

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

ATLANTA,

SEPTEMBER 03, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0001

L AND N MANAGEMENT, LLC V. LINDSEY TIPPINS

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

95001

2002A49825

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 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. Mat; JR

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

ATLANTA,

SEPTEMBER 05, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0002

JAMES T. MCDONALD JR., ET AL V. ROBERT L. BARRETT

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

96001

97067074

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **SEP 05 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. Martin

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

ATLANTA,

SEPTEMBER 18, 2003

The Court of Appeals passed the following order

Case No. A04I0002

JAMES T. MCDONALD JR., ET AL V. ROBERT L. BARRETT

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

96-001
97067074

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

Clerk.

Will. L. Martini

CLERK'S OFFICE
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

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

Sherie M. Welch, Clerk

(404) 656-3470

Docketing Date: October 8, 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 **S04C0228**

JAMES T. MCDONALD et al. v. J. HUE HENRY

Clerk, Supreme Court of Georgia

Case No. A04I0002

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

OCT 09 2003

Clerk, Court of Appeals of Georgia

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

ATLANTA,

SEPTEMBER 16, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0003

GEORGIA TECH ATHLETIC ASSOCIATION V. DONALD LOWE

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

98001

2002CV56059

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 16 2003

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Clerk.

Will. L. Martin, Jr.

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

ATLANTA, SEPTEMBER 03, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0004
SCREVEN COUNTY PLANNING COMMISSION, ET AL., V.
SOUTHERN STATES PLANTATION, 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.

97001

1502CV115P

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **SEP 03 2003**

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Clerk.

Will. L. Marti, Jr.

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

ATLANTA, SEPTEMBER 16, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0005
THE BOARD OF COMMISSIONERS OF DOUGHERTY COUNTY,
GEORGIA , ET AL V. JAMIL SABA, SHERIFF OF DOUGHERTY COUNTY,
GEORGIA

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

71001
03CVD16901

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **SEP 16 2003**

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Clerk.

Will. L. Martin

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

ATLANTA, SEPTEMBER 02, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0006
DARRYL ANDREWS SOUTH 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.

90001

03SC01868

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **SEP 02 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.

C. Will. L. Martin, Jr.

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

ATLANTA, SEPTEMBER 12, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0007

MICHAEL GULLATT V. CHALANA MCFARLAND., ET AL

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

93001

03A023134

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 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. Mat; R

Court of Appeals of the State of Georgia

ATLANTA,

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

A04I0008. STEVENS, et al. v. YCA, LLC., et al.

Plaintiffs Thomas P. Stevens and PMAlliance, Inc., have applied for leave to appeal a declaratory order disposing of some but not all of the issues in this case. But even though the case remains pending below, a declaratory judgment “[has] the force and effect of a final judgment or decree and [is] reviewable as such.” OCGA § 9-4-2; see *Sunstates Refrigerated Svcs. v. Griffin*, 215 Ga. App. 61, 62 (1) (449 SE2d 858) (1994). This court will grant an otherwise timely interlocutory application if the order is subject to direct appeal and it appears that a timely notice of appeal has not otherwise been filed. Accordingly, this application is hereby *granted*.

Applicants 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 appeal record transmitted to this Court.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **SEP 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.

C. Jill L. Mait; [Signature], Clerk.

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

ATLANTA, SEPTEMBER 03, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0009
JAMES DENNIS MORRIS 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.

91001

03CR158

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

SEP 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. Mait; R

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

ATLANTA, SEPTEMBER 15, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0010
CAMDEN POINTE HOMEOWNERS ASSOCIATION, INC.
V. RUTH M. CARUANA

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

70001

021784518

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

C. Will. L. Marti; JR

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **AUG 27 2003**

A04I0011. HARRY M. BATEMEAN, III v. THE STATE.

On August 18, 2003, Harry M. Batemean, III, a/k/a Harry M. Bateman, III, filed an application for interlocutory review of the order, entered July 11, 2003, denying his motion to bar retrial. On August 6, 2003, the trial court granted a certificate of immediate review. Under OCGA § 5-6-34 (a), a certificate of immediate review must be granted within 10 days of the date of entry of the order sought to be appealed. Because the certificate of immediate review was not granted within 10 days of the date that the order of July 11, 2003 was entered, this court is without appellate jurisdiction over this application and it is ordered 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 **AUG 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 written.*

C. Will. L. Martini, Jr., Clerk.

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

ATLANTA, SEPTEMBER 16, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0012

GERARDO A. KLUG, M.D. V. ASHLEY PACK, ET AL

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

94001

03V0193

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **SEP 16 2003**

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Clerk.

Will. L. Martin

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

ATLANTA,

SEPTEMBER 30, 2003

The Court of Appeals passed the following order

Case No. A04I0012

GERARDO A. KLUG, M.D. V. ASHLEY PACK, ET AL

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

94-001
03V0193

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta SEP 30, 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. Mat; [Signature]

CLERK'S OFFICE
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

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

Sherie M. Welch, Clerk

(404) 656-3470

Docketing Date: October 17, 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 **S04C0278**

SATILLA REGIONAL MEDICAL CENTER et al. v. ASHLEY PACK et al.

Clerk, Supreme Court of Georgia

Case No. A04I0014 A04I0012

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

OCT 20 2003

Clerk, Court of Appeals of Georgia

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

ATLANTA, SEPTEMBER 17, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0013
GAYLE MARIE SHERLAG V. THE STATE

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

95002

2002D43163

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

CLERK'S OFFICE
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

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

Sherie M. Welch, Clerk

(404) 656-3470

Docketing Date: October 7, 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 **S04C0215**

GAYLE MARIE SHERLAG v. THE STATE

Clerk, Supreme Court of Georgia

Case No. A04I0013

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

OCT 08 2003

Clerk, Court of Appeals of Georgia

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

ATLANTA, SEPTEMBER 16, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0014

SATILLA REGIONAL MEDICAL CENTER ET AL V. ASHLEY PACK ET AL

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

94002

03V0193

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 16 2003

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

Clerk.

Will. L. Matier

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

ATLANTA, SEPTEMBER 30, 2003

The Court of Appeals passed the following order

Case No. A04I0014

SATILLA REGIONAL MEDICAL CENTER ET AL V. ASHLEY PACK ET AL

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

94-002
03V0193

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

CLERK'S OFFICE
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

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

Sherie M. Welch, Clerk

(404) 656-3470

Docketing Date: October 17, 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 **S04C0278**

SATILLA REGIONAL MEDICAL CENTER et al. v. ASHLEY PACK et al.

Clerk, Supreme Court of Georgia

Case No. A04I0014 A04I0012

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

OCT 20 2003

Clerk, Court of Appeals of Georgia

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

ATLANTA, SEPTEMBER 11, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0015

THE CITY OF SMYRNA, GEORGIA, A POLITICAL SUBDIVISION OF
THE STATE OF GEORGIA V. MARY ANN ANDING

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

96002

011875135

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 11 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 above written.*

Clerk.

Will. L. Martin, Jr.

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

ATLANTA, SEPTEMBER 16, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0016

CELIA W. DUNN REALTY COMPANY, ET AL V. FELTON ELDERS, ET AL

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

98002

I014607F

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **SEP 16 2003**

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Clerk.

Will. L. Martini

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

ATLANTA, OCTOBER 08, 2003

The Court of Appeals passed the following order

Case No. A04I0016

CELIA W. DUNN REALTY COMPANY, ET AL V. FELTON ELDERS, ET AL

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

98-002
I014607F

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

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the minutes of the Court of Appeals of Georgia.*

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Clerk.

Will. L. Maitland

CLERK'S OFFICE
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

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

Sherie M. Welch, Clerk

(404) 656-3470

Docketing Date: October 28, 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 **S04C0359**

CELIA W. DUNN REALTY COMPANY v. FELTON ELDERS et al.

Clerk, Supreme Court of Georgia

Case No. A04I0016

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

OCT 31 2003

Clerk, Court of Appeals of Georgia

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

ATLANTA, SEPTEMBER 05, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0017

THE TOWN OF OCHLOCKNEE, GEORGIA V. MARY ZEIGLER

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

97002

01CV1158

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **SEP 05 2003**

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Clerk.

C. Will. L. Mait; JR

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

ATLANTA, SEPTEMBER 17, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0018

ANDREW ALIER ET AL V. GEORGIA POWER COMPANY

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

71002

CV03724

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 17 2003

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Clerk.

Will. L. Martine

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

ATLANTA,

SEPTEMBER 15, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0019

CHARLIE M. ELDER V. THE STATE

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

90002

SU03CR0111 SU03CR0469 SU02CR1802 SU03CR0451

SU03CR0592

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 15 2003

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Clerk.

C. Will. L. Mait; R

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

ATLANTA, SEPTEMBER 15, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0020

VICTOR HILL V. THE STATE

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

90003

SU02CR1802 SU03CR0111 SU03CR0469 SU03CR0451

SU03CR0592

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

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Clerk.

