

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

ATLANTA,            OCTOBER    04, 2004

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

APPLICATION NO.        A05I0040

ALEXIS HILL V. THE STATE

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

98004

2003R0088

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

**OCT 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,            OCTOBER    20, 2004

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

APPLICATION NO.        A05I0037

PEEK PAVEMENT MARKING, INC., ET AL V. JERRY GROSCH ET AL

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

95004

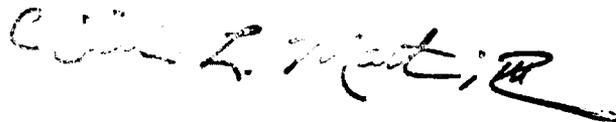
03V506

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*    **OCT 20 2004**

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

Clerk.

A handwritten signature in black ink, appearing to read "C. L. [unclear]", is written over the printed word "Clerk." The signature is cursive and somewhat stylized.

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

ATLANTA,            OCTOBER    14, 2004

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

APPLICATION    NO.            A05I0038

ATLANTA GAS LIGHT COMPANY V. BREY BARRETT ET AL

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

96004

03VS0528190

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta    **OCT 14 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,            OCTOBER    20, 2004

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

APPLICATION NO.        A05I0039  
EVERETT DYKES GRASSING COMPANY, INC., V. JERRY GROSCH  
ET AL

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

95005  
03V506

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*    **OCT 20 2004**

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Clerk.



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

ATLANTA,            OCTOBER    12, 2004

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

APPLICATION NO.        A05I0029

NDC PINNACLE HOUSING, L.L.C., ET AL V. INTRADEL UNION

(RG) L.L.C., ET AL

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

70003

03CVJFL001

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 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. Matijer*

# Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **OCT 07 2004**

## **A05I0030. GEORGIA FARM BUREAU MUTUAL INSURANCE COMPANY v. GAY, et al.**

Georgia Farm Bureau (“GFB”) has filed an application for interlocutory appeal from an order “which denied GFB’s motion for summary judgment, in part.” GFB asserts that “[i]n light of the decision of the Georgia Supreme Court in *Southeast Ceramics, Inc. v. Klem*, 246 Ga. 294 (1980), GFB’s application for interlocutory appeal would seem to be redundant since the *Klem* decision appears to allow GFB to bring a direct appeal for the denial, in part, of its motion for summary judgment along with the direct appeal of the granting, in part, of summary judgment against it.” We conclude, however, that *Klem* has no application here since every ruling in the order complained of is subject to direct appeal. Collectively and individually, the trial court’s rulings are declarations that are appealable as a matter of right. “Declaratory judgments ‘have the force and effect of (final judgments) and (are) reviewable as such.’ OCGA § 9-4-2 (a); [Cit.]” *Sunstates Refrigerated Svcs. v. Griffin*, 215 Ga. App. 61, 62 (1) (449 SE2d 858) (1994). Furthermore, the trial court declared its order final as to the matters addressed therein in the manner authorized under OCGA § 9-11-54 (b). Where the trial court makes such a determination, the judgment is final and ripe for direct appeal. *Culwell v. Lomas & Nettleton Co.*, 242 Ga. 242, 243 (248 SE2d 641) (1978). It follows that the interlocutory appeal procedure is wholly inapplicable here.

“This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicants have not otherwise filed a notice of appeal.” *Spivey v. Hembree*, \_\_\_ Ga. App. \_\_\_, n.1 (Appeal No.

A04A1501, decided July 14, 2004). Because GFB indicates that it has already filed a notice of appeal from the order complained of, its application for interlocutory appeal is hereby *dismissed* as superfluous.

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

OCT 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.*

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

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **SEP 22 2004**

**A05I0031. Georgia Farm Bureau Mutual Insurance Company v. William Lee Noegel**

Georgia Farm Bureau Mutual Insurance Company ("Farm Bureau") filed this application seeking interlocutory review of the trial court's order which granted partial summary judgment to William Lee Noegel, individually and on behalf of all other persons or entities similarly situated, and denied Farm Bureau's cross motion for summary judgment on all issues. However, a direct appeal may be taken from the grant of 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). While this court will grant a timely application for interlocutory appeal if the order is subject to direct appeal and the applicant has not otherwise filed a timely notice of appeal, in this case Farm Bureau has filed such a timely notice of appeal. Therefore, the application is superfluous and is ordered DISMISSED

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 22 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,

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

OCT 07 2004

**A05I0032. AMERICAN MEDICAL SECURITY GROUP INC. ET AL. v.  
STEPHEN PARKER ET AL.**

The applicants in this case have filed a motion to transfer this application for interlocutory appeal to the Supreme Court. Two earlier direct appeals in the same case are presently pending in that Court. See S04A1995 and S04A2010. Because the Supreme Court denied a motion to transfer those appeals to this Court and has determined that it may exercise jurisdiction over the case, judicial economy dictates transferring this application for interlocutory appeal to that Court. Accordingly, the applicants' motion to transfer is hereby GRANTED, and this application is hereby TRANSFERRED to the Supreme Court.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

OCT 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.*

*Will. L. Martini*, Clerk.

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

ATLANTA, SEPTEMBER 30, 2004

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

APPLICATION NO. A05I0033

PEREZ BLACKMON 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.

92003

2004098

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 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.*

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

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **SEP 20 2004**

**A05I0034. THERESA METZGER v. AMERICREDIT FINANCIAL SERVICES, INC.**

Theresa Metzger seeks immediate review of an order partially granting Americredit Financial Services, Inc.'s motion for summary judgment. A direct appeal may be taken from the grant of a motion for partial summary judgment. OCGA § 9-11-56 (h); *Smith v. Tommy Roberts Trucking Co.*, 209 Ga. App. 826, 827 (1) (435 SE2d 54) (1993). This court will grant a timely application for interlocutory appeal if the order is subject to direct appeal and the applicant has not otherwise filed a timely notice of appeal. *Spivey v. Hembree*, \_\_\_ Ga. App. \_\_\_ (\_\_\_ SE2d \_\_) (Case No. A04A1501, decided July 14, 2004). This application is therefore *granted*.

Metzger shall have ten days from the date of this order to file a notice of appeal in the superior court. The clerk of the superior court is directed to include a copy of this order in the record transmitted to this court.

*Court of Appeals of the State of Georgia*

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

*William L. Matzger*, Clerk.

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

ATLANTA,            OCTOBER    12, 2004

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

APPLICATION NO.        A05I0035

RIVER BEND GUN CLUB, INC., V. KEVIN GLISSON ET AL

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

99003

2003A25766

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 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. Jill L. Martin; JR*

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

ATLANTA,                    OCTOBER    18, 2004

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

APPLICATION NO.            A05I0036

ALLEN MATTHEWS TRAPP, JR. V. THE STATE

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

94003

S2004CR22

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 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. Matz, Jr.*

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

ATLANTA,                      OCTOBER      25, 2004

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

APPLICATION NO.            A05I0041  
ORFAEL ESTRADA ET AL V. THE STATE

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

90004

0392299

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      **OCT 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; [Signature]*

# Court of Appeals of the State of Georgia

ATLANTA,

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

**A05I0042. BRANDI DOCTOROFF v. JAZMIN PEREZ.**

Plaintiff Brandi Doctoroff filed this application for interlocutory appeal, seeking review of an order granting defendant Jazmin Perez's 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).

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 this 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 State Court is directed to include a copy of this order in the appeal record transmitted to this Court.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **SEP 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,            OCTOBER    25, 2004

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

APPLICATION NO.        A05I0043  
ARTEMIO ARELLANO VELAZQUEZ V. THE STATE

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

90005

0392299

*Court of Appeals of the State of Georgia*

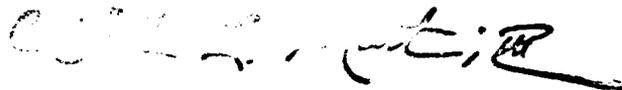
*Clerk's Office, Atlanta*

**OCT 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.*



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

ATLANTA, SEPTEMBER 10, 2004

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

APPLICATION NO. A05I0002

BARBARA J. HINES-RUSSELL ET AL V. TONSHAY RUFUS

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

96001

I022446F

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 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.*

*William 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. A05I0003

KEITH HAZLEY V. THE STATE

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

98001

M2003337F

*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*

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

ATLANTA, SEPTEMBER 07, 2004

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

APPLICATION NO. A05I0004  
THE MONEY TREE, INC V. LEKEISHA OSBORNE

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

90001

03CV208

*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 written.*

*Clerk.*

*William L. Martin, III*

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

ATLANTA, SEPTEMBER 10, 2004

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

APPLICATION NO. A05I0005

PHILIP H. WEENER ET AL V. STEVEN B. WADLEY ET AL

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

70001

2002CV63382

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 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. Marti*

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

ATLANTA, SEPTEMBER 10, 2004

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

APPLICATION NO. A05I0006  
JENNIFER DUNN ET AL V. NEIL KIRSTEN

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.

97001

2001A83323

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 10 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 written.*

*Clerk.*

*Will. L. Martin*

# Court of Appeals of the State of Georgia

ATLANTA,

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

## **A05I0007. John Vanleuven v. The State**

Applicant John Vanleuven seeks interlocutory review of the trial court's denial of his Motion to Set Bond. The order Vanleuven seeks to appeal was entered in the trial court on July 15, 2004. A certificate of immediate review was signed by the trial court judge on August 6, 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, although the certificate of immediate review contained in this application does not show the date "filed" with the trial court, because the trial court judge signed the document more than ten days after entry of the order sought to be appealed, the certificate of immediate review is untimely. 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* **AUG 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. Martini*, Clerk.

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

ATLANTA, SEPTEMBER 09, 2004

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

APPLICATION NO. A05I0008  
CENTER DEVELOPERS, INC., ET AL V. MAY DEPARTMENT STORES,  
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.

91001

|           |           |           |           |
|-----------|-----------|-----------|-----------|
| 911297340 | 911297440 | 911297540 | 911297840 |
| 911298040 | 911298140 | 911298240 | 921524940 |

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **SEP 09 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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*Clerk.*

*Will. L. Martin, Jr.*

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

ATLANTA,

*The Court of Appeals hereby passes the following order:* **AUG 27 2004**

**A05I0009. BEERS SKANSKA, INC., ET AL v. JAMES FRANKLIN SMITH.**

On August 18, 2004, Defendant Beers Skanska, Inc., filed an application for interlocutory review of the order, entered on August 4, 2002, denying in part its motion for summary judgment. The certificate of immediate review was granted by the trial court on August 4, 2004.

Under OCGA § 5-6-34 (b), an application for interlocutory review must be filed within ten days of the date that the certificate of immediate review is filed or entered. See *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973); *Genter v. State*, 218 Ga. App. 311 (460 SE2d 879) (1995); *Bowers v. Price*, 168 Ga. App. 125, 126 (308 SE2d 420) (1983); *Laurens County v. Dixon*, 133 Ga. App. 727, 728 (213 SE2d 26) (1975).

Because Beers Skanska, Inc., failed to file its application within ten days of the date that the certificate of immediate review was filed or entered, the application is untimely and this Court is without jurisdiction to consider it. See *Graves v. Dean*, 166 Ga. App. 186 (303 SE2d 751) (1983); see also *Genter v. State*, supra. Accordingly, the application for interlocutory appeal is ordered DISMISSED.

*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.*

*C. Will. L. Martini*, Clerk.

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

ATLANTA, SEPTEMBER 10, 2004

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

APPLICATION NO. A05I0010  
SATILLA HEALTH SERVICES, INC., D/B/A SATILLA REGIONAL  
MEDICAL CENTER V. LONZO SINCLAIR ET AL

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

93001

0001370

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 10 2004**

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*Clerk.*

*Will. L. Mat; JR*

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

ATLANTA,                      SEPTEMBER 13, 2004

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

APPLICATION NO.            A05I0011  
DARRIN JEWEL NICHOLS V. THE STATE

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

99001

049137340

*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  
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, SEPTEMBER 20, 2004

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

APPLICATION NO. A05I0012

UNIVERSAL WRESTLING CORPORATION, F/K/A WORLD

CHAMPIONSHIP WRESTLING, INC V. TERRY BOLLEA, P/K/A

" HULK HOGAN "

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

94001

2002CV60899

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 20 2004**

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

*Will. L. Mat; JR*

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

ATLANTA, SEPTEMBER 10, 2004

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

APPLICATION NO. A05I0013

DAVID R. PERRY V. JANET HEITMULLER ET AL

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

95002

991667740

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

*Will. L. Martin*

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

ATLANTA, SEPTEMBER 09, 2004

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

APPLICATION NO. A05I0014  
LIFE INSURANCE COMPANY OF GEORGIA V. INSLEY MEEKS

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.

96002

I011798FO

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 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  
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*Clerk.*

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

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

ATLANTA, SEPTEMBER 13, 2004

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

APPLICATION NO. A05I0015  
SHANNON BEIGHLEY V. JOYCE VIDAL, INDIVIDUALLY AND AS  
NEXT FRIEND OF CARLOS MARCELLO VIDAL, A MINOR

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

98002

02V0253

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

*Clerk.*

*Will. L. Mart; R*

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

ATLANTA, SEPTEMBER 09, 2004

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

APPLICATION NO. A05I0016  
THE KROGER CO. V. RUBY 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 State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

90002

04C016464

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 09 2004**

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

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

*Clerk.*

*Will. L. Martin, III*

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

ATLANTA, SEPTEMBER 10, 2004

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

APPLICATION NO. A05I0017  
GEORGE BERNARD DANIELS V. THE STATE

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

70002

CR040346FR

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 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.*

*William L. Martin, Jr.*

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

ATLANTA,

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

**A05I0018. MARSH v. THE STATE.**

Tommy Ray-Brent Marsh seeks immediate review of two orders entered on August 17, 2004, denying Marsh's motion to dismiss, general demurrers and special demurrers as to several of the charges against him. Marsh argued, among other things, that the statute criminalizing burial service fraud, OCGA § 10-14-7 (b) (1), is void for vagueness because the term "burial service" is not adequately defined. The superior court specifically rejected Marsh's contention in one of the orders certified for immediate review. Marsh specifically enumerates this ruling in his application for interlocutory appeal. Because the Supreme Court has exclusive appellate jurisdiction in cases in which the constitutionality of a statute has been drawn into question, this appeal is hereby *transferred* to the Supreme Court for disposition. Ga. Const. of 1983, Art. VI, § VI, ¶ II (1); *Bohannon v. State*, 269 Ga. 130 (497 SE2d 552) (1998).

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

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

APPLICATION NO. A05I0019  
LESLIE REGINA MADISON F/K/A LESLIE R. PLUMMER  
V. DARRELL PLUMMER, SR.

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

71002

200310915

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 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. Martin*

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

ATLANTA,

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

**A05I0020. SHIRLEY SWEAT v. JERRY BAKER.**

On August 17, 2004, the Superior Court of Clinch County entered an order granting Jerry Baker's motion for leave to add additional defendants to this lawsuit. The trial court certified this order for immediate appellate review effective August 30, 2004, thirteen days after the order granting the motion 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). Shirley Sweat's 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* **SEP 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.*

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

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

ATLANTA, SEPTEMBER 14, 2004

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

APPLICATION NO. A05I0021

ARTHUR MCDONALD ET AL V. FERGUSON ENTERPRISES, 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.

92002

03V0839

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 14 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. L. Martin*

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

ATLANTA, SEPTEMBER 27, 2004

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

APPLICATION NO. A05I0022  
TRICO DRYWALL, INC V. SUSAN DAVID

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

93002

02VS027037-J

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 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, Jr.*

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

ATLANTA, SEPTEMBER 22, 2004

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

APPLICATION NO. A05I0023  
DANIEL DUBBERLY, JR., ET AL V. HENRY WAYNE EASTERLING  
ET AL

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

99002

2002V92

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 22 2004**

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

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

*Clerk.*

*Will. L. Mait...*

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

ATLANTA, SEPTEMBER 28, 2004

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

APPLICATION NO. A05I0024  
BOBBY GENE MCKISSICK, JR. V. DONNA ELAINE GIROUX  
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.

94002  
03V522

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 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.*

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

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

ATLANTA, SEPTEMBER 16, 2004

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

APPLICATION NO. A05I0025

MICHAEL THORNTON ET AL V. FRANK MANKOVITCH 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.

95003

03VS058215G

*Court of Appeals of the State of Georgia*

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

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

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

*Clerk.*  
*William L. Martineau*

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

ATLANTA,                      SEPTEMBER 29, 2004

*The Court of Appeals passed the following order*

Case No. A05I0026

THOMAS E. COTTON, ET AL    V.    JOSHUA HOLMAN LAMB

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

96-003  
2002CA068

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

Clerk.

*Will. L. Martin, Jr.*

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

ATLANTA, SEPTEMBER 21, 2004

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

APPLICATION NO. A05I0027

MABLETON PARKWAY CVS, INC., ET AL V. FRANCES SALTER

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

98003

981524640

*Court of Appeals of the State of Georgia*

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

*C. Vill. L. Mart; <sup>Clerk.</sup>*

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

ATLANTA, SEPTEMBER 15, 2004

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

APPLICATION NO. A05I0028

LINCOLN ELECTRIC COMPANY ET AL V. TERRY L. LONG 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.

90003

03VS052829J 03VS052830G 03VS052831G 03VS052779G

03VS052780 03VS052781G 03VS052782G 03VS052788G

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 15 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, Jr.*

ADSI 0029 - ADSI 0043 - Missing

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

ATLANTA,            OCTOBER    21, 2004

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

APPLICATION NO.        A05I0044  
YVETTE WRIGHT V. SHANNON DELORES MANN

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.

97004

04SV00202

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 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. Mait; JR*

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

ATLANTA,            OCTOBER    14, 2004

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

APPLICATION NO.        A05I0045  
J. ELLEN LONG ET AL V. JOHN M. MOREY

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

71004

041168918

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 14 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. Mart; JR*

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

ATLANTA,

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

**A05I0046. ALBANY BONE & JOINT CLINIC, P.C. v. PHILLIP D. HAJEK,  
M.D.**

Albany Bone & Joint Clinic, P.C. filed a timely interlocutory application from the superior court's September 9, 2004 order granting partial summary judgment to Phillip D. Hajek, M.D. 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 a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicants have not otherwise filed a notice of appeal." *Spivey v. Hembree*, \_\_\_ Ga. App. \_\_\_, 2004 Ga. App. LEXIS 954 (Case No. A04A1501, decided July 14, 2004). Accordingly, this application is ordered GRANTED. The applicant 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

Dougherty 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*

*Clerk's Office, Atlanta*

**OCT 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. J. L. Martin*, Clerk.

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

ATLANTA,            OCTOBER    14, 2004

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

APPLICATION NO.        A05I0047

CRISP REGIONAL HOSPITAL DEVELOPMENT FOUNDATION, INC.,

ET AL V. DEIDRA BELL A/N/F    ET AL

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

92004

03CV22272

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 14 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.*

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

ATLANTA,            OCTOBER    21, 2004

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

APPLICATION NO.        A05I0048  
TJX COMPANIES INC. D/B/A MARSHALL'S DEPT. STORE  
V. BOBBIE MEADOWS

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

93004

03VS045811G

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 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.*

*William L. Martin, III*

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

ATLANTA,

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

**OCT 14 2004**

**A05I0049. RAY JOEL CASH, JR. v. THE STATE.**

Ray Joel Cash, Jr. filed an application for interlocutory review of the trial court's order denying his motion to suppress. The order was filed with the clerk of superior court on September 10, 2004.

Pursuant to OCGA § 5-6-34 (b), a certificate of immediate review must be obtained within 10 days after the entry of the order appealed. While the trial court did sign a certificate of immediate review in a timely fashion, on September 17, 2004, the certificate was not filed with the clerk until September 23, 2004, rendering it untimely. "[T]he certificate must be filed with the clerk of the trial court or 'entered' within the ten-day period in order to secure immediate review of a non-final

judgment; and if the certificate is not entered within the ten-day period, then the party seeking review will merely have to await a final judgment in the case before he can seek a review of interlocutory judgments entered in the trial court." *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973). Because the certificate of immediate review in this case was not timely filed, this Court lacks jurisdiction to consider the application. Accordingly, the application is hereby ordered DISMISSED.

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

**OCT 14 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. Matier*, Clerk.

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

ATLANTA,                      NOVEMBER 05, 2004

*The Court of Appeals passed the following order*

Case No. A05I0049

RAY JOEL CASH, JR. V. THE STATE

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

99-004  
04SUCR242C

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    NOV 05, 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.*

*Will. L. Mart; 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.

(404) 656-3470

**Docketing Date:** November 22, 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 **S05C0509**

RAY JOEL CASH, Jr. v. STATE OF GEORGIA

Clerk, Supreme Court of Georgia

Case No. A05I0049

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

NOV 30 2004

Clerk, Court of Appeals of Georgia

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

ATLANTA,            OCTOBER    26, 2004

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

APPLICATION NO.        A05I0050

JELANI QUICK 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.

94004

02SC08550

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 26 2004**

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

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

*Clerk.*

*Will. L. Meitz*

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

ATLANTA,            OCTOBER    13, 2004

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

APPLICATION NO.        A05I0051  
ADKINS STUDIO OF PHOTOGRAPHY, INC., D/B/A ADKINS  
PHOTOGRAPHY, ET AL V. JIMMY R. COURSON

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

96005

02V494

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

*Will. L. Mart; JR*

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

ATLANTA,            OCTOBER    20, 2004

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

APPLICATION NO.            A05I0052

AMANDA PUCKETT V. THE STATE

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

98005

2004SR0332

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

**OCT 20 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.*

*William L. Matz, Jr.*

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

ATLANTA,                      OCTOBER                      21, 2004

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

APPLICATION NO.                      A05I0053

JAFAR TABATABAI, M.D., ET AL V. JAMES M. ROBERTS ET AL

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

70005

04C049004

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 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.*

*Will. L. Mart; JR*

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

ATLANTA,

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

**OCT 14 2004**

**A05I0054. PERRY M. THOMAS, M.D. ET AL. v. MILTON OLIVER.**

Perry M. Thomas, M.D. and Physician Services Central, LLP filed an application for interlocutory appeal seeking review of the denial of their motion for partial summary judgment. They did not include with their application a certificate of immediate review of that order, however, but rather a certificate of immediate review of the order partially denying co-defendant Crisp Regional Hospital, Inc.'s motion for summary judgment. Since the applicants did not include a certificate of immediate review authorizing them to appeal the order denying their motion for partial summary judgment as required by OCGA § 5-6-34 (b), the Court lacks jurisdiction over this application which is ordered DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 14 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. Martineau* Clerk.

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

ATLANTA,            OCTOBER    21, 2004

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

APPLICATION NO.        A05I0055  
P. DARRELL KIMBRELL V. GLORIA G. TURNER

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

71005

03VS053659

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    **OCT 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.*  
*William L. Martin*

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

ATLANTA,                    NOVEMBER 03, 2004

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

APPLICATION NO.            A05I0056  
DONALD WAYNE MCNEIL ET AL V. MICHAEL MCCOLLUM, SR.,  
AS GUARDIAN OF MICHAEL MCCOLLUM, 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.

91005  
CV032568

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

*Will. L. Martin, III*

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

ATLANTA,            OCTOBER    21, 2004

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

APPLICATION NO.        A05I0057

REES 303, L.L.C. V. HOMECOMINGS FINANCIAL NETWORK, INC.

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

92005

CE0301667063

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

*Will. L. Martin; JR*

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

ATLANTA,            OCTOBER    22, 2004

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

APPLICATION NO.            A05I0058

COLDWELL BANKER RESIDENTIAL REAL ESTATE, INC. D/B/A

COLDWELL BANKER BUCKHEAD BROKERS, ET AL V. MARK B.

FARMER ET AL

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

93005

02SC0344

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    **OCT 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. Mat; [Signature]*

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

ATLANTA,            OCTOBER    19, 2004

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

APPLICATION NO.            A05I0059  
CRISP REGIONAL HOSPITAL, INC., ET AL V. MILTON OLIVER

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.

97006

2003CV35

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 19 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. Will. L. Martin; R*

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

ATLANTA,

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

**A05I0060. ANN MICHELLE WASDIN ET AL v. SANDRA MAGER, M.D. ET AL.**

Ann Michelle Wasdin and Gregory Ronald Wasdin filed a timely interlocutory application from the superior court's September 27, 2004 order granting partial summary judgment to the defendants on the Wasdins' claim for damages for pain and suffering flowing from anxiety about the economic strain of raising a child born as a result of the defendants' alleged medical malpractice. "An order granting summary judgment on any issue or as to any party shall be subject to review by appeal." OCGA § 9-11-56 (h); *Olympic Dev. Group v. American Druggists' Ins. Co.*, 175 Ga. App. 425 (1) (333 SE2d 622) (1985). The order granting partial summary judgment in this case is thus directly appealable and is not subject to the interlocutory appeal requirements. "This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicants have not otherwise filed a notice of appeal." *Spivey v. Hembree*, \_\_\_ Ga. App. \_\_\_, 2004 Ga. App. LEXIS 954 (Case No. A04A1501, decided July 14, 2004). Accordingly, this application is ordered GRANTED. The Wasdins 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 Wayne 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  
Clerk's Office, Atlanta*

**OCT 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. Marti*, Clerk.

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

ATLANTA,

*The Court of Appeals hereby passes the following order:* **OCT 22 2004**

**A05I0061. STARRCHEX, LLC v. JULIAN H. HARVEY.**

Appellant Starrchex, LLC, has filed a motion to withdraw its application for interlocutory appeal, asserting that, "The parties have settled all issues pertaining to this matter." Starrchex's motion to withdraw is GRANTED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 22 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, NOVEMBER 03, 2004

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

APPLICATION NO. A05I0062  
RHEEM MANUFACTURING CO. V. ERNESTO BUTTS ET AL

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

95006

03CV38240F

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 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. Martineau*

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

ATLANTA,

*The Court of Appeals hereby passes the following order:* **OCT 27 2004**

**A05I0063. SANDRA MAGER, M.D. ET AL v. ANN MICHELE WASDIN ET AL.**

On October 6, 2004, plaintiffs Ann Michelle Wasdin and Gregory Ronald Wasdin filed a timely notice of appeal from the superior court's order granting partial summary judgment to the defendants on the Wasdins' claim for damages for pain and suffering flowing from anxiety about the economic strain of raising a child born as a result of the defendants' alleged medical malpractice. Applicant-defendants Sandra Mager, M.D. and J. Anthony Dede, M.D. seek interlocutory review of the court's order denying their motion for summary judgment on the remaining malpractice claim. However, consideration of this application is rendered unnecessary by the applicants' October 20, 2004 filing of a timely cross appeal from the direct appeal filed by the Wasdins. Therefore, this application is hereby DISMISSED.

*Court of Appeals of the State of Georgia*

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

*Will. L. Maitland*, Clerk.

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

ATLANTA,                      NOVEMBER 04, 2004

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

APPLICATION NO.            A05I0064

NICOLAS BEECROFT V. THE STATE

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

96006

03T26861

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      **NOV 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. Mat; R*

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

ATLANTA,

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

**A05I0065. James S. Talley, II et al. v. Michael Lane**

James S. Talley, II and Talley Insurance Services, Inc. seek interlocutory review of the trial court's order which granted summary judgment to Michael Lane as to Count 1, granted summary judgment to Talley as to Count II, and denied summary judgment on Count III of the complaint. In this application, Talley seeks interlocutory review as to the denial of summary judgment on Count III of the complaint. However, an order granting partial summary judgment is directly appealable under OCGA § 9-11-56 (h). All rulings within that order and any other nonfinal rulings entered previously in the case may also be raised as part of that direct appeal. Accord *Southeast Ceramics v. Klem*, 246 Ga. 294, 295 (1) (271 SE2d 199) (1980). Since Talley filed a timely notice of appeal on October 22, 2004 as to the grant of summary judgment on Count I, the denial of summary judgment as to Count III may be raised in that appeal. Accordingly, this application is DISMISSED as superfluous.

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

*William L. Maitland*, Clerk.

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

ATLANTA,                      NOVEMBER 09, 2004

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

APPLICATION NO.            A05I0066  
VERNON JAMES RAMEY V. THE STATE

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

90006

04SUCR287C

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 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.*

*Jill L. Martin*

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

ATLANTA,                      NOVEMBER 01, 2004

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

APPLICATION NO.            A05I0067  
TRANS-VAUGHN DEVELOPMENT CORPORATION V. SHELLEY  
CUMMINGS

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.

70006  
03V118

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

Clerk.  
*Will. L. Martin*

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

ATLANTA, NOVEMBER 01, 2004

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

APPLICATION NO. A05I0068  
THELMA CONYERS, R.N. NORTHSIDE HOSPITAL CHEROKEE, INC.,  
V. PAMELA MAYES ET AL

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

71006

02A118422

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 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. Martin, Jr.*

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

ATLANTA,                      NOVEMBER 12, 2004

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

APPLICATION NO.            A05I0069  
CLAYTON COUNTY ET AL V. CITY OF ATLANTA

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

91006

2004CV22938

*Court of Appeals of the State of Georgia*

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

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

ATLANTA,

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

**A05I0070. LEVERETT INSURANCE GROUP v. J. SMITH LANIER & COMPANY.**

**A05I0071. SOUTHEASTERN FORGE, INC. v. J. SMITH LANIER & CO., et al.**

In Application No. A05I0071, Southeastern Forge, Inc., seeks immediate review of an order entered on September 30, 2004, granting partial summary judgment in favor of defendant J. Smith Lanier & Co. An order granting partial summary judgment is directly appealable under OCGA § 9-11-56 (h). Because Southeastern Forge has already filed a timely notice of appeal from the same order referenced in its application, its application is hereby *dismissed* as superfluous.

In Application No. A05I0070, third party defendant Leverett Insurance Group seeks an appeal from an order denying its motion for summary judgment as to the complaint filed by defendant J. Smith Lanier & Co. seeking contribution and indemnification. Because we conclude that the order complained of, standing alone, is not of sufficient importance to warrant an independent appeal, Leverett's application for appeal is hereby *denied* without prejudice to applicant's right to file a timely cross appeal in the manner provided under OCGA § 5-6-38 (a).

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **NOV 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,            DECEMBER 02, 2004

*The Court of Appeals passed the following order*

Case No. A05I0070

LEVERETT INSURANCE GROUP V. J. SMITH LANIER & COMPANY  
ET AL

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

70-007  
02A107957

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

*Will. L. Maitland*

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

ATLANTA,

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

**A05I0070. LEVERETT INSURANCE GROUP v. J. SMITH LANIER & COMPANY.**

**A05I0071. SOUTHEASTERN FORGE, INC. v. J. SMITH LANIER & CO., et al.**

In Application No. A05I0071, Southeastern Forge, Inc., seeks immediate review of an order entered on September 30, 2004, granting partial summary judgment in favor of defendant J. Smith Lanier & Co. An order granting partial summary judgment is directly appealable under OCGA § 9-11-56 (h). Because Southeastern Forge has already filed a timely notice of appeal from the same order referenced in its application, its application is hereby *dismissed* as superfluous.

In Application No. A05I0070, third party defendant Leverett Insurance Group seeks an appeal from an order denying its motion for summary judgment as to the complaint filed by defendant J. Smith Lanier & Co. seeking contribution and indemnification. Because we conclude that the order complained of, standing alone, is not of sufficient importance to warrant an independent appeal, Leverett's application for appeal is hereby *denied* without prejudice to applicant's right to file a timely cross appeal in the manner provided under OCGA § 5-6-38 (a).

*Court of Appeals of the State of Georgia*

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

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

ATLANTA,                      NOVEMBER 03, 2004

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

APPLICATION NO.            A05I0072  
MILES PROPERTIES, INC., ET AL V. FATOUMATA BAH ET AL

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

92006

03A059276

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 03 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. Clerk. Mait; R*

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

ATLANTA, NOVEMBER 19, 2004

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

APPLICATION NO. A05I0073

CHUCK SYLVESTER A/N/F JORDAN RAY PEARSON V.

TAMIKA S. BROWN ET AL

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

93006

04A005133 0417231

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 19 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, NOVEMBER 19, 2004

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

APPLICATION NO. A05I0074

ORKIN, INC. F/K/A ORKIN EXTERMINATING COMPANY, INC., ET AL

V. ERNEST W. WARREN ET AL

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

94006

011839535

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 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 written.*

Clerk.

*Will. L. Martini*

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

ATLANTA, NOVEMBER 10, 2004

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

APPLICATION NO. A05I0075  
BRASWELL E. COLLINS, JR V. RHENDA GLOVER

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.

95007

54668

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

*William L. Martin*

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

ATLANTA, NOVEMBER 22, 2004

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

APPLICATION NO. A05I0076  
GREAT AMERICAN INSURANCE COMPANY OF NEW YORK  
V. GREAT SOUTHWEST EXPRESS COMPANY, INC., ET AL

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

96007

02CV2967C

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 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.*

*Will. L. Martine*  
Clerk.

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

ATLANTA, NOVEMBER 17, 2004

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

APPLICATION NO. A05I0077  
AUTO DOORS OF GEORGIA, INC., ET AL V. GANNA ZIVOLUBA,  
ADMINISTRATRIX OF THE ESTATE OF GOCHO KOLEV

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.

98007

03A58565

*Court of Appeals of the State of Georgia*

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

*Clerk.*

*Will. Z. Martin, III*

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

ATLANTA, NOVEMBER 15, 2004

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

APPLICATION NO. A05I0078  
PERRY M. THOMAS, M.D. V. MILTON OLIVER

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.

90007  
2003CV35

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 15 2004**

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

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

Clerk.

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

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

ATLANTA, NOVEMBER 10, 2004

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

APPLICATION NO. A05I0079  
GEORGIA DEPARTMENT OF CORRECTIONS ET AL V. CHATHAM  
COUNTY, GEORGIA

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

97007

2003CV68482

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

**NOV 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 written.*

*Clerk.*

*Will. L. Matijer*

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

ATLANTA,                      NOVEMBER 15, 2004

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

APPLICATION NO.            A05I0080  
TRAVIS PRUITT & ASSOCIATES, P.C., ET AL V. MIGNON MOORE  
HOOPER

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

71007

01A046792

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 15 2004**

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

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

*Clerk.*  
*Will. L. Martineau*

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

ATLANTA,

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

**NOV 05 2004**

**A05I0081. LONNIE C. JENKINS, M.D. ET AL. v. DIANE STAFFORD-FOX.  
A05I0082. DIANE STAFFORD-FOX v. LONNIE C. JENKINS, M.D. ET AL.**

Diane Stafford-Fox filed a timely interlocutory application, A05I0082, to appeal an order granting in part the summary judgment motion of Lonnie C. Jenkins, M.D. and Lonnie C. Jenkins, M.D., P.C.

Under OCGA § 9-11-56 (h), the grant of partial summary judgment is subject to direct appeal. *Olympic Dev. Group v. American Druggists' Ins. Co.*, 175 Ga. App. 425 (1) (333 SE2d 622) (1985). The order Stafford-Fox seeks to appeal is thus directly appealable and is not subject to the interlocutory appeal requirements.

“This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicants have not otherwise filed a notice of appeal.” *Spivey v. Hembree*, 268 Ga. App. 485, 602 SE2d 246 (2004). Accordingly, application A05I0082 is ordered GRANTED.

In interlocutory application A05I0081, Lonnie C. Jenkins, M.D. and Lonnie C. Jenkins, M.D., P.C. seek to appeal that portion of the same order denying in part their motion for summary judgment. This application is properly before this Court by application for interlocutory appeal. However, because Stafford-Fox seeks to appeal the same order in A05I0082, we hereby also GRANT application A05I0081 as a companion case to A05I0082.

The applicants shall have ten days from the date of this order to file notices of appeal with the trial court. The Clerk of the State Court of Fulton 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  
Clerk's Office, Atlanta*

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

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

*Will. L. Martin, Jr.*

, Clerk.

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

ATLANTA,

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

**NOV 05 2004**

**A05I0081. LONNIE C. JENKINS, M.D. ET AL. v. DIANE STAFFORD-FOX.  
A05I0082. DIANE STAFFORD-FOX v. LONNIE C. JENKINS, M.D. ET AL.**

Diane Stafford-Fox filed a timely interlocutory application, A05I0082, to appeal an order granting in part the summary judgment motion of Lonnie C. Jenkins, M.D. and Lonnie C. Jenkins, M.D., P.C.

Under OCGA § 9-11-56 (h), the grant of partial summary judgment is subject to direct appeal. *Olympic Dev. Group v. American Druggists' Ins. Co.*, 175 Ga. App. 425 (1) (333 SE2d 622) (1985). The order Stafford-Fox seeks to appeal is thus directly appealable and is not subject to the interlocutory appeal requirements.

“This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicants have not otherwise filed a notice of appeal.” *Spivey v. Hembree*, 268 Ga. App. 485, 602 SE2d 246 (2004). Accordingly, application A05I0082 is ordered GRANTED.

In interlocutory application A05I0081, Lonnie C. Jenkins, M.D. and Lonnie C. Jenkins, M.D., P.C. seek to appeal that portion of the same order denying in part their motion for summary judgment. This application is properly before this Court by application for interlocutory appeal. However, because Stafford-Fox seeks to appeal the same order in A05I0082, we hereby also GRANT application A05I0081 as a companion case to A05I0082.

The applicants shall have ten days from the date of this order to file notices of appeal with the trial court. The Clerk of the State Court of Fulton 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  
Clerk's Office, Atlanta*

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

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

*Will. L. Martini, JR.* , Clerk.

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

ATLANTA, NOVEMBER 19, 2004

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

APPLICATION NO. A05I0083  
OSCAR HUDSON ET AL V. FRIEDMAN, DEVER & MERLIN LLC,  
ET AL

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

92007

03CV69422

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

**NOV 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,                      NOVEMBER 29, 2004

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

APPLICATION NO.            A05I0084

GANNETT GEORGIA, L.P., ET AL V. ROBERT B. HODDESON,  
M.D., ET AL

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

93007

03A030612

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 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. L. Mait; JR*

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

ATLANTA,

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

**NOV 02 2004**

**A05I0085. Norman v. Davis**

Kyle Norman and Sheena McLaughlin filed this application for interlocutory appeal seeking review of the trial court's order denying their "Motion to Amend - Motion to Vacate or Set Aside Order Striking Defendant's Answer" and their "Motion to Move the Court for Order/Judgment on Motion to Amend Etc." The order Norman and McLaughlin seek to appeal was entered in the trial court on September 30, 2004. A certificate of immediate review was obtained and entered on October 18, 2004, eighteen days after entry of the order sought to be appealed.

Pursuant to OCGA § 5-6-34 (b), a certificate of immediate review must be obtained within 10 days after the entry of the order sought to be appealed. "[T]he certificate must be filed with the clerk of the trial court or 'entered' within the ten-day period in order to secure immediate review of a non-final judgment; and if the certificate is not entered within the ten-day period, then the party seeking review will merely have to await a final judgment in the case before he can seek a review of interlocutory judgments entered in the trial court." *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973). Because the certificate of immediate review in this case was not timely filed, this Court lacks jurisdiction to consider the application. Accordingly, the application is hereby ordered DISMISSED.

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

**NOV 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.*

*William L. Matier*, Clerk.

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

ATLANTA,

*The Court of Appeals hereby passes the following order:* **DEC 01 2004**

**A05I0086. NICHOLAS E. BAKATSAS v. FRANK PSOMAS.**

Respondent Frank Psomas has filed a motion for imposition of penalty for frivolous application for interlocutory appeal. Respondent's motion is hereby DENIED.

Upon consideration of Nicholas E. Bakatsas' application for interlocutory appeal, it is hereby DENIED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 01 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. Marti, JR.*  
....., Clerk.

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

ATLANTA,                      NOVEMBER 18, 2004

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

APPLICATION NO.            A05I0087  
U.S. MICRO REAL ESTATE HOLDINGS, L.L.C., ET AL  
V. RICHARD BOWERS & 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.

95008

021817134

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

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

ATLANTA,                      NOVEMBER 29, 2004

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

APPLICATION NO.            A05I0088

FORREST L. PRESTON ET AL V. PERRY G. PATTERSON ET AL

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

96008

02A936703

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 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. Will. L. Maiti*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

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

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** December 20, 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 **S05C0643**

LIFE CARE CENTERS OF AMERICA, INC., et al. v. PERRY G. PATTERSON  
et al.

Clerk, Supreme Court of Georgia

Case No. A05I0088

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

DEC 27 2004

Clerk, Court of Appeals of Georgia

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

ATLANTA,                      NOVEMBER 29, 2004

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

APPLICATION NO.            A05I0089  
SCOTT KEISER V. PERRY G. PATTERSON ET AL

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

96009

02A936703

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

**NOV 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.*

*C. L. Maitland*  
Clerk

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

ATLANTA, NOVEMBER 23, 2004

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

APPLICATION NO. A05I0090

KASI MARIE KORUM ET AL V. JASON RUSSELL HARRIS

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

98008

01V696

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 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. J. L. Martin*

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

ATLANTA,

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

DEC 06 2004

**A05I0091. WEEKS v. THE STATE.**

Ernest Eugene Weeks seeks immediate review of an order entered October 18, 2004, denying his motion to suppress evidence. Weeks relies on a certificate of immediate review signed on October 26 and filed on October 29 in support of his application. It is well settled that to be effective a certificate for immediate review must be signed by the trial judge *and* filed with the clerk within ten days of the date of the entry of the order to which the certificate refers. *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973). Because the certificate of immediate review relied upon here was not timely filed with the clerk as required, Weeks's application is hereby *dismissed* for lack of jurisdiction.

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

DEC 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. L. Maitland*, Clerk.

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

ATLANTA,                      NOVEMBER 30, 2004

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

APPLICATION NO.            A05I0092  
GLENN C. SMITHSON ET AL V. THE STATE

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

97008

03B37003

*Court of Appeals of the State of Georgia*

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

*Clerk.*

*Will. L. Mart; JR*

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

ATLANTA,                      NOVEMBER 30, 2004

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

APPLICATION NO.            A05I0093  
SUBURBAN LODGES OF AMERICA, INC., V. GABRIAL  
RAGAN, ET AL

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

71008

02A29864

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

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* DEC 01 2004

**A05I0094. FIDELITY NATIONAL TITLE INSURANCE COMPANY OF NEW YORK v. OHIC INSURANCE COMPANY.**

**A05I0095. OHIC INSURANCE COMPANY v. RENEE SNEAD A/K/A RENEE EDWARDS SNEAD ET AL.**

The suit underlying these two applications is a declaratory judgment action brought by OHIC Insurance Company. OHIC and defendant Fidelity National Title Insurance Company of New York filed cross motions for summary judgment. The trial court granted each parties' motion for summary judgment in part and denied it in part. In A05I0095, OHIC contends, inter alia, that "the trial court erred in holding that OHIC received actual and timely notice of the incidents giving rise to this lawsuit." The trial court's order, entered October 22, 2004, reveals that the trial court granted Fidelity's partial summary judgment "on the issue of notice and cooperation."

A grant of partial summary judgment is directly appealable under OCGA § 9-11-56 (h). *Whiddon v. Stargell*, 192 Ga. App. 826, 828 (386 SE2d 884) (1989). And, all rulings within that order and any other nonfinal rulings entered previously in the case may also be raised as part of that direct appeal. See *Southeast Ceramics v. Klem*, 246 Ga. 294, 295 (1) (271 SE2d 199) (1980); *Smith v. Tommy Roberts Trucking Co.*, 209 Ga. App. 826, 827 (1) (435 SE2d 54) (1993). Accordingly, OHIC could have filed a notice of appeal seeking a direct appeal, rather than filing an application for a discretionary appeal; and Fidelity could have filed a cross appeal as to those portions of the trial court's order wherein it was denied summary judgment.

The parties election to file applications for discretionary appeal does not constitute fatal appellate error. 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. Accordingly, in the interests of justice and judicial economy and in aid of this Court's appellate jurisdiction both of the above styled application are GRANTED. Ga. Const. of 1983, Art. VI, Sec. 1, Par. IV.

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 each of the records transmitted to this Court. And, these cases shall be adjudicated as companion cases in this Court.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 01 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,

*The Court of Appeals hereby passes the following order:* DEC 01 2004

**A05I0094. FIDELITY NATIONAL TITLE INSURANCE COMPANY OF NEW YORK v. OHIC INSURANCE COMPANY.**

**A05I0095. OHIC INSURANCE COMPANY v. RENEE SNEAD A/K/A RENEE EDWARDS SNEAD ET AL.**

The suit underlying these two applications is a declaratory judgment action brought by OHIC Insurance Company. OHIC and defendant Fidelity National Title Insurance Company of New York filed cross motions for summary judgment. The trial court granted each parties' motion for summary judgment in part and denied it in part. In A05I0095, OHIC contends, inter alia, that "the trial court erred in holding that OHIC received actual and timely notice of the incidents giving rise to this lawsuit." The trial court's order, entered October 22, 2004, reveals that the trial court granted Fidelity's partial summary judgment "on the issue of notice and cooperation."

A grant of partial summary judgment is directly appealable under OCGA § 9-11-56 (h). *Whiddon v. Stargell*, 192 Ga. App. 826, 828 (386 SE2d 884) (1989). And, all rulings within that order and any other nonfinal rulings entered previously in the case may also be raised as part of that direct appeal. See *Southeast Ceramics v. Klem*, 246 Ga. 294, 295 (1) (271 SE2d 199) (1980); *Smith v. Tommy Roberts Trucking Co.*, 209 Ga. App. 826, 827 (1) (435 SE2d 54) (1993). Accordingly, OHIC could have filed a notice of appeal seeking a direct appeal, rather than filing an application for a discretionary appeal; and Fidelity could have filed a cross appeal as to those portions of the trial court's order wherein it was denied summary judgment.

The parties election to file applications for discretionary appeal does not constitute fatal appellate error. 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. Accordingly, in the interests of justice and judicial economy and in aid of this Court's appellate jurisdiction both of the above styled application are GRANTED. Ga. Const. of 1983, Art. VI, Sec. 1, Par. IV.

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 each of the records transmitted to this Court. And, these cases shall be adjudicated as companion cases in this Court.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 01 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, NOVEMBER 29, 2004

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

APPLICATION NO. A05I0096  
EVER GLO PROPANE GAS COMPANY, INC V. MARTIN ROBINSON

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

93008

03SCV0344

*Court of Appeals of the State of Georgia*

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

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

ATLANTA,                      NOVEMBER 30, 2004

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

APPLICATION NO.            A05I0097  
JAMES MICHAEL PRATHER V. THE STATE

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

99008

02SC01472

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 30 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,            DECEMBER 08, 2004

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

APPLICATION NO.        A05I0098

JOSEPH N. ANDERSON V. BOBBY E. DORSEY ET AL

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

94008

2002CV1284

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

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

ATLANTA, NOVEMBER 29, 2004

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

APPLICATION NO. A05I0099  
SCOTT DASHER V. BRENT DAVIS ET AL

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

95009

03CV1787

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

*William L. Martin, Jr.*

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

ATLANTA,            DECEMBER 08, 2004

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

APPLICATION NO.        A05I0100  
VERNON D. JEFFERS V. MARY GWINN

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

98009

2003CV69195

*Court of Appeals of the State of Georgia*

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

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

ATLANTA, NOVEMBER 30, 2004

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

APPLICATION NO. A05I0101

DAVID STANYARD V. THE STATE

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

90009

04CR109

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

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

ATLANTA,                    DECEMBER 02, 2004

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

APPLICATION NO.            A05I0102  
RONALD B. BRASHER V. SAM'S EAST, INC., D/B/A  
SAM'S # 8225., ET AL

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

70009

04C024572

*Court of Appeals of the State of Georgia*

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

*C. Will. L. Mait; JR*

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

ATLANTA,                      DECEMBER 14, 2004

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

APPLICATION NO.            A05I0103  
BANK OF AMERICA, N.A. ET AL V. BRISTOL MORRIS

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

97009

2003CV75282

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      **DEC 14 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,

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

**DEC 13 2004**

**A05I0104. ONESOURCE WHOLESALE COPY, INC. v GLASER, Jr., et al.**

The plaintiff in the above styled case seeks immediate review of an order denying its motion for summary judgment on the defendants' counterclaims. Two of the defendants have since filed a notice of stay in bankruptcy with this court. Because the circumstances that existed at the time the trial court certified this matter for immediate review have changed, the plaintiff's application is hereby *dismissed* without prejudice. The superior court may, at its discretion, vacate and re-enter this order at a later date and issue another certificate of immediate review in order to facilitate a subsequent application for interlocutory appeal should the circumstances warrant such action.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 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.*

*Will. L. Maitland*, Clerk.

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

ATLANTA,                      DECEMBER 13, 2004

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

APPLICATION NO.            A05I0105

J. CARL SUTTON, JR., M.D., ET AL V. ROBERT E. BOAN, JR., ET AL

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

91009

2003CV00312E

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

**DEC 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.

*Carl L. Mart; JR*

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

ATLANTA,

DECEMBER 20, 2004

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

APPLICATION NO. A05I0106  
EDWIN JASON TURNER V. THE STATE

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

93009

CR0400194063

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **DEC 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,                      DECEMBER 10, 2004

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

APPLICATION NO.            A05I0107  
THOMAS P. MCCOY V. MILDRED B. SMITH

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

99009

SU02CV309W

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

**DEC 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.

*Will. L. Martin, Jr.*

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

ATLANTA,                    DECEMBER 20, 2004

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

APPLICATION NO.            A05I0108

WILLIAM D. TORRANCE V. DANIEL SUWYN ET AL

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

90011

2004RCCV390

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*            **DEC 20 2004**

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the minutes of the Court of Appeals of Georgia*

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Clerk.

*Will. L. Mait; JR*

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

ATLANTA,                    DECEMBER 20, 2004

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

APPLICATION NO.            A05I0109  
SARAH TORRANCE V. DANIEL SUWYN ET AL

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

90012

2004RCCV391

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 20 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. Will. L. Mait; JR*

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

ATLANTA,            DECEMBER 17, 2004

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

APPLICATION NO.        A05I0110  
BAPTIST VILLAGE, INC., D/B/A BOLINGREEN NURSING CENTER  
ET AL V. PATRICIA HILL ET AL

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

95010

53249

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

*Clerk.*

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

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

ATLANTA,                    DECEMBER 21, 2004

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

APPLICATION NO.            A05I0111

DAVID CRAWFORD ET AL V. DEBBIE DAMMANN ET AL

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

96010

03CV03068

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 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. L. Mart; JR*

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

ATLANTA,            DECEMBER 14, 2004

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

APPLICATION NO.        A05I0112

JEFFREY A. FRIED, M.D. V. RAYMOND ETHERIDGE 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.

98010

2004CV459

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    DEC 14 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.*

*William L. Martin, Jr.*

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

ATLANTA,                    DECEMBER 20, 2004

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

APPLICATION NO.            A05I0113

BILLY R. WILLIAMS ET AL V. BRADLEY JOE WILLIAMS

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

90010

03A91893

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 20 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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*Clerk.*

*William L. Martin, III*

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

ATLANTA,            DECEMBER 14, 2004

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

APPLICATION NO.        A05I0114  
DEBBIE DAMMANN ET AL V. DAVID CRAWFORD ET AL

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

96011

03CV03068

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta        **DEC 14 2004**

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

*C. William L. Martine*

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

ATLANTA,                      DECEMBER 22, 2004

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

APPLICATION NO.            A05I0115  
JERRY L. ETHERIDGE, JR. V. THE STATE

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

70010

04CR644C

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 22 2004**

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

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

*Clerk.*

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

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

ATLANTA,                    DECEMBER 27, 2004

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

APPLICATION NO.            A05I0116  
KPMG LLP V. VALUE MUSIC CONCEPTS, 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.

97010  
2004CV84262

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

**DEC 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,                    JANUARY    05, 2005

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

APPLICATION NO.            A05I0117

KANNON COMMUNICATIONS, INC., V. KEITH GUNTER

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

71010

02CVS0019

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 05 2005**

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

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

*Clerk.*

*Will. L. Martin*

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

ATLANTA,                      JANUARY      04, 2005

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

APPLICATION NO.            A05I0118  
KENNETH GERALD HOLCOMB V. THE STATE

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

91010

2003R753

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

**JAN 04 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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,                      JANUARY      06, 2005

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

APPLICATION NO.            A05I0119

BENEFICIAL GEORGIA INC., ET AL V. TOMMY TUGGLE

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

92010

01CV14115

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 06 2005**

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

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

*Clerk.*

*C. Will. L. Mait, Jr.*

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

ATLANTA,                      JANUARY      04, 2005

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

APPLICATION    NO.                      A05I0120

JAMES THOMAS MITCHELL ET AL V. JEWELL S. COLLINS ET AL

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

93010

03SCV0442

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta      **JAN 04 2005**

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

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

Clerk.

*Will. L. Mat; R*

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

ATLANTA,

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

**DEC 17 2004**

**A05I0121. THE CITY OF VILLA RICA, GEORGIA, ET AL. v. JOHN J. WROBLESKI ET AL.**

On November 29, 2004, the trial court entered a certificate of immediate review of its November 18, 2004 order denying a motion for summary judgment filed by defendant the City of Villa Rica, Georgia, et al. On December 13, 2004, the defendants filed this application for interlocutory review of the trial court's order.

OCGA § 5-6-34 (b) expressly requires that an application for interlocutory review be filed within ten days after the granting of a certificate of immediate review. See also Court of Appeals Rule 32 (a) (application for interlocutory appeal shall be filed within ten days of entry of a certificate for immediate review). Thus, by law, defendants' application should have been filed in this Court on or before December 9, 2004. As defendants failed to make an application for interlocutory review to this Court within ten days of the granting of the certificate of intermediate review, said application is untimely and is DISMISSED. *Genter v. State*, 218 Ga. App. 311 (460 SE2d 879) (1995); see *Baynes v. State*, 189 Ga. App. 797 (377 SE2d 708) (1989).

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

**DEC 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.*

*Will. L. Martinez*, Clerk.

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

ATLANTA,                    JANUARY        06, 2005

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

APPLICATION NO.            A05I0122

CARLOS PARIS V. THE STATE

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

95011

04SC13804

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*        **JAN 06 2005**

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

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

*Clerk.*

*Will. L. Martin*

 Court of Appeals  
of the State of Georgia

ATLANTA, JANUARY 07, 2005

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

APPLICATION NO. A05I0123

MARVIN E. TANNER V. THE STATE

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

98011

74603M

744603F

744703F

746503M

 744803F

744903F

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **JAN 07 2005**

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

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

Clerk.

*William L. Martini*

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

ATLANTA, JANUARY 11, 2005

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

APPLICATION NO. A05I0125  
SHAJIH MUHANNA, M.D. V. HENRY SPEED 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.

97011

04A154133

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

**JAN 11 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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:* **DEC 29 2004**

**A05I0126. ERIC BURKE v. RONNIE WARD HOMES, INC.**

The above-captioned application for interlocutory appeal, filed by Eric Burke, on December 17, 2004, is GRANTED. Burke 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 Henry County is directed to include a copy of this order in the appeal record transmitted to this Court.

The parties shall address the following issue in their appellate briefs: Has Ronnie Ward Homes, Inc., waived by its conduct its right to assert that the arbitration clause contained in the parties' agreement is unenforceable when it drafted the agreement and therefore was aware of the existence of the arbitration clause in the agreement that it signed. See generally *Mauldin v. Weinstock*, 201 Ga. App. 514, 520 (4) (411 SE2d 370) (1991); *Fowler v. Smith*, 230 Ga. App. 817, 821 (2) (b) (498 SE2d 130) (1998).

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 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. Martin, Jr.*, Clerk.

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

ATLANTA,                    JANUARY    12, 2005

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

APPLICATION NO.            A05I0127  
ERIC PITTS ET AL V. ERNESTINE BROWN

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

91011

04VS065322F

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta    **JAN 12 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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,                    JANUARY    06, 2005

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

APPLICATION    NO.            A05I0128  
AMERICAN HOME ASSURANCE COMPANY ET AL V. KATHY PAUL,  
AS SURVIVING PARENT OF ELIZABETH ANN RAULERSON, DECEASED

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

92011

0300102CA

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    **JAN 06 2005**

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

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:** February 15, 2005

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 **S05C0915**

AMERICAN HOME ASSURANCE COMPANY V. KATHY PAUL, As Surviving Parent

Clerk, Supreme Court of Georgia

Case No. A05I0128

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

**FEB 18 2005**

Clerk, Court of Appeals of Georgia

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

ATLANTA,                      JANUARY      18, 2005

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

APPLICATION NO.            A05I0129  
EHCA CARTERSVILLE, LLC., D/B/A CARTERSVILLE MEDICAL  
CENTER V. LOLA M. GOUGE ET AL

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

93011

04CV222

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*      **JAN 18 2005**

*I certify that the above is a true extract fromd  
the minutes of the 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. J. [Signature]* Clerk

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

ATLANTA,            JANUARY    10, 2005

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

APPLICATION    NO.            A05I0130

GREGORY LAMAR MORGAN V. THE STATE

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

99011

04CR21220

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 10 2005**

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

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

*Clerk.*

*Will. L. Martineau*



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

ATLANTA, JANUARY 10, 2005

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

APPLICATION NO. A05I0131  
SHANNON DELORES MANN V. YVETTE WRIGHT

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



96012  
04SV00202

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **JAN 10 2005**

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

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

Clerk.

*Will. L. Martin, JR*



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

ATLANTA,            JANUARY    06, 2005

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

APPLICATION NO.            A05I0132  
ROZY INVESTMENTS, INC., V. LOUISE BRISTOW

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.

94009

03FCV272J

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*            **JAN 06 2005**

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

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

*Clerk.*

*Will. L. Mait; JR*

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

ATLANTA,            JANUARY    06, 2005

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

APPLICATION NO.            A05I0133

DAVID H. CLINE V. D & J HEATING AND AIR CONDITIONING, INC.

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

94010

2003SUCV28

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 07 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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,            JANUARY    19, 2005

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

APPLICATION NO.            A05I0134

GLYNN COUNTY BOARD OF TAX ASSESSORS V. VIRGINIA

ASPINWALL ADAMS ET AL

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

94011

CE0300913063

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 19 2005**

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

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

*Clerk.*

*W. L. Matz*

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

ATLANTA,

*The Court of Appeals hereby passes the following order:*      **JAN 11 2005**

**A05I0135. HADDAD et al. v. COMBS et al.**

The applicants seek immediate review of an order denying their motion for summary judgment. The order complained of was electronically filed on December 10, 2004. The certificate of immediate review was signed on December 17 and electronically filed on December 21, 2004. It is well settled that to be effective a certificate for immediate review must be signed by the trial judge *and* filed with the clerk within ten days of the date of the entry of the order to which the certificate refers. *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973). Because the certificate of immediate review relied upon here was not timely filed with the clerk as required, the application is hereby *DISMISSED* for lack of jurisdiction.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 11 2005**

*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; [Signature]*, Clerk.

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

ATLANTA,            JANUARY    12, 2005

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

APPLICATION NO.            A05I0136

SYNOVUS TRUST COMPANY N.A. V. ANTON J. BUESCHEN, JR.

ET AL

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

98012

04CV13411

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    **JAN 12 2005**

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the minutes of the Court of Appeals of Georgia*

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

*Clerk.*

*Will. L. Mart; JR*

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

ATLANTA,            JANUARY    20, 2005

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

APPLICATION    NO.            A05I0137  
ERNEST EUGENE WEEKS V. THE STATE

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

70012  
04R075

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*    **JAN 20 2005**

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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,                    JANUARY    14, 2005

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

APPLICATION NO.            A05I0138  
TRINADAD ZAPIER VILLALOBOS V. THE STATE

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

97012

040684FW

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

**JAN 14 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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,            JANUARY    20, 2005

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

APPLICATION NO.            A05I0139  
JHTG FOODS, INC., D/B/A DAIRY QUEEN ET AL  
V. DONALD CHAMPION

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.

71012  
03CV363

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 20 2005**

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

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

*Clerk.*

*Will. L. Martin*

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

ATLANTA,            JANUARY    20, 2005

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

APPLICATION    NO.            A05I0140  
DEREK LEWIS ET AL V. DONALD CHAMPION

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

71013  
03CV363

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

**JAN 20 2005**

*I certify that the above is a true extract fromd  
the minutes 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, FEBRUARY 01, 2005

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

APPLICATION NO. A05I0141

DOCTORS FOR MEDICAL LIABILITY REFORM ET AL

V. CAROL BLISSITT, TEMPORARY ADMINISTRATRIX OF THE  
ESTATE OF SARAH EVELYN BLISSITT

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

91012

2004CV90693

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **FEB 01 2005**

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

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

Clerk.

*Will. L. Martin, III*

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

ATLANTA,            FEBRUARY 03, 2005

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

APPLICATION NO.        A05I0142  
C.H. LIN, M.D. V. KATHY BOATRIGHT

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

92012

2003S050520

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 03 2005**

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

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

*Clerk.*

*Will L. Martin*

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

ATLANTA,            JANUARY    18, 2005

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

APPLICATION NO.        A05I0143  
MELISSA SUZANNE BLITCH V. THE STATE

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

93012

03B41665

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 18 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 02, 2005

*The Court of Appeals passed the following order*

Case No. A05I0143

MELISSA SUZANNE BLITCH V. THE STATE

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

93-012  
03B41665

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    FEB 02, 2005*

*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, 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.

(404) 656-3470

**Docketing Date:** February 18, 2005

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 **S05C0921**

MELISSA SUZANNE BLITCH v. THE STATE

Clerk, Supreme Court of Georgia

Case No. A05I0143

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

**FEB 23 2005**

Clerk, Court of Appeals of Georgia

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

ATLANTA,            JANUARY    20, 2005

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

APPLICATION NO.        A05I0144

BENNETT'S FIRE PROTECTION SYSTEMS, INC., V. DONALD  
CHAMPION

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.

71014

03CV363

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 20 2005**

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

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

*Clerk.*

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

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

ATLANTA, FEBRUARY 02, 2005

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

APPLICATION NO. A05I0145

DENNIS GROOVER ET AL V. EDWIN D. JOHNSTON, 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.

99012

02CV27311

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* FEB 02 2005

*I certify that the above is a true extract fromd  
the minutes 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:* **JAN 20 2005**

## **A05I0146. MARY ANN WILLIAMS v. MARTIN LAKES CONDOMINIUM.**

Defendant Mary Ann Williams seeks an interlocutory appeal of the order, entered December 20, 2004, denying her motion for summary judgment. A certificate of immediate review was granted on January 6, 2005 and Williams filed her application for interlocutory review with this Court on January 11, 2005.

Under OCGA § 5-6-34 (b), a certificate of immediate review must be granted within 10 days of the date of entry of the order sought to be appealed. It is a statutory prerequisite that a certificate of immediate review be granted within this time period, and this Court lacks jurisdiction over an application for interlocutory review when the granting of the certificate of immediate review is not timely. See *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973); *Laurens County v. Dixon*, 133 Ga. App. 727 (213 SE2d 26) (1975); *Von Waldner v. Baldwin/Cheshire, Inc.*, 133 Ga. App. 23, 24 (2) (209 SE2d 715) (1974).

The trial court recognized that the certificate of immediate review was not entered within the requisite time period, and explained that the delay was caused by the mailing of the order sought to be appealed to the defense counsel's former address. Although these circumstances are extenuating, neither this Court nor the trial court has authority to grant an extension of time for the filing of a certificate of immediate review. Court of Appeals Rule 30 (f); see *Smith v. State*, A91I0085 (unpublished, decided April 10, 1991) (trial court has no authority to grant an extension of time for filing an interlocutory appeal); compare *Rosenstein v. Jenkins*, 166 Ga. App. 385 (304 SE2d 740) (1983) (there is no authority comparable to OCGA § 5-6-39 (a) authorizing an extension of time for filing an application for

discretionary appeal); compare OCGA § 5-6-34 (b) with OCGA § 5-6-39 (a). Because this Court lacks jurisdiction over this interlocutory application it is DISMISSED without prejudice to any corrective action, brought upon proper motion in the superior court, vacating the order sought to be appealed, entering a new order, and subsequently issuing a timely certificate of immediate review. OCGA § 15-1-3 (6) and (7); see also Georgia Const. of 1983, Art. VI, Sec. I, Par. IV (power to effectuate judgments and similar rulings).

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

JAN 20 2005

*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. Martineau*, Clerk.

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

ATLANTA, FEBRUARY 02, 2005

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

APPLICATION NO. A05I0147

NEW PLAN EXCEL REALTY TRUST, INC V. VICKI BURNETT

D/B/A CLARK BURGERS ET AL

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

95013

02V144

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

**FEB 02 2005**

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

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

*Clerk.*

*Will. L. Martin, Jr.*

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

ATLANTA,                      FEBRUARY 10, 2005

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

APPLICATION NO.            A05I0148

MICHAEL D'AMELIO V. ILLINOIS TOOL WORKS, INC.

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

96013

03CV378

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 10 2005**

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

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

*Clerk.*

*Will. L. Martin, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

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

**FEB 10 2005**

## **A05I0149. CROTTS, et al. v. O’KELLEY, et al.**

Applicants are numerous members and members-elect of the Georgia General Assembly who moved to intervene in an action challenging the legality of the manner in which “Amendment One”, known as the “Defense of Marriage Amendment”, was presented to voters on the November 2004 general election ballot. The superior court denied the applicants’ motion to intervene but certified the matter for immediate review. The respondents to this application have filed a motion to transfer the application to the Supreme Court. They contend that – regardless of the nature of the procedural issue presented for review – the underlying case is one in which the Supreme Court is vested with exclusive appellate jurisdiction under Ga. Const. of 1983, Art. VI, § VI, ¶ II (1), and that is the nature of the underlying case that controls. We agree. Accordingly, the motion is *granted* and the application is hereby *transferred* to the Supreme Court for disposition.<sup>1</sup>

*Court of Appeals of the State of Georgia*

*Clerk’s Office, Atlanta*

**FEB 10 2005**

*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.

---

<sup>1</sup>While the issue presented here is clearly ancillary to the subject matter of the case, a contrary ruling on respondents’ motion would require this court to consider the merits of a request for an appeal that, if denied, might unfortunately leave the applicants wondering whether this court simply opted to avoid the case entirely, effectively leaving it to the Supreme Court to decide the issue upon entry of final judgment. No matter how diligently this court exercises its discretion when reviewing an application in a case that will be within the Supreme Court’s appellate jurisdiction upon entry of final judgment, such concerns cannot be totally eliminated. For this reason it is suggested that where, as here, it is clear that an issue would ultimately be decided by the Supreme Court in the absence of the interlocutory appeal procedure, that issue should be presented to the Supreme Court instead of to this court for review under the interlocutory appeal procedure as a matter of course. But see *Gates v. Gates*, 277 Ga. 175 (587 SE2d 32) (2003) (citing examples of interlocutory orders entered in divorce cases that are deemed to be within the appellate jurisdiction of the Court of Appeals).

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

ATLANTA,            FEBRUARY 14, 2005

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

APPLICATION NO.        A05I0150

TONYA LYNN MORROW, ET AL V. LAKESIDE PEST CONTROL,  
INC., ET AL

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

90013

04V644

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    **FEB 14 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 09, 2005

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

APPLICATION NO. A05I0151

RODNEY SAMPSON V. HAYWIRE VENTURES, 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.

70013

2002CV56406

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **FEB 09 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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,                      FEBRUARY 01, 2005

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

APPLICATION NO.            A05I0152  
TERENCE SENTELL LUMPKIN V. THE STATE

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

97013

SU04CR0455

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta    **FEB 01 2005**

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the minutes of the Court of Appeals of Georgia*

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

Clerk.

*Will. L. Mart; R*

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

ATLANTA,                      FEBRUARY 21, 2005

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

APPLICATION NO.            A05I0153

CITY OF PEACHTREE CITY V. MICHAEL CAHILL ET AL

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

91013

2004V1129

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 21 2005**

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

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

*Clerk.*

*Will. L. Martine*

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

ATLANTA,

*The Court of Appeals hereby passes the following order:* **FEB 21 2005**

**A05I0154. BALK, INC., et al. v. HULSEY, et al.**

Balk, Inc., and Larry H. Carter seek immediate review of a purported order denying summary judgment entered on January 5, 2005. The order submitted in the application, however, merely directs that the case be referred to mediation. Because there is no order denying summary judgment included in the applicants' submission, and because the mediation order was not certified for immediate review, the application is hereby *dismissed* for lack of jurisdiction.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 21 2005**  
*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. Mart*, Clerk.

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

ATLANTA,                      FEBRUARY 02, 2005

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

APPLICATION NO.            A05I0155  
ROBERT DARRYL JONES V. THE STATE

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

97014

SU04CR0455

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta    **FEB 02 2005**

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the minutes of the Court of Appeals of Georgia*

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

Clerk.

*C. Will. L. Mait; JR*

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

ATLANTA,            FEBRUARY 15, 2005

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

APPLICATION NO.        A05I0156

GREGORY MENELAS V. THE STATE

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

93013

04SC13539

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 15 2005**

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

*Wil. L. Mat. II*

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

ATLANTA,                      FEBRUARY 17, 2005

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

APPLICATION NO.            A05I0157  
RANDALL FITZGERALD V. JOHN LUPPINO

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

99013

04V78606N

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      **FEB 17 2005**

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

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

Clerk.

*C. Vill. L. Mait; JR*

# Court of Appeals of the State of Georgia

ATLANTA,

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

**FEB 02 2005**

## **A05I0158. TERESA MICHELLE PRESLEY v. THE STATE.**

On January 10, 2005, the superior court entered an order denying Teresa Michelle Presley's motion to suppress. On January 11, 2005, the trial court granted a certificate of immediate review. On January 20, 2005, Presley attempted to file an application for interlocutory review in this Court but did not enclose a certificate of immediate review in her application. Because of this omission, the clerk of this Court could not docket the application. On January 28, 2005, Presley duly filed her application, together with the certificate of immediate review.

Under OCGA § 5-6-34 (b), an application for interlocutory review must be filed within ten days of the date that the trial court granted the certificate of immediate review. *Baynes v. State*, 189 SE2d 797 (377 SE2d 708) (1989); see *Genter v. State*, 218 Ga. App. 311 (460 SE2d 879) (1995); *Bowers v. Price*, 168 SE2d 125 (308 SE2d 420) (1983). Because Presley did not file her application within ten days of the date the certificate of immediate review was granted, this Court lacks jurisdiction over this application and it is DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **FEB 02 2005**

*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,                      FEBRUARY 04, 2005

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

APPLICATION NO.            A05I0159

BENJAMIN ABRAHAM, D.O., ET AL V. MARY ANDERSON ET AL

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

94013

02A132607

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 04 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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. L. L. Mart; *

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

ATLANTA,                      FEBRUARY 04, 2005

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

APPLICATION NO.            A05I0160  
HERITAGE HEALTH SERVICES, INC., D/B/A NEW LONDON ET AL  
V. MARY ANDERSON ET AL

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

94014

02A132607

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*    **FEB 04 2005**

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the minutes of the Court of Appeals of Georgia*

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

*Clerk.*

*C. Will. L. Maiti*

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

ATLANTA,                      FEBRUARY 17, 2005

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

APPLICATION NO.            A05I0161

JOSEPH KOLLMAN V. THE STATE

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

95014

04D18953

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 17 2005**

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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. Mat; JR*

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

ATLANTA,

*The Court of Appeals hereby passes the following order:* FEB 02 2005

**A05I0162. RICKY DONELL CARTER v. GEORGIA DEPARTMENT OF  
HUMAN RESORCES EX REL TYLER CARTER.**

Ricky Donel Carter filed this application for interlocutory appeal seeking review of the trial court's denial of his motion to disqualify and recuse. 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); OCGA § 5-6-34 (b); Court of Appeals Rule 32 (a). The trial court entered the certificate of immediate review on January 18, 2005, so the applicant had until January 28, 2005, to file his application. Carter filed the application on February 1, 2005, four days late. Therefore, 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* FEB 02 2005

*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,

MAR 01 2005

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

**A05I0163. GEORGIA POWER COMPANY, et al. v. GOLD-ARROW FARMS, INC, et al.**

The plaintiffs in the above styled action are landowners whose respective properties are subject to voluntary easements originally conveyed to defendant Georgia Power Company almost 50 years ago. Relying on these easements, the defendants have run fiber optic lines through the encumbered properties and have licensed excess bandwidth to third parties for general communications use. The plaintiffs contend that by doing so the defendants have exceeded the permissible scope of the easements.

The defendants currently seek immediate review of an order granting in part the plaintiffs' motion for summary judgment and denying the defendants' cross-motions for summary judgment. They assert that they also plan to file a direct appeal and that this application was filed merely in an abundance of caution.

It is well settled that "[w]hen a direct appeal is taken, any other judgments, rulings or orders rendered in the case and which may affect the proceedings below may be raised on appeal and reviewed and determined by the appellate court." *Southeast Ceramics v. Klem*, 246 Ga. 294, 295 (1) (271 SE2d 199) (1980). "This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicants have not otherwise filed a notice of appeal." *Spivey v. Hembree*, 268 Ga. App. 485, 486 n. 1 (602 SE2d 246) (2004). Because the order complained of here is subject to direct appeal under OCGA § 9-11-56 (h), the application for appeal is hereby *granted*.

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

appeal in the superior court, provided that they have not otherwise filed a timely notice of direct appeal from the grant of partial summary judgment to respondents. 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 01 2005**

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

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

*William L. Martin*, Clerk.

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

ATLANTA,            FEBRUARY 17, 2005

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

APPLICATION NO.        A05I0164  
METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
V. DAVETTA L. MOSLEY

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

90014  
2002CV49041

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **FEB 17 2005**

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

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

FEB 09 2005

**A05I0165. SMITH v. HENRY.**

Defendant George Wallace Smith seeks immediate review of an order purporting to deny the parties' cross motions for summary judgment in an action alleging libel and slander, among other things. The central question presented in Smith's application is whether plaintiff Brenda Henry, in her role as Chief Tax Appraiser for Douglas County, is a public official. The trial court ruled "as a matter of law that Plaintiff is neither a public official nor a limited-purpose public figure." The question of whether Henry is a public official for present purposes is "particularly appropriate for resolution on motion for summary judgment." *Sparks v. Thurmond*, 171 Ga. App. 138, 141 (1) (319 SE2d 46) (1984). Since the trial court unambiguously granted summary judgment to Henry on this particular issue, the order complained of is subject to direct appeal by Smith under OCGA § 9-11-56 (h). "This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicants have not otherwise filed a notice of appeal." *Spivey v. Hembree*, 268 Ga. App. 485, 486 n. 1 (602 SE2d 246) (2004). Accordingly, Smith's application for appeal is hereby *granted*.

Smith 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*

FEB 09 2005

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

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

*Will. L. Martin, JR.* \_\_\_\_\_, Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

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

MAR 09 2005

**A05I0166. HERITAGE WHOLESALE FLOORING, INC. v. KR  
SNELLVILLE, LLC**

Heritage Wholesale Flooring, Inc. filed this application for interlocutory appeal from the trial court's order granting KR Snellville, LLC a writ of possession. It appears, however, from the application materials that the order in this case is a final judgment; thus, the applicant was not required to file an application for interlocutory appeal.<sup>1</sup>

"This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicants have not otherwise filed a notice of appeal." *Spivey v. Hembree*, 268 Ga. App. 485, 486 n. 1 (602 SE2d 246) (2004). In this case, however, the application is untimely. Although the applicant filed its application within ten days after obtaining a timely certificate of immediate review, in accordance with the requirements of OCGA § 5-6-34 (b), OCGA § 44-7-56 imposes an additional requirement. Under that code section, an appeal from any judgment by the trial court in a dispossessory proceeding must be filed within seven days of the date the judgment was entered. *Ray M. Wright, Inc. v. Jones*, 239 Ga. App. 521, 523 (521 SE2d 456) (1999); accord *America Net, Inc. v. U.S. Cover, Inc.*, 243 Ga. App. 204 (532 SE2d 756) (2000). The applicant in this case failed to file its application for interlocutory appeal with this Court within seven days of the date of

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<sup>1</sup>It also appears that there were other issues to be resolved between the parties besides the amount of rent due; thus, the applicant was not required to file an application for discretionary appeal pursuant to OCGA § 5-6-35 (a) (3).

the order granting the writ of possession. This Court will not permit the applicant to utilize the interlocutory appeal statute to circumvent the requirements of OCGA § 44-7-56. Accordingly, this application is hereby ordered DISMISSED.

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* MAR 09 2005

*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. Matijevic*, Clerk.

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

ATLANTA, APRIL 04, 2005

*The Court of Appeals passed the following order*

Case No. A05I0166

HERITAGE WHOLESALE FLOORING, INC., V. KR SNELLVILLE, LLC

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

91-014  
04C026412

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta APR 04, 2005*

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

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

Clerk.

*Will. L. Martin*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

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

 Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** April 26, 2005

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 **S05C1287**

HERITAGE WHOLESALE FLOORING, INC. v. KR SNELLVILLE, LLC

 Clerk, Supreme Court of Georgia

Case No. A05I0166

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

**APR 27 2005**

 Clerk, Court of Appeals of Georgia

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

ATLANTA,                      FEBRUARY 24, 2005

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

APPLICATION NO.            A05I0167  
ZEFERINO LUCIO ANAYA V. JOAQUIN COELLO, AS GUARDIAN  
OF BICENTE AGUILERA MORENO

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

92014

03CV1273

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 24 2005**

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

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

*Clerk.*

*William L. Martin, Jr.*

Court of Appeals  
of the State of Georgia

ATLANTA, MARCH 01, 2005

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

APPLICATION NO. A05I0168

CHICK-FIL-A, INC., ET AL V. STEVEN L. EHRETSMAN, ET AL

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

93014

02VS035380J

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAR 01 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 21, 2005

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 **S05C1074**

CHICK-FIL-A, Inc., et al. v. STEVEN L. EHRETSMAN et al.

 Clerk, Supreme Court of Georgia

Case No. A05I0168

Court of Appeals of Georgia

Notice of Petition for Certiorari

**MAR 24 2005**

filed in office

 Clerk, Court of Appeals of Georgia

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

ATLANTA,                      FEBRUARY 24, 2005

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

APPLICATION NO.            A05I0169

MARY ANN WILLIAMS V. MARTIN LAKES CONDOMINIUM ASSOCIATION

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

99014

99VS159309C

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 24 2005**

*I certify that the above is a true extract fromd  
the minutes 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; R*

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

ATLANTA, MARCH 11, 2005

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

APPLICATION NO. A05I0170

KENNETH R. VARNEY ET AL V. ELEUTERIO GUZMAN ET AL

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

95015

03CV795HS

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 11 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 17, 2005

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

APPLICATION NO.            A05I0171  
MICHAEL LEE HARELLSON V. THE STATE

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

96015

04RCCR1693

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 17 2005**

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

 Court of Appeals  
of the State of Georgia

ATLANTA, MARCH 01, 2005

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

APPLICATION NO. A05I0172

AIRBORNE EXPRESS, INC V. CRYSTAL D. FRANKS ET AL

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

98015

01HV631J

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 01 2005**

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

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

*Clerk.*

*Will. L. Mat; R*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **FEB 22 2005**

**A05I0173. DEREK GARMON ET AL. v. BRYAN LEE KELLEY ET AL.**

The plaintiff applicants seek interlocutory review of an order granting defendants' motion for summary judgment and to enforce settlement. The order complained of was filed on January 28, 2005. The certificate of immediate review was signed on February 4, 2005 and filed on February 10, 2005. It is well settled that to be effective a certificate for immediate review must be signed by the trial judge and filed with the clerk 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). Because the certificate of immediate review relied on here was not timely filed with the clerk as required, the application is hereby **DISMISSED** for lack of jurisdiction.

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **FEB 22 2005**

*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, MARCH 16, 2005

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

APPLICATION NO. A05I0174  
IN THE INTEREST OF P.G., A CHILD

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

70015

0401683

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **MAR 16 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, MARCH 02, 2005

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

APPLICATION NO. A05I0175  
KEN W. HEALEY V. PHYLLIS 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.

71015

00VS012459A

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **MAR 02 2005**

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

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

Clerk.

*Phillip L. Maitland*

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

ATLANTA,

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

MAR 15 2005

**A05I0176. CHARLES E. FONTAINE ET AL. v. MOSAICA ADVANTAGE, INC., f/k/a ADVANTAGE SCHOOLS, INC.**

**A05I0177. MOSAICA ADVANTAGE, INC., f/k/a ADVANTAGE SCHOOLS, INC. v. THE PARTNERSHIP OF KAPTON KOFI ET AL.**

On February 14, 2005, each of the parties filed applications for interlocutory appeal. On March 3, 2005, this Court granted these applications on the basis that they were subject to direct appeal and allowed each of the parties ten days to file notices of appeal in the trial court. The parties have notified this Court, however, that in the interim, the defendants filed a timely notice of appeal in the trial court on February 23, 2005, and the plaintiff filed a timely notice of cross appeal on February 25, 2005. The Superior Court of Fulton County has confirmed this information. The order of March 3, 2005, is accordingly VACATED, and the applications are hereby REINSTATED but DISMISSED on the basis that timely notices of appeal have already been filed in these cases.

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

MAR 15 2005

*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,

*The Court of Appeals hereby passes the following order:* MAR 03 2005

**A05I0176. CHARLES E. FONTAINE ET AL. v. MOSAICA ADVANTAGE, INC., f/k/a ADVANTAGE SCHOOLS, INC.**

**A05I0177. MOSAICA ADVANTAGE, INC., f/k/a ADVANTAGE SCHOOLS, INC. v. THE PARTNERSHIP OF KAPTON KOFI ET AL.**

The parties each filed a motion for summary judgment below on identical issues. In a single order, the trial court disposed of both motions, granting in part and denying in part each of the motions. Both sides have filed timely applications for interlocutory appeal from this order, seeking appeals from the denial of their own motions for summary judgment and the grant of summary judgment to the opposing parties.

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 a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicants have not otherwise filed a notice of appeal.” *Spivey v. Hembree*, 268 Ga. App. 485, 486 n. 1 (602 SE2d 246) (2004). It appears that neither applicant has filed a notice of appeal. Accordingly, these applications are 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 Fulton County is directed to include a copy of this order in the appeal records transmitted to this Court.

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

MAR 03 2005

*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. Martineau*, Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

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

MAR 15 2005

**A05I0176. CHARLES E. FONTAINE ET AL. v. MOSAICA ADVANTAGE, INC., f/k/a ADVANTAGE SCHOOLS, INC.**

**A05I0177. MOSAICA ADVANTAGE, INC., f/k/a ADVANTAGE SCHOOLS, INC. v. THE PARTNERSHIP OF KAPTON KOFI ET AL.**

On February 14, 2005, each of the parties filed applications for interlocutory appeal. On March 3, 2005, this Court granted these applications on the basis that they were subject to direct appeal and allowed each of the parties ten days to file notices of appeal in the trial court. The parties have notified this Court, however, that in the interim, the defendants filed a timely notice of appeal in the trial court on February 23, 2005, and the plaintiff filed a timely notice of cross appeal on February 25, 2005. The Superior Court of Fulton County has confirmed this information. The order of March 3, 2005, is accordingly VACATED, and the applications are hereby REINSTATED but DISMISSED on the basis that timely notices of appeal have already been filed in these cases.

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

MAR 15 2005

*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,

The Court of Appeals hereby passes the following order: **FEB 16 2005**

**A05I0178. RONALD H. DAVIS ET AL v. CITY OF FORSYTH, GEORGIA.**

Plaintiffs Ronald H. Davis, et al., filed an application for interlocutory review of the order granting the City of Forsyth's motion for partial summary judgment as to any and all claims for bodily injury, as to any and all claims for property damage occurring prior to November 9, 2000, and as to the issue of punitive damages. In its order, the trial court found no just reason for delay and expressly directed the clerk to enter final judgment on the grants of partial summary judgment pursuant to OCGA § 9-11-54 (b).

A grant of partial summary judgment is directly appealable under OCGA § 9-11-56 (h). *Whiddon v. Stargell*, 192 Ga. App. 826, 828 (386 SE2d 884) (1989). And, all rulings within that order and any other nonfinal rulings entered previously in the case may also be raised as part of that direct appeal. OCGA § 5-6-34 (d); see *Southeast Ceramics v. Klem*, 246 Ga. 294, 295 (1) (271 SE2d 199) (1980); *Smith v. Tommy Roberts Trucking Co.*, 209 Ga. App. 826, 827 (1) (435 SE2d 54) (1993); *Olympic Dev. Group v. American Druggists' Ins. Co.*, 175 Ga. App. 425 (1) (333 SE2d 622) (1985).

Additionally, a direct appeal is proper where, as in this case, the trial court, pursuant to OCGA § 9-11-54 (b), expressly determines that its ruling on a claim is final and there is no just reason for delay. *Sam's Wholesale Club v. Riley*, 241 Ga. App. 693, 695 (1) (527 SE2d 293) (1999).

"This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicants have not otherwise filed a notice of appeal." *Spivey v. Hembree*, 268 Ga. App. 485, 486 n. 1 (602 SE2d 246)

(2004). Accordingly, this application is GRANTED. Applicants shall have ten days from the date of this order to file a notice of appeal in the superior court. The clerk of the superior court is directed to include a copy of this order in the record transmitted to this Court.

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

**FEB 16 2005**

*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 15, 2005

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

APPLICATION NO. A05I0179  
JAMES MICHAEL PRATHER V. THE STATE

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

93015

02SC01472

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAR 15 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, MARCH 14, 2005

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

APPLICATION NO. A05I0180

WILLIAM H. NELSON, M.D., ET AL V. DELORES WALDEN

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

99015

CE0300211063

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 14 2005**

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

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

*Clerk.*

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

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

ATLANTA, MARCH 10, 2005

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

APPLICATION NO. A05I0181

THE CITY OF GAINESVILLE V. COMPLETE AUTO PARTS, INC., ET AL

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

94015

03CV2330C

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 10 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 10, 2005

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

APPLICATION NO. A05I0182  
THE CITY OF GAINESVILLE V. MELISSA REIDLING ET AL

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

94016

03CV2359C

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **MAR 10 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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. Mait; JR*

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

ATLANTA,

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

**MAR 16 2005**

**A05I0183. RONALD WINSTON SUGGS v. STEVEN W. HALE.**

Upon consideration of the respondent's motion to dismiss the application, the motion is hereby DENIED. Upon consideration of the application for interlocutory appeal, the application is hereby GRANTED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 16 2005**

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

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

*Will. L. Martz, Jr.*, Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **FEB 28 2005**

A05I0184. *DAVLONG SYSTEMS, INC. v. AIKEN DERMATOLOGY & SKIN CANCER CLINIC, P. A.*

A05I0191. *AIKEN DERMATOLOGY & SKIN CANCER CLINIC, P. A. v. DAVLONG SYSTEMS, INC.*

Companion applications A05I184 and A05I191 are GRANTED. OCGA § 5-6-35 (b); *Spivey v. Hembree*, 268 Ga. App. 485, 486 n. 1 (602 SE2d 246) (2004); *Whiddon v. Stargell*, 192 Ga. App. 826, 828 (386 SE2d 884) (1989).

Applicants may file notices of appeal within 10 days of the date of this order. The Clerk of the Superior Court is directed to include a copy of this order in the records transmitted to the Court of Appeals.

Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta **FEB 28 2005**

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. Matijevic*, Clerk.

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

ATLANTA, MARCH 04, 2005

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

APPLICATION NO. A05I0185  
CANNON INSURANCE AGENCY, INC., ET AL V. BENNETT  
TRUCK TRANSPORT, LLC

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

98016

03CV2413M

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 04 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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. Mait; JR*

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

ATLANTA, MARCH 14, 2005

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

APPLICATION NO. A05I0186  
METROPOLITAN PROPERTY ET AL V. ZECH-IMANI, INC.,  
D/B/A B&E PERSONAL CARE HOME, 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

0310627499

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

MAR 14 2005

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

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

Clerk.

*Will. L. Mat; JR*

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

ATLANTA, MARCH 23, 2005

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

APPLICATION NO. A05I0187  
ASHFORD ACADEMY, INC., V. KELLY M. FRIER ET AL

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

70016

03SV00061

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **MAR 23 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, FEBRUARY 03, 2005

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

APPLICATION NO. A05I0188

ANDREW BOWENS 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.

97016

CR031600MO

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 03 2005**

*I certify that the above is a true extract fromd  
the minutes 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, MARCH 16, 2005

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

APPLICATION NO. A05I0189

DAMASCUS PEANUT COMPANY V. JOHN RAY STOUT, D/B/A  
STOUT FARMS

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

71016

200401

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 16 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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. L. Maitland*

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

ATLANTA, MARCH 09, 2005

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

APPLICATION NO. A05I0190

WILLARD L. SISSON ET AL V. DENISE D. ELLIOTT

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.

92016

03CV4987

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 09 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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:* FEB 28 2005

A05I0184. DAVLONG SYSTEMS, INC. v. AIKEN DERMATOLOGY & SKIN  
CANCER CLINIC, P. A.

A05I0191. AIKEN DERMATOLOGY & SKIN CANCER CLINIC, P. A. v. DAVLONG  
SYSTEMS, INC.

Companion applications A05I184 and A05I191 are GRANTED. OCGA § 5-6-35 (b); *Spivey v. Hembree*, 268 Ga. App. 485, 486 n. 1 (602 SE2d 246) (2004); *Whiddon v. Stargell*, 192 Ga. App. 826, 828 (386 SE2d 884) (1989).

Applicants may file notices of appeal within 10 days of the date of this order. The Clerk of the Superior Court is directed to include a copy of this order in the records transmitted to the Court of Appeals.

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* FEB 28 2005

*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 23, 2005

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

APPLICATION NO. A05I0192

ATLANTIX GLOBAL SYSTEMS, LLC ET AL V. U.S. MICRO CORP.

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

93016

02C107441

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

MAR 23 2005

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

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

ATLANTA, MARCH 23, 2005

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

APPLICATION NO. A05I0193

U.S. MICRO CORPORATION, A GEORGIA CORPORATION V.

ATLANTIX GLOBAL SYSTEMS, LLC, A GEORGIA LIMITED

LIABILITY 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.

93017

02C10744S1

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

MAR 23 2005

*I certify that the above is a true extract fromd  
the minutes of the Court 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, MARCH 21, 2005

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

APPLICATION NO. A05I0194

JAMES E. GILLIAM, JR. V. BOBBY LEE LOVE

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.

99016

04CV2462

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

MAR 21 2005

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

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

ATLANTA, MARCH 23, 2005

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

APPLICATION NO. A05I0195  
METROPOLITAN CASUALTY INSURANCE COMPANY V.  
MARKEITH TERRY NUNLEY, ET AL

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

95017

02CV2760J

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 23 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 23, 2005

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

APPLICATION NO. A05I0196

THE HOUSING AUTHORITY OF THE CITY OF MACON V. AMILE

D. YOUNIS 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

02CV16191

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 23 2005**

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

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

*Clerk.*



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

ATLANTA, MARCH 24, 2005

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

APPLICATION NO. A05I0197  
ERIKA WALKER ET AL V. STEPHEN ZIEGLER

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

90017

2003SCV622

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

**MAR 24 2005**

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

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

Clerk.

*Will. L. Mait; [Signature]*

Court of Appeals  
of the State of Georgia

ATLANTA, MARCH 23, 2005

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

APPLICATION NO. A05I0198  
BRENDAN J. MURPHY ET AL V. STIEFEL LABORATORIES,  
INC., ET AL

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

70017

03A95572

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

MAR 23 2005

*I certify that the above is a true extract fromd  
the minutes of the Court 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 20, 2005

*The Court of Appeals passed the following order*

Case No. A05I0198

BRENDAN J. MURPHY ET AL V. STIEFEL LABORATORIES,  
INC., ET AL

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

70-017  
03A95572

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta APR 20, 2005*

*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. Martz, 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.

(404) 656-3470

Sherie M. Welch, Clerk

**Docketing Date:** May 10, 2005

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 **S05C1390**

BRENDAN J. MURPHY et al. v. STIEFEL LABORATORIES, INC., et al.

Clerk, Supreme Court of Georgia

Case No. A05I0198

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, MARCH 29, 2005

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

APPLICATION NO. A05I0199  
GERALD BECKS D/B/A JAY'S PLACE SPORTS BAR AND LOUNGE  
V. MARY PIERCE

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

97017

04A254206

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 29 2005**

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

*The Court of Appeals hereby passes the following order:* **MAY 20 2005**

**A05I0200. DIAMOND AVIATION, INC., ET AL. v. MARTIN, JR.**

Respondent Charles L. Martin, Jr., has filed a motion for and award of attorney's fees and costs of litigation under OCGA § 9-15-14 following this court's denial of the above styled application for interlocutory appeal. Because appellate courts are not authorized to enter such an award, Martin's motion is hereby *dismissed* for lack of jurisdiction. *Style Craft Homes, Inc. v. Chapman*, 226 Ga. App. 634 (487 SE2d 32) (1997).

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

**MAY 20 2005**

*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 30, 2005

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

APPLICATION NO. A05I0200

DIAMOND AVIATION, INC., ET AL V. CHARLES L. MARTIN, JR.

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

71017

2001CV32854

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 30 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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:* **MAY 20 2005**

**A05I0200. DIAMOND AVIATION, INC., ET AL. v. MARTIN, JR.**

Respondent Charles L. Martin, Jr., has filed a motion for and award of attorney's fees and costs of litigation under OCGA § 9-15-14 following this court's denial of the above styled application for interlocutory appeal. Because appellate courts are not authorized to enter such an award, Martin's motion is hereby *dismissed* for lack of jurisdiction. *Style Craft Homes, Inc. v. Chapman*, 226 Ga. App. 634 (487 SE2d 32) (1997).

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

**MAY 20 2005**  
*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 24, 2005

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

APPLICATION NO. A05I0201  
ENVIROCARE TECHNOLOGIES, INC., ET AL V. BETH ABRAMSON

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

91017

03A115366

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 24 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, MARCH 30, 2005

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

APPLICATION NO. A05I0202  
JOHNSON COUNTY SCHOOL DISTRICT ET AL V. GREATER SAVANNAH  
LAWN CARE

 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

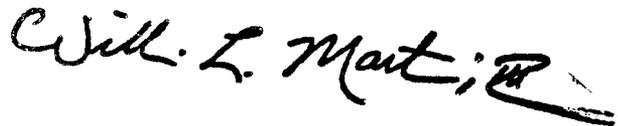
2003CV23F

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **MAR 30 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, MARCH 25, 2005

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

APPLICATION NO. A05I0203  
GEORGIA-PACIFIC CORPORATION D/B/A GEORGIA PACIFIC  
V. TRANSPORTATION FACTORING, INC., D/B/A TRANSFAC

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

99017

04VS065571J

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 25 2005**

*I certify that the above is a true extract fromd  
the minutes 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, MARCH 03, 2005

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

APPLICATION NO. A05I0204

CISCO TRAVEL PLAZA II, INC., ET AL V. KELVIN EDMONDS

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

94017

02V1069

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **MAR 30 2005**

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

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

Clerk.

*Will. L. Maitland*

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

ATLANTA, MARCH 31, 2005

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

APPLICATION NO. A05I0205

CALVIN WALKER V. THE STATE

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

95018

230506

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

**MAR 31 2005**

*I certify that the above is a true extract fromd  
the minutes 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, MARCH 30, 2005

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

APPLICATION NO. A05I0206  
SPALDING COUNTY ET AL V. KENNETH BLANCHARD

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  
03V1218

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **MAR 30 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 17 2005**

A05I0207. MULDOON'S, INC., v. JOYCE ELLIOTT ET AL .

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

98-018  
SU04CV2464

*Court of Appeals of the State of Georgia  
Clerk's Office,*      **MAR 17 2005**

*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. Mait; JR* , Clerk.

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

ATLANTA, MARCH 28, 2005

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

APPLICATION NO. A05I0208  
GOVERNMENT EMPLOYEES INSURANCE COMPANY V.  
PROGRESSIVE CASUALTY INSURANCE COMPANY

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

90018

00A105644

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **MAR 28 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, MAY - 6 2005

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

**A05I0208. GOVERNMENT EMPLOYEES INSURANCE COMPANY v.  
PROGRESSIVE CASUALTY INSURANCE COMPANY.**

On March 28, 2005, this Court granted Government Employees Insurance Company's [GEICO's] application for interlocutory appeal. In response, GEICO filed its notice of direct appeal, and Progressive Casualty Insurance Company [Progressive] filed a notice of cross-appeal, in the trial court. GEICO has now filed a motion, utilizing this Court's interlocutory application docketing number, seeking to have this Court dismiss Progressive's cross-appeal in the trial court. But this Court will not dismiss a direct appeal or cross-appeal before it is docketed in this Court. Accordingly, GEICO's motion is DISMISSED.

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*      **MAY - 6 2005**

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

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

 , Clerk.

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

ATLANTA, MARCH 28, 2005

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

APPLICATION NO. A05I0209  
VALDOSTA HOTEL PROPERTIES, LLC V. ROBBIE WHITE

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

70018

03CV1957

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **MAR 28 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 23, 2005

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

APPLICATION NO. A05I0210

JEROME EARL HATFIELD V. THE STATE

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

97018

2004RCCR1781

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAR 23 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 11, 2005

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

APPLICATION NO. A05I0211

SO SO DEF RECORDINGS, INC., V. RESZUE ROBATEAU

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

71018

02VS029815G

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **APR 11 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, MAR 22 2005

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

**A05I0212. LI v. THE STATE.**

Defendant Peter Li seeks immediate review of an order entered on February 18, 2005, denying his motion to suppress the results of a state administered blood test. The trial court issued a certificate of immediate review signed on March 3, 2005, and filed on March 4, 2005. The certificate states that it is entered "nunc pro tunc to 16th Day of February 2005." However, "[a] nunc pro tunc entry of certificate for immediate review cannot revive a right of appeal which has expired. [Cit.]" *Whitlock v. State*, 124 Ga. App. 599, 601 (1) (185 SE2d 90) (1971). Since no certificate of immediate review was filed with the clerk within ten days of the entry of the order complained of as is required under OCGA § 5-6-34 (b), this court is without jurisdiction to consider the application and it is hereby *dismissed*. See generally *Turner v. Harper*, 231 Ga. 175 (200 SE2d 748) (1973).

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* MAR 22 2005

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

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



....., Clerk.

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

ATLANTA, MARCH 24, 2005

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

APPLICATION NO. A05I0213

GARY LEE WATSON V. THE STATE

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

92018

04T300199

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAR 24 2005**

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

# Court of Appeals of the State of Georgia

ATLANTA,

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

APR 06 2005

**A05I0214. MARY ANN HITE v. MICHAEL ANDERSON.**

Mary Ann Hite has filed an application for interlocutory appeal from the trial court's order granting Michael Anderson's motion for partial summary judgment on the issue of liability. 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 a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicant has not otherwise filed a notice of appeal." *Spivey v. Hembree*, 268 Ga. App. 485, 486 n. 1 (602 SE2d 246) (2004). Hite has apparently not filed a notice of appeal. Thus, this application is ordered GRANTED. Hite shall have ten days from the date of this order to file a notice of appeal with the trial court. The Clerk of the State Court of Fulton County shall include a copy of this order in the appeal records transmitted to this Court.

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

APR 06 2005

*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 30, 2005

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

APPLICATION NO. A05I0215  
COREGIS INSURANCE COMPANY V. CHARLES ANTHONY NELSON,  
B/N/F., MARIE MIZELL ET AL

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

99018

2003V33565

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

**MAR 30 2005**

*I certify that the above is a true extract fromd  
the minutes 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, APRIL 14, 2005

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

APPLICATION NO. A05I0216  
BALK, INC. ET AL V. KIM S. HULSEY ET AL

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

94018

1B03CV2952

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 14 2005**

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

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

*Clerk.*

*William L. Martin, III*

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

ATLANTA, APRIL 15, 2005

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

APPLICATION NO. A05I0217

KELLEEE WATSON V. THE STATE

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

95019

04M4652

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 15 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 11, 2005

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

APPLICATION NO. A05I0218  
ROADWAY EXPRESS, INC. ET AL V. PHILIP ENTWHISTLE

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.

96019

04C084483

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta APR 11 2005

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

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

Clerk.

*Will. L. Mart; JR*

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

ATLANTA,

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

**APR 11 2005**

**A05I0219. Rich's Employees Credit Union v. Hartsock**

Rich's Employees Credit Union and Wachovia Bank, N.A. ("Rich's") seek interlocutory review of the trial court's partial denial of their motion for summary judgment. In that same order, the trial court granted Rich's motion for summary judgment as to several issues. Carolyn Hartsock and Singer Asset Finance Company, LLC have filed a timely notice of appeal as to the grant of summary judgment pursuant to OCGA § 9-11-56 (h). A direct appeal may be taken from the grant of partial summary judgment, even if other parties or issues remain pending below, and other orders entered in the case are likewise directly appealable pursuant to OCGA § 5-6-34 (d). Thus, Rich's may directly appeal the denial of summary judgment as a cross appeal to Hartsock's timely notice of appeal. While this court will grant a timely application for interlocutory appeal if the order is subject to direct appeal and the applicant has not otherwise filed a timely notice of appeal, in this case Rich's has filed a timely notice of cross appeal. Therefore, the application is superfluous and is ordered DISMISSED

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 11 2005**

*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. Martineau*, Clerk.

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

ATLANTA, APRIL 11, 2005

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

APPLICATION NO. A05I0220  
RACHEL D. CAPUTO V. THE STATE

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

90019

2004T302981

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **APR 11 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 30 2005

**A05I0221. MARY ANN SMITH v. JOSEPH PATRICK BRENNAN.**

Mary Ann Smith seeks an interlocutory review by this court of the order, entered by the probate court, denying her motion for summary judgment. Smith is the propounder of the Last Will and Testament and First Codicil of decedent, John Michael Brennan, Sr. Smith contends that the probate court erred, and that she is entitled to have the Last Will and Testament and the First Codicil of the decedent admitted to Probate in Solemn Form. Smith claims that the probate court erred in denying her motion for summary judgment because no genuine issue of material fact exists to support the claims of the caveators that the decedent lacked testamentary capacity and that the First Codicil was the result of undue influence exercised upon decedent.

Article VI, Section VI, Paragraph III (3) of the Georgia Constitution of 1983, vests the Supreme Court of Georgia with appellate jurisdiction over all cases involving wills. This constitutional provision has long been construed as conferring the Supreme Court with appellate jurisdiction "only in cases in which the validity or

construction of a will is the main issue on appeal.” *In Re Estate of Lott*, 251 Ga. 461 (306 SE2d 920) (1983).

Under *Rebich v. Miles*, 264 Ga. 467 (448 SE2d 192) (1994), the underlying subject matter of an appeal generally controls when determining the proper appellate procedure. The underlying subject matter of this appeal is the validity of decedent’s Last Will and Testament and First Codicil. Accordingly, this application is TRANSFERRED to the Supreme Court for appropriate resolution.

*Court of Appeals of the State of Georgia*  
*Clerk’s Office, Atlanta* MAR 30 2005

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

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

*Will. L. Martz, JR.*, Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **MAR 29 2005**

## **A05I0222. Hartsock v. Rich's Employees Credit Union**

Carolyn Hartsock and Singer Asset Finance, L.L.C. filed this application for interlocutory appeal seeking review of the trial court's order which granted summary judgment to Rich's Employees Credit Union and Wachovia Bank, N.A. as to several counts in the case. The order Hartsock and Singer seek to appeal was entered in the trial court on February 28, 2005. A timely certificate of immediate review was obtained on March 10, 2005. However, this application was not filed with this Court until March 23, 2005, more than ten days following the grant of the certificate of immediate review. Although Hartsock and Singer contend they obtained an extension of time from the trial court, no extensions of time are permitted for interlocutory or discretionary applications. See Court of Appeals Rules 30 (f) and 31 (f); *Rosenstein v. Jenkins*, 166 Ga. App. 385 (304 SE2d 740) (1983)(no extensions of time for filing discretionary applications authorized). "While the trial court has the authority under OCGA § 5-6-39 to grant a 30-day extension of time for filing a notice of appeal, there is not comparable authority for granting an extension of time for filing an application" *Id.* Accordingly, this Court lacks jurisdiction to consider this application and it is ordered DISMISSED.

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **MAR 29 2005**

*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. Matz*, Clerk.

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

ATLANTA, APRIL 07, 2005

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

APPLICATION NO. A05I0223

LAURENE C. CUVILLIER V. DONOVAN D. JONES, JR.

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

97019

041323

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

APR 07 2005

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

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

(404) 656-3470

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

**Docketing Date:** April 28, 2005

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 **S05C1307**

LAURENE C. CUVILLIER v. DONOVAN D. JONES, JR.

Clerk, Supreme Court of Georgia

Case No. A05I0223

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

**JUN 09 2005**

Clerk, Court of Appeals of Georgia

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

ATLANTA, APRIL 19, 2005

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

APPLICATION NO. A05I0224  
THE STATE OF GEORGIA PUBLIC SAFETY TRAINING CENTER  
V. BEVERLY ENSIGN

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

71019

03CV3746M

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **APR 19 2005**

*I certify that the above is a true extract fromd  
the minutes 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; R*

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

ATLANTA, APRIL 19, 2005

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

APPLICATION NO. A05I0225  
THE STATE OF GEORGIA PUBLIC SAFETY TRAINING CENTER  
V. MURIEL DELAPLANE

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

71020

03CV3746M

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 19 2005**

*I certify that the above is a true extract fromd  
the minutes 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, APRIL 26, 2005

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

APPLICATION NO. A05I0226

GERALD VAUGHN V. THE STATE

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

91019

04B22512

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **APR 26 2005**

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

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

**APR 13 2005**

**A05I0227. Jason Lee Byrd v. The State**

Jason Lee Byrd filed this application for interlocutory appeal seeking review of the trial court's denial of his motion for discharge and acquittal on the basis of double jeopardy. Such an order is directly appealable. *Bentley v. State*, 262 Ga. App. 541 (586 SE2d 32) (2003); *Miller v. State*, 204 Ga. App. 562, 563 (420 SE2d 12) (1992); *Patterson v. State*, 248 Ga. 875 (287 SE2d 7) (1982). 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. It appears that Byrd has not filed a notice of appeal; therefore, this application is GRANTED. Byrd 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 13 2005**

*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. Martineau*, Clerk.

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

ATLANTA, APRIL 19, 2005

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

APPLICATION NO. A05I0228

ALAN ROBERTS ET AL V. FRANKLIN COUNTY BOARD OF TAX  
ASSESSORS

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

93019

04FV347J

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 19 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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:* **APR 13 2005**

**A05I0229. ARTHUR W. HALL v. THE STATE.**

Arthur W. Hall filed this application for interlocutory appeal seeking review of the trial court's denial of his motion for discharge and acquittal on the basis of double jeopardy. Such an order is directly appealable. *Bentley v. State*, 262 Ga. App. 541 (586 SE2d 32) (2003); compare *Patterson v. State*, 248 Ga. 875 (287 SE2d 7) (1982); *Miller v. State*, 204 Ga. App. 562, 563 (420 SE2d 12) (1992); see also *Tubbs v. State*, 276 Ga. 751, 752 (583 SE2d 853) (2003). 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. It appears that Hall has not filed a notice of appeal; therefore, this application is GRANTED. Hall 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 13 2005**

*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, APRIL 21, 2005

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

APPLICATION NO. A05I0230  
JOHN WESLEY TURNER II V. JACK LOUIS MIZE

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

94019

04CV1619J

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **APR 21 2005**

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

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

Clerk.

*Will. L. Maitland*

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

ATLANTA,

*The Court of Appeals hereby passes the following order:* **APR 15 2005**

**A05I0231. MILDRED FISHER v. TOOMBS COUNTY NURSING HOME.**

Mildred Fisher filed this application for interlocutory appeal seeking review of the trial court's order denying a motion to recuse and motion to transfer the case to another county. On March 30, 2005, this Court entered an order directing Fisher to physically file stamped filed copies of the order sought to be appealed and the certificate of immediate review within 10 days of the date of the order. No stamped "filed" order or certificate of immediate review have been filed within the time allowed. Therefore, the application is ordered DISMISSED.

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta* **APR 15 2005**

*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. Mait; JR*, Clerk.

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

ATLANTA, APRIL 26, 2005

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

APPLICATION NO. A05I0232

SOUTHERN GENERAL INSURANCE COMPANY V. DORIS E. FOY

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

96020

04CV1931

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 26 2005**

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

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

*Clerk.*

*Will. L. Matier*

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

ATLANTA, APRIL 27, 2005

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

APPLICATION NO. A05I0233

R. DAVID BAIN ET AL V. BERRY COLLEGE, INC.

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

90020

02CV27728JFL

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **APR 27 2005**

*I certify that the above is a true extract fromd  
the minutes 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, APRIL 28, 2005

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

APPLICATION NO. A05I0234  
GRIFFIN BROS, INC. V. TOWN OF ALTO ET AL

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

70020

05CV203W

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 28 2005**

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

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

*Clerk.*

*Will. L. Mart; JR*

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

ATLANTA, APRIL 07, 2005

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

APPLICATION NO. A05I0235  
MIKE JETHRO REDFORD V. THE STATE

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

97020

03B039632

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* APR 07 2005

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

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

*Clerk.*

*Will. L. Mait; R*

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

ATLANTA, JUNE 23, 2005

Honorable Court of Appeals hereby passes the following order:

A05I0235. MIKE J. REDFORD v. THE STATE.

Upon consideration of the motion for reconsideration, it is ordered that it be hereby dismissed as untimely filed.

97-020

03B039632

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* JUN 23 2005

*I certify that the above is a true extract from  
minutes 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. Martz, 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:** July 19, 2005

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 **S05C1842**

MIKE JETHRO REDFORD v. THE STATE

 Clerk, Supreme Court of Georgia

Case No. A05I0235

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

**JUL 22 2005**

Clerk, Court of Appeals of Georgia



# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **APR 15 2005**

**A05I0236. Glenn A. Davis v. Comverge, Inc.**

Glenn A. Davis filed this application for interlocutory appeal seeking review of the trial court's denial of his motion for declaratory 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. *Genter v. State*, 218 Ga. App. 311 (460 SE2d 879) (1995); OCGA § 5-6-34 (b); Court of Appeals Rule 32 (a). The trial court entered the certificate of immediate review on March 21, 2005, so the applicant had until March 31, 2005, to file his application. Davis filed this application on April 1, 2005, one day late. Therefore, 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* **APR 15 2005**

*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. Vill. L. Mart; R*, Clerk.

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

ATLANTA, MAY 02, 2005

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

APPLICATION NO. A05I0237  
IN RE: W. LANCE SMITH, III, DECEASED

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 Probate Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

95023

58190

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **MAY 02 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 02, 2005

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

APPLICATION NO. A05I0238  
MICHAEL JOSEPH COYLE V. THE STATE

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

93020

04B29594

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 02 2005**

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

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

*Clerk.*

*William L. Maitland*

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

ATLANTA, APRIL 22, 2005

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

APPLICATION NO. A05I0239

LAWRENCE FREDERICK ZOTTOLI, ET AL V. VICKI F. HOWELL 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.

99020

I031145G

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

**APR 22 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, MAY 04, 2005

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

APPLICATION NO. A05I0240

WHITFIELD COUNTY, GEORGIA V. CHARLES SMETEK ET AL

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

94020

89580B

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 04 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, APRIL 27, 2005

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

APPLICATION NO. A05I0241  
PAVEMENT TECHNIQUES, INC., V. RICHARD E. MYRICK AS  
ADMINISTRATOR OF THE ESTATE OF REBECCA S. MYRICK 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.

95021

I023919G

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 27 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, APRIL 19, 2005

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

APPLICATION NO. A05I0242

LAUREN STAPLETON V. THE STATE

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

96021

04CR360J

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

**APR 19 2005**

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the minutes of the Court of Appeals of Georgia*

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

Clerk.

*Will. L. Martin, JR.*

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

ATLANTA, MAY 02, 2005

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

APPLICATION NO. A05I0243

GEORGIA PORTS AUTHORITY V. JAMES B. CURTIS

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

98021

STCV0402424

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAY 02 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, MAY 05, 2005

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

APPLICATION NO. A05I0244  
WACHOVIA CORPORATION V. CITICAPITAL COMMERCIAL  
CORPORATION F/K/A ASSOCIATES COMMERCIAL CORPORATION

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

90021

03A94134

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 05 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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. Mait; JR*

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

ATLANTA, MAY 05, 2005

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

APPLICATION NO. A05I0245

DAVID COLWELL V. THE STATE

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

70021

05R090

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 05 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, MAY 24, 2005

*The Court of Appeals passed the following order*

Case No. A05I0245

DAVID COLWELL V. THE STATE

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

70-021  
05R090

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta MAY 24, 2005*

*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. Martz, 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:** June 13, 2005

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 **S05C1576**

DAVID COLWELL v. THE STATE

Clerk, Supreme Court of Georgia

Case No. A05I0245

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

**JUN 14 2005**

Clerk, Court of Appeals of Georgia

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

ATLANTA, MAY 13, 2005

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

APPLICATION NO. A05I0246

STEVEN F. DUNTON, M.D., ET AL V. QUINTRELLIS K. HEAD

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

97021

03A135645

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **MAY 13 2005**

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

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

ATLANTA, MAY 03, 2005

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

APPLICATION NO. A05I0247

KAREN POULOS FIRTH, AS ADMINISTRATOR OF THE ESTATE OF  
NICHOLAS J. POULOS V. ROCKDALE COUNTY HOSPITAL ET AL

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

71021

03CV1138N

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 03 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, MAY 10, 2005

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

APPLICATION NO. A05I0248  
REGINALD LