATLANTA,                      DECEMBER 11, 2002

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

APPLICATION NO.            A03I0098  
THE GEORGIA DEPARTMENT OF DEFENSE V. MITCHELL  
B. JOHNSON

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.

96009

961377035

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 11 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,            DECEMBER 06, 2002

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

APPLICATION NO.            A03I0099  
GWINNETT HOSPITAL SYSTEM, INC., V. DENNIS BEAULIEU ET AL

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

98009

0183327

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*    **DEC 06 2002**

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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, NOVEMBER 26, 2002

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

APPLICATION NO. A03I0100  
ROYAL OAKS APARTMENT ASSOCIATES, L.P., ET AL  
V. DEB CALANDRA

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

97009

CV011491BR

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

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Clerk.

*William Z. Martin, III*

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.

(404) 656-3470

Sherie M. Welch, Clerk

**Docketing Date:** December 16, 2002

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 **S03C0576**

ROYAL OAKS APARTMENT ASSOCIATES, L.P. v. DEB CALANDRA et al.

Clerk, Supreme Court of Georgia

Case No. A0310100

Court of Appeals of Georgia

Notice of Petition for Certiorari

**DEC 30 2002**

filed in office

Clerk, Court of Appeals of Georgia

Court of Appeals  
of the State of Georgia

ATLANTA, NOVEMBER 26, 2002

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

APPLICATION NO. A03I0101  
ROYAL OAKS APARTMENT ASSOCIATES, L.P., ET AL  
TIM PERDUE

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

97010

CV011492BR

Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta **NOV 26 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, III*

Court of Appeals  
of the State of Georgia

ATLANTA, NOVEMBER 26, 2002

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

APPLICATION NO. A03I0102  
ROYAL OAKS APARTMENT ASSOCIATES, L.P., ET AL  
V. JOHN JOSEPH STEGMEYER, JR.

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

97011

CV011493BR

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 26 2002**

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*Clerk.*

*William Z. Martini, III*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

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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:** December 16, 2002

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 **S03C0578**

ROYAL OAKS APARTMENT ASSOCIATES, L.P. v. JOHN JOSEPH STEGMEYER, Jr.  
et al.

Clerk, Supreme Court of Georgia

Case No. A0310102

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

**DEC 30 2002**

Clerk, Court of Appeals of Georgia

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

ATLANTA, NOVEMBER 26, 2002

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

APPLICATION NO. A03I0103  
ROYAL OAKS APARTMENT ASSOCIATES, L.P., ET AL  
V. MICHAEL CORNELIUS

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

97012

CV011494BR

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 26 2002**

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*Clerk.*

*W. Z. Martin, Jr.*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

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Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** December 16, 2002

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 **S03C0577**

ROYAL OAKS APARTMENT ASSOCIATES, L.P. v. MICHAEL CORNELIUS et al.

Clerk, Supreme Court of Georgia

Case No. A03I0103

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

**DEC 30 2002**

Clerk, Court of Appeals of Georgia

Court of Appeals  
of the State of Georgia

ATLANTA,            DECEMBER 09, 2002

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

APPLICATION NO.            A03I0104  
SJV & ASSOCIATES, INC., ET AL V. DONALD J. FREER, ET AL

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

93009

011142942

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

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

ATLANTA,                    DECEMBER 04, 2002

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

APPLICATION NO.            A03I0105  
STUART MINOR ET AL V. JUSTIN BARWICK

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.

99009

00A090303

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 04 2002**

*I certify that the above is a true extract fromd  
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*Witness my signature and the seal of said court  
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*Clerk.*

*Will. Z. Martin, III*

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

ATLANTA,                    DECEMBER 11, 2002

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

APPLICATION NO.            A03I0106  
ABBOTT & COBB, INC V. RUSS PONDER

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

91009  
01CV52

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

**DEC 11 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. Mathis, III*

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

ATLANTA,                    DECEMBER 11, 2002

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

APPLICATION NO.            A03I0107  
ABBOTT & COBB, INC. V. CHARLES SUMNER

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

91010  
01CV60

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*    **DEC 11 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.*

*W. Z. [Signature]*

Court of Appeals  
of the State of Georgia

ATLANTA, DECEMBER 16, 2002

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

APPLICATION NO. A03I0108  
ATLANTA ONCOLOGY ASSOCIATES., ET AL V. THOMAS  
W. PHILLIPS, M.D.