C. Will. L. Martin, JR.

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

ATLANTA,

SEPTEMBER 15, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0021

MICHAEL PIERCE V. THE STATE

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

90004

SU03CR0451 SU03CR0111 SU03CR0469 SU02CR1802

SU03CR0592

Court of Appeals of the State of Georgia

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

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Clerk.

Will. L. Mait; R

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

ATLANTA, SEPTEMBER 15, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0022
MARQUESA VENTURA V. THE STATE

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

90005

SU03CR0466 SU03CR0111 SU03CR0469 SU02CR1802
SU03CR0451 SU03CR0592

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 15 2003

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Clerk.

Will. L. Mait; [Signature]

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **SEP 04 2003**

A04I0023. Swart v. The State

Marjorie L. Swart filed this application for interlocutory appeal seeking review of the trial court's denial of her Motion in Limine and Motion to Dismiss Due to Destruction of Evidence. Both orders sought to be appealed included within the order a certificate of immediate review pursuant to OCGA § 5-6-34 (b). The orders sought to be appealed were entered by the trial court on July 25, 2003. This application was filed on August 22, 2003. However, an application for interlocutory appeal must be made within ten days after the grant of the certificate of immediate review. OCGA § 5-6-34 (b). This application was not filed until 28 days after the grant of the certificate of immediate review. Thus, this application is untimely and this Court lacks jurisdiction to consider it. Accordingly, this application is ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 04 2003

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the minutes of the Court of Appeals of Georgia.*

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Will. L. Martin, JR., Clerk.

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

ATLANTA, SEPTEMBER 16, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0024

DON EDWARD UTES V. THE STATE

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

99002

03CR193C

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **SEP 16 2003**

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Clerk.

Will. L. Mait; R

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **SEP 05 2003**

A04I0025. Griffis v. Branch Banking and Trust Company

Roy W. Griffis, Jr., Keith Andrew Lavender, Individually, and Four Star Petroleum, Inc. filed this application for interlocutory appeal seeking review of the trial court's order granting Branch Banking and Trust Company, Lance Turpin and Carolyne Dockery's motion to dismiss and compelling arbitration. However, because the trial court's dismissal of the action below was a directly appealable judgment, and because a timely notice of appeal was filed on August 25, 2003, this application for interlocutory appeal is ordered DISMISSED.

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

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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.*

C. Jill L. Maitland, Clerk.

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

ATLANTA,

SEPTEMBER 23, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0026

A. L. VAUGHN ET AL V. BUTTS COUNTY ET AL

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

70002

2002V958S

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

SEP 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 above written.*

Clerk.

Will. L. Mait; [Signature]

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

ATLANTA, SEPTEMBER 26, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0027

TOBIN SCHAAP V. THE STATE

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

92002

03505

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **SEP 26 2003**

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

Clerk.

Will. L. Marti, Jr.

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

ATLANTA, SEPTEMBER 11, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0028

FLAGSTAR ENTERPRISES, INC. V. CHARLES RICHARD BURCH

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.

95003

2001V31022

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **SEP 11 2003**

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

Clerk.

C. Will. L. Maitland

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

ATLANTA, SEPTEMBER 22, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0029
DELTA PLUMBING, INC. V. DELTA MECHANICAL, INC.

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

96003

0110419099

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **SEP 22 2003**

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Will. L. Martin, Jr.

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

ATLANTA, SEPTEMBER 16, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0030
MCG HEALTH INC. V. JAMES GARY NELSON 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.

98003

2000RCCV663

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

SEP 16 2003

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Clerk.
Will. L. Mart; R

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

ATLANTA,

SEPTEMBER 25, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0031

CONSTANCE KANTBACK V. KASSEEM DEAN

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

97003

2001CV2438A

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 25 2003

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Clerk.

C. Will. L. Mart; JR

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

ATLANTA, SEPTEMBER 29, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0032
ANTHONY CURTIS MOORE V. THE STATE

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

71003

03CR203C

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **SEP 29 2003**

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Will. L. Martin, Jr.

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

ATLANTA, SEPTEMBER 17, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0033
JACK HAROLD MILLS, JR. V. THE STATE

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

93003

03062834

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

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Clerk.

Will. L. Mart; JR

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

ATLANTA, SEPTEMBER 25, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0034

2CKR WAREHOUSE AND STORAGE, LLC V. GARY POUNDS

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

99003

0200555

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **SEP 25 2003**

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Clerk.

Will. L. Mait; JR

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

ATLANTA,

SEPTEMBER 22, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0036

JIN QUY MOK V. THE STATE

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

70003

2003C30747L

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 22 2003

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Clerk.

C. Will. L. Martin, Jr.

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

ATLANTA, OCTOBER 02, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0037
MCCHESNEY CAPITAL PARTNERS, LLC., ET AL V. IH RIVERDALE, LLC
ET AL

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

92003

2003CV73603

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 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 above written.*

C. Will. L. ^{Clerk} Martini

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

ATLANTA, SEPTEMBER 18, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0038
INSURANCE INDUSTRY CONSULTANTS, LLC., ET AL V. RICHARD
G. ALFORD

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

94003

0210023734

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **SEP 18 2003**

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

Clerk.

Will. L. Martin, Jr.

Court of Appeals of the State of Georgia

ATLANTA,

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

**A04I0039. ROBERT M. ROBERSON v. FLINT CONSTRUCTION COMPANY
et al.**

Robert M. Roberson filed a timely application seeking interlocutory review of the order of the superior court granting summary judgment to Flint Construction Company and summary judgment on the issue of punitive damages to Joseph R. Holcombe. A direct appeal may be taken from the grant of 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.

Applicant shall have ten days from the date of this order to file a notice of appeal in 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

SEP 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.*

William L. Martin, Jr., Clerk.

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

ATLANTA, SEPTEMBER 18, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0040

LARRY GREENE V. THE STATE

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

96004

15249

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 18 2003

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Clerk.

Will. L. Marti, Jr.

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

ATLANTA, OCTOBER 03, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0041
THE KROGER CO. V. MICHAEL J. KING ET AL

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

98004

01A79005

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

OCT 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.

C. Will. L. Mait; [Signature]

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

ATLANTA, SEPTEMBER 25, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0042
SYMBIAT, INC. F/K/A COMPUTONE CORPORATION., ET AL
V. DARRIN SHERRILL 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.

97004

2003CV65443

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 25 2003

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Clerk.

C. Will. L. Martin, Jr.

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **SEP 17 2003**

A04I0043. Corey Gordon White v. The State

Corey Gordon White filed an application for interlocutory review of the trial court's denial of his motion to suppress. However, to appeal an interlocutory order, a certificate of immediate review must be obtained. OCGA § 5-6-34 (b). White's failure to obtain a certificate of immediate review deprives this Court of jurisdiction to consider this application. Accordingly, this application is ordered DISMISSED.

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

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the minutes of the Court of Appeals of Georgia.*

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C. Will. L. Martin, Jr., Clerk.

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

ATLANTA,

SEPTEMBER 23, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0044

SHAY BOLING V. THE STATE

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

93004

03T6246

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 23 2003

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hereto affixed the day and year last 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: **SEP 26 2003**

A04I0045. ACCESS GENERAL AGENCY, INC. v. GLOBAL INSURANCE COMPANY.

On September 8, 2003, defendant Access General Agency, Inc. filed an application for interlocutory review of an order, entered August 19, 2003, granting partial summary judgment to plaintiff Global Insurance Company. Although the certificate of immediate review was signed by the trial court on August 29, 2003, it was not filed until Wednesday, September 3, 2003.

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); *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). Because the certificate of immediate review was not granted within the requisite 10-day period, this Court is without appellate jurisdiction over this application and it is ordered DISMISSED.

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

Will. L. Martin, Jr., Clerk.

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

ATLANTA OCTOBER 02, 2003

The Court of Appeals hereby passes the following order:

A04I0046. BERNICE T. BRIGMAN v. JASON GUNTER.

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

91-004

2002CV1401

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

C. Will. L. Martineau, Clerk.

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

ATLANTA,

SEPTEMBER 19, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0047

JIM STAMSHORR V. ALLSTATE INSURANCE COMPANY

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

70004

2001CV1097

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 19 2003

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Clerk.

C. Will. L. Mait; R

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

ATLANTA, OCTOBER 03, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0048

MAZDA MOTOR OF AMERICA, INC., V. DAVID VOGEL

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

92004

03VS049684

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **OCT 03 2003**

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Clerk.

C. Will. L. Mait; 

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

ATLANTA, OCTOBER 08, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0050

MJK RESTAURANTS, INC., ET AL V. CPI PHIPPS LIMITED
LIABILITY COMPANY

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

95005

03C058154

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

OCT 08 2003

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the minutes of the Court of Appeals of Georgia*

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Clerk.

C. Will. L. Mait; JR

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

ATLANTA, OCTOBER 06, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0051

TENET HEALTH CARE CORPORATION, INC., V. WILLIE LEWIS ET AL

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

96005

01VS018481J

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **OCT 06 2003**

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

Clerk.

