

Court of Appeals  
of the State of Georgia

ATLANTA,            JANUARY    08, 2003

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

APPLICATION NO.            A03I0128

YORK INSURANCE COMPANY V. HOUSTON WELLNESS CENTER, 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.

91011

01V69853N

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 08 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.*

*W. Z. Martin, III*

Court of Appeals  
of the State of Georgia

ATLANTA,                    JANUARY    07, 2003

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

APPLICATION NO.            A03I0129  
KOREAN UNITED METHODIST CHURCH OF SAVANNAH, INC.  
V. ARTLEY COMPANY

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

90011

I991765CH

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

**JAN 07 2003**

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Clerk.

*Will Z. Martin, III*

Court of Appeals  
of the State of Georgia

ATLANTA,            JANUARY    09, 2003

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

APPLICATION NO.            A03I0130

PATSEN PROPERTIES, INC, ET AL V. JAMES BARRETT GRINDLE

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

94011

C1CV31351

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 09 2003**

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*Clerk.*

*Will Z. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **JAN 14 2003**

**A03I0131. BATTLE FIELD VILLAGE DEVELOPMENT, ET AL. v. EAGLE  
TIRE & AUTOMOTIVE SERVICES GROUP, INC.**

Defendants Battlefield Village Development, L. L. C. and JBW Ventures, L.

L. C. filed this application seeking interlocutory review of the superior court's order granting partial summary judgment to plaintiff Eagle Tire & Automotive Services Group, Inc. A direct appeal may be taken from the grant of a partial motion for summary judgment within 30 days from the date the judgment is entered notwithstanding that other issues remain pending in the trial court. *Planet Insurance Company v. Ferrell*, 228 Ga. App. 264, 265 (491 SE2d 471) (1997). The order in this case is thus directly appealable and is not subject to the interlocutory appeal requirements. This Court will grant a 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.

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*

**JAN 14 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.*

*William Z. Metzger, III*, Clerk.

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

ATLANTA,                    JANUARY        09, 2003

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

APPLICATION    NO.            A03I0132

RITA BLACKWELL ET AL V. JAMES HUGH POTTS, II, 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.

70011

00V50031340

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 09 2003**

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*Clerk.*

*Will. Z. Martin, III*

Court of Appeals  
of the State of Georgia

ATLANTA,            JANUARY    09, 2003

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

APPLICATION NO.        A03I0133

JAMES HUGH POTTS, II, ET AL V. RITA BLACKWELL ET AL

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

70012

00VS003134C

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

**JAN 09 2003**

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-----Clerk.-----

*W. Z. Math, Jr.*

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

ATLANTA,            JANUARY    09, 2003

*The Court of Appeals passed the following order*

Case No. A03I0116

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

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

96-010  
CVI013383G

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    JAN 09, 2003*

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*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:** January 16, 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 **S03C0680**

COASTAL GRADING & RENTAL, INC. v. TERRY MICHAEL WALKER et al.

Clerk, Supreme Court of Georgia

Case No. A03I0116

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,            JANUARY    14, 2003

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

APPLICATION NO.        A03I0134  
LUELLEN G. FELDMAN ET AL V. SAMANTHA KOROTKIN  
E/N/F JEFFREY KOROTKIN

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

71011

2001CV46478

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

**JAN 14 2003**

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*Clerk.*

*W. Z. Math, Jr.*

Court of Appeals  
of the State of Georgia

ATLANTA,                    JANUARY    15, 2003

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

APPLICATION    NO.            A03I0135

MARVIN NEAL RICHARDS, JR. V. MARY A. AUTRY ET AL

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

95012

01CV20926

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 15 2003**

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*Clerk.*

*Will. Z. Martin, III*

Court of Appeals  
of the State of Georgia

ATLANTA,            JANUARY    15, 2003

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

APPLICATION NO.        A03I0136  
FFG INSURANCE COMPANY V. JOSEPH RHETT

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

96012  
0001830

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

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Clerk.

*Will Z. Martin, III*

Court of Appeals  
of the State of Georgia

ATLANTA,                      JANUARY      09, 2003

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

APPLICATION NO.            A03I0137

ATLANTA TELEPHONE COMPANY V. TELDATA CORPORATION ET AL

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

98012

2001CV36579

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 09 2003**

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*Clerk.*

*Will. L. Martin, Jr.*

Court of Appeals  
of the State of Georgia

ATLANTA,                    JANUARY    15, 2003

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

APPLICATION NO.            A03I0138

LANNY DALE COX V. KATHY LOUISE STILL 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.

93012

02SV665

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 15 2003**

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Clerk.

*Will. Z. Martin, III*

Court of Appeals  
of the State of Georgia

ATLANTA,            JANUARY    15, 2003

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

APPLICATION NO.        A03I0139  
DAVID ABRAMS ET AL V. DOREEN MASSELL

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

99012

01CV618510

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **JAN 15 2003**

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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,

*The Court of Appeals hereby passes the following order:* **FEB 07 2003**

**A03I0139. DAVID ABRAMS, ET AL. v. DOREEN MASSELL**

Upon consideration of petitioners' motion for reconsideration, the motion is granted and the application for an interlocutory appeal is hereby granted. The appellant may file a notice of appeal within ten (10) days of the date of this order. The Clerk of the Superior Court of DeKalb County is directed to include a copy of this order in the record transmittal to the Court of Appeals.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **FEB 07 2003**

*I certify that the above is a true extract from  
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hereto affixed the day and year last above written.*

*William L. Martini*, Clerk.

Court of Appeals  
of the State of Georgia

ATLANTA,            JANUARY    21, 2003

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

APPLICATION NO.            A03I0140

WACLAV J. JAGIELLA, M.D. V. COMPOSITE STATE BOARD OF  
MEDICAL EXAMINERS

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

91012

2002CV51639

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 21 2003**

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the minutes of the Court of Appeals of Georgia*

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*Clerk.*

*John L. Martin, III*

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

ATLANTA,                    JANUARY    17, 2003

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

APPLICATION NO.            A03I0141

HIDEO ISHII ET AL V. AON RISK SERVICES, INC. OF GEORGIA

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

90012

2002CV56795

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*            **JAN 17 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  
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Clerk.