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

90009

2001CV34297

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

DEC 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.*

*[Handwritten Signature]*  
Clerk

Court of Appeals  
of the State of Georgia

ATLANTA, DECEMBER 09, 2002

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

APPLICATION NO. A03I0109  
ROBERT S. BEAR, D.O., ET AL V. SOUTH COAST MEDICAL  
GROUP, LLC

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

94009

CV011598BR

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

**DEC 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,            DECEMBER 06, 2002

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

APPLICATION NO.        A03I0110

WAYNE SHUMAN V. THE STATE

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

92009

1S02CR102P

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    **DEC 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.

*Will Z. Martin, III*

Court of Appeals  
of the State of Georgia

ATLANTA,                   DECEMBER 16, 2002

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

APPLICATION NO.           A03I0111  
THOMAS W. PHILLIPS, M.D. V. ATLANTA ONCOLOGY  
ASSOCIATES, ET AL

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

90010

2001CV34297

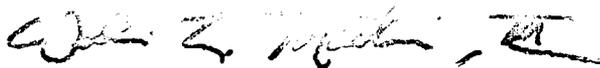
*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**DEC 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,            DECEMBER 20, 2002

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

APPLICATION NO.        A03I0112  
JOHNNY LEE CHURCHWELL A/K/A " BUDDY " CHURCHWELL  
V. ROBERT " BUCKY " GREGORY, JR., ET AL

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

70009

2001V353F

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

**DEC 20 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, DECEMBER 20, 2002

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

APPLICATION NO. A03I0113  
RUSSELL EMMETT BENTON V. THE STATE

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

71009

02HR069T

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **DEC 20 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.

*W. Z. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: DEC 19 2002

**A03I0114. ATLANTA AREA BROADCASTING, INC. v. JAMES BROWN ENTERPRISES, INC., et al.**  
**A03I0115. SPANN v. JAMES BROWN ENTERPRISES, INC., et al.**

In Application No. A03I0114, Darrell Spann seeks immediate review of an order which in part requires the law firm representing him to reimburse certain monies withheld from payment into the court's registry. Because Spann failed to file his application within 10 days after the filing of the certificate of immediate review as required under OCGA § 5-6-34 (b), his application is hereby *dismissed* for lack of jurisdiction.

In Application No. A03I0115, Atlanta Area Broadcasting, Inc., seeks review of the same order referenced in Spann's application. The court ordered AAB to reimburse the court's registry for the amount it withheld from its note payments to Spann – payments which were in turn to be paid into the registry of the court – in order to pay its own attorney's fees. The trial court further ordered AAB to stop deducting its attorney's fees from payments due to Spann. Although this application was filed out of an abundance of caution, AAB argues that the trial court's action amounts to a mandatory injunction against it directly appealable under OCGA § 5-6-34 (a) (4). We agree. Because AAB has already filed a notice of direct appeal, its application for interlocutory appeal is hereby *dismissed* as superfluous.

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

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

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

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

# Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **DEC 19 2002**

**A03I0114. ATLANTA AREA BROADCASTING, INC. v. JAMES BROWN ENTERPRISES, INC., et al.**  
**A03I0115. SPANN v. JAMES BROWN ENTERPRISES, INC., et al.**

In Application No. A03I0114, Darrell Spann seeks immediate review of an order which in part requires the law firm representing him to reimburse certain monies withheld from payment into the court's registry. Because Spann failed to file his application within 10 days after the filing of the certificate of immediate review as required under OCGA § 5-6-34 (b), his application is hereby *dismissed* for lack of jurisdiction.

In Application No. A03I0115, Atlanta Area Broadcasting, Inc., seeks review of the same order referenced in Spann's application. The court ordered AAB to reimburse the court's registry for the amount it withheld from its note payments to Spann – payments which were in turn to be paid into the registry of the court – in order to pay its own attorney's fees. The trial court further ordered AAB to stop deducting its attorney's fees from payments due to Spann. Although this application was filed out of an abundance of caution, AAB argues that the trial court's action amounts to a mandatory injunction against it directly appealable under OCGA § 5-6-34 (a) (4). We agree. Because AAB has already filed a notice of direct appeal, its application for interlocutory appeal is hereby *dismissed* as superfluous.

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

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

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

*W. Z. Martin, III*, Clerk.