Will. L. Mat; [Signature]

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

ATLANTA, OCTOBER 09, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0052

BENJAMIN BLAIR V. THE STATE

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

98005

02CR267694

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

OCT 09 2003

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Clerk.

C. Will. L. Martin, III

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

ATLANTA, OCTOBER 01, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0053
ALLIED WASTE INDUSTRIES OF GEORGIA, INC., ET AL V. ALAN
JONES ET AL

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

97005

02CV038

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **OCT 01 2003**

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

Clerk.

Will. L. Marti; JR

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

ATLANTA, OCTOBER 01, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0054

ALLIED WASTE INDUSTRIES OF GEORGIA, INC., ET AL V. GEORGE
KERRY CHENEY

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

97006

02CV039

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **OCT 01 2003**

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Clerk.

Will. L. Marti; JR

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

ATLANTA, OCTOBER 10, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0055

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

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

71005

01CV57412

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **OCT 10 2003**

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Clerk.

Will. L. Mart; JR

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order:

SEP 25 2003

A04I0056. TARA R. KELLEY v. GARRETT LYMON, JR.

Tara R. Kelley seeks interlocutory review of the order, entered August 28, 2003, granting Garrett Lymon, Jr.'s motion for protective order. On September 2, 2003, the state court granted a certificate of immediate review of the order. Under OCGA § 5-6-34 (b), 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. *Genter v. State*, 218 Ga. App. 311 (460 SE2d 879) (1995). In this instance, Kelley filed the application September 19, 2003, 17 days after the entry of the certificate for immediate review. The application is thus untimely, and this Court lacks jurisdiction to consider it. Therefore, this application for interlocutory appeal is hereby DISMISSED.

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

SEP 25 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.*

C. Will. L. Martin, Jr., Clerk.

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

ATLANTA, OCTOBER 08, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0057

JEROME COLEY V. THE STATE

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

99005

5571101

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **OCT 08 2003**

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Clerk.

C. Will. L. Martini

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

ATLANTA, OCTOBER 16, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0058
BOUVE AND MOHR, LLC D/B/A CREEKSIDE AND/OR SPRING VALLEY
APARTMENTS V. JOCEYLINE M. BANKS

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.

91005
01VS015665C

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **OCT 16 2003**

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Clerk.

C. Jill L. Martin

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

ATLANTA, OCTOBER 01, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0059
STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY
ET AL V. RONALD WILLIAMSON.

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

70005

02SV00440

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **OCT 01 2003**

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Clerk.

Will. L. Mait; [Signature]

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order:

OCT 17 2003

A04I0060. AL PLUME ET AL. v. GILMER COUNTY BOARD OF HEALTH.

Al and Sandra Plume, d/b/a Promise Land Ministries, and Church of the Narrow Way, filed a timely application for interlocutory appeal from the superior court's order granting the Gilmer County Board of Health's complaint for interlocutory injunction, which enjoined the Plumes from operating a drug and alcohol rehabilitation ministry on their property until they complied with certain health regulations. An order granting an interlocutory injunction, however, is directly appealable under OCGA § 5-6-34 (a) (4); *Saxton v. Coastal Dialysis & Medical Clinic*, 267 Ga. 177 (467 SE2d 587) (1996). 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. It appears that no notice of appeal has been filed in this case. Accordingly, this application is ordered GRANTED. The Plumes shall have ten days from the date of this order to file a notice of appeal with the trial court. The Clerk of the Superior Court is directed to include a copy of this order in the appeal record transmitted to this Court.

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

OCT 17 2003

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court
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C. Will. L. Mart, Jr., Clerk.

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

ATLANTA, OCTOBER 16, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0061

JOHN G. ELLINAS ET AL V. ELIZABETH DOWDA ET AL

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

94005

99CV03303

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **OCT 16 2003**

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

Clerk.

Will. L. Mait; [Signature]

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **OCT 31 2003**

A04I0061. ELLINAS et al v. DOWDA et al.

The primary controlling issue at trial in this property border dispute was the location of the line separating land lot 338 from land lot 339. The jury found in favor of Ellinas et al, the plaintiffs below, but the trial court granted a motion for new trial in favor of Dowda et al. Ellinas et al sought interlocutory review of that order on three grounds: (1) that the evidence and law demanded a judgment in their favor; (2) that the trial court abused its discretion in granting the motion for new trial; and (3) that the trial court failed to apply any legal standard in granting the motion for new trial. Amended App. for Int. Appeal This Court denied the application, and Dowda et al now seek imposition of sanctions for a frivolous appeal. See Rules of the Court of Appeals, Rule 15.

The first grant of a new trial will not be reversed by this Court “unless the appellant shows that the judge abused his discretion in granting it and that the law and facts require the verdict notwithstanding the judgment of the presiding judge.” OCGA § 5-5-50. See also *Gibson v. Carter*, 248 Ga. App. 280 (1) (545 SE2d 698) (2001). With regard to the evidence concerning the location of the land lot line, both parties submitted expert testimony on point. Both parties submitted plats or surveys supporting their position. And one of the surveys introduced by Ellinas et al and prepared on their behalf (the Head Survey) shows the land lot line located where contended by Dowda et al. See yellow highlight on Head Survey at tab 4 in Response by Dowda “It is never an abuse of discretion to grant a new trial where the evidence is in conflict.” (Citations omitted.) *Chappell v. Clegg*, 97 Ga. App. 752 (104 SE2d 541) (1958). Accordingly, Ellinas's application for interlocutory appeal on grounds

number 1 and 2 stated above was unreasonable and therefore frivolous. See, e.g., *National Viatical, Inc. v. State*, 258 Ga. App. 408, 410 (3) (574 SE2d 337) (2002).

With regard to ground number 3 stated above, the trial court stated in its order that it was granting the motion for new trial pursuant to OCGA §§ 5-5-20 and 5-5-21, the appropriate legal standards for granting a motion for new trial. Therefore this ground for appeal is frivolous as well.

Under Rule 15, this Court may impose a penalty not to exceed \$1,000 against any party and/or party's counsel for, among other things, an application for interlocutory appeal that is determined to be frivolous. We hereby impose a penalty of \$500 against counsel for applicants Ellinas et al. The trial court is directed to enter judgment in such amount upon return of the remittitur in this case. See *Rivers v. Almand*, 241 Ga. App. 565, 567 (2) (527 SE2d 572) (1999).

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 31 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, OCTOBER 17, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0062

DOROTHY GAINES VEACH ET AL V. GEORGIA POWER COMPANY

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

95006

CV031062

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 17 2003

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

Clerk.

C. Will. L. Marti, Jr.

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

ATLANTA, OCTOBER 21, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0063

D.G. JENKINS DEVELOPMENT CORPORATION ET AL V. PAULA
DEANE GEISLER

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

96006

02A70395

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

Clerk.

Will. L. Mat... [Signature]

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

ATLANTA, OCTOBER 21, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0064
TRANSCONTINENTAL GAS PIPE LINE CORPORATION ET AL
V. PAULA DEANE GEISLER

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

96007

02A70395

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

OCT 21 2003

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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, OCTOBER 20, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0065
WILLIAM HUGH HOLLEY ET AL V. HILB, ROGAL AND
HAMILTON COMPANY OF ATLANTA, INC.

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

98006

031357334

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 20 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. Mart; JR

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

ATLANTA, OCTOBER 29, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0066
PHYLLIS BROWN V. DEKALB COUNTY

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

71006

02A127227

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **OCT 29 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

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: November 18, 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 **S04C0459**

PHYLLIS BROWN v. DEKALB COUNTY

Clerk, Supreme Court of Georgia

Case No. A04I0066

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

NOV 19 2003

Clerk, Court of Appeals of Georgia

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

ATLANTA, OCTOBER 14, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0067
MARJORIE HARPE V. RICHARD HALL, JR.

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

90006
2002SUV44

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **OCT 14 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. Martine

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

ATLANTA, OCTOBER 28, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0068

JOSEPH ALAN MCELROY ET AL V. PETE GUY ET AL

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

93006

2001A76766

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 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 written.*

Clerk.

Will. L. Mart; [Signature]

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

ATLANTA, OCTOBER 29, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0069

CONCORD REALTY, INC., ET AL V. MICHAEL T. BLACK

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

99006

0210110442

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

OCT 29 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; [Signature]

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

ATLANTA, OCTOBER 28, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0070

HAJI DUKUREH V. THE STATE

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

91006

02CR00370A

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

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

ATLANTA, OCTOBER 22, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0071

BETTY YEAGER V. COVINGTON PLACE ASSOCIATES, L.L.C.

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

70006

03VS046271

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **OCT 22 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. Maitland

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

ATLANTA, NOVEMBER 13, 2003

The Court of Appeals passed the following order

Case No. A04I0071

BETTY YEAGER V. COVINGTON PLACE ASSOCIATES, L.L.C.

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

70-006
03VS046271

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

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **OCT 17 2003**

A04I0072. SELECTIVE WAY INSURANCE COMPANY v. LITIGATION TECHNOLOGY, INC.

Defendant Selective Way Insurance Company seeks interlocutory review of an order granting summary judgment to Plaintiff Litigation Technology, Inc., as to the issue of liability and denying, inter alia, its motion for summary judgment. Under OCGA § 9-11-56 (h), a grant of partial summary judgment is subject to direct appeal. *Smith v. Tommy Roberts Trucking Co.*, 209 Ga. App. 826, 827 (1) (435 SE2d 54) (1993); see also *Olympic Dev. Group v. American Druggists' Ins. Co.*, 175 Ga. App. 425 (1) (333 SE2d 622) (1985). Thus, an appeal of the order in this case should have been initiated by the filing of a notice of appeal. 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.

Defendant Selective Way Insurance Company shall have ten days from the date of this order to file a notice of appeal in 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*

OCT 17 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. Martz, Jr., Clerk.

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

ATLANTA, OCTOBER 31, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0073

HULL/STOREY DEVELOPMENT, LLC., ET AL V. LINNIE SHADDIX

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

94006

02CS102

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 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. Martin

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

ATLANTA, OCTOBER 31, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0074

CHARLES R. CICHESE V. ATLANTA INSURANCE ASSOCIATES, INC.

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

95007

02A38234

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 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; [Signature]

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

ATLANTA, OCTOBER 21, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0075
COLONIAL LIFE AND ACCIDENT INSURANCE COMPANY
V. WILLIAM ROBERT HEVEDER

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.

98007

2002S010031

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 21 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. Martin

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

ATLANTA, OCTOBER 21, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0076
SOUTH FULTON MEDICAL CENTER FOUNDATION, INC., D/B/A
SOUTH FULTON MEDICAL CENTER V. BETTY ANN BAILEY ET AL

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

97007

02VS029532

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 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
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Clerk.

Will. L. Martin, Jr.

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

ATLANTA, OCTOBER 31, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0077
NEAL'S CONCRETE CONSTRUCTION CO., INC., ET AL
V. LINNIE SHADDIX

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

94007

02CS102

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **OCT 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, NOVEMBER 06, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0078

NAKISHA WALKER V. THE STATE

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

71007

03CR079

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 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. Mait; JR

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

ATLANTA, OCTOBER 27, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0079

WAYNE BELIN V. THE STATE

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

90007

03CR005

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **OCT 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. Mart; JR

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

ATLANTA, NOVEMBER 05, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0080
ATLANTA CASUALTY COMPANY ET AL V. DAVID ZUNIGA
MARTINEZ ET AL

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

93007

02SC0019

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 05 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. Martinez

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

ATLANTA, NOVEMBER 07, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0081
DAVID KEITH HILL ET AL V. SHIRLEY COFER

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

99007

CV000005

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 07 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, NOVEMBER 07, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0082
DAVID KEITH HILL ET AL V. CHERYL MILLER

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

99008

CV000005

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 07 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,

The Court of Appeals hereby passes the following order: **OCT 30 2003**

A04I0083. THE TAP ROOM, INC. v. PEACHTREE-TSG ASSOCIATES LLC.

Defendant The Tap Room, Inc., seeks an interlocutory review of the order granting the motion for summary judgment of Plaintiff Peachtree-TSG Associates LLC as to all of The Tap Room's counterclaims. Under OCGA § 9-11-56 (h), a grant of total or partial summary judgment is subject to direct appeal. Compare *Smith v. Tommy Roberts Trucking Co.*, 209 Ga. App. 826, 827 (1) (435 SE2d 54) (1993); see also *Olympic Dev. Group v. American Druggists' Ins. Co.*, 175 Ga. App. 425 (1) (333 SE2d 622) (1985). Thus, an appeal of the order in this case should have been initiated by the filing of a notice of appeal. This court will grant a 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.

Defendant The Tap Room, Inc., shall have ten days from the date of this order to file a notice of appeal in 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*

OCT 30 2003
*I certify that the above is a true extract from
the minutes of the Court of Appeals of Georgia.*

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

C. Will. L. Maitland Clerk.

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

ATLANTA, NOVEMBER 03, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0084
UNITED SERVICES AUTOMOBILE ASSOCIATION V. HAROLD
CHOATE

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

70007

02CV02592

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

NOV 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. Martin, Jr.

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

ATLANTA, NOVEMBER 10, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0085
K.L.C., INC., D/B/A KEYSTONE LEASING V. STERLING INTERNATIONAL
ENTERPRISES, INC., ET AL

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

92007

02A995472

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 10 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, OCTOBER 30, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0086
HOME DEPOT U.S.A., INC., V. J. BRIT MILLER

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

95008

02SC0086

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 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. Martin

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

ATLANTA OCTOBER 27, 2003

The Court of Appeals hereby passes the following order:

A04I0087. JEANNE K. HACKADAY ET AL v. KAREN KILGORE ET AL.

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

96-008

SC2003CV646

*Court of Appeals of the State of Georgia
Clerk's Office, OCTOBER 27, 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. Mait; JR, Clerk.

Court of Appeals of the State of Georgia

ATLANTA,

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

**A04I0088. AMERICAN MANUFACTURERS MUTUAL INSURANCE
COMPANY ET AL. v. E A TECHNICAL SERVICES, INC.**

American Manufacturers Mutual Insurance Company et al. have filed a timely application seeking interlocutory review of the order of the superior court granting E A Technical Services, Inc. summary judgment on the issue of the reformation of an insurance policy. 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). Additionally, the trial court directed that the order granting partial summary judgment be entered as a final judgment under OCGA § 9-11-54 (b), thereby entitling the applicants to file a direct appeal. 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 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 **OCT 20 2003**

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

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

C. Will. L. Martini, Clerk.

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order:

OCT 17 2003

**A04I0089. BUILDERS FIRSTSOURCE-ATLANTIC GROUP, INC. F/K/A
BUILDERS SUPPLY & LUMBER CO., INC. v. MCGAHEE
ENTERPRISES, INC., ET AL.**

On October 14, 2003, plaintiff Builders Firstsource-Atlantic Group, Inc. f/k/a Builders Supply & Lumber Co., Inc. filed an application for interlocutory review of the order, entered August 21, 2003, granting defendants' motion for new trial. On October 2, 2003, the trial court granted a certificate of immediate review. 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. *Bowers v. Price*, 168 Ga. App. 125, 126 (308 SE2d 420) (1983). Because the certificate of immediate review was not granted within the 10 days provided, this court is without appellate jurisdiction to consider this application which is ordered DISMISSED.

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

OCT 17 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. Martin, Jr., Clerk.

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

ATLANTA, OCTOBER 24, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0090
CRYSTAL DIANE GRIFFIN V. THE STATE

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

71008

03CR079

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **OCT 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.*

Will. L. Martine
Clerk.

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

ATLANTA, NOVEMBER 13, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0091
SOUTHEASTERN PATHOLOGY, P.C., ET AL V. WILLIAM
LOCKLEAR, AS ADMINISTRATOR OF THE ESTATE OF
LYNDA LOCKLEAR, DECEASED, ET AL

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

90008

2001RCCV801

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 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. Marti; JR

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

ATLANTA, NOVEMBER 05, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0092

MAURICE ROBINSON ET AL V. ARVIN E. OUTLAW, JR., ET AL

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

93008

48340

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **NOV 05 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 above written.*

Clerk.

Will. L. Mait; R

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

ATLANTA, NOVEMBER 13, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0093

RICARDO J. ARANDA, M.D., ET AL V. WILLIAM LOCKLEAR AS
ADMINISTRATOR OF THE ESTATE OF LYNDA LOCKLEAR, DECEASED,
ET AL

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

90009

2001RCCV801

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 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. Mart; JR

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

ATLANTA, NOVEMBER 17, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0094

D & S ELECTRIC, INC., ET AL V. JUDITH ELAINE BATSON 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.

91008

9925961

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 17 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.

C. Will. L. Mait; JR

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

ATLANTA, NOVEMBER 03, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0095

ANTHONY EL-KHOURI ET AL V. LYNDA S. FREEDMAN ET AL

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

70008

1999CV05480

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 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
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Clerk.

Will. L. Mait...

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

ATLANTA, NOVEMBER 13, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0096

HOLDER/WINDWARD IV, LLC., ET AL V. JOHN T. CROSSWELL

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.

92008

01VS023218

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

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

ATLANTA, NOVEMBER 18, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0097
STEPHEN RAY DANIEL ET AL V. THE STATE

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

94008

02CR736

Court of Appeals of the State of Georgia

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

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

ATLANTA, NOVEMBER 14, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0098

JERRY GREER ET AL V. KATHRYN I. RITTENHOUSE

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

95009

95CV1915

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **NOV 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 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: **NOV 17 2003**

A04I0099. BRANCH BANKING & TRUST v. KATHRYN RITTENHOUSE

Applicant Branch Banking & Trust filed this application for interlocutory review of the trial court's order denying its motion for summary judgment. The order Branch Banking & Trust seeks to appeal was entered on October 13, 2003. A timely certificate of immediate review was entered on the same day. However, the application was filed with this Court on October 24, 2003, eleven days after entry of the certificate of immediate review.

OCGA § 5-6-34 (b) requires that an application for interlocutory appeal be filed "within ten days after such certificate is granted." This Court lacks jurisdiction to consider an untimely application. See *Baynes v. State*, 189 Ga. App. 797 (377 SE2d 708) (1989). Accordingly, this application is untimely and is ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 17 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. Maitland, Clerk.

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

ATLANTA, NOVEMBER 18, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0100

MARK DORFMAN, DVM., ET AL V. JOHN CASTLE, ET AL

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

96009

03VS044519E

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

NOV 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
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Clerk.

Will. L. Martin

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

ATLANTA, NOVEMBER 26, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0101

COASTAL TRANSPORT, INC., ET AL V. WESLEY DEWAYNE TILLERY

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.

98009

I020918F

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 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
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Clerk.

Will. L. Mart; JR

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **NOV 12 2003**

A04I0102. CITY OF CHAMBLEE v. DAVID GOVEA et al.

Plaintiffs David Govea and Teresa Gomez filed this action against the City of Chamblee and the City of Norcross, which filed separate motions for summary judgment. In an October 10, 2003, order, the superior court granted summary judgment to Norcross but denied Chamblee's motion for summary judgment. Chamblee filed this application for interlocutory appeal. Subsequently, Govea and Gomez appealed the grant of summary judgment in favor of Norcross. Chamblee filed a notice of cross-appeal of the order, insofar as the order denied its motion for summary judgment. Consideration of this application is rendered unnecessary by Chamblee's filing of a cross-appeal from the appeal filed by Govea and Gomez. Therefore, this application is hereby DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **NOV 12 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, Jr., Clerk.

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

ATLANTA, NOVEMBER 19, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0103
WESTERN PACIFIC MUTUAL INSURANCE COMPANY V. JOHN
L. DAVIES, 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.

71009

99CV1654A

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 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.

C. Will. L. Mait; [Signature]

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

ATLANTA, NOVEMBER 26, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0104
SCOTT EDWARD ROBINSON V. THE STATE

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

93009

02B32351

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 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.

C. Will. L. Mait; JR

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

ATLANTA, NOVEMBER 12, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0105

SHARON CASSIDY BAILEY F/K/A CASSIDY WOOD GRINSLEY

V. GREGORY BRIAN HALL

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

99009

03CV363B

Court of Appeals of the State of Georgia

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

W. L. Mait Clerk.

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

ATLANTA, NOVEMBER 26, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0106

CASH IN ADVANCE OF FLORIDA, INC., ET AL V. SHAKENDRA C. JOLLEY,
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.

91009

02CV18412

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

NOV 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.

C. Will. L. Mait; JR

Court of Appeals of the State of Georgia

ATLANTA,

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

A04I0107. IN THE INTEREST OF: LEXXUS CLAYTON.

The underlying action in this application is a petition for deprivation brought by the maternal grandparents of Lexxus Clayton, a minor child. On October 8, 2003, a hearing was held in the juvenile court, and the natural father of the minor child, Derek Clayton, moved to dismiss, or in the alternative to transfer the proceedings, on the grounds that the juvenile court lacked subject matter jurisdiction to determine custody of his daughter.

The juvenile court judge heard argument of counsel regarding the issue of subject matter jurisdiction and thereafter, the court stated that it would proceed with great caution. Derek Clayton's attorney sought clarification of the juvenile court judge by asking whether the judge was denying his motion. The juvenile court judge replied: "And, reserving it. I might entertain it at some later time after hearing evidence from the Petitioner." At this point Derek Clayton's attorney asked for a certificate of immediate review and the juvenile court judge indicated that she would grant the certificate.

After the hearing was concluded, the juvenile court judge did not enter a separate written order either denying or reserving the motion to dismiss for lack of subject matter jurisdiction. On October 16, 2003, the juvenile court judge granted a certificate of immediate review. The certificate of immediate review contained the following statement: "Upon consideration of all evidence, and argument of counsel, this Court denied the Natural Father's Motion to Dismiss and/or Transfer, deciding that subject matter did lie with the court."

Any oral order issued at the hearing would not be appealable. "[A]n order is

not final nor appealable until and unless it is reduced to writing, signed by the judge, and filed with the clerk.” *Sharp v. State*, 183 Ga. App. 641 (360 SE2d 50) (1987). This constitutes entry. “And it is only an ‘entered’ decision or judgment which is appealable.” *Id.* The plain wording of the certificate of immediate review shows that the juvenile court judge did not enter a written order in that document. Rather, the juvenile court judge merely made reference to the previous oral order announced at the hearing.

“What the judge orally declares is not judgment until it has been put in writing and entered as such.” *Williams v. City of LaGrange*, 213 Ga. 241, 242 (1) (98 SE2d 617) (1957); accord *In the Interest of: L. H.*, 242 Ga. App. 659, 660 (2) (530 SE2d 753) (2000). No written order has been duly entered expressly denying the motion to dismiss for lack of subject matter jurisdiction, and therefore, this issue currently presents no question for decision by this court. *Williams v. City of LaGrange*, *supra*. Because the issue raised in this application is not ripe for appellate adjudication, this application is ordered DISMISSED without prejudice.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 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.

C. Will. L. Martin, Jr., Clerk.

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

ATLANTA, NOVEMBER 13, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0108

CAMDEN OIL COMPANY, LLC., ET AL V. LEE JACKSON

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.

92009

02VS029858B

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 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. Mart; JR

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

ATLANTA, NOVEMBER 21, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0109

JOSHUA MCRAE V. WENDY WHITE

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.

94009

2002A92234

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 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 above written.*

Clerk.

Will. L. Mart; JR

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

ATLANTA, NOVEMBER 25, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0110
PHILLIP ADOLPH BYERS V. THE STATE

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

96010

01CR02124

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

Will. L. Mat; JR

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

ATLANTA, NOVEMBER 13, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0111
DURAKON INDUSTRIES, INC., ET AL V. LEE JACKSON

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

92010

02VS029858B

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

NOV 13 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. Martin, Jr.

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

ATLANTA, NOVEMBER 17, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0112
TY COBB HEALTHCARE SYSTEM, INC., D/B/A BARROW
COMMUNITY HOSPITAL V. MARY HELEN WHITMER ET AL

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

98010

02A115617

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 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. Mat; JR

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

ATLANTA, DECEMBER 10, 2003

The Court of Appeals passed the following order

Case No. A04I0113

SHANNON GRIFFIN BRADFORD V. THE STATE

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

97-010
03B22514

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

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

ATLANTA, NOVEMBER 21, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0114
PHOEBE PUTNEY MEMORIAL HOSPITAL, INC. V. HOWELYN
EVONNE MULL, ADMINISTRATRIX OF THE ESTATE OF JAMES MULL, ET AL

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

71010

01CV26053

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 21 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 written.*

Clerk.

Will. L. [Signature]

CLERK'S OFFICE
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

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

Sherie M. Welch, Clerk

(404) 656-3470

Docketing Date: December 9, 2003

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S04C0593**

PHOEBE PUTNEY MEMORIAL HOSPITAL, INC. v. HOWELYN EVONNE MULL et al.

Clerk, Supreme Court of Georgia

Case No. A04I0114

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

DEC 16 2003

Clerk, Court of Appeals of Georgia

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

ATLANTA, NOVEMBER 24, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0115

CHARLES WARREN JORDAN ET AL V. J. HOUSTON LENNARD 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.

90010

031078642

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 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. Mart; JR

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

ATLANTA, NOVEMBER 26, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0116
MIC PROPERTY AND CASUALTY INSURANCE CORPORATION V.
FARMERS & MERCHANTS BANK ET AL

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

93010

97V33

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 26 2003

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Clerk.

Will. L. Mart; JR

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

ATLANTA, DECEMBER 03, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0117

AL - MADINAH PETROLEUM, INC V. CITY OF ATLANTA

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

99010

2003CV023987

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 03 2003

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

Clerk.

Will. L. Mart; [Signature]

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

ATLANTA, DECEMBER 19, 2003

The Court of Appeals passed the following order

Case No. A04I0118

TEODORO F. DAGI, M.D., ET AL V. PAULETTE MONCADA

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

91-010
99VS0159107

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

Clerk.

Will. L. Martin

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

ATLANTA, DECEMBER 08, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0119

SANJAY A. BHANSALI., M.D., ET AL V. PAULETTE MONCADA

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.

91011

99VS0159107

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 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
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Clerk.

C. Will. L. Mait; R

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

ATLANTA, DECEMBER 19, 2003

The Court of Appeals passed the following order

Case No. A04I0119

SANJAY A. BHANSALI., M.D., ET AL V. PAULETTE MONCADA

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

91-011
99VS0159107

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

Clerk.

C. Will. L. Martin, Jr.

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

ATLANTA, DECEMBER 02, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0120
THE KROGER CO. V. MARGARET B. HAMILTON

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

70010

2002V32541

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **DEC 02 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. Mait; [Signature]

Court of Appeals of the State of Georgia

ATLANTA,

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

A04I0121. COKER PROPERTIES, L. P. v. SHARON LINDA BROOKS, ET AL.

The suit underlying this application is an application for writ of partition of land of joint tenants. Coker Properties, L. P., seek interlocutory review of the order of the superior court denying its motion for equitable contribution, to grant lien, for equitable accounting, and for expenses.

Coker Properties asserts that “[i]nterlocutory review is essential . . . because the trial court denied the relief . . . despite the necessity of the application of the principles of equity to do justice between the parties and the mandate of Georgia law that partitionings proceed in equity where the interest of justice and the circumstances of the case so require and where a claim for equitable accounting is made.” Coker Properties contends that state law confers equity jurisdiction in partitioning proceedings whenever the remedy at law is insufficient or peculiar circumstances render the proceeding in equity more suitable and just and provides that in every partitioning case, the court will mold its decree to meet the general justice and equity of each cotenant; equity jurisdiction over matters of account shall extend to accounts between partners or tenants in common; and equity may entertain jurisdiction over contribution cases whenever an action at law will not give a complete remedy.

In further support of its application, Coker Properties asserts the following claims of error: (a) An action for partitioning must proceed in equity where the interest of fairness and justice demand; (b) jurisdiction of this case properly lies in equity, since petitioners are equitably estopped from denying respondents 75 percent ownership interest; (c) a claim for accounting between tenants in common

automatically vests jurisdiction in equity; (d) respondent's claim for contribution is governed by equity; (e) respondents equitable lien demands that the partitioning proceed in equity; and (f) where one party has acted in bad faith in a partitioning action, equity will cast costs and expenses against that party.

“Whether an action is an equity case for the purpose of determining jurisdiction on appeal depends upon the *issue* raised on appeal, not upon how the case is styled nor upon the kinds of relief which may be sought by the complaint. That is, 'equity cases' are those in which a substantial issue on appeal involves the legality or propriety of equitable relief sought in the superior court – whether that relief was granted or denied.” *Beauchamp v. Knight*, 261 Ga. 608, 609 (409 SE2d 208) (1991); accord *Saxton v. Coastal Dialysis &c., Inc.* 267 Ga. 177, 178-179 476 SE2d 587) (1996). There exists pivotal substantive issues in this case pertaining to the propriety of equitable relief.

The Supreme Court has appellate jurisdiction over all equity cases. Georgia Constitution of 1983, Art. VI, Sec. VI, Par. III (2). Accordingly, this application is ordered TRANSFERRED to the Supreme Court for appropriate disposition.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 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.

Will L. Martin, JR., Clerk.

Court of Appeals of the State of Georgia

ATLANTA,

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

A04I0122. JESS W. COKER ET AL v. SHARON LINDA BROOKS, ET AL.

This application is a companion application to A04I0121 and is inextricably linked to that equity case. A04I0121 was order transferred to the Supreme Court of Georgia, pursuant to the holding in *Beauchamp v. Knight*, 261 Ga. 608 (409 SE2d 208) (1991).

The order sought to be reviewed in this application is an order denying Jess W. Coker and Mary Virginia Coker's motion to intervene, under OCGA § 9-11-24, in the underlying equity case in A04I0121, that being *Sharon Linda Brooks et al. v. Coker Properties, L. P.*, Civil Action File Number: 99A10449-5.

Accordingly, in the interest of fundamental fairness and judicial economy, this application is ordered TRANSFERRED to the Supreme Court so that it may be adjudicated as a companion application to A04I0121.

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

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

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

Will L. Martin, JR., Clerk.

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

ATLANTA, NOVEMBER 20, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0123

BROOKHAVEN - CAMBRIDGE, LLC V. THOMAS TURRENTINE, ET AL

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

95011

021337334

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 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 written.*

Clerk.

Will. L. Martin, Jr.

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

ATLANTA,

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

**A04I0124. CHARLOTTE BEARD, B/N/F CHERISH BEARD, A MINOR v.
MICHAEL DAVID NUNES.**

Plaintiff Charlotte Beard, b/n/f Cherish Beard, a minor, has filed a timely application seeking interlocutory review of the order of the superior court granting summary judgment in favor of alleged uninsured motorist insurer State Farm Mutual Automobile Insurance Company. A direct appeal may be taken from the grant of a motion for summary judgment on any issue or as to any party. 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 filed a notice of appeal in 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*

DEC 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.*

C. Will. L. Mait; [Signature], Clerk.

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

ATLANTA, DECEMBER 10, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0125
B. GIBSON THRIFT, JR V. JACKIE GUTHRIE

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

98011

2002A60686

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 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; [Signature]

Court of Appeals of the State of Georgia

ATLANTA,

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

A04I0126. Chvala v. The State

Ryan Nicholas Chvala filed this application for interlocutory appeal seeking review of the trial court's denial of his motion to suppress. The order denying his motion to suppress was entered in the trial court on October 8, 2003. A timely certificate of immediate review was signed and entered on October 15, 2003. Under OCGA § 5-6-34 (b), 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. *Genter v. State*, 218 Ga. App. 311 (460 SE2d 879) (1995). In this instance, Chvala filed this application November 13, 2003, 29 days after the entry of the certificate for immediate review. The application is thus untimely, and this Court lacks jurisdiction to consider it. Therefore, this application for interlocutory appeal is hereby DISMISSED.

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

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order:

DEC 08 2003

A04I0127. HAROLD J. FARRIS v. S. ANDREW SHUPING et al.

Harold J. Farris seeks an interlocutory appeal from a October 24, 2003, order denying summary judgment. The trial court issued a certificate of immediate review, which was filed 14 days later on November 7, 2003. The certificate states that it is entered "nunc pro tunc November 3, 2003." However, "[a] nunc pro tunc entry of certificate for immediate review cannot revive a right of appeal which has expired. [Cit.]" *Whitlock v. State*, 124 Ga. App. 599, 601 (1) (185 SE2d 90) (1971). Thus, no certificate of immediate review was filed with the clerk within ten days of the entry of the order complained of as is required under OCGA § 5-6-34 (b). In the same order, the trial court granted summary judgment to defendants S. Andrew Shuping and CitiFinancial Mortgage Co. Farris was thus entitled to directly appeal this order under OCGA § 9-11-56 (h). This Court will grant an otherwise *timely* interlocutory application if the order is subject to direct appeal. But because Farris failed to obtain a timely certificate of immediate review, this court is without jurisdiction to consider the application, which is hereby DISMISSED. See generally *Turner v. Harper*, 231 Ga. 175 (200 SE2d 748) (1973).

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

DEC 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 just above written.


....., Clerk.

CLERK'S OFFICE
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

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

Sherie M. Welch, Clerk

(404) 656-3470

Docketing Date: December 24, 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 **S04C0678**

HAROLD J. FARRIS v. S. ANDREW SHUPING et al.

Clerk, Supreme Court of Georgia

Case No. A04I0127

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

DEC 29 2003

Clerk, Court of Appeals of Georgia

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

ATLANTA, DECEMBER 02, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0128

JENNIFER A. MADDREY-DUEDALL ET AL V. MICHAEL

NICHOLAS LANG ET AL

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

90011

03VS051533D

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 02 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. Maitland

CLERK'S OFFICE
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

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

Sherie M. Welch, Clerk

(404) 656-3470

Docketing Date: December 22, 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 **S04C0655**

JENNIFER A. MADDREY-DUEDALL v. MICHAEL NICHOLAS LANG et al.

Clerk, Supreme Court of Georgia

Case No. A04I0128

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

DEC 23 2003

Clerk, Court of Appeals of Georgia

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

ATLANTA, DECEMBER 12, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0129
FULTON - DEKALB HOSPITAL AUTHORITY D/B/A HUGHES SPALDING
CHILDREN'S HOSPITAL, ET AL V. ADRIENNE BOWDEN ET AL

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

93011

02VS032624B

Court of Appeals of the State of Georgia

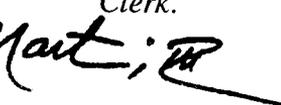
Clerk's Office, Atlanta

DEC 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. Vill. L. Mait; 

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **DEC 16 2003**

**A04I0130. GEORGIA TRANSMISSION CORPORATION v. A CERTAIN
PARCEL OF LAND LYING AND BEING IN THIS SAID COUNTY:
MRS. C. M. (JEAN) DIXON, ET AL.**

Condemnor Georgia Transmission Corporation has filed a timely application seeking interlocutory review of the order of the superior court, in this condemnation proceeding, denying the request for condemnation. The case is subject to direct appeal since it is no longer pending in the superior court. OCGA § 5-6-34 (a) (1). While this court will grant a 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, in this case appellant has filed such a timely notice of appeal. Therefore, the application is superfluous and is ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **DEC 16 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: **DEC 17 2003**

A04I0131. HANKINS v. THE STATE.

Ronald Marque Hankins seeks immediate review of an order denying his motion to suppress. The order was entered on October 28, 2003. The trial court signed a certificate of immediate review on November 7, 2003, but the certificate was not filed with the clerk until November 18, 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 timely filed with the clerk as required, Hankins' application is hereby *dismissed* for lack of jurisdiction.

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

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

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

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

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

ATLANTA, DECEMBER 12, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0132

CHARLES OTIS SENNETT, JR. M.D. V. WILLIAM LOCKLEAR, AS
ADMINISTRATOR OF THE ESTATE OF LYNDA LOCKLEAR, DECEASED,
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.

92011

2001RCCV801

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

DEC 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 written.*

Clerk.

C. Will. L. Mait; JR

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

ATLANTA, DECEMBER 12, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0133

MARCUS DAVIS V. THE STATE

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

95012

03SC01500 03SC02414 03SC04521

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 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. Vill. L. Mant; JR

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

ATLANTA, DECEMBER 10, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0134
GENERAL PIPELINE COMPANY V. CHERYL HARDIN

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.

96012

02A983625

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 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; JR

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

ATLANTA, DECEMBER 18, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0135

MANUEL FALCON V. THE STATE

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

98012

2003CR220

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 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.

C. Will. L. Martin, Jr.

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

ATLANTA, DECEMBER 17, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0136

LEGACY ACADEMY, INC. V. MEDLOCK CAPITAL VENTURES, INC., ET AL

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

97012

03A021285

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 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 written.*

Clerk.

Will. L. Mat; [Signature]

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

ATLANTA, DECEMBER 30, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0137

JIM YOUNG CONSTRUCTION CO. INC., ET AL V. VIOLET BROWN

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

71012

2002CV437DB

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 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.

C. Will. L. Marti, Jr.

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

ATLANTA, DECEMBER 16, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0138

MIGNON MOORE HOOPER V. TRAVIS PRUITT ET AL

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

90012

01A46792

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 16 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. Martini

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 5, 2004

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 **S04C0732**

MIGNON MOORE HOOPER v. TRAVIS PRUITT & ASSOCIATES, P.C. et al.

Clerk, Supreme Court of Georgia

Case No. A04I0138

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

JAN 06 2004

Clerk, Court of Appeals of Georgia

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

ATLANTA, DECEMBER 29, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0139

DEKALB MEDICAL CENTER, INC V. JEFFERY PRUITT

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

93012

03A093016

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **DEC 29 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, DECEMBER 18, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0140
TRANSOUTH FINANCIAL CORPORATION V. ANGELA ROOKS

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.

99012

03A081195

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **DEC 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.
William L. Martini

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

ATLANTA, JANUARY 05, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0141

PAUL L. GROTH ET AL V. ACE CASH EXPRESS, INC.

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

91012

03A068762

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 05 2004

*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. Matier

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

ATLANTA, DECEMBER 30, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0142
GROVER HALLUM ET AL V. HAROLD ROWE ET AL

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

70012

200309582

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

C. Will. L. Maitland

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

ATLANTA, JANUARY 05, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0143
SHERRILL HELENA WRIGHT V. THE STATE

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

92012

2003SUCR1327

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 05 2004

*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. Matier

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

ATLANTA, DECEMBER 30, 2003

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0144
THE GEORGIA DEPARTMENT OF TRANSPORTATION
V. GUSSIE MARIE THOMPSON

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

2001253

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

Court of Appeals of the State of Georgia

ATLANTA,

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

A04I0145. CLYDE McCULLOUGH, III v. MARISA HAMPTON

Clyde McCullough filed an application for interlocutory appeal from the trial court's November 7, 2003 order denying his motion for recusal. McCullough requested a certificate of immediate review, but the trial court denied the request. For this Court to have jurisdiction to consider an application for interlocutory appeal, a certificate of immediate review must be obtained and filed with the trial court within ten days after entry of the order sought to be appealed. OCGA § 5-6-34 (b); *Smith & Wesson Corp. v. City of Atlanta*, 273 Ga. 431, 435 (3) (543 SE2d 16) (2001); *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973). Moreover, the denial itself is not an appealable judgment. *Price v. State*, 237 Ga. 352 (2) (227 SE2d 368) (1976). McCullough's failure to obtain and timely file a certificate of immediate review 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

DEC 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. Martin, Jr., Clerk.

Court of Appeals
of the State of Georgia

ATLANTA,

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

A04I0146. EBOCHEE JEWELL v. THE STATE.

Ebochee Jewell filed an application for interlocutory review of the trial court's order denying his motion to suppress. On November 18, 2003, the trial court entered an order denying the motion to suppress. On December 4, 2003, the trial court granted a certificate of immediate review nunc pro tunc November 28, 2003.

"[A] certificate of immediate review of a nonfinal or interlocutory judgment is ineffective unless entered, i.e., filed with the clerk, within ten days after entry of the judgment appealed from." *Van Schallern v. Stanco*, 130 Ga. App. 687 (204 SE2d 317) (1974). If the certificate of immediate review is not obtained during the ten-day period, it is untimely and the party must wait until a final judgment is entered before appealing an interlocutory judgment rendered in the case. *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973). And, a "nunc pro tunc certificate of immediate review is without efficacy to support an appeal." *Whitlock v. State*, 124 Ga. App 599 (1) (185 SE2d 90) (1971). Therefore, despite the nunc pro tunc entry of the certificate

of immediate review, the certificate of immediate review filed 16 days after entry of the order sought to be appealed is untimely and the application is ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **DEC 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. Martin, JR. Clerk.

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

ATLANTA, JANUARY 09, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0147

LAW ENGINEERING AND ENVIROMENTAL SERVICES, INC. V. CITY OF CAIRO,
GEORGIA

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

98013

02C68893

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 09 2004

*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; [Signature]

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

ATLANTA, JANUARY 05, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0148

KENNETH ADAMS V. THE ESTATE OF ARNULFO PEREZ 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.

97013

02A000562

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 05 2004

*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, JANUARY 09, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0149

JOE CROSBY CLIFTON ET AL V. DEMARCUS J. ROWE B/N/F TANGELAR ROWE

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

71013

2002CV1085

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 09 2004

*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. Martineau

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

ATLANTA, JANUARY 05, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0150

MARK TRUNDLE V. MARGARRET E. HARRIS ET AL

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

90013

01CV01983

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

JAN 05 2004

*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, JANUARY 08, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0151
CONNIE LORRAINE SAMUELS V. THE STATE

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

93013

03CC256

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 08 2004

*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. Jill L. Martin

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **DEC 17 2003**

A04I0152. BONNIE SPIVEY ET AL v. SHARON HEMBREE, ET AL.

Plaintiff Bonnie Spivey brought suit in her individual capacity and as administratrix of the estate of Jamie Spivey, deceased, against defendants Sharon Hembree and Shirley Cain Solt alleging that the defendants are liable for the death of Jamie Spivey under theories of premises liability and negligent supervision. On November 21, 2003, the trial court entered an order granting summary judgment to defendant Sharon Hembree as to the claim of negligent supervision but denying her motion for summary judgment as to the claim of premises liability, and granting summary judgment to defendant Shirley Cain Solt with regard to both of Plaintiff Bonnie Spivey's claims.

On December 1, 2003, the trial court granted a certificate of immediate review to Bonnie Spivey and on December 10, 2003, she filed a timely application for interlocutory review of the order of November 21, 2003. Spivey asserts in her application that the trial court erred in granting partial summary judgment to Hembree and in granting summary judgment to Solt.

A direct appeal may be taken from the grant of a motion for summary judgment on any issue or as to any party. 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 review if the order is subject to direct appeal and the applicants have not otherwise filed a timely notice of appeal. Accordingly, the above styled application is ordered GRANTED.

Applicants shall have ten days from the date of this order to file a notice of appeal in 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

DEC 17 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. Martin, Clerk.

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

ATLANTA, JANUARY 09, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0153

HAGGER ANN STURDIVANT V. QUIMMAH STURDIVANT

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

91013

CV031129AB

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **JAN 09 2004**

*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; R

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

ATLANTA, JANUARY 08, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0154
AUBREY LEE SAMUELS, SR. V. THE STATE

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

93014

03CC256

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **JAN 08 2004**

*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, JANUARY 07, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0155
ANTHONY N. SODD, M.D. V. ANGIE CAMPBELL ROZAR

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.

70013

2001V30137

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **JAN 07 2004**

*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, JANUARY 09, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0156

DREAM MAKER CONSTRUCTION, INC. V. APRIL MURRELL 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.

92013

03C90223

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 09 2004
*I certify that the above is a true ~~extraordinary~~ copy of
the minutes of the Court of Appeals of Georgia*

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

Clerk.

Will. L. Martin, Jr.

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

ATLANTA, JANUARY 09, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0157

RICHARD J. GRECO, M.D. V. KATHRYN KIRK

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

94013

I024105G

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **JAN 09 2004**

*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, JANUARY 16, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0158

SIX FLAGS OVER GEORGIA II, L.P. V. VALARIE SMITH

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

95014

03A54446

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **JAN 16 2004**

*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: **MAR 04 2004**

APPLICATION NO. A04I0159

BRIDGESTONE CORPORATION v. DONALD SPENCER PECK, III, ET AL.

The above Interlocutory Application was docketed with this Court on December 19, 2003. On December 29, 2003, applicant filed a Motion to Seal Record or for Record to Remain Sealed. On January 15, 2004, this Court denied the application, mooting the Motion to Seal Record.

On February 26, 2004, movant filed a second Motion to Seal Materials contained in the record related to the application for Interlocutory Appeal. Prior to the filing of this motion, on February 4, 2004 applicant filed an Application for Writ of Certiorari in the Supreme Court of Georgia, denominated as S04C0902.

The filing of the Application for Writ of Certiorari in the Supreme Court of Georgia divests the Court of Appeals of jurisdiction in this matter. Therefore, the Motion to Seal is hereby DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **MAR 04 2004**

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

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

ATLANTA, JANUARY 15, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0160

BB&T STEPHENS & COMPANY F/K/A STEPHENS & COMPANY
INSURANCE SERVICES, INC., ET AL V. GEORGIA SOUTHERN
TRANSPORTATION, INC

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

98014

0310198340

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **JAN 15 2004**

*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.*

C. Will. L. Mait^{Clerk.}

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

ATLANTA, JANUARY 16, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0161

JEFFREY BROWN V. THE STATE

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

97014

03SUCR530C

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **JAN 16 2004**

*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. Martin, JR

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

ATLANTA, JANUARY 22, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0162

EARLENE PEARCE V. THE STATE

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

71014

2003R002

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 22 2004

*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, JANUARY 22, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0163
GEORGIA STATE BOARD OF PARDONS AND PAROLES V.
RANDY LAMAR FINCH

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.

90014
98CV502

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **JAN 22 2004**

*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. J. L. Martin

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

ATLANTA, JANUARY 16, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0164
DOLPHIN REALTY, DBA RIVERSIDE HOUSE APARTMENTS
V. DENISE HEADLEY

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.

99014

02A63593

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 16 2004

*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. Martin, Jr.

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

ATLANTA, JANUARY 28, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0165
THURMOND ALLEN MILLER V. THE STATE

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

91014

2003CR703C

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **JAN 28 2004**

*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. Martin

Court of Appeals
of the State of Georgia

ATLANTA, JANUARY 22, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0166

CLIFFORD WAYE V. THE STATE

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

70014

CR0300480063

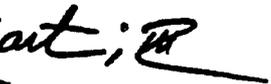
Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 22 2004

*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.*

C. Will. L. ^{Clerk} Mart; 

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **JAN 16 2004**

A04I0167. FRANCINE BENOIT v. MARIE ZOGBO.

Francine Benoit seeks to appeal the denial of her motion to dismiss Marie Zogbo's complaint. 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 December 17, 2003. Since the tenth day, December 27, 2003, was a Saturday, Benoit had until Monday, December 29, 2003, to perfect filing of her application. OCGA § 1-3-1 (d) (3); Court of Appeals Rule 3. Benoit filed her application on January 2, 2004.

Benoit contends that her application was filed within 10 days exclusive of holidays and weekends. But only when a prescribed period of time is less than seven days are intermediate Saturdays, Sundays, and legal holidays excluded in the time computation. OCGA § 1-3-1 (d) (3). Accordingly, Benoit'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

JAN 16 2004

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

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **JAN 09 2004**

A04I0168. Harold French v. The State

Applicant Harold French seeks interlocutory review of the trial court's order denying his motion to suppress. The order denying the motion to suppress was entered on December 9, 2003. The certificate of immediate review was entered on December 23, 2003, fourteen days after entry of the order sought to be appealed. A certificate of immediate review of a non-final or interlocutory judgment is ineffective unless entered, i.e., filed with the clerk, within ten days after entry of the judgment appealed from. OCGA § 5-6-34 (b); *Van Schallern v. Stanco*, 130 Ga. App. 687 (204 SE2d 317) (1974). If the certificate of immediate review is not obtained during the ten-day period, it is untimely and the party must wait until a final judgment is entered before appealing an interlocutory judgment rendered in the case. *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973). In this case, the trial court's attempt to effectively nunc pro tunc the certificate of immediate review is ineffective. *Whitlock v. State*, 124 Ga. App 599 (1) (185 SE2d 90) (1971). French's failure to obtain a file stamped certificate of immediate review within ten days after entry of the order sought to be appealed deprives this Court of jurisdiction to consider this application. Accordingly, this application is ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 09 2004

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

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

ATLANTA, JANUARY 28, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0169

MICHELLE ELIZABETH ALONSO 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.

95015

03CR928EV

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 28 2004

*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. Matier

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

ATLANTA, JANUARY 29, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0170

PRECIOUS GIPSON V. THE STATE

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

96015

01CR058

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 29 2004

*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. Vill. L. Mat; JR

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

ATLANTA, FEBRUARY 04, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0171

WARNER ROBINS SUPPLY COMPANY, INC., ET AL V. WALTER
D. MARTIN ET AL

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

98015

2001V30895

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **FEB 04 2004**

*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; [Signature]

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

ATLANTA, FEBRUARY 06, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0172

JANET PARKER, INC. V. WILLIAM FLOYD 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.

97015

01SV797

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB 06 2004

*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: JAN 23 2004

A04I0173. HOME DEPOT, U.S.A., INC., v. WILSON, Jr.

Home Depot, U.S.A., Inc., seeks immediate review of an order denying reconsideration of a previous order denying its motion for summary judgment. The order complained of was entered on December 23, 2003, and the unsigned certificate of immediate review on which applicant relies was filed 14 days later, on January 6, 2004. A certificate of immediate review confers jurisdiction to this court to review an order not otherwise subject to direct or discretionary appeal *only* if it is signed and filed within 10 days of the entry of the order to which the certificate refers. OCGA § 5-6-34 (b); *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973). Because the certificate of immediate review submitted with Home Depot's application does not meet the requirements outlined in *Turner v. Harper*, *supra*, the application is hereby *dismissed* for lack of jurisdiction.

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JAN 23 2004

*I certify that the above is a true extract from
the minutes of 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, JANUARY 29, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0174

CSX TRANSPORTATION, INC. V. PATRICIA DEEN

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.

90015

00V0936

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 29 2004

*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, FEBRUARY 16, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0175
NORWOOD M. MCBEE, MD V. JUNELLE BENJAMIN

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
2003RCCV630

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta FEB 16 2004

*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. Vill. L. Mait; [Signature]

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

ATLANTA, MARCH 05, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0187
CHARLES J. SIDLOW ET AL V. JOE LEWIS

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.

71016
02CV1600

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **MAR 05 2004**

*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 26, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0190

ATLAS COLD STORAGE USA, INC., ET AL V. PAM ALLEN 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.

91016

02SV116

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **FEB 26 2004**

*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 26, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0192

TIMOTHY L. JOHNSON, SR., ET AL V. PAM ALLEN 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.

91017

02SV116

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **FEB 26 2004**

*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, MARCH 12, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0196
SID BANKS ET AL V. JOHN MILTON HAPPOLDT 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.

98017

2003CV196

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **MAR 12 2004**

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

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

Clerk.

Will. L. Martin, Jr.

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

ATLANTA, MARCH 12, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0197

SID BANKS ET AL V. JAMES JACKSON HAPPOLDT

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

2003CV195

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **MAR 12 2004**

*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, MARCH 24, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0204

RICKY SHANE WILSON ET AL V. BRENDA WAINE ALLEN

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

1999SUCV193

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 24 2004

*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, JUNE 17, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0289
D.S. AMERI CONSTRUCTION CORPORATION V. WILLIAM
SIMPSON ET AL

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

95025

01A56555

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 17 2004

*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. Matier

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

ATLANTA, JUNE 24, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A0410298

MICHAEL J. GILHULY, M.D., ET AL V. PENNY L. DOCKERY 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.

91025

011327235

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **JUN 24 2004**

*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...

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

ATLANTA, JUNE 18, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0299
RON RABUN ET AL V. ROY MCCOY

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.

70025
02V1576

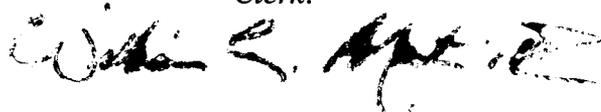
*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta*

JUN 18 2004

*I certify that the above is a true extract fromd
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*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, JUNE 23, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0302
PROGRESSIVE CASUALTY INSURANCE COMPANY ET AL
V. DIANE EVANS 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.

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2002RCCV869

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 23 2004

*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. Jill L. Martin

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

ATLANTA, JUNE 28, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0305
PIC, LTD., ET AL V. KAREN CIMO

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.

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Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 28 2004

*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. Will. L. Martin, Jr.