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

ATLANTA,                    JANUARY     09, 2003

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

APPLICATION NO.            A03I0142  
COLUMBUS CLINIC, P.C. V. JANE C. GREENE 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.

94012  
SU02CV54

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*     **JAN 09 2003**

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*Clerk.*

*Will. Z. Martin, III*

Court of Appeals  
of the State of Georgia

ATLANTA, JANUARY 09, 2003

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

APPLICATION NO. A03I0143  
MICHAEL BLIER V. JANE C. GREENE 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.

94013

SU02CV54

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 09 2003**

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*Clerk.*

*Will. Z. Martin, III*

Court of Appeals  
of the State of Georgia

ATLANTA,            JANUARY    15, 2003

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

APPLICATION NO.            A03I0144

BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF GEORGIA V. FRANCES  
OGLESBY

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.

92012

2000RCCV7798

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 15 2003**

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*Clerk.*

*Will Z. Martin, III*

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

ATLANTA,            JANUARY    27, 2003

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

APPLICATION NO.            A03I0145

KILLEARN PARTNERS, INC. ET AL V. SOUTHEAST PROPERTIES, 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 State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

71012

01VS021591F

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    **JAN 27 2003**

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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. L. Marti, Jr.*

Court of Appeals  
of the State of Georgia

ATLANTA,            JANUARY    22, 2003

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

APPLICATION NO.            A03I0146

JOHN BEN STEWART, JR. ET AL V. ARTHUR FAVORS 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.

95013

2002CV55526

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 22 2003**

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*Clerk.*

*W. Z. Martin, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **JAN 15 2003**

**A03I0147. HARRELL v. WOODS, et al.**

Mary Harrell seeks immediate review of an order of the superior court denying her motion for summary judgment. The order was entered on December 9, 2002. The trial court signed a certificate of immediate review on December 12, 2002, but the certificate was not filed with the clerk until January 6, 2003. It is well settled that a certificate for immediate review must be signed by the trial judge *and* filed with the clerk within ten days of the date of the entry of the order to which the certificate refers. *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973). Because the certificate of immediate review relied upon was not filed with the clerk as required, Harrell's application is hereby *dismissed* for lack of jurisdiction.

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.

*William Z. Martin, III*, Clerk.

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

ATLANTA,                    JANUARY    21, 2003

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

APPLICATION NO.            A03I0148

HUDSON-RETAIL GEORGIA, INC., V. HOST INTERNATIONAL, INC., ET AL

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

98013

2002CV49161

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 21 2003**

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*Clerk.*



# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:*     **JAN 15 2003**

**A03I0149. W. H. SMITH BROKERS INC. ET AL. v. MARK WEBER ET AL.**

W. H. Smith Brokers Inc. and Walter Smith filed this application for interlocutory appeal from the trial court's November 25, 2002, order denying their motion to dismiss and granting a default judgment to plaintiff Judy Walker, reserving the issue of damages for trial. The applicants' attorney, Lisa Fletcher-Kemp, is licensed to practice law in the State of Florida, but is not admitted to practice before this Court. Before an attorney is permitted to file a document in this Court, including having a discretionary application docketed with the Clerk of Court, the attorney must first either be admitted to practice before this Court or move for appearance by courtesy. See Court of Appeals Rule 9 (c). To this end, attorney Fletcher-Kemp has filed a motion for courtesy appearance. This motion is hereby GRANTED and the application is accordingly accepted for docketing.

This Court, however, does not have jurisdiction to consider this application on its merits. The trial court executed and filed a certificate of immediate review on December 12, 2002, seventeen days after the order appealed from was entered. 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). The applicants' 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, which is hereby ordered DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 15 2003**

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*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,                    JANUARY    22, 2003

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

APPLICATION NO.            A03I0150

WILLIAM DUVALL V. JOAN GREEN

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.

93013

2001CV1334

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 22 2003**

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*Clerk.*

*William L. Matz*

Court of Appeals  
of the State of Georgia

ATLANTA,                    JANUARY    17, 2003

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

APPLICATION    NO.            A03I0151

DONALD WATERS, M.D., V. CHARLES L. STEWART 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.

99013

02V0526

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*    **JAN 17 2003**

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Clerk.

*W. Z. Martin, III*

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

ATLANTA,            JANUARY    28, 2003

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

APPLICATION    NO.            A03I0152

GILBERT BARKER ET AL V. TINA SARTORI ET AL

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

91013

C2S0051

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 28 2003**

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

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Clerk.

*Will. L. Mait; JR*

Court of Appeals  
of the State of Georgia

ATLANTA,                    JANUARY        17, 2003

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

APPLICATION    NO.            A03I0153

BRIAN ALLEN, PE., ET AL V. ROBERT DANIEL MURRAY, III, ET AL

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

90013

02A33972

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*    **JAN 17 2003**

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Clerk.

*William L. Martin, III*

Court of Appeals  
of the State of Georgia

ATLANTA,            JANUARY    23, 2003

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

APPLICATION NO.        A03I0154  
CASWYCK JSB, LLC V. CARMELA CROWE

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.

92013

02A36833

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

*Will. L. Matier*

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

ATLANTA,                    JANUARY    14, 2003

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

APPLICATION NO.            A03I0155  
FIRST NATIONAL BANK OF AMES, IOWA V. INNOVATIVE CLINICAL  
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.

70013

2001CV46263

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    **JAN 14 2003**

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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,

*The Court of Appeals hereby passes the following order:* **JAN 09 2003**

**A03I0156. MEDPARTNERS, INC. et al. v. JANE C. GREENE et al.**

Medpartners, Inc. seeks an interlocutory appeal from an order denying its motion for judgment on the pleadings. An application for interlocutory appeal is valid only if filed within 10 days of the date a timely certificate of immediate review is entered in the court below. OCGA § 5-6-34 (b). The trial court entered the certificate of immediate review on December 16, 2002. Medpartners therefore had until December 26, 2002, to perfect filing of its application.