Court of Appeals  
of the State of Georgia

ATLANTA,            JANUARY    15, 2003

*The Court of Appeals passed the following order*

Case No. A03I0115

DARRELL SPANN V. JAMES BROWN ENTERPRISES, INC., ET AL

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

95-011  
00CV502110

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    JAN 15, 2003*

*I certify that the above is a true extract from  
the minutes of 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,                    DECEMBER 17, 2002

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

APPLICATION NO.            A03I0116

COASTAL GRADING & RENTAL, INC. V. TERRY MICHAEL WALKER ET AL

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

96010

CVI013383G

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 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.*

*John Z. Martin, III*

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

ATLANTA,                   DECEMBER 20, 2002

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

APPLICATION NO.           A03I0117  
STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, ET AL  
V. BETTY JEAN RUTLEDGE

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

98010  
01S0868

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

**DEC 20 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,                   DECEMBER 13, 2002

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

APPLICATION NO.           A03I0118

KEN LIBERATORE ET AL V. POTTERSTONE BUILDERS, INC., ET AL

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

93010

02A17166

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 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. McIntire, III*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* DEC 05 2002

**A03I0119. FRONTIER INSURANCE COMPANY, INC. v. RUTHIE HARRIS,  
ADMINISTRATOR OF THE ESTATE OF DONTA HARRIS ET AL.**

On Tuesday, November 26, 2002, defendant Frontier Insurance Company, Inc. filed an application for interlocutory review of the order, entered November 6, 2002, granting plaintiff Ruthie Harris's motion to lift the state court's previous order staying proceedings against this defendant to the extent of allowing discovery to proceed. On November 14, 2002, the state court granted a certificate of immediate review.

OCGA § 5-6-34 (b) permits this Court to consider interlocutory appeals only where the application is made within ten days after the certificate of immediate review is granted. Because the tenth day was a Sunday, this application had to be filed by Monday, November 25, 2002. Therefore, the application was filed one day late, 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 ordered DISMISSED.

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* DEC 05 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. Mathis, III*, Clerk.

Court of Appeals  
of the State of Georgia

ATLANTA,                    DECEMBER 24, 2002

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

APPLICATION NO.            A03I0120  
HOLDER PROPERTIES, INC., ET AL V. CORRIE WRIGHT

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

94010

02C45322

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

**DEC 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, DECEMBER 20, 2002

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

APPLICATION NO. A03I0121

M.J.E.S. ENTERPRISES, LTD., ET AL V. ANITA A. MARTIN

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.

92010

98CV048653

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 20 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,                    DECEMBER 20, 2002

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

APPLICATION NO.            A03I0122  
KING & PRINCE SEAFOOD CORPORATION V. MARTHA  
MAXINE ANDERSON

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

70010

0000408

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

**DEC 20 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,                    DECEMBER 30, 2002

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

APPLICATION NO.            A03I0123

JOHN TOUCHTON V. THE STATE

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

71010

2002SC19131

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

**DEC 30 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. Mathis, III*

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:** January 21, 2003

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 **S03C0686**

JOHN TOUCHTON v. THE STATE

Clerk, Supreme Court of Georgia

Case No. A03I0123

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

**JAN 22 2003**

Clerk, Court of Appeals of Georgia

Court of Appeals  
of the State of Georgia

ATLANTA,            DECEMBER 17, 2002

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

APPLICATION NO.        A03I0124

DONALD COLE 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.

96011

2002T276263    2002T276264    2002C065109

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    **DEC 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 written.*

*Clerk.*

*Will Z. Martin, Jr.*

Court of Appeals  
of the State of Georgia

ATLANTA, DECEMBER 31, 2002

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

APPLICATION . NO. A03I0125

JOSE L. CARDENAS V. THE STATE

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

98011

2002CR1059J

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **DEC 31 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,                    DECEMBER 23, 2002

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

APPLICATION NO.            A03I0126

DORIS A. HALLMAN ET AL V. MAC INTERNATIONAL-SAVANNAH  
HOTEL, 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.

93011

I001639G

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta            **DEC 23 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.

*W. Z. Mett, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **DEC 20 2002**

**A03I0127. THUONG N. NHAN ET AL. v. WELLINGTON SQUARE, LLC**

Thuong N. Nhan, Xuyen Thi Nguyen, and Warren M. Schmitz Associates Realty, Inc. seek interlocutory review of an order granting partial summary judgment to Wellington Square, LLC and denying the applicants' cross-motion for summary judgment and motion to dismiss. Under OCGA § 9-11-56 (h), "[t]he grant of partial summary judgment as to one or more but fewer than all the claims or parties is reviewable by direct appeal if the notice of appeal is filed within 30 days of the rendition of such judgment." *Olympic Dev. Group v. American Druggists' Ins. Co.*, 175 Ga. App. 425 (1) (333 SE2d 622) (1985). Thus, an appeal of the order in this case should have been initiated by the filing of a notice of appeal. Nonetheless, because the application is timely and to avoid prejudice to the applicants arising from their choice of an incorrect route of appeal, the application is hereby ordered GRANTED. The applicants shall have ten days from the date of this order to file a notice of appeal with the trial court. The Clerk of the Superior Court is directed to include a copy of this order in the appeal record transmitted to this Court.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 20 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. Mart...*, Clerk.