

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **MAR 24 2004**

A04I0226. Suburban Neurosurgical Specialists, P.C., a Georgia Professional Corporation v. Omar F. Jimenez, M.D.

Suburban Neurosurgical Specialists, P.C., a Georgia Professional Corporation has filed a timely application seeking interlocutory review of the order of the superior court denying its petition to extend an interlocutory injunction. However, a direct appeal may be taken from the grant or refusal of applications for interlocutory injunctions. OCGA § 5-6-34 (a) (4); *Georgia Power Company v. Hunt*, 266 Ga. 331 (466 SE2d 846) (1996). 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 **MAR 24 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.*

Will L. Maitland, Clerk.

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

ATLANTA, APRIL 16, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0227

MCCONDICHIE PROPERTIES 2, L.P. V. GENERAL TRANSPORTATION
SERVICES, INC

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

70019

2001CV11898

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **APR 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. Maitier

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

ATLANTA, APRIL 01, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0228
WILLIAM LESTER KIRSCHER V. THE STATE

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

92019

03CR529C

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 01 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. Martini

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

ATLANTA, APRIL 16, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0229

CHILDREN'S HEALTHCARE OF ATLANTA F/K/A SCOTTISH RITE
CHILDREN'S MEDICAL CENTER, INC. V. WILLIAM USSERY FOR
THE ESTATE OF ELLA M. USSERY ET AL

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

95020

00VS003182J

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

C. Jill L. Mait
Clerk

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **APR 15 2004**

**A04I0230. CHILDREN'S HEALTHCARE OF ATLANTA v. WILLIAM
USSERY.**

Children's Healthcare of Atlanta seeks to appeal the denial of its motion for reconsideration of the trial court's oral pronouncement allowing the plaintiffs discovery of certain documents. The trial court's pronouncement allowing this discovery was never reduced to writing, however, and therefore had no effect. *Rothstein v. Brooks*, 133 Ga. App. 52 (209 SE2d 674) (1974). Consequently, a motion for reconsideration did not lie. See *Lane v. Taylor*, 193 Ga. App. 777 (389 SE2d 26) (1989) ("In the absence of a written judgment, filed with the clerk, a motion for new trial will not lie."). Accordingly, there is no judgment from which Children's Healthcare may appeal and this application for interlocutory appeal is hereby **DISMISSED**.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **APR 15 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. Mait; [Signature], Clerk.

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

ATLANTA, APRIL 16, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0231

CHILDREN'S HEALTHCARE OF ATLANTA F/K/A SCOTTISH RITE
CHILDREN'S MEDICAL CENTER, INC V. WILLIAM USSERY FOR
THE ESTATE OF ELLA M. USSERY ET AL

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

95022

00VS003182J

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 16 2004

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

Will. L. Mait; JR

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **MAR 29 2004**

A04I0232. DONALD ROY COLVARD ET AL. v. KHRISTY DAWN MOSLEY.

Plaintiffs Donald Roy Colvard and Linda Colvard filed this application seeking interlocutory review of the superior court's order granting partial summary judgment to defendant Khristy Dawn Mosley. A direct appeal may be taken from the grant of a partial motion for summary judgment within 30 days from the date the judgment is entered notwithstanding that other issues remain pending in the trial court. *Planet Insurance Company v. Ferrell*, 228 Ga. App. 264, 265 (491 SE2d 471) (1997). The order sought to be appealed in this application is thus directly appealable and is not subject to the interlocutory appeal requirements. This Court will grant an otherwise timely interlocutory application if the order is subject to direct appeal and the applicant has not timely filed a notice of appeal. Therefore, this application is ordered GRANTED.

Applicants shall have ten days from the date of this order to file a notice of appeal with the trial court. The Clerk of 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 **MAR 29 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, APRIL 20, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0233

RICHARD H. STANCIL ET AL V. HIGHLAND FALLS INVESTMENT, INC

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

98020

02CV58DB

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 20 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.

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

ATLANTA, APRIL 13, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0234

AUTO-OWNERS INSURANCE COMPANY V. KARAN, INC., ET AL

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

97020

CV031428BA

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 13 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, APRIL 21, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0235
SPALDING HOSIERY SHOPPE, INC., D/B/A THE SOCK
SHOPPE V. DOROTHY WOODFORD

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.

71020

03CV19098

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 21 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. Maitier

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

ATLANTA, APRIL 13, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0236
PERMANENT GENERAL ASSURANCE CORPORATION
V. ERIC BELL

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.

90020

0343527

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **APR 13 2004**

*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. Mart; R

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

ATLANTA, APRIL 28, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0237

MEDQUEST ASSOCIATES, INC., ET AL V. STEVEN BLANTON 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.

93020

03VS045122C

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 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. Mait; JR

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

ATLANTA, APRIL 22, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0238
THE FITZGERALD WATER, LIGHT & BOND COMMISSION
ET AL V. SHAW INDUSTRIES, INC.

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

99020
01CV090

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

APR 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 written.*

Clerk.

Will. L. Mat; R

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

ATLANTA, APRIL 30, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0239

ROGELIO AGUILAR V. THE STATE

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

91020

02B33775

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **APR 30 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, APRIL 16, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0240

RUTH HOPKINS ET AL V. VIOLET CREECH ET AL

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

70020

02CV2681

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **APR 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, APRIL 30, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0241

MICHAEL J. DOUGLAS ET AL V. ANGELA R. BIGLEY ET AL

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

92020

02V000809

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 30 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. Mait; JR

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

ATLANTA, APRIL 29, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0242

JAMES T. L. ROBERTS, M.D. V. LATOYA HILLMAN 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.

94020

99A559724

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 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. Jill L. Martin; R

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

ATLANTA, APRIL 16, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0243
GERALD POVEY SOLIE V. THE STATE

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

96021

03CR00199

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

APR 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, MAY 01, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0244

HOOD TIMBER COMPANY, INC. V. BRUCE THOMAS ET AL

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

98021

2002CV2420

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **MAY 03 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, MAY 03, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0245
HOOD TIMBER COMPANY, INC. V. WILLIAM GRAHAM

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

98022

2002CV2419

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

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

ATLANTA, MAY 06, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0246

VICTOR HARDEMAN V. THE STATE

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

97021

02SC02541

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

C. Jill. L. Marti; JR

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order:

MAY 05 2004

A04I0247. Harmon Brothers Charter Services, Inc. v. Mattie Bell Jones

Applicant Harmon Brothers Charter Services, Inc. ("Harmon Brothers") seeks interlocutory review of the trial court's order denying its motion to open default judgment. The order Harmon Brothers seeks to appeal was entered by the trial court on March 19, 2004. A certificate of immediate review, although signed on March 29, 2004, was not entered in the trial court until Tuesday, March 30, 2004. 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 certificate of immediate review was not entered until 11 days after entry of the order sought to be appealed; therefore, this Court lacks jurisdiction to consider this application. Accordingly, this application is ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 05 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,

The Court of Appeals hereby passes the following order: **APR 28 2004**

A04I0248. FIRST AMERICAN TITLE INSURANCE COMPANY v. DAVID MARSHALL.

A04I0249. DAVID MARSHALL v. FIRST AMERICAN TITLE INSURANCE COMPANY.

In interlocutory application A04I0249, David Marshall seeks an appeal from that portion of the superior court's March 16, 2004 order granting summary judgment to several of the defendants in this case. A direct appeal may be taken from the grant of a motion for summary judgment, even if other parties or issues remain pending below. 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 applicant has not otherwise filed a timely notice of appeal. Because this application was timely filed and because it appears that no notice of appeal has been filed in the case, application A04I0249 is hereby GRANTED.

In interlocutory application A04I0248, First American Title Insurance Company seeks to appeal that portion of the same March 16, 2004 order denying its motion for summary judgment. This application is properly before this court by application for interlocutory appeal. However, because the applicant in this case seeks to appeal from the same order as in A04I0249, we hereby also GRANT application A04I0248, as a companion case to A04I0249.

Each 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 **APR 28 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. Martin, Clerk.

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **APR 28 2004**

A04I0248. FIRST AMERICAN TITLE INSURANCE COMPANY v. DAVID MARSHALL.

A04I0249. DAVID MARSHALL v. FIRST AMERICAN TITLE INSURANCE COMPANY.

In interlocutory application A04I0249, David Marshall seeks an appeal from that portion of the superior court's March 16, 2004 order granting summary judgment to several of the defendants in this case. A direct appeal may be taken from the grant of a motion for summary judgment, even if other parties or issues remain pending below. 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 applicant has not otherwise filed a timely notice of appeal. Because this application was timely filed and because it appears that no notice of appeal has been filed in the case, application A04I0249 is hereby GRANTED.

In interlocutory application A04I0248, First American Title Insurance Company seeks to appeal that portion of the same March 16, 2004 order denying its motion for summary judgment. This application is properly before this court by application for interlocutory appeal. However, because the applicant in this case seeks to appeal from the same order as in A04I0249, we hereby also GRANT application A04I0248, as a companion case to A04I0249.

Each 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 **APR 28 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. Mattingly, Clerk.

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

ATLANTA, MAY 04, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0250
PATTERSON DENTAL COMPANY F/K/A THOMPSON
DENTAL COMPANY V. SHARON KIDD ET AL

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

93021

CV030957FR

Court of Appeals of the State of Georgia

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

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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. Mat; JR

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

ATLANTA, APRIL 29, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0251

FLOYD S. NELSON 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.