Medpartners mailed the application by certified mail using only a metered postmark. A metered postmark cannot be considered by this Court as an official postmark for purposes of determining the timeliness of filing. Court of Appeals Rule 4. Consequently, Medpartners' application may only be deemed filed on the date the Court actually received it, December 30, 2002.

Since Medpartners' application was filed 14 days after the entry of the certificate of immediate review, the application is untimely, this Court lacks jurisdiction and the application is hereby DISMISSED.

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **JAN 09 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.

Court of Appeals  
of the State of Georgia

ATLANTA,            JANUARY    24, 2003

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

APPLICATION NO.        A03I0157  
SOUTHEAST SERVICE CORPORATION V. SAVANNAH  
TEACHERS PROPERTIES 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.

71013  
CV021193AB

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*        **JAN 24 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.*

*C. Will. L. Martini*

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

ATLANTA,                    JANUARY     30, 2003

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

APPLICATION    NO.            A03I0158  
JOHN ROBERTS ET AL V. ROBERT SNEED

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.

95014  
2000CV28692F 2001CV41106

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

**JAN 30 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 written.*

*Clerk.*

*William L. Matz, Jr.*

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

ATLANTA,                      JANUARY    23, 2003

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

APPLICATION NO.            A03I0159  
HILLCREST FOODS, INC. V. THOMAS WALLS ET AL

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

96014

02C13832

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

Clerk.

***William L. Matier***

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

ATLANTA,            JANUARY    30, 2003

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

APPLICATION    NO.            A03I0160  
JOSEPH E. DICORPO ET AL V. ROBERT SNEED

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.

95015

2000CV28692F 2001CV41106

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

**JAN 30 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. Mat; [Signature]*

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

ATLANTA,                      FEBRUARY    03, 2003

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

APPLICATION    NO.                      A03I0161

THE DEPARTMENT OF TRANSPORTATION, STATE OF GEORGIA

V. JOHN LAWLER, III ET AL

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

98014

02SC0492

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*                      **FEB 03 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.*

*William L. Martin, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:*      **JAN 15 2003**

**A03I0162. ARTHUR E. FERDINAND ET AL v. LEONARD E. LIVSEY.**

On January 6, 2003, defendants Arthur E. Ferdinand, Tax Commissioner of Fulton County, et al., filed an application for interlocutory appeal seeking to appeal the order, issued on December 9, 2002 and entered December 10, 2002, denying, inter alia, the motion for summary judgment of defendant Arthur E. Ferdinand.

On January 6, 2003, an "Order Vacating Order Granting Certificate of Immediate Review to the Defendant Arthur Ferdinand" was entered vacating that portion of the order issued on December 9, 2002, "granting a Certificate of Immediate Review to Arthur Ferdinand." This order did not purport to vacate that portion of the order, issued December 9, 2002 and entered December 10, 2002, denying defendant Ferdinand's motion for summary judgment and the motion for reconsideration filed by defendant Canoeside Properties, Inc.

An "Order Granting Certificate of Immediate Review From the Denial of the Tax Commissioner's Motion for Summary Judgment" was also entered on January 6, 2003. This order expressly granted the request for a certificate of immediate review from the order denying Ferdinand's "Motion for Summary Judgment issued on December 9, 2002."

Under OCGA § 5-6-34 (b), a certificate of immediate review must be granted within ten days after the order sought to be reviewed is entered, and an application for interlocutory review must be filed within ten days after the grant of the certificate of immediate review. *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973); *Baynes v. the State*, 189 Ga. App. 797 (377 SE2d 708) (1989); *Bowers v. Price*, 168 Ga. App. 125, 126 (308 SE2d 420) (1983). A certificate of immediate review is

granted on the date that it is filed or entered. See *Turner v. Harper*, supra; *Laurens County v. Dixon*, 133 Ga. App. 727 (213 SE2d 26) (1975).

As the only viable certificate of immediate review remaining in this case is the certificate filed on January 6, 2002 and as the order sought to be appealed is the order issued on December 9, 2002 and entered December 10, 2002, the only existing certificate of immediate review has, perforce, not been granted within 10 days of the date of entry of the order sought to be appealed. Accordingly, this court lacks jurisdiction over this application and the application is ordered DISMISSED.

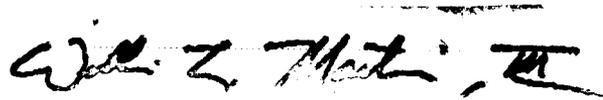
*Court of Appeals of the State of Georgia*

*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.*

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

ATLANTA,            JANUARY    31, 2003

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

APPLICATION NO.        A03I0163

WADE GUNNAR ANDERSON, D/B/A ANDERSON & ANDERSON ET AL

V. JOSEPH BRUSICH ET AL

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

93014

00VS012645F

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 31 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.*

*William L. Martin, Jr.*

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

ATLANTA,            JANUARY    31, 2003

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

APPLICATION NO.            A03I0164

GREEN MOUNTAIN ESTATES, INC V. ROSE LEE PRESSLEY

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

99014

00SV1318D

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 31 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.*

*C. Will. L. Mait; JR*

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

ATLANTA,            JANUARY    28, 2003

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

APPLICATION NO.        A03I0165  
FOSTER MCCASKILL D/B/A FLOORING SOLUTIONS  
V. FRED CARILLO, SR

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

91014

01C77974

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*    **JAN 28 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. Martin*

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

ATLANTA,            JANUARY    31, 2003

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

APPLICATION NO.        A03I0166  
MICHAEL J. CHEUVRONT D/B/A RENT COMPANY V.  
WILLIAM H. CARTER 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.

90014

2E02CV024R

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*    **JAN 31 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. Martine*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **JAN 28 2003**

**A03I0167. MARIA MARQUITA PURDY v. AMBLING MANAGEMENT COMPANY.**

On December 20, 2002, the superior court entered an order granting defendant Ambling Management Company's motion to open default. On January 2, 2002, the superior court granted a certificate of immediate review. On January 13, 2002, plaintiff Maria Marquita Purdy forwarded an application for interlocutory review to this Court but a certificate of service upon opposing counsel was not submitted with the application. See OCGA § 5-6-34 (b). On Tuesday, January 14, 2002, a certificate of service was transmitted to the office of the Clerk of this Court, and Purdy's application was duly filed in this Court on that date.

An application for interlocutory review must be filed within 10 days of the date that a certificate of immediate review was granted. OCGA § 5-6-34 (b); Court of Appeals Rule 32 (a). Because Purdy did not file her application within 10 days of the date of entry of the order granting a certificate of immediate review, this court lacks appellate jurisdiction over this appeal and it is hereby DISMISSED. See *Bowers v. Price*, 168 Ga. App. 125, 126 (308 SE2d 420) (1983).

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **JAN 28 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.*

*Will. L. Maitland*, Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

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

**FEB 07 2003**

**A03I0168, A03I0169. JAMES W. THREATT, JR., ET AL. v. KENNY ROGERS  
(two cases).**

Defendants James W. Threatt, Jr. and Thomas A. Threatt filed Application No. A03I0169 seeking interlocutory review of the superior court's order granting partial summary judgment to plaintiff Kenny Rogers. A direct appeal may be taken from the grant of a partial motion for summary judgment within 30 days from the date the judgment is entered notwithstanding that other issues remain pending in the trial court. *Planet Insurance Company v. Ferrell*, 228 Ga. App. 264, 265 (491 SE2d 471) (1997). The order in this application 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. Therefore, Application No. A03I0169 is ordered GRANTED.

Application No. A03I0168 seeking appellate review of the denial of defendants' motion for partial summary judgment in the same underlying case is

DISMISSED as redundant, albeit this should not be construed as limiting the issues which may be raised on appeal pursuant to OCGA§ 5-6-34 (d).

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* FEB 07 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.*

*Will. L. Martini*, Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

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

**FEB 07 2003**

**A03I0168, A03I0169. JAMES W. THREATT, JR., ET AL. v. KENNY ROGERS  
(two cases).**

Defendants James W. Threatt, Jr. and Thomas A. Threatt filed Application No. A03I0169 seeking interlocutory review of the superior court's order granting partial summary judgment to plaintiff Kenny Rogers. A direct appeal may be taken from the grant of a partial motion for summary judgment within 30 days from the date the judgment is entered notwithstanding that other issues remain pending in the trial court. *Planet Insurance Company v. Ferrell*, 228 Ga. App. 264, 265 (491 SE2d 471) (1997). The order in this application 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. Therefore, Application No. A03I0169 is ordered GRANTED.

Application No. A03I0168 seeking appellate review of the denial of defendants' motion for partial summary judgment in the same underlying case is

DISMISSED as redundant, albeit this should not be construed as limiting the issues which may be raised on appeal pursuant to OCGA § 5-6-34 (d).

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* **FEB 07 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.*

*Will. L. Martini*, Clerk.

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

ATLANTA,                      FEBRUARY 12, 2003

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

APPLICATION NO.            A03I0170  
STEPHEN P. FORDHAM V. THE STATE

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

71014

S2002CR1086

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 12 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.*

*C. Will. L. Martin, Jr.*

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

ATLANTA,                    JANUARY    30, 2003

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

APPLICATION    NO.            A03I0171

JOJA PARTNERS, LLC V. ABRAMS PROPERTIES, 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.

96015

0210781035

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*            **JAN 30 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 written.*

*Clerk.*

*Will. L. Martine*

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

ATLANTA,                      FEBRUARY 13, 2003

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

APPLICATION NO.            A03I0172

ROBERT HARRIS HOMES, INC. V. ANN DAY CAREY

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

98015

0210746918

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 13 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. Martin, Jr.*

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

ATLANTA,                      FEBRUARY 06, 2003

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

APPLICATION NO.            A03I0173  
DENSON HEATING & AIR CONDITIONING CO., INC.,  
V. FRANK OGLESBY 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.

97015  
2000SUCV200

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      **FEB 06 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. Martin*

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

ATLANTA,                      FEBRUARY 10, 2003

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

APPLICATION NO.            A03I0174  
PRISCILLA SHEPARD V. JAMES LEE SMITH

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

93015  
01MV735H

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*                      **FEB 10 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. Martin*

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

ATLANTA,            FEBRUARY 21, 2003

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

APPLICATION NO.        A03I0175

C.S. GRAIN, LLC ET AL V. MCLENDON ACRES, INC., ET AL

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

99015

01V359

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    **FEB 21 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 written.*

*Clerk.*

*C. Jill L. Martin*

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

ATLANTA,            FEBRUARY 12, 2003

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

APPLICATION NO.        A03I0176  
KAISER PERMANENTE INSURANCE COMPANY ET AL  
V. NANCY F. TRIBBLE

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

91015

01VS023914C

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 12 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, FEBRUARY 20, 2003

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

APPLICATION NO. A03I0177

J.C. PENNEY COMPANY, INC., ET AL V. RITA S. GARNER

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

90015

20010655

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

Court of Appeals  
of the State of Georgia

ATLANTA,            FEBRUARY 13, 2003

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

APPLICATION NO.            A03I0178

FREDERICK B. PONDER ET AL V. HOPE CALDWELL ET AL

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

94015

2001CV39750

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 13 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,                      FEBRUARY 13, 2003

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

APPLICATION NO.            A03I0179  
BARTON PROTECTIVE SERVICES INC. D/B/A CONTINENTAL  
SECURITY'S V. HOPE CALDWELL ET AL

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

94016

2001CV39750

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*      **FEB 13 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,                      FEBRUARY 24, 2003

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

APPLICATION NO.            A03I0180

BARBARA LUCAS, AS ADMINISTRATRIX OF THE ESTATE OF ANNETTE

AUSTIN V. INTERGRATED HEALTH SERVICES OF LESTER, INC.

D/B/A INTERGRATED HEALTH SERVICES OF ATLANTA @ BUCKHEAD.

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.

96018

00VS000619F

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*    **FEB 24 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.*

*William L. Martin, Jr.*

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

ATLANTA, MARCH 03, 2003

*The Court of Appeals passed the following order*

Case No. A03I0181

CATHY MCALISTER V. GEORGIA DEPARTMENT OF CORRECTIONS,  
ET AL

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

71-015  
2002V9812

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta MAR 03, 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. L. Mait; JR*

# Court of Appeals of the State of Georgia

ATLANTA,

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

**FEB 06 2003**

## **A03I0182. PERKINS v. THE STATE**

Stephen Perkins filed an application for interlocutory appeal from the superior court's order denying his motion to dismiss accusations charging him with a violation of OCGA § 17-6-58 and with misdemeanor criminal trespass. The issues raised by Perkins and ruled on by the superior court include challenges to the constitutionality of OCGA § 17-6-58. These issues as to the constitutionality of the statute are again submitted in this application.

The application lies within the Supreme Court's exclusive jurisdiction to rule on the constitutionality of statutes. Ga. Const. of 1983, Art. VI, Sec. VI, Par. II (1), *Doe v. Department of Corrections*, 224 Ga. App. 494 (481 SE2d 837) (1997). Therefore, this application for interlocutory appeal is TRANSFERRED to the Supreme Court.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 06 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.*

*Will. L. Matier*, Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **FEB 19 2003**

**A03I0183. THE TRAVELERS INDEMNITY COMPANY OF ILLINOIS v.  
CITIZENS BANK OF AMERICUS et al.**

The Travelers Indemnity Company of Illinois filed this interlocutory application from the superior court's January 16, 2003 order granting partial summary judgment to the Citizens Bank of Americus. 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. The applicant asserted in its application that it in fact filed a timely notice of appeal from the order at issue. The Clerk of this Court has confirmed with the Clerk of the Superior Court of Sumter County that the applicant in fact filed a notice of appeal on January 30, 2003. Accordingly, this application is ordered DISMISSED.

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **FEB 19 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.*

*Will. L. Martini*, Clerk.

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

ATLANTA,                      FEBRUARY 20, 2003

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

APPLICATION NO.            A03I0184

THE CITY OF POOLER, ET AL V. VIRGINIA EDENFIELD

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.

98016

I010818F

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 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.*

*C. Will. L. Martin, Jr.*

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

ATLANTA,                      FEBRUARY 24, 2003

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

APPLICATION NO.            A0310185

CAROLYN'S FRIED CHICKEN, INC. V. AARON HALL ET AL

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

97016

2002V393H

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 24 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,            FEBRUARY 28, 2003

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

APPLICATION NO.            A03I0186

CITIZENS BANK OF AMERICUS V. ISRAEL FARM SUPPLY, INC

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

93016

01V285P

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 28 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. Mart; JR*

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

ATLANTA, MARCH 27, 2003

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

APPLICATION NO. A03I0187

STEAK-OUT FRANCHISING, INC. V. JAMES GRADY ET AL

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

99016

2002CV51936

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 27 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.*

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

ATLANTA,

*The Court of Appeals hereby passes the following order:* **MAR 03 2003**

**A03I0188. ARTHUR W. STRATTON, JR., et al. v. MARINER HEALTH CARE, INC.**

The Respondent's motion to enforce Court of Appeals Rules 1 (c) and 30 (b) is hereby DENIED. The Applicants' motion to file supplemental (reply) brief is hereby GRANTED. Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta* **MAR 03 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.*

*Will. L. Martin*, Clerk.

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

ATLANTA,                      FEBRUARY 25, 2003

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

APPLICATION NO.            A03I0189

AVENTIS CROPSCIENCE USA, INC. V. NATHAN C. BYRD, JR. ET AL

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

90016

01VS022358

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 25 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.*

*C. Will. L. Martin, Jr.*

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

ATLANTA, MARCH 03, 2003

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

APPLICATION NO. A03I0190

WILLIAM STEPHEN THOMAS ET AL V. SES INDUSTRIES, INC., ET AL

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

92016

2002CV082

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 03 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. Marti, Jr.*

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

ATLANTA, MARCH 03, 2003

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

APPLICATION NO. A03I0191

SUMTER REGIONAL HOSPITAL, INC. V. HEALTHWORKS, 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.

70016

2001V601H

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **MAR 03 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. Mart; JR*

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

ATLANTA, MARCH 04, 2003

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

APPLICATION NO. A03I0192

LEON COHEN ET AL V. WEISMAN, NOWACK, CURRY, & WILCO, P.C.

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

71016

2002CV57096

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 04 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.*

*C. Will. L. Mait; JR*

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

ATLANTA, MARCH 10, 2003

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

APPLICATION NO. A03I0193  
RAYBURN ROGERS V. LISA MARIE REED

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

95017

2002CV215S

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **MAR 10 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.*

*C. Will. L. Mait; JR*

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

ATLANTA,                      FEBRUARY 26, 2003

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

APPLICATION NO.            A03I0194  
CALLAWAY GARDENS RESORT, INC. D/B/A CALLAWAY GARDENS  
V. JANICE E. LEMONS

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

96017

(HS)00CV263

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

**FEB 26 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; [Signature]*

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

ATLANTA, MARCH 10, 2003

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

APPLICATION NO. A03I0195

SUGARLOAF PROPERTIES, LLC, . ET AL V. DENISE GREENWALD ET AL

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

98017

01A61197

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

**MAR 10 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. Mat; JR*

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

ATLANTA, MARCH 10, 2003

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

APPLICATION NO. A03I0196

AARON L. GREEN ET AL V. POLLY PATE WILSON, EXTRX.

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

97017

2002RCCV469

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 10 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.*

*C. Will. L. Mait; R*

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

ATLANTA,                      FEBRUARY 28, 2003

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

APPLICATION NO.            A03I0197

FERNANDO G. PINEDA V. STATE OF GEORGIA EX REL. MOSS ET AL.

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

93017

02CV2415

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 28 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.*

*C. Will. L. Mart; JR*

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

ATLANTA,                      FEBRUARY 28, 2003

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

APPLICATION NO.            A03I0198

MICHAEL REEVES 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.

99017

02CR12561

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 28 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. Martin, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **FEB 24 2003**

**A03I0199. SYNTHETIC FIBER PROCESSING, LLC, ET AL v. SYNTEC INDUSTRIES, LLC, ET AL.**

Plaintiffs Syntec Industries, LLC, and David S. Holt filed a motion to add Fiber Resources International, Inc., as an additional defendant, and Fiber Resources International, Inc., filed a motion to dismiss itself as a defendant in this action. On January 24, 2003, an order was entered granting the plaintiffs' motion to add Fibre Resources International, Inc., as an additional party defendant and denying the motion of Fiber Resources International, Inc., to dismiss itself as a defendant. On Tuesday, February 4, 2003, a certificate of immediate review was filed. On February 13, 2003, Synthetic Fiber Processing, LLC, et al, filed an application for interlocutory review of the order entered on January 24, 2003.

Under OCGA § 5-6-34 (b), a certificate of immediate review must be granted within ten days of the date that the order sought to be reviewed is entered, and an application for interlocutory review must be filed within ten days after the grant of the certificate of immediate review. *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973); *Baynes v. the State*, 189 Ga. App. 797 (377 SE2d 708) (1989); *Bowers*

*v. Price*, 168 Ga. App. 125, 126 (308 SE2d 420) (1983). A certificate of immediate review is granted on the date that it is filed or entered. See *Turner v. Harper*, supra; *Laurens County v. Dixon*, 133 Ga. App. 727 (213 SE2d 26) (1975).

Because the certificate of review was filed eleven days after the order sought to be appealed was entered, this Court is without jurisdiction over this application and it is ordered DISMISSED.

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

FEB 24 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. Martini*, Clerk.

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

ATLANTA, MARCH 06, 2003

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

APPLICATION NO. A03I0200  
BOB WOOD REALTY CO. V. DIANE I. CLAYTON

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

90017

02CV757310

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAR 06 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.*

*C. Will. L. Martin, Jr.*

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

ATLANTA, MARCH 12, 2003

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

APPLICATION NO. A03I0201

JAMES KING V. THE STATE

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

94017

02CR0648C

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAR 12 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.*

*C. Will. L. Marti; R*

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

ATLANTA, MARCH 13, 2003

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

APPLICATION NO. A03I0202  
SOUTHERN GENERAL INSURANCE COMPANY ET AL  
V. JAMMIE WADE COLEMAN

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.

92017

00V863

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 13 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.*

*C. Will. L. Mait; JR*

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

ATLANTA, MARCH 19, 2003

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

APPLICATION NO. A03I0203

JAY PONTIAC-BUICK-GMC, INC., ET AL V. DONNA W. MCGINNIS

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

70017

SC2000CV1125

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 19 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. Martini*

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

ATLANTA, APRIL 08, 2003

*The Court of Appeals passed the following order*

Case No. A03I0203

JAY PONTIAC-BUICK-GMC, INC., ET AL V. DONNA W. MCGINNIS

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

70-017  
SC2000CV1125

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta APR 08, 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. L. Martin*

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 25, 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 **S03C1225**

JAY PONTIAC-BUICK-GMC, INC., et al. v. DONNA W. MCGINNIS

Clerk, Supreme Court of Georgia

Case No. A03I0203

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

**MAY 02 2003**

Clerk, Court of Appeals of Georgia

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

ATLANTA, MARCH 10, 2003

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

APPLICATION NO. A03I0204  
APPLE-RIO MANAGEMENT COMPANY, INC. D/B/A UP THE CREEK  
FISH CAMP V. SANDRA RUTLEDGE ET AL

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

71017

01CV230394

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

**MAR 10 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; R*

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

ATLANTA,

*The Court of Appeals hereby passes the following order:* **MAR 18 2003**

**A03I0205. GERALD GATES, JR. v. JULIE GATES.**

Julie Gates filed suit against Gerald Gates, Jr. seeking a divorce as well as damages for alleged tortious conduct which allegedly occurred prior to the marriage. Via this application, Gerald Gates, Jr. seeks review of the denial of his motion for summary judgment with respect to the tort claim based on the doctrine of interspousal immunity.

Under the state constitution, the Supreme Court has exclusive jurisdiction over all divorce and alimony cases. Ga. Const. of 1983, Art VI, Sec. VI, Par. III (6). Therefore, this application is ordered TRANSFERRED to the Supreme Court.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAR 18 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.*

*Will. L. Mat; R*....., Clerk.

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

ATLANTA, MARCH 20, 2003

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

APPLICATION NO. A03I0206

CANAL INDEMNITY COMPANY ET AL V. JENNIFER GREENE 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.

98018

02CV036

*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.*

*C. Will. L. Mart; JR*

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

ATLANTA, MARCH 20, 2003

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

APPLICATION NO. A03I0207  
ASMAR MUHARRAM HASAN V. THE STATE

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

97018

02CR32495

*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.

*C. Will. L. Martin, Jr.*

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

ATLANTA, MARCH 17, 2003

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

APPLICATION NO. A03I0208

MICHEAL MEEKS 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.

93018

2002F07161

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 17 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.

*C. Will. L. Martin, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

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

**MAR 11 2003**

**A03I0209. OTR, PM REALTY GROUP, L. P. ET AL. v. DOLORES LEDERER  
ET AL.**

On February 7, 2002, an order was entered denying the motion for summary judgment filed by defendant OTR, PM Realty Group, L. P., et al. On Friday, February 14, 2003, the trial court granted a certificate of immediate review of the order entered on February 7, 2002. On Wednesday, February 19, 2003, the trial court also granted another identical certificate of immediate review. On Wednesday, February 26, 2003, defendant OTR, PM Realty Group, L. P., et al., filed an application for interlocutory review of the order entered on February 7, 2002.

In order for this Court to have appellate jurisdiction of an application, it is required under OCGA § 5-6-34 (b), that a certificate of immediate review must be granted within ten days of the date of entry of the order sought to be appealed. It is also required that the application for interlocutory review must be filed within ten days of the date that the certificate of immediate review was granted. See *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973); *Genter v. State*, 218 Ga. App. 311 (460 SE2d 879) (1995); *Bowers v. Price*, 168 Ga. App. 125, 126 (308 SE2d 420) (1983). A certificate of immediate review is granted on the date that it is filed or entered. See *Turner v. Harper*, supra at 176; *Laurens County v. Dixon*, 133 Ga. App. 727, 728 (213 SE2d 26) (1975).

Only one of the two certificates of immediate review attached in support of this application can be viable. But it does not matter which certificate is viable because this application is untimely regardless of which certificate is deemed to be the certificate that the trial court intended to grant. If the certificate granted on Friday,

February 14, 2003 is viable then this application is untimely because it was not filed within ten days of the date the certificate of immediate review was granted. If the certificate granted on Wednesday, February 19, 2003 is viable then this application is untimely because the certificate of immediate review was not granted with ten days of the date that the order sought to be appealed was entered.

Accordingly, this application is ordered DISMISSED.

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

***William L. Martin***, Clerk.

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

ATLANTA, MARCH 20, 2003

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

APPLICATION NO. A03I0210  
JOANN WILSON V. THE STATE

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

91018

02CR32185

*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. Martine*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **MAR 25 2003**

**A03I0211. SANCHEZ b/n/f Alonzo v. DYER.**

Applicant Francisca Sanchez, by next friend Evisencia Alonzo, seeks interlocutory review of the superior court's order granting partial summary judgment to the defendant and denying her motion to add Alonzo as a party plaintiff based on the doctrine of res judicata. A direct appeal may be taken from the grant of a motion for partial summary judgment. OCGA § 9-11-56 (h); *Smith v. Tommy Roberts Trucking Co.*, 209 Ga. App. 826, 827 (1) (435 SE2d 54) (1993). This court will grant an otherwise timely application for interlocutory appeal if the order is subject to direct appeal and the applicant has not otherwise filed a timely notice of appeal. The above styled application is therefore *granted*.

Applicant shall have ten days from the date of this order to file a notice of appeal with the superior court. 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* **MAR 25 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.*

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

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

ATLANTA, MARCH 19, 2003

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

APPLICATION NO. A03I0212  
RESTAURANT CONCEPTS, II, LLC, D/B/A APPLEBEE'S  
NEIGHBORHOOD GRILL & BAR ET AL V. JAMES CURTIS SCOTT 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.

94018

I001637F

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 19 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. Mart; JR*

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

ATLANTA, MARCH 26, 2003

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

APPLICATION NO. A03I0213

HAROLD WILEY V. THE STATE

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

92017

029514918

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **MAR 26 2003**

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the minutes of the Court of Appeals of Georgia*

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Clerk.

*C. Will. L. Martin, Jr.*

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

ATLANTA, MARCH 20, 2003

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

APPLICATION NO. A03I0214  
JONATHAN WESLEY SPANN V. THE STATE

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

92018  
2002168

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

**MAR 20 2003**

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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. Will. L. Martin, Jr.*

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

ATLANTA, APRIL 02, 2003

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

APPLICATION NO. A03I0215  
STEVEN H. LAYSON ET AL V. DOROTHY ADAMS ET AL

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

70018

01CV1645

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 02 2003**

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the minutes of the Court of Appeals of Georgia*

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hereto affixed the day and year last above written.*

*Clerk.*

*C. Will. L. Mart; JR*

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

ATLANTA, APRIL 03, 2003

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

APPLICATION NO. A03I0216

ASHLEY LANKFORD ET AL V. ORKIN EXTERMINATING COMPANY, 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.

71018

I021796G

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 03 2003**

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the minutes of the Court of Appeals of Georgia*

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

*Clerk.*

*Will. L. Martine*

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

ATLANTA, MARCH 19, 2003

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

APPLICATION NO. A03I0217

CAPITOL INDEMNITY CORPORATION V. THOMAS FRALEY 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.

95019

2002CV47615

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **MAR 19 2003**

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the minutes of the Court of Appeals of Georgia*

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

Clerk.

*Will. L. Mait; JR*

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

ATLANTA, APRIL 01, 2003

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

APPLICATION NO. A03I0218  
THOMAS WORMUTH, M.D. ET AL V. NEWNAN OB-GYN ET AL

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

96019  
02V962

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **APR 01 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. Marti, Jr.*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

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

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** April 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 **S03C1163**

THOMAS WORMUTH et al. v. NEWNAN OB-GYN et al.

Clerk, Supreme Court of Georgia

Case No. A03I0218

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

APR 21 2003  
Sent out to S.C.

Clerk, Court of Appeals of Georgia

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

ATLANTA, MARCH 27, 2003

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

APPLICATION NO. A03I0219

MARRIOTT INTERNATIONAL, INC., V. BARBIE L. MATTHEWS

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

98019

02C059113

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 27 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.*

*C. Will. L. Mat; R*

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

ATLANTA, APRIL 08, 2003

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

APPLICATION NO. A03I0220

RICHARD R. RODGERS ET AL V. PHILLIP WOFFORD ET AL

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

97019

0111045118

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 08 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. Mart; JR*

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

ATLANTA,

*The Court of Appeals hereby passes the following order:* **APR 02 2003**

**A03I0221. MORGAN DRIVEAWAY, INC., v. CANAL INSURANCE COMPANY.**

Applicants Morgan Driveaway, Inc., and Earnest G. McClary seek immediate review of an order granting defendant Canal Insurance Company's motion for summary judgment. A direct appeal may be taken from the grant of a motion for partial summary judgment. OCGA § 9-11-56 (h); *Smith v. Tommy Roberts Trucking Co.*, 209 Ga. App. 826, 827 (1) (435 SE2d 54) (1993). This court will grant a timely application for interlocutory appeal if the order is subject to direct appeal and the applicants have not otherwise filed a timely notice of appeal. The above styled application is therefore *granted*.

Applicants shall have ten days from the date of this order to file a notice of appeal in the state court. The clerk of the state 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* **APR 02 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.*

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

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **MAR 19 2003**

**A03I0222. TMS, INC. v. INSTALLATION & SERVICE TECHNOLOGIES, INC. et al.**

TMS, Inc. seeks to appeal the grant of Jacob Horwitz's motion to dismiss and the partial grant of Installation & Service Technologies, Inc.'s motion to dismiss. An application for interlocutory appeal is valid only if filed within 10 days of the date a timely certificate of immediate review is entered in the court below. OCGA § 5-6-34 (b); Court of Appeals Rule 32 (a). The trial court entered the certificate of immediate review on February 27, 2003. Since the tenth day, March 9, 2003, was a Sunday, TMS had until Monday, March 10, 2003, to perfect filing of its application. Court of Appeals Rule 3. TMS filed its application on Tuesday, March 11, 2003, one day late. Accordingly, TMS's application is untimely, this Court lacks jurisdiction and the application is hereby DISMISSED.

*Court of Appeals of the State of Georgia*

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

*Will. L. Martini*, Clerk.

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

ATLANTA, APRIL 07, 2003

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

APPLICATION NO. A03I0223  
NEIGHBORHOOD ASSISTANCE CORPORATION OF AMERICA ( NACA )  
V. DOROTHY C. DIXON

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.

91019

01CV883110

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **APR 07 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. L. Mart; JR*

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

ATLANTA, APRIL 02, 2003

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

APPLICATION NO. A03I0224

MCKENNA LONG & ALDRIDGE LLP ET AL V. JOHN KELLER

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.

90019

02VS028589A

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 02 2003**

*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 written.*

*Clerk.*

*Will. L. Mait; [Signature]*

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

ATLANTA, APRIL 10, 2003

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

APPLICATION NO. A03I0225

ATLANTA SNAPSEAL V. ADCO INTERNATIONAL PLASTICS, INC.

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

94019

0110950624

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 10 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 written.*

*Clerk.*

*Will. L. Matz, Jr.*

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

ATLANTA, JUNE 06, 2003

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

APPLICATION NO. A03I0226

G. WILLIAM FLOYD V. HAROLD W. GORE ET AL

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

92019

02CV89W

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **JUN 06 2003**

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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. Will. L. Mait; R*

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

ATLANTA, APRIL 08, 2003

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

APPLICATION NO. A03I0227

JOHN FOUNTAIN ET AL V. ANGELA BURTON BY NF

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

70019

01CV12885

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **APR 08 2003**

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*Clerk.*

*Will. L. Martin*

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

ATLANTA, APRIL 18, 2003

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

APPLICATION NO. A03I0228  
OLIVER EUGENE FRANKLIN V. THE STATE

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

71019

02CR206X

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 18 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. Mart; JR*

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

ATLANTA, APRIL 03, 2003

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

APPLICATION NO. A03I0229

FLORDIA ROCK INDUSTRIES, INC. V. PATRICIA C. CONLAN

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.

95020

2002CV11115

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 03 2003**

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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. L. Mait; R*

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

ATLANTA, APRIL 03, 2003

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

APPLICATION NO. A03I0230  
FLORDIA ROCK INDUSTRIES, INC. V. MARY R. NEWTH

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.

95021

2002CV11092

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **APR 03 2003**

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the minutes of the Court of Appeals of Georgia*

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*Clerk.*

*Will. L. Mat; JR*

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

ATLANTA, APRIL 14, 2003

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

APPLICATION NO. A03I0231  
KENT LAIRD ET AL V. PETER RISBERGS

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.

96020

01A102132

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 14 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 written.*

*Clerk.*

*Will. L. Mart; JR*

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

ATLANTA, APRIL 17, 2003

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

APPLICATION NO. A03I0232  
CRAIG BRACK ET AL V. RICHARD ET AL

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

98020

00V0335

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **APR 17 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; [Signature]*

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

ATLANTA, APRIL 14, 2003

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

APPLICATION NO. A03I0233

COBB COUNTY, GEORGIA V. MARK W. PRESTON ET AL

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

97020

011611842

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 14 2003**

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*Clerk.*

*Will. L. Mat; JR*

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

ATLANTA, APRIL 21, 2003

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

APPLICATION NO. A03I0234

KEN THOMAS OF GEORGIA, INC., ET AL V. KABIR HALIM

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.

93020

011584642

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 21 2003**

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*Clerk.*

*C. Will. L. Mait; JR*

# Court of Appeals of the State of Georgia

ATLANTA,

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

**MAR 26 2003**

**A03I0235. TYKEIDEN BATES v. THE STATE.**

On March 21, 2003, Tykeiden Bates filed an application seeking interlocutory review of the order, entered December 4, 2002, denying his motion to suppress. On March 11, 2003, the trial court granted a certificate of immediate review of the order.

Under OCGA § 5-6-34 (b), a certificate of immediate review must be granted within 10 days of the date of entry of the order sought to be appealed. *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973); see *Bowers v. Price*, 168 Ga. App. 125, 126 (308 SE2d 420) (1983). Because Bates' application reveals that the certificate of immediate review was granted by filing 97 days after date of entry of the order denying Bate's motion to suppress, this application is ordered DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 26 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. Jill L. Maitland*, Clerk.