99021

03B32522

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **APR 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.*

W. L. Martineau
Clerk.

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

ATLANTA, MAY 07, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0252
GOLF CAR SALES & SUPPLY, INC., V. PEACHTREE GOLF CARS,
INC., ET AL

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

91021

02VS034421E

Court of Appeals of the State of Georgia

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

Clerk.

Will. L. Mait; JR

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

ATLANTA, MAY 06, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0253

JOHNNY T. DEEN, M.D. ET AL V. OBIE B. JONES, JR.

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

70021

02V357

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 06 2004

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

Will. L. Mait; JR

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

ATLANTA, MAY 12, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0254
THOMAS CONCRETE OF GEORGIA, INC. V. LIBERTY
REALTY SERVICES, INC

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

92021

02A100124

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 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.

C. Will. L. Martin, Jr.

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

ATLANTA, MAY 05, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0255

HEATHER ROBINSON ET AL V. TRONCALLI NISSAN, INC

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

94021

02A992956

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **MAY 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. Mart; R

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

ATLANTA, APRIL 30, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0256
HOMELINK MORTGAGE CORPORATION, INC., ET AL V.
VIVIAN HARDING ET AL

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

96022

2000CV24834

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

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

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

Clerk.

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

ATLANTA, MAY 05, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0257

CLARENCE R. MCKEMIE, M.D. ET AL V. JERRY HYDE

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

97022

03CV31601

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 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, MAY 12, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0258

CHRISTINE SIDLOWSKI GARRETT V. SAUL M. ADLER, M.D.

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.

71022

2003CV74991

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

William L. Mart; [Signature]

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

ATLANTA, MAY 13, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0259
CENTRAL MUTUAL INSURANCE COMPANY V. MARILYN
LEWIS 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.

93022

20011885

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 13 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. Mart; JR

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

ATLANTA, MAY 05, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0260
JIMMY LEE HILLIARD, JR. V. THE STATE

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

99022

03R2106

Court of Appeals of the State of Georgia

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

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **MAY 10 2004**

A04I0261. JUDITH B. WINDSOR ET AL. v. CITY OF ATLANTA.

The applicant/condemnees filed this application for interlocutory appeal from the superior court's orders denying their consolidated motions to set aside, dismiss and annul the City of Atlanta's declarations of taking pursuant to OCGA § 32-3-11. The issues raised by the applicant/condemnees and ruled on by the superior court include challenges to the constitutionality of OCGA § 22-3-140. In this application, the applicant/condemnees again challenge the constitutionality of this statute.

This Court, however, does not have jurisdiction to consider this application, because the Supreme Court has exclusive jurisdiction to rule on the constitutionality of statutes. Ga. Const. of 1983, Art. VI, Sec. VI, Par. II (1), *Doe v. Department of Corrections*, 224 Ga. App. 494 (481 SE2d 837) (1997). Therefore, this application for interlocutory appeal is *transferred* to the Supreme Court.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **MAY 10 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, MAY 11, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0262

ERNEST DELONG V. MICHAEL ANTHONY DOMENICI

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.

70022

02CV1677

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

The Court of Appeals hereby passes the following order: **MAY 24 2004**

A04I0263. IN RE: THE ESTATE OF HAROLD R. BANKE, SR.

This interlocutory application was docketed in this court on April 22, 2004. The application involves the estate of Harold R. Banke, Sr., formerly a judge of the Court of Appeals of Georgia. This application has been assigned to judges on this Court who were not members of this Court when Harold R. Banke was serving as an active judge on this Court or as a senior judge on this Court.

Every application docketed in this Court is reviewed by three judges. The vote of any one judge on the panel of three judges is sufficient to grant the application. Upon consideration of the application for interlocutory appeal, the same is hereby DENIED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **MAY 24 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. Maitland, Clerk.

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

ATLANTA, JUNE 17, 2004

The Court of Appeals passed the following order

Case No. A04I0263

IN RE : THE ESTATE OF HAROLD R. BANKE, SR.

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

92-022
20020456

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

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

ATLANTA, MAY 18, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0264
SUNTRUST BANK, F/K/A TRUST COMPANY OF GEORGIA
V. WILLIAM E. MERRITT, JR., 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.

94022

2001CV38343

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 18 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. Martin, Jr.

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

ATLANTA,

The Court of Appeals hereby passes the following order: **MAY 06 2004**

A04I0265. IN RE: ESTATE OF LILLI PAYNE.

Because we find this application for interlocutory appeal to be from a case involving a will within the meaning of Ga. Const. 1983, Art. VI, § VI, ¶ III (3), the application is hereby *transferred* to the Supreme Court for disposition. *In re Estate of Lott*, 251 Ga. 461 (306 SE2d 920) (1983).

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **MAY 06 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. Martin; JR, Clerk.

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

ATLANTA, MAY 19, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0266

JAMES HARRIS V. THE STATE

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

96023

2003RCCR1408

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 19 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,

The Court of Appeals hereby passes the following order: **MAY 05 2004**

A04I0267. Johnson v. Regions Bank

William Randy Johnson filed this application for interlocutory appeal seeking review of the trial court's order granting Beck, Owen & Murray and Charles Jones, Esquire's Motion to Disqualify Johnson's counsel. The order Johnson seeks to appeal was entered on April 2, 2004. A certificate of immediate review was entered by the trial court on April 21, 2004. However, 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 entered 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 certificate of immediate review was not entered until 19 days after entry of the order sought to be appealed; therefore, this Court lacks jurisdiction to consider this application. Accordingly, this application is ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 05 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. Martin, Jr.
..... Clerk.

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

ATLANTA, MAY 20, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0268
INDUSTRY BUYING GROUP, INC., ET AL V. LEONARD
H. BLOUNT ET AL

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

97023

1B02CV258P

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

MAY 20 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. Mart; JR

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

ATLANTA, MAY 19, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0269
UNITED BLOWER, INC., ET AL V. THOMAS D. HOSKINS

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.

71023

02SC1212

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **MAY-19 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,

The Court of Appeals hereby passes the following order: **MAY 04 2004**

A04I0270. CHRISTINE A. FLUKE v. TERESA K. WESTERMAN, ET AL.

Christine A. Fluke filed this application seeking interlocutory review of the superior court's order granting partial summary judgment to defendant Teresa K. Westerman. A direct appeal may be taken from the grant of a partial motion for summary judgment, even if other parties or issues remain pending below. OCGA § 9-11-56 (h); *Planet Insurance Company v. Ferrell*, 228 Ga. App. 264, 265 (491 SE2d 471) (1997); *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 applicant has not otherwise filed a timely notice of appeal. Because this application was timely filed and because it appears that no notice of appeal has been filed in the case, the application is hereby GRANTED.

Applicant shall have ten days from the date of this order to file a notice of appeal with the trial court. The Clerk of 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*

MAY 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.*

Will. L. Martini, Clerk.

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

ATLANTA, MAY 27, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0271

ROBERT SMITH V. DEBORAH TEFERTILLER ET AL

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

93023

200332174

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 27 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,

The Court of Appeals hereby passes the following order:

MAY 10 2004

A04I0272. Kelley N. Whitener v. The State

Applicant Kelley N. Whitener seeks interlocutory review of the trial court's denial of his motion to suppress. Whitener seeks review of an order of the trial court that was never reduced to writing and filed of record. However, any oral order issued at a 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. OCGA § 5-6-38 (a). "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).

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*

MAY 10 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.*

Will. L. Martin, Jr., Clerk.

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

ATLANTA, MAY 27, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0273

DAVID STANCIL ET AL V. PARAMONT GRADING, INC., ET AL

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

91023

03CV495HS

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 27 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. Martineau

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

ATLANTA, MAY 20, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0274

MIKE DONNALLEY ET AL V. JOSEPH STERLING 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.

70023

ST01CV0190

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 20 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. Jill L. Mait; [Signature]

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

ATLANTA, JUNE 04, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A0410275
STEVEN WEST CUSTOM HOMES, INC., ET AL V. GERALD
G. JUSTICE ET AL

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

92023

2002CV57414

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 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.*

Clerk.

Will. L. Mart; [Signature]

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

ATLANTA, JUNE 08, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0276
AMERICAN WATER HEATER COMPANY F/K/A MOR-FLO
INDUSTRIES, INC., ET AL V. LAVONIA HUMPHRIES ET AL

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

94023

00A674586

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

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

ATLANTA, JUNE 08, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0277
RESORT SERVICES, INC. ET AL V. JAMES P. PRYOR, JR.

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

95024

I023849F

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

JUN 08 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, MAY 28, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0278

ANTONIO THOMAS V. THE STATE

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

96024

03CR39606

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 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, Jr.

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

ATLANTA, JUNE 10, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0279
FRANK CORNELIUS V. LINDA CORNELIUS

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

98024

03A51704

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 10 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. Mart; [Signature]

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

ATLANTA, JULY 13, 2004

The Court of Appeals passed the following order

Case No. A04I0279

FRANK CORNELIUS V. LINDA CORNELIUS

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

98-024
03A51704

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

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: July 31, 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 **S04C1958**

FRANK CORNELIUS v. LINDA CORNELIUS

Clerk, Supreme Court of Georgia

Case No. A04I0279

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

AUG 05 2004

Clerk, Court of Appeals of Georgia

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

ATLANTA, JUNE 07, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0280

BETHEL RICE ET AL V. LYDIA B. WEAVER ET AL

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

97024

2002V602

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 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. Martin

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

ATLANTA, JUNE 08, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0281

KENNETH GARDNER ET AL V. ROGER DALE QUATTLEBAUM

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

71024

ST02CV130

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

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

ATLANTA, JULY 02, 2004

The Court of Appeals passed the following order

Case No. A04I0281

KENNETH GARDNER ET AL V. ROGER DALE QUATTLEBAUM

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

71-024
ST02CV130

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JUL 02, 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.

C. Jill. L. Martin

CLERK'S OFFICE
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

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

Sherie M. Welch, Clerk

(404) 656-3470

Docketing Date: July 21, 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 **S04C1875**

KENNETH GARDNER et al. v. ROGER DALE QUATTLEBAUM

Clerk, Supreme Court of Georgia

Case No. A04I0281

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

JUL 22 2004

Clerk, Court of Appeals of Georgia

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

ATLANTA, JUNE 10, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0282

RADIOSHACK CORPORATION V. BUFORD-CLAIRMONT COMPANY, LTD.

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

90024

2003CV21545

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 10 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. Mart; JR

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

ATLANTA, JUNE 16, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0283

BEN BROWN V. MARIYA MALIKINA

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

93024

01A104885

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 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.

Bill L. Mat; R

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

ATLANTA, JUNE 08, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0284
BENJAMIN WEISSMAN V. THE STATE

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

99024

03CR279692

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 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.

William L. Martini

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

ATLANTA, JUNE 16, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0285
GARY ELIJAH MATHIS V. THE STATE

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

91024

2004C068912

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta* JUN 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. Jill L. Matz; 

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

ATLANTA, JUNE 02, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0286
BFS DIVERSIFIED PRODUCTS, LLC., ET AL V. DUANE
A. ROCHESTER

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

70024

02VS037524F

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

JUN 02 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

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

ATLANTA, FEBRUARY 06, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0176

LORI AINSWORTH ET AL V. WILLIAM PERREAULT ET AL

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

99015

02VS042340C

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. Mait; JR

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **JAN 30 2004**

A04I0177. LANDMARK CHRISTIAN SCHOOL, INC. et al. v. FRED WOZNIAK.

Landmark Christian School, Inc. and the Fellowship of Landmark Christian School, Inc. seek to appeal the denial of their motion for summary judgment. 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 January 6, 2004, so the applicants had until January 16, 2004, to file their application. They filed the application on January 20, 2004, four days late. Accordingly, the application is untimely, this court lacks jurisdiction and the application is hereby DISMISSED.

Court of Appeals of the State of Georgia

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

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

ATLANTA, JANUARY 29, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0178
PATRICIA D. DEEN V. VICKY JENKINS 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.

90016
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.

C. Jill L. Martin

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

ATLANTA, FEBRUARY 18, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0179
GEORGIA DEPARTMENT OF TRANSPORTATION V. CHERYL
DANIELLE MALCOM MCGEE ET AL

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

70015

2001V30756

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

FEB 18 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. Marti, Jr.

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

ATLANTA, APRIL 24, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0180
GWINNETT COUNTY V. HOLMES & NARVER, INC.

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

92015

03A008643

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB 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. Mart; JR

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

ATLANTA, FEBRUARY 18, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0181

GEORGIA DEPARTMENT OF TRANSPORTATION V. BRANDI N. RAY

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

70016

2002V31578

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **FEB 18 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. Mait; JR

Court of Appeals
of the State of Georgia

ATLANTA, FEBRUARY 18, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0182
LINDA HERNANDEZ V. FREDDIE JACKSON

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

94015

02CV01324

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

The Court of Appeals hereby passes the following order:

FEB 25 2004

A04I0183. PHILLIP HENDERSON et al. v. THE STATE.

On January 12, 2004, the Superior Court of Newton County entered an order denying the appellants' consolidated motion to suppress evidence. The trial court certified this order for immediate appellate review effective January 27, 2004, 15 days after the order denying the motion to suppress was entered. For this Court to have jurisdiction to consider an application for interlocutory appeal, a certificate of immediate review must be filed with the trial court within ten days after entry of the order sought to be appealed. OCGA § 5-6-34 (b); *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973). The appellants' failure to have a certificate of immediate review timely filed with the trial court 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 **FEB 25 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.*

Will. L. Maitland, Clerk.

Court of Appeals of the State of Georgia

ATLANTA,

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

A04I0184. THE SERVICE MERCHANDISE COMPANY, INC. v. HUNTER FAN COMPANY.

Kimberly Boss, et al., brought a wrongful death suit against The Service Merchandise Company, Inc. The Service Merchandise Company filed a third party complaint against the Hunter Fan Company which answered as the third party defendant and filed a counter-claim against The Service Merchandise Company. The Service Merchandise Company filed a motion for summary judgment on its third party complaint and the counter-claim; and the Hunter Fan Company filed a motion for partial summary judgment against The Service Merchandise Company as to the issue of contractual indemnity.

On January 15, 2004, the trial court entered an order denying The Service Merchandise Company's motion for summary judgment. On January 21, 2004, the trial court entered an order granting the Hunter Fan Company's motion for partial summary judgment on the issue of contract indemnity.

On January 22, 2004, the trial court granted a certificate of immediate review as to both of its orders. On Monday, February 2, 2004, The Service Merchandise Company asserted in its timely application that the trial court erred in granting partial summary judgment to the Hunter Fan Company and in denying The Service Merchandise Company's motion for summary judgment.

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). Thus, 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). This court will grant a timely application for interlocutory review if the order is subject to direct appeal and the applicant has not otherwise filed a timely notice of appeal. It does not appear that a timely notice of appeal has been filed by The Service Merchandise Company. Accordingly, the above styled application is ordered GRANTED.

Applicant 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 FEB 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.

Will. L. Martin, Clerk.

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

ATLANTA, FEBRUARY 24, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0185
WESLEY PHIL THOMAS V. THE STATE

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

98016

03CR06744

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB 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. Martin, Jr.

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

ATLANTA, MARCH 03, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0186
DANIEL CHARLES CHANDLER V. THE STATE

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

97016

03CR280089

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR 03 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. Mait; JR

**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.

Will. L. Martin, Jr.



SUPREME COURT OF GEORGIA
Case No. S04I0826.

Atlanta

FEB 13 2004

FILED IN OFFICE

FEB 13 2004

The Honorable Supreme Court met pursuant to adjournment.

CLERK COURT OF APPEALS OF GA

The following order was passed:

THOMAS JUDSON TURNER v. THE STATE.

From the State Court of Troup County.

Appellant filed this interlocutory application seeking review of the trial court's January 2, 2004 order disqualifying appellant's counsel, Jackie Patterson, and finding that Patterson could be subpoenaed by the State to testify against appellant in his trial for driving under the influence of alcohol. Although appellant asserts that this Court has jurisdiction because the case involves the issue of whether an attorney has a conflict of interest and thereby invokes this Court's supervisory role over members of the bar, this Court has determined that appeals of orders on motions to disqualify counsel do not invoke this Court's exclusive power to regulate the profession as the appeals do not seek to punish counsel under the disciplinary rules and do not involve the unauthorized practice of law. Accordingly, as this appeal fails to present any basis for invoking this Court's jurisdiction, the appeal must be and hereby is transferred to the Court of Appeals.

RECEIVED IN OFFICE
FEB 13 2004
CLERK COURT OF APPEALS OF GA

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



I hereby certify that the above is a true extract from
The minutes of the Supreme Court of Georgia
Witness my signature and the seal of said court hereto
Affixed the day and year last above written.

Thom M. Smith, Chief Deputy Clerk

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

ATLANTA, FEBRUARY 23, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0188
THOMAS JUDSON TURNER V. THE STATE

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

93016

C03040794B

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **FEB 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.*

Will. L. Mat; ^{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: March 15, 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 **S04C1129**

THOMAS JUDSON TURNER v. THE STATE

Clerk, Supreme Court of Georgia

Case No. A04I0188

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

MAR 15 2004

Clerk, Court of Appeals of Georgia

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

ATLANTA, MARCH 10, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0189

RIALTO CAPITAL PARTNERS, LLC V. WOODLAWN COMMONS, LLC

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

99016

031570440

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 10 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. Martine

**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 written.*

Clerk.

Will. L. Mart; [Signature]

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

ATLANTA, MARCH 05, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0191
REDCO CORPORATION ET AL V. FULTON SMITH

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

92016

2001V18

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.

Will. L. Mat; 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: March 24, 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 **S04C1231**

REDCO CORPORATION et al. v. FULTON SMITH

Clerk, Supreme Court of Georgia

Case No. A04I0191

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

APR 02 2004

Clerk, Court of Appeals of Georgia

**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.
C. Will. L. Mait; JR

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

ATLANTA, MARCH 08, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0193

LEROY VALDEZ V. THE STATE

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

94016

03CR1113

Court of Appeals of the State of Georgia

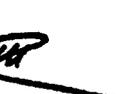
Clerk's Office, Atlanta

MAR 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. Mart; 

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

ATLANTA, MARCH 16, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0194
JOSEPH DRYMAN V. MITCHELL WATTS 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.

95017

SU2002CV3205

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

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0195

RASHAD BROWN V. THE STATE

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

96017

03CR4078

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 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.

C. Will. L. Mait; 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. Mat; 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. Mait; 

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

ATLANTA, MARCH 09, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0198
GEORGIA DEPARTMENT OF TRANSPORTATION V. JAMI
BACKENSTO ET AL

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

97017

02CV2558

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

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

ATLANTA, MARCH 18, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0199

AMERICAN ECONOMY INSURANCE COMPANY V. COMPUTONE, INC. ET AL

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

71017

2001CV46015

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **MAR 18 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,

The Court of Appeals hereby passes the following order: **MAR 17 2004**

A04I0200. REYNOLDS v. CAPITOL RECORDS, INC.

On February 12, 2004, the state court entered an order vacating a previous certificate of immediate review and reissuing the certificate in order to authorize applicant Carlos Methrone Reynolds to apply for an appeal from an order entered on December 15, 2003. Because the certificate of immediate review on which Reynolds relies was not entered within ten days of the order complained of, the application is hereby *dismissed* for lack of jurisdiction. *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973).

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **MAR 17 2004**

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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. Jill L. Martin, Clerk.

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

ATLANTA, MARCH 24, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0201
CORNERSTONE VILLAGE L.P. V. CONERSTONE VILLAGE CONDOMINIUMS
ASSOCIATION, INC. ET AL

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

93017

03A85718

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. Martin

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

ATLANTA, MARCH 16, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0202

FIRST BAPTIST CHURCH OF WOODSTOCK GEORGIA, INC. V. CHERYL LYNETTE
MCRAE ET AL

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

99017

02CV0049

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 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. Mait, Jr.

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **MAR 04 2004**

A04I0203. LILLIE ELIZABETH LONG v. THE STATE.

Lillie Elizabeth Long seeks an interlocutory review of the order denying her motion to suppress. This same order also purports to grant Long a certificate of immediate review.

The order containing the certificate of immediate review is in a check-the-box format, and it does not state any reason for the granting of the certificate of immediate review. An order granting a certificate of immediate review must comply with the statutory requirements of OCGA § 5-6-34 (b). This statute requires that the trial judge “certifies within ten days of entry thereof that the order, decision, or judgment is of such importance to the case that immediate review should be had.”

While the language of the certificate does not have to conform to the exact language of OCGA § 5-6-34 (b), the language used must be in substantial compliance with the statute. *Clayton v. Edwards*, 225 Ga. App. 141, 144 (4) (483 SE2d 111) (1997); *Bibb County v. McDaniel*, 127 Ga. App. 129 (1) (192 SE2d 544) (1972), citing with approval the dissent in *Hodge v. Dixon*, 119 Ga. App. 397 (167 SE2d 377)

(1969); *State Highway Department v. Lord*, 123 Ga. App. 178, 179 (1) (179 SE2d 780) (1971). The order at issue expressly reflects that Lillie Long was granted a certificate of immediate review. But the order is not in substantial compliance with the requirements of OCGA § 5-6-34 (b) as it does not contain any language of certification by the trial court showing the basis for granting the certificate. Compare *Clayton v. Edwards*, supra; *Bibb County v. McDaniel*, supra; *State Highway Department v. Lord*, supra. Accordingly, this application is ordered 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.

Will. L. Martin, Clerk.

**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. Martin

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

ATLANTA, MARCH 18, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0205
JULIE O. LEIBEL V. ROBERT M. FINK

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

94017

2001CV38887

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 18 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. Mart; JR

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order:

MAR 19 2004

A04I0206. LONG v. THE STATE.

Talmadge Long seeks immediate review of an order of the superior court denying his motion to suppress and stating within the form order that the “certificate of immediate review is granted.” To be valid, a certificate of immediate review must constitute an express certification “that the order, decision, or judgment is of such importance to the case that immediate review should be had.” OCGA § 5-6-34 (b). Unfortunately, the trial court’s bare statement that a certificate of immediate review is “granted” does not suffice for this purpose. Compare *Clayton v. Edwards*, 225 Ga. App. 141, 144 (4) (483 SE2d 111) (1997); *Bibb County v. McDaniel*, 127 Ga. App. 129 (1) (192 SE2d 544) (1972). Because the trial court did not certify for the record that the order complained of is of such importance to the case that immediate review should be had, Long’s application for appeal is hereby DISMISSED for lack of jurisdiction.

Court of Appeals of the State of Georgia

Clerk’s Office, Atlanta **MAR 19 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.*

Will. L. Martin, Jr., Clerk.

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

ATLANTA, MARCH 11, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0207

MARVIN A. DEVLIN ET AL V. WILLIE JAMES BOLDEN

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.

96018

2002V0872C

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **MAR 11 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. Mart; JR

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

ATLANTA, MARCH 26, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0208

YOLANDA SUE OXLEY, AS PARENT AND NEXT FRIEND OF

THOMAS BENTON OXLEY, A MINOR V. WILLIAM H. KILPATRICK, M.D., ET AL

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

97018

1999V0961M

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 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.

William 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: April 15, 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 **S04C1348**

YOLANDA SUE OXLEY et al. v. WILLIAM H. KILPATRICK et al.

Clerk, Supreme Court of Georgia

Case No. A04I0208

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

APR 19 2004

Clerk, Court of Appeals of Georgia

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

ATLANTA, APRIL 21, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0209
THE SCRUGGS COMPANY V. GEORGIA FARM BUREAU
MUTUAL INSURANCE CO.

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

71018

2002CV15

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **APR 21 2004**

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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. Jill L. Martin

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

ATLANTA, MARCH 19, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0210
PAUL H. GREENWAY, JR. V. THE STATE

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

90018

S2003CR1016

Court of Appeals of the State of Georgia

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

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

ATLANTA,

The Court of Appeals hereby passes the following order: **MAR 10 2004**

A04I0211. EDNA IRENE HESTER v. THE STATE.

Because this is a pre-conviction appeal in a murder case, this application is ordered TRANSFERRED to the Supreme Court for disposition. *State v. Thornton*, 253 Ga. 524 (1) (322 SE2d 711) (1984).

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **MAR 10 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;  Clerk.

Court of Appeals
of the State of Georgia

ATLANTA, APRIL 05, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0212

HOOVER FOODS, INC. D/B/A WENDY'S RESTAURANT V. CYNTHIA STOR

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

99018

02SC0983

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 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. Martin

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **MAR 12 2004**

A04I0213. Carroll County Board of Education v. Higgins

Applicant Carroll County School District and Eugene Manley (the "County") seek interlocutory review of the trial court's order which denied in part the County's motion for summary judgment. The order the County seeks to review was entered on February 12, 2004. A timely certificate of immediate review was entered on February 20, 2004. This application was filed on March 8, 2004. However, an application for interlocutory appeal must be filed within 10 days after entry of the certificate of immediate review. OCGA § 5-6-34 (b). Because this application was not filed until seventeen days after entry of the certificate of immediate review, this Court lacks jurisdiction to consider this application. Accordingly, this application is ordered DISMISSED.

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.*

C. Will. L. Martz, Jr. Clerk.

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

ATLANTA, APRIL 08, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0214

GEORGIA DEPARTMENT OF TRANSPORTATION V. NICHOLAS J. VERZOC

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

70018

CV021906

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 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. Mart; JR

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

ATLANTA, MARCH 24, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0215
S.C. HANSE V. SHAMONDA PHILLIPS ET AL

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

92018

02VS037493

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. Mart; JR

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

ATLANTA, MARCH 29, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0216
SUPERVALU INC V. KR DOUGLASVILLE, LLC

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.

94018

2002CV56359

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

C. Vill. L. Mait; JR

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

ATLANTA, APRIL 01, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0217
CHEUNG KONG TRADING, INC. D/B/A GRAND BUFFET & GRILL V.
BARBARA WARRICK-SIMS

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.

95019

02A908246

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 01 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
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Clerk.

Will. L. Martin, Jr.

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order:

APR 09 2004

**A04I0218. J. SMITH LANIER & COMPANY v. ACCEPTANCE INDEMNITY
INSURANCE COMPANY.**

J. Smith Lanier & Company has filed a timely application seeking interlocutory review of the order of the superior court granting summary judgment in favor of third party defendant Acceptance Indemnity 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 applicant has not otherwise filed a timely notice of appeal. The above styled application is therefore *granted*.

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

APR 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.*

William L. Martin, Jr., Clerk.

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

ATLANTA, MARCH 29, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0219
KR DOUGLASVILLE, LLC V. SUPERVALU, INC.

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

94019
2002CV56359

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

MAR 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. Will. L. Martin, Jr.

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

ATLANTA, APRIL 06, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0220
WAFFLE HOUSE, INC. V. KATHRYN FRIDLUND

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

98019

02A34654

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 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 written.*

Clerk.

C. Will. L. Martin, Jr.

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

ATLANTA, JUNE 21, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0221

C. BEVERLY LANCE V. CHASTAIN HORSE PARK, LTD

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

97019

2003CV75867

Court of Appeals of the State of Georgia

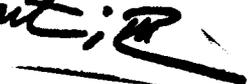
Clerk's Office, Atlanta

JUN 21 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; 

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order:

APR 07 2004

RECEIVED IN OFFICE
2004 MAY 21 AM 11:09
CLERK OF COURT
OFFICE OF THE CLERK
COURT OF APPEALS
STATE OF GEORGIA

A04I0221. C. BEVERLY LANCE v. CHASTAIN HORSE PARK, LTD.

This is a domestic relations case, and the underlying subject matter of this suit pertains to the parties' final judgment and decree of divorce. Amy C. Lance (wife) owns Chastain Horse Park, Ltd. (Chastain). C. Beverly Lance (husband) is the sole trustee of the Lance Family Trust (Trust). Husband and wife were divorced in August 2002. During the course of their marriage, marital funds were loaned to Chastain. The parties' settlement agreement incorporated into their final divorce decree provided that the husband was to pay child support to the wife. The agreement also provided that the wife was to repay the husband's portion of the marital funds loaned to Chastain through a Note and Security Agreement executed in favor of the Trust. The Security Agreement created a security interest in all of the tangible and intangible property and fixtures of Chastain. The Note required Chastain to pay quarterly interest payments beginning in July 2005, and to repay the principal in July 2007.

The husband was in arrears on the child support payments, and the wife filed a contempt action against him. The husband through counsel then sent a demand letter to Chastain alleging that it was in default of the Note and Security Agreement and that the Trust was accelerating the Note. The husband alleged that the wife had admitted in her divorce deposition that Chastain had trouble meeting its financial obligations, and that the Trust had a right to accelerate the Note for its insecurity. The husband also alleged the wife had breached a warranty in the Note stating that there were no other incumbrances on the property, when in fact a prior lien had been filed on the property in favor of the Fulton County Development Authority. Husband then had a notice of public sale for all of Chastain's property published.

The wife then filed a complaint for interlocutory and permanent injunction as a companion case to her still-pending contempt action. The wife contended that no event of default had occurred under the Note, that the husband was causing the acceleration to spite her for filing the contempt action, and that the acceleration was wrongful and without cause. Specifically, the wife contended that the husband knew from the beginning about the UCC-1 filing because he had been instrumental in putting it in place prior to the divorce.

The trial court granted the wife a thirty-day temporary restraining order prohibiting the husband from publishing and conducting a sale of the property on condition, however, that Chastain post a bond for \$250,000.00 within ten days of the order. The wife, however, was unable to post bond. She alleges that although she approached several bonding companies, they all refused to grant bond without significant hurdles because of the "domestic undercurrents" at issue.

After the ten days expired, the husband went forward with the public sale. The Trust was the sole bidder. The husband then caused the Trust to file for a writ of possession. Chastain responded to the motion, arguing inter alia that the Trust was not entitled to the writ because the husband was estopped from asserting any event of default. Specifically, Chastain argued that the husband played a key role in the existence of the prior Fulton County Development authority lien on the property, and that he now seeks to benefit from his own actions that gave rise to the alleged event of default. As such, she argued, equity demands that the husband as trustee be estopped from asserting any alleged event of default under the Note. As such, the court should declare that he was not in a position to sell the property and that his attempted foreclosure be declared void. In response, the husband moved for summary judgment. The court denied the husband's motion for summary judgment on the ground that there are factual issues pertaining to the husband's allegations of default under the Note and Security Agreement. The court also denied the husband's petition for writ of possession.

The husband filed this application for interlocutory appeal from this order. This action, however, is ancillary to the parties' divorce proceeding, a matter within

the Supreme Court's appellate jurisdiction. Ga. Const. of 1983, Art. VI, § VI, Par. III (6); *Ashburn v. Baker*, 256 Ga. 507 (350 SE2d 437) (1986).

Moreover, one of the primary arguments the husband raises on appeal is that the trial court erred in finding a factual issue as to equitable estoppel. "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 are pivotal substantive issues in this case pertaining to the propriety of equitable relief. The Supreme Court also has appellate jurisdiction over all equity cases. Ga. Const. of 1983, Art. VI, Sec. VI, Par. III (2). For the foregoing reasons, this appeal is hereby *transferred* to the Supreme Court for disposition

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

APR 07 2004

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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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Will. L. Martini, Clerk.



SUPREME COURT OF GEORGIA
Case No. S04I1295.

FILED IN OFFICE
~~BY CERTIFIED MAIL~~

MAY 21 2004

CLERK'S OFFICE
GEORGIA COURT OF APPEALS

Atlanta

MAY 20 2004

CLERK'S OFFICE
COURT OF APPEALS
ADMINISTRATION
MAY 21 2004

RECEIVED IN OFFICE
2004 MAY 21 AM 11:07

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

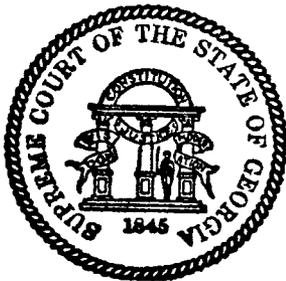
C. BEVERLY LANCE v. CHASTAIN HORSE PARK

From the Superior Court of Fulton County.

C. Beverly Lance, acting as trustee for the Lance Family Trust, filed this interlocutory application seeking review of the superior court's February 24, 2004 denial of the Trust's motion for summary judgment, in which the court found that issues of material fact existed pertaining to the Trust's allegations that Chastain Horse Park, which is owned by Lance's former wife, defaulted on a note and security agreement. The Court of Appeals transferred the application to this Court stating that the appeal invokes this Court's divorce and alimony and equity jurisdiction. In its transfer order, the Court of Appeals asserts that the appeal is ancillary to a divorce action between the Lances in which Lance's former wife agreed that Chastain Horse Park would repay marital funds loaned to the Park by Lance; and that the appeal invokes this Court's equity jurisdiction because one of the primary arguments raised on appeal is the trial court's alleged error in finding a factual issue as to equitable estoppel and because there are pivotal substantive issues in this case pertaining to the propriety of equitable relief.

However, the child support contempt action which was filed by Lance's former wife and which appears to have been the basis for the Trust's subsequent claim of default against the Park is not before this Court, and although the Lances agreed in their divorce action that the Park would repay Lance's portion of marital funds loaned to the Park, a separate note was entered into by the Park and the Trust and it is that note and the Park's and Lance's actions related thereto that are at issue in the instant action. Thus, this appeal does not invoke this Court's divorce and alimony jurisdiction. The appeal also does not invoke this Court's equity jurisdiction as the assertion of a defense of equitable estoppel does not in and of itself invoke this Court's

equity jurisdiction and the case does not present any other issues that would invoke this Court's equity jurisdiction. Redfearn v. Huntcliff Homes Assn., 271 Ga. 745 (524 SE2d 464) (1999); Jones v. Sikes, 161 Ga. 799 (131 SE 900) (1926). Accordingly, as this application fails to present any basis for invoking this Court's jurisdiction, it must be and hereby is returned to the Court of Appeals.



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

I hereby certify that the above is a true extract from
The minutes of the Supreme Court of Georgia
Witness my signature and the seal of said court hereto
Affixed the day and year last above written.

 , Chief Deputy Clerk

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

ATLANTA, APRIL 01, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A0410222

ALAN M. GARDNER, M.D., ET AL V. SHELLY NEWTON DEMPSEY 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.

71019

021165740

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 01 2004

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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.

C. Will. L. Martin, JR

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

ATLANTA, APRIL 06, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0223

FUJI HEAVY INDUSTRIES, LTD., ET AL V. VALISA KERR GUARDIAN
AND REPRESENTATIVE OF JASON WILSON AN INCAPACITATED ADULT

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

90019

2003VS058720

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

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

ATLANTA, APRIL 01, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0224

SHERRIE J. OSBORNE V. KELLY LYNN DALTON ET AL

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

93019

03CV443C

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 01 2004

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the minutes of the Court of Appeals of Georgia*

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

Clerk.

Will. L. Mait; JR

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

ATLANTA, APRIL 13, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0225
NISSHO CORPORATION, ET AL V. HTL SP. Z.O.O.

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

99019

98CV2584S

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **APR 13 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. Marti

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

ATLANTA, JUNE 15, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0287

JOHN F. MICHAELS, M.D., ET AL V. MELVIN WALDRON ET AL

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

92024

02V0239

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

JUN 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 above written.*

Clerk.

Will. L. Martin, JR.

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

ATLANTA, JUNE 18, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0288
METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY
V. JANE DOE

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

94024

2003CV67628

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
the minutes 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 R. Mat... [Signature]

**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.
C. Will. L. Mait; 

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

ATLANTA, JUNE 09, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0290
COASTAL CARS, INC., V. BETTY BROWN

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

96025

CV031414KA

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 09 2004

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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. Mart; JR

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

ATLANTA, JUNE 23, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0291

SETH CALLAWAY ET AL V. MARIE LUMPKIN ET AL

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

98025

I001615G

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.

Will. L. Mait; [Signature]

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

ATLANTA, JUNE 22, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0292
BIBB COUNTY, GEORGIA V. MINI FOOD STORES, INC

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

97025

99CV4980

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 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. Marti, Jr.

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

ATLANTA, JUNE 15, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0294
RICHARD D. GRINER, JR., V. THE STATE

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

90025

R02H256

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 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 above written.*

Clerk.

C. Jill. L. Mait; JR

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

ATLANTA, JUNE 22, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0295

R.A.P. III, LLC ET AL V. BIBB COUNTY, GEORGIA

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

97026

99CV4980

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 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.

Christine L. Mattingly

Court of Appeals of the State of Georgia

ATLANTA,

JUN 15 2004

The Court of Appeals hereby passes the following order:

A04I0296. Carol Samples v. Stanley Richards

Carol Samples filed this application for interlocutory appeal seeking review of the trial court's order denying her motion for summary judgment. The order Samples seeks to appeal was entered in the trial court on April 23, 2004. A certificate of immediate review was signed and entered by the trial court on May 17, 2004. However, 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 entered 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 certificate of immediate review was not entered until 24 days after entry of the order sought to be appealed; therefore, this Court lacks jurisdiction to consider this application. Accordingly, this application is ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 15 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.*

Will. Z. Martineau, Clerk.

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

ATLANTA, JUNE 25, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0297

DAVID LEE WELDON V. THE STATE

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

99025

00B36494

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **JUN 25 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, III

CLERK'S OFFICE
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Sherie M. Welch, Clerk

(404) 656-3470

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

Docketing Date: July 15, 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 **S04C1862**

DAVID LEE WELDON v. THE STATE

Clerk, Supreme Court of Georgia

Case No. A04I0297

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

JUL 22 2004

Clerk, Court of Appeals of Georgia

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

ATLANTA, JUNE 24, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0298

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; JR

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

ATLANTA, JUNE 15, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0300

RALPH BANKS V. THE STATE

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

92025

2003FE485AF

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 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 above written.*

Clerk.

C. Will. L. Martin, Jr.

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

ATLANTA, JUNE 25, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0301

J.S. HUTTO V. JAMES MARION RIGDON

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

94025

03V125

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **JUN 25 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, 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.

95026

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 written.*

Clerk.
William L. Matz, Jr.

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **JUN 23 2004**

A04I0303. Wayne Jordan v. The State

Wayne Jordan filed this application for interlocutory appeal seeking review of the trial court's order denying his motion to suppress. The order Jordan seeks to appeal was entered in the trial court on May 7, 2004. A certificate of immediate review was signed and entered by the trial court on May 24, 2004. However, 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 entered 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 certificate of immediate review was not entered until 17 days after entry of the order sought to be appealed; therefore, this Court lacks jurisdiction to consider this application. Accordingly, this application is ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 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.*

William L. Maitland

....., Clerk.

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

ATLANTA, JULY 01, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0304
GREGORY SHALOM MCDEVITT V. THE STATE

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

98026

03SC07556

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JUL 01 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; III

**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.

71026
991389633

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.

Will. L. Mait; JR

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

ATLANTA, JUNE 29, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0306

SAMUEL L. BOATRIGHT V. AUTO-OWNERS INSURANCE CO.

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

90026

2003S010779

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 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. Marti

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

ATLANTA, JUNE 24, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0307

DONNA RUGGLES V. NISSAN NORTH AMERICA, INC

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

93026

2002A67366

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
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Clerk.

Will. L. Martin

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

ATLANTA, JUNE 25, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0308
MARY R. RODGERS V. PATSY A. WILLIAMS

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.

99026

03CV226210

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 25 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,

The Court of Appeals hereby passes the following order:

JUL 09 2004

A04I0309. RABUN & ASSOCIATES CONSTRUCTION, INC. v. DANIELLE BERRY et al.

A04I0313. JOHN GUDAITIS et al. v. DANIELLE BERRY et al.

The applicants seek immediate review of an order denying their motions for summary judgment and granting the respondents' motion for partial summary judgment. The applicants have also filed notices of appeal from the same order. Because the order is subject to direct appeal under OCGA § 9-11-56 (h), the applications for interlocutory appeal are *dismissed* as superfluous.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 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. Will. L. Martini, Clerk.

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

ATLANTA, JUNE 21, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0310

MICHAEL HARRIS V. THE STATE

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

70026

03B10738

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **JUN 21 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, JULY 08, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0311
WAUSAU BENEFITS, INC. V. ALICIA JONES

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

92026

1B02CV047T

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 08 2004

*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.
William L. Martin

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

ATLANTA, JULY 07, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0312

DANIAL LEON DURBIN V. THE STATE

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

94026

04B12845

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 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.

William Z. Martin

Court of Appeals of the State of Georgia

ATLANTA,

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

A04I0309. RABUN & ASSOCIATES CONSTRUCTION, INC. v. DANIELLE BERRY et al.

A04I0313. JOHN GUDAITIS et al. v. DANIELLE BERRY et al.

The applicants seek immediate review of an order denying their motions for summary judgment and granting the respondents' motion for partial summary judgment. The applicants have also filed notices of appeal from the same order. Because the order is subject to direct appeal under OCGA § 9-11-56 (h), the applications for interlocutory appeal are *dismissed* as superfluous.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **JUL 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. Will. L. Maitland, Clerk.

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

ATLANTA, JULY 08, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0314
AGNES SCOTT COLLEGE, INC V. NIKIA NECOLE CLARK

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.

96027

01CV64717

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 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. Maiti

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

ATLANTA, JULY 13, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0315
COLONIAL PIPELINE COMPANY V. A.A.L., INC.

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

98027

02A101204

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

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: JUN 25 2004

A04I0316. WALTER CLOUGH v. THOMAS E. RICHELO ET AL.

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. In addition to any other issues addressed in the appellate brief of the Appellant or the Appellee, the parties shall address the issue of whether a trial court should be required to make specific findings of fact in support of a ruling disqualifying all the other members of a law firm as advocates in a trial where one member of the firm is likely to be called as a witness. See Rules of Professional Conduct, Rule 3.7 (b) (other lawyer's in firm may advocate in a trial unless precluded from doing so by Rule 1.7 and Rule 1.9).

The Appellant may file a Notice of Appeal within 10 days of this order. The Clerk of the Superior Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 25 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.

Will. L. Martin, Clerk.

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

ATLANTA, JULY 07, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0317
FRANK S. TIDIKIS V. NETWORK FOR MEDICAL COMMUNICATION
& RESEARCH, LLC., 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.

71027

2003CV73220

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

JUL 07 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.

William L. Martin

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

ATLANTA, JULY 07, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0318

EDDIE CANTRELL V. THE STATE

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

90027

04CR0232

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 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. Z. Martin

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

ATLANTA, JULY 09, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0319
MOSTELLER MILL, LTD., V. GEORGIA POWER 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.

93027

03CV1475

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 09 2004

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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,

The Court of Appeals hereby passes the following order: JUN 29 2004

A04I0320. Marvin L. Browner, Sr. v. The Georgia Department of Human Resources

Marvin L. Browner, Sr. filed this application for interlocutory appeal seeking review of the trial court's denial of his "Motion to Set Aside Determination of Paternity," which was a non-final judgment. The order Browner seeks to appeal, which includes a certificate of immediate review, was entered in the trial court on June 1, 2004. 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 case, Browner filed this application on June 16, 2004, fifteen days after the entry 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 JUN 29 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.*

Will. L. Martini, Clerk.

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

ATLANTA, JULY 09, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0321
CAROLYN KELLEY WHITSTINE A/K/A CAROLYN ELIZABETH KELLEY V.
LISA L. WHITSTINE

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

91027

04CV32426

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 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.

C. Jill. L. Martin

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

ATLANTA, JULY 07, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0322
CARTER WILSON 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.

70027

04B09618

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **JUL 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. Z. Martin

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

ATLANTA, JULY 16, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0323

THOMAS A. COCHRAN ET AL V. DEBORAH LEE BOWERS 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.

92027

SC2004CV173

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 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. Will. L. Marti; JR

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

ATLANTA, JULY 09, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0324

CITY OF ATLANTA SCHOOL DISTRICT ET AL V. KANON MCKINNEY

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

94027

03VS045213F

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 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.

C. Jill L. Martin

CLERK'S OFFICE
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

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

Sherie M. Welch, Clerk

(404) 656-3470

Docketing Date: August 19, 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 **S04C2078**

CITY OF ATLANTA SCHOOL DISTRICT et al. v. KANON MCKINNEY

Clerk, Supreme Court of Georgia

Case No. A04I0324

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

AUG 20 2004

Clerk, Court of Appeals of Georgia

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

ATLANTA, JULY 16, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0325
TIMOTHY DUQUETTE V. BRENCOR ASSET MANAGEMENT,
INC., D/B/A MERRITT LANDING APARTMENTS ET AL

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

95028

0201600

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **JUL 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. Will. L. Matier

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: JUN 23 2004

A04I0326. Guin v. Alarm Detection Industries, Inc.

Raymond and Annette Guin filed a timely application seeking interlocutory review of the order of the superior court denying their request for injunctive relief. However, a direct appeal may be taken from the grant or refusal of applications for interlocutory injunctions. OCGA § 5-6-34 (a) (4); *Georgia Power Company v. Hunt*, 266 Ga. 331 (466 SE2d 846) (1996). 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 superior court. The clerk of the superior court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JUN 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, JULY 26, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0327

TENET HEALTHCARE CORPORATION, ET AL V. CHERRYL C. GILBERT
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.

98028

03VS058568D

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 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 written.*

Will. L. Martinez
Clerk

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

ATLANTA, JULY 09, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0328
THE MEDICAL CENTER, INC., ET AL V. HENDERSON E. MCBRIDE,
BNF, KATIE L. MCBRIDE., ET AL

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

97028

SU03CV302

Court of Appeals of the State of Georgia

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

71-028

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

ATLANTA, JULY 16, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0329

MCCALLA, RAYMER, PADRICK, COBB, NICHOLS & CLARK, LLC ET AL

V. MOSER FINANCIAL, LLC

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

71028

2002CV60169

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL 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. Martine

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

ATLANTA, JULY 21, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0330

PERVEZ PASHA 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.

90028

03CR00213G

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JUL 21 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. Marti, Jr.

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

ATLANTA, AUGUST 02, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0331
NATHANIEL WOMBLE V. TRUMAN ATKINS

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.

93028

00CV57311

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

AUG 02 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, JULY 26, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0332

ADVANCE PCS ET AL V. DEBORAH R. BAUER 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.

99028

2003CV70172

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 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.

C. Will. L. Mait; JR

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

ATLANTA, JULY 22, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0333
KELLEY N. WHITENER 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.

70028

04CR0322

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 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. Martin

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

ATLANTA, JULY 15, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0334

THE MEDICAL CENTER OF CENTRAL GEORGIA, INC., ET AL

V. DONALD E. LANDERS 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.

92028

52249

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 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 above written.*

Clerk.

C. Will. L. Martin, Jr.

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

ATLANTA, JULY 20, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0335
BARBARA M. INGRAM ET AL V. GEORGIA TRANSMISSION
CORPORATION

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

94028

03CV1322

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

JUL 20 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. Maitland

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **JUL 13 2004**

A04I0336. C & H BUS LINES, INC. et al. v. DAWN N. SEARCY.

C & H Bus Lines, Inc., William Umbarger, and the Insurance Company of the State of Pennsylvania filed an application for interlocutory review of the order entered on June 7, 2004, denying their motion for summary judgment. On July 2, 2004, the trial court granted a certificate of immediate review. Under OCGA § 5-6-34 (b), a certificate of immediate review must be granted within ten days of the date of entry of the order to which the certificate refers. *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973); *Bowers v. Price*, 168 Ga. App. 125, 126 (308 SE2d 420) (1983). Because the certificate of immediate review was not granted within the ten days provided, this Court is without appellate jurisdiction to consider this application. This is not altered by the presence in the application of an order entered on July 2, 2004, vacating the June 7, 2004 order and reissuing the order denying applicants' motion for summary judgment, because there is no certificate of immediate review referring to this order. Therefore, this application is ordered DISMISSED.

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

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

ATLANTA, AUGUST 02, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0337

THE MEDICAL CENTER OF CENTRAL GEORGIA, INC. V. JAMES B. SMITH

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

95029

51969

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 02 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: **JUL 09 2004**

A04I0338. Directv, Inc. v. Busbia

Applicant Directv, Inc. filed this application for interlocutory appeal seeking review of the trial court's order denying its motion for summary judgment. The order Directv seeks to appeal was entered in the trial court on June 15, 2004. A certificate of immediate review was entered in the trial court on June 28, 2004. However, 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 entered 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 certificate of immediate review was not entered until 13 days after entry of the order sought to be appealed; therefore, this Court lacks jurisdiction to consider this application. Accordingly, this application is ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 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.*

William L. Maitland, Clerk.

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: JUL 26 2004

A04I0339. EARL LINES et al. v. CITY OF BAINBRIDGE

The applicants filed this application for interlocutory appeal, seeking review of an order granting the respondent City of Bainbridge's motion for summary judgment and motion for partial summary judgment. The grant of summary judgment or partial summary judgment is reviewable by direct appeal if the notice of appeal is filed within 30 days of the rendition of such judgment. OCGA § 9-11-56 (h); *Olympic Dev. Group v. American Druggists' Ins. Co.*, 175 Ga. App. 425 (1) (333 SE2d 622) (1985). The order in this case is thus directly appealable and is not subject to the interlocutory appeal requirements. This Court will grant an otherwise timely interlocutory application if the order is subject to direct appeal and the applicant has not timely filed a notice of appeal. Accordingly, this application is ordered GRANTED. The applicants shall have ten days from the date of this order to file a notice of appeal with the trial court. The Clerk of the Superior Court of Decatur County 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 JUL 26 2004
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.*

C. Will. L. Maitland, Clerk.

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

ATLANTA, JULY 20, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0340
TROY O'HEARN ET AL V. RUIS BATES ET AL

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

97029

04CV2399

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL 20 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,

The Court of Appeals hereby passes the following order: **JUL 26 2004**

A04I0341. OHIC INSURANCE COMPANY v. RENEE SNEAD ET AL.

OHIC Insurance Company seeks to appeal the partial denial of its summary judgment motion. The order was entered June 17, 2004. A certificate of immediate review was signed June 28, 2004 and filed with the clerk June 29, 2004. At the bottom of the certificate, the trial court judge wrote, "Entered this 28th day of June, 2004 at 3:05 p.m."

A certificate of immediate review 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). Since June 27, 2004, the tenth day after entry of the order partially denying summary judgment, was a Sunday, OHIC had until Monday, June 28, 2004 to secure entry of the certificate. Court of Appeals Rule 3. The certificate entered June 29, 2004 is one day late.

Even if the Court were to construe the June 28, 2004 handwritten notation as the date of entry of the certificate, OHIC's application, filed on July 9, 2004, eleven days later, is untimely. An application for interlocutory review must be filed within ten days after the certificate of immediate review is granted. OCGA § 5-6-34 (b). For these reasons, OHIC'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

JUL 26 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.*

Will. L. Martin, JR., Clerk.

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

ATLANTA, AUGUST 05, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0342

LEGACY PLACE, L.P. V. FIVE STAR CONSTRUCTION CO.

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.

90029

03A18068

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 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.

William L. Martin

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **AUG 05 2004**

**A04I0343. INTERFINANCIAL MIDTOWN, INC. v. CHOATE
CONSTRUCTION COMPANY.**

Interfinancial Midtown, Inc., seeks immediate review of an order entered on June 22, 2004, denying its motion for summary judgment. The matter was timely certified for immediate review on July 2, 2004. Although applicant submitted its brief to this court on July 12, 2004, no exhibits were included with the submission. The applicant instead moved to be allowed to file the exhibits the following day, explaining that the copying machine on which it relied had broken before the exhibits could be copied. Court of Appeals Rule 30 (b) states that “[a]pplications for interlocutory appeal shall contain a jurisdictional statement and have attached a stamped ‘filed’ copy of the court’s order to be appealed and a stamped ‘filed’ copy of the certificate of immediate review.” Court Rule 30 (e) provides that “[n]o extension of time shall be granted for filing of interlocutory applications or responses to interlocutory applications.” Because an application meeting the minimal requirements of Rule 30 was not received by this court until July 13, 2004, eleven days after the filing of the certificate of immediate review, this application is untimely and is therefore *dismissed* without prejudice for lack of jurisdiction. OCGA § 5-6-34 (b).

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **AUG 05 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. Martin, Jr.
....., Clerk.

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

ATLANTA, JULY 27, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0344

JANWYCK, LTD V. JOHN A. ADDISON, JR., ET AL

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

99029

03SV1492N

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 27 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, AUGUST 10, 2004

The Court of Appeals passed the following order

Case No. A04I0344

JANWYCK, LTD V. JOHN A. ADDISON, JR., ET AL

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

99-029
03SV1492N

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

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **AUG 11 2004**

A04I0345. NAVAJO CONSTRUCTION, INC. v. ALLEN BRIGHAM et al.

Navajo Construction, Inc. filed this interlocutory application from the superior court's June 24, 2004 order granting partial summary judgment to Allen and Amy Brigham. Under OCGA § 9-11-56 (h), "[t]he grant of partial summary judgment as to one or more but fewer than all the claims or parties is reviewable by direct appeal if the notice of appeal is filed within 30 days of the rendition of such judgment." *Olympic Dev. Group v. American Druggists' Ins. Co.*, 175 Ga. App. 425 (1) (333 SE2d 622) (1985). The order in this case is thus directly appealable and is not subject to the interlocutory appeal requirements. This Court will grant an otherwise timely interlocutory application if the order is subject to direct appeal and the applicant has not timely filed a notice of appeal. The applicant asserted in its application that it in fact filed a timely notice of appeal from the order at issue. The Clerk of this Court has confirmed with the Clerk of the Superior Court of Floyd County that the applicant in fact filed a timely notice of appeal on July 13, 2004. Accordingly, this application is ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 11 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. Martin, III, Clerk.

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

ATLANTA, JULY 21, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0346
SCOTTY'S INC., V. BYRON A. STEPHENS, JR.

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

70029

CV991417AB

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 21 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

CLERK'S OFFICE
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

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

Sherie M. Welch, Clerk

(404) 656-3470

Docketing Date: August 10, 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 **S04C2039**

SCOTTY'S, INC. v. BYRON A. STEPHENS, JR.

Clerk, Supreme Court of Georgia

Case No. A04I0346

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

AUG 16 2004

Clerk, Court of Appeals of Georgia

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

ATLANTA, AUGUST 04, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0347

GEORGIA 400 INDUSTRIAL PARK, INC., ET AL V. DEPARTMENT OF
TRANSPORTATION

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.

92029

04CV0656

Court of Appeals of the State of Georgia

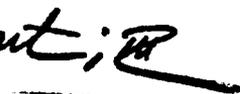
Clerk's Office, Atlanta

AUG 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. Mait; 

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **JUL 30 2004**

A04I0348. SUSANNE E. FIX, M. D. ET AL. v. PHILLIP W. MCALLISTER ET AL.

Dr. Susanne E. Fix filed this application for interlocutory appeal, seeking review of an order granting the defendants' motion for partial summary judgment. A direct appeal may be taken from the grant of a partial summary judgment, even if other parties or issues remain pending below. OCGA § 9-11-56 (h). Moreover, other orders entered in the case are likewise directly appealable pursuant to OCGA § 5-6-34 (d).

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. Because this application was timely filed and because it appears that no notice of appeal has been filed in the case, the application is hereby GRANTED.

Applicant shall have ten days from the date of this order to file a notice of appeal with the trial court. The Clerk of 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

JUL 30 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.*

Will. L. Maitland, Clerk.

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

ATLANTA, AUGUST 11, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0349
RAIN & HAIL INSURANCES SERVICES, INC., ET AL V.
JEFF VICKERY 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.

95030

1J02CV031T

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **AUG 11 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. Matz; JR

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

ATLANTA, AUGUST 06, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0350
OCHLOCKNEE COMMUNITY CIVIC CLUB, INC V. ARTHUR
J. SHEFLER, ADMINISTRATOR OF THE ESTATE OF MARY
EDNA ZEIGLER

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

96030

01CV1158

Court of Appeals of the State of Georgia

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

Clerk.
Will L. Mast...

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

ATLANTA, AUGUST 06, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0351

THE TOWN OF OCHLOCKNEE, GEORGIA V. MARY ZEIGLER

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

96031

01CV1158

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 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.*

W. L. Martineau
Clerk

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

ATLANTA, AUGUST 18, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0352
MATRA SYSTEMS, INC., ET AL V. DOUGLAS W. DEAL

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

98030

03A137828

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **AUG 18 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.

Bill L. Mat...

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

ATLANTA, AUGUST 03, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0353

AMY HERRING V. THE STATE

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

97030

2004CR410

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **AUG 03 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, AUGUST 12, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0354

MICHAEL PRICE ET AL V. ERNST & YOUNG, LLC., 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.

71030

2003CV73572

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 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 written.*

Clerk.

Will. L. Maiti

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

ATLANTA, AUGUST 12, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0355
MARKHEALL JACKSON V. THE STATE

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

90030

CR0300624063

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 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
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Clerk.

Will L. Martin

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

ATLANTA, AUGUST 27, 2004

The Court of Appeals passed the following order

Case No. A04I0355

MARKHEALL JACKSON V. THE STATE

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

90-030
CR0300624063

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta AUG 27, 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. Marti, Jr.

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

ATLANTA, AUGUST 25, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0356

PUGMIRE LINCOLN-MERCURY, INC. V. WILLIE A. MORRIS

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

93030

981248424

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 25 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, AUGUST 23, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0357
SAM CLINKSCALES, JR., ET AL V. HARBOR SPECIALTY INSURANCE
COMPANY

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

99030

2002V130

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 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.

Will. L. Martin, Jr.

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

ATLANTA, AUGUST 25, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0358

IRA D. GINGOLD ET AL V. TIMOTHY L. 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 State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

91030

03A068426

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 25 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, AUGUST 17, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0359
GEORGIA INTERLOCAL RISK MANAGEMENT AGENCY
V. DOROTHY GODFREY 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.

70030

2002CV0319

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

AUG 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.

Will. L. Martin, Jr.

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

ATLANTA, AUGUST 23, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0360
GEORGIA DEPARTMENT OF TRANSPORTATION V. TRAY
EUGENE CANADY

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

92030

2002SUV833

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **AUG 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. Marti; R

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

ATLANTA, AUGUST 23, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0361

GEORGIA FORESTRY COMMISSION V. TRAY EUGENE CANADY

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.

92031

2002SUV833

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 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 written.*

Clerk.

William L. Martin, Jr.

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

ATLANTA, AUGUST 26, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0362

EDWIN TIMOTHY DUVALL ET AL V. WARREN ROGER THOMAS 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.

94030

04CV43429

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 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 written.*

Clerk.

C. Will. L. Martin, Jr.

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

ATLANTA, AUGUST 27, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0363
LITT MORTGAGE, INC., D/B/A SELECT MORTGAGE
V. LILBURN MERCHANTS WALK, INC

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

95031

04A33202

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

AUG 27 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

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **AUG 26 2004**

A04I0364. Jordan v. The State

Wayne Jordan filed this application for interlocutory appeal seeking review of the trial court's order denying his motion to suppress. The application does not contain a stamped "filed" copy of the order appealed from as required by Court of Appeals Rule 30 (b). On August 4, 2004, this Court ordered Jordan to supplement his application with a stamped "filed" copy of the order within 10 days, or the application would be dismissed. No stamped "filed" order has been filed within the time allowed. Therefore, this application is ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 26 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.*

Will. L. Martini Clerk.

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

ATLANTA, AUGUST 31, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0365

FAST PETROLEUM, INC., ET AL V. CATOOSA COUNTY, GEORGIA

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

97031

03CV00250

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 31 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. Mart; R

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

ATLANTA, AUGUST 30, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0366
GEORGIA FARM BUREAU MUTUAL INSURANCE COMPANY
ET AL V. LEWIS RAY BENNETT ET AL

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

71031

99C231

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **AUG 30 2004**

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

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hereto affixed the day and year last above written.*

Clerk.

Jill L. Martin, Clerk

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

ATLANTA, AUGUST 20, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0367

BOBBY L. JAMES V. HOSPITAL AUTHORITY OF THE CITY OF
BAINBRIDGE ET AL

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

90031

04CV217

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **AUG 20 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; R

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

ATLANTA, AUGUST 27, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0368
BRIAN KEITH BRAGG V. THE STATE

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

93031

2003CR0078S

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **AUG 27 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, SEPTEMBER 07, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0369

PAUL MCCULLOUGH ET AL V. SOUTHLAND HOMES CORPORATION

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

99031

031991018

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **SEP 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, SEPTEMBER 01, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0370
BERNARD MITCHELL V. THE STATE

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

91031

03SC07065

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 01 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, SEPTEMBER 30, 2004

The Court of Appeals passed the following order

Case No. A04I0370

BERNARD MITCHELL V. THE STATE

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

91-031
03SC07065

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta SEP 30, 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. 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 19, 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 **S05C0317**

BERNARD MITCHELL v. THE STATE

Clerk, Supreme Court of Georgia

OCT 26 2004

Case No. A0410370

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

Clerk, Court of Appeals of Georgia

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **AUG 17 2004**

**A04I0372. UNIGROUP, INC., PARENT COMPANY OF UNITED VAN LINES
D/B/A TROWBRIDGE MOVING & STORAGE COMPANY v. JAMES
A. PALMER.**

On July 30, 2004, Unigroup, Inc., Parent Company of United Van Lines, d/b/a Trowbridge Moving & Storage Company forwarded an application for interlocutory review to this Court seeking to appeal an order entered on July 12, 2004. The application could not be filed because the accompanying copy of the certificate of immediate review did not contain the signature of the trial court.

On August 9, 2004, a senior judge of the DeKalb Superior Court, sitting by designation, signed a certificate of immediate review certifying for immediate review the order entered on July 12, 2004. Although it was certified in this certificate that a certificate of immediate review had been signed and filed in the Superior Court of DeKalb County on July 21, 2004 and that the Superior Court was unable to locate the original signed copy of that certificate, it was also expressly ruled therein that the certificate of immediate review, granted on July 21, 2004 is vacated and the new certificate of immediate review is to be entered in its place nunc pro tunc to July 21, 2004. Affixed to the certificate of immediate review signed on August 9, 2004 is a "filed" stamp dated August 9, 2004 that has been crossed out and another "filed" stamp bearing a date of July 21, 2004 purporting to be the date the certificate of immediate review was deemed filed in the office of the clerk of the superior court.

Apparently, the certificate of immediate review signed on August 9, 2004 was entered nunc pro tunc and the original certificate of immediate review vacated because the trial court recognized that under OCGA § 5-6-34 (b), a certificate of

immediate review must be duly granted within 10 days of the date of the order sought to be appealed. The effect of this corrective action is to leave in full force and effect only one certificate of immediate review that being the one signed on August 9, 2004 nunc pro tunc to July 21, 2004. But “[a] nunc pro tunc certificate of immediate review is without efficacy to support an appeal.” *Whitlock v. State*, 124 Ga. App. 599 hn. 1 (185 SE2d 90) (1971). The nunc pro tunc certificate of immediate review was signed and dated long after the expiration of the ten-day period required by OCGA § 5-6-34 (b). “A nunc pro tunc entry of a certificate of immediate review cannot revive a right of appeal which has expired.” *Id.* at 601 (1). Accordingly, as no certificate of immediate review remains in full force and effect in this case that has been granted within 10 days of the date of entry of the order sought to be appealed, this Court is without appellate jurisdiction over this appeal.

The trial court apparently was attempting to compensate for the missing original signed certificate of immediate review in a manner that would enable the applicant to obtain a consideration of its application by this Court. We are not presented in this instance with a situation where a motion to reconsider the order entered on July 12, 2004 was granted and upon reconsideration the order was re-entered followed by a timely grant of a certificate of immediate review. As this Court lacks appellate jurisdiction over this application in its current form, it is ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 17 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. L. Maitland, Clerk.

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order **AUG 19 2004**

A04I0373. LOW COUNTRY CUSTOM HOMES, INC. et al. v. DEL REED et al.

After Del Reed filed this divorce action against Erie Reed, Ms. Reed added Low Country Custom Homes, Inc. and Barbara Patronis, its sole shareholder, as third-party defendants on the ground that Mr. Reed is a *de facto* owner of the company. An award in Ms. Reed's favor would be indistinguishable from any property settlement and alimony awarded in connection with the dissolution of the marriage. Because the order sought to be appealed is an order in a divorce case, this Court lacks jurisdiction to consider this appeal. Appellate jurisdiction lies in the Supreme Court which has exclusive jurisdiction over appeals in divorce cases. Ga. Const. of 1983, Art VI, § VI, Par. III (6). Therefore, this appeal is hereby TRANSFERRED to the Supreme Court for disposition.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 19 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.*

Will. L. Martini, Clerk.

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

ATLANTA, SEPTEMBER 01, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0374
EARL REECE, ET AL V. MARY TURNER

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

96032

2003A42674

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 01 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, SEPTEMBER 13, 2004

The Court of Appeals hereby passes the following order:

APPLICATION NO. A04I0375

NORCROSS SUPPLY COMPANY ET AL V. ROGER LUNDGREN

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

98032

03C1249755

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 13 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
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Clerk.

C. Jill L. Mait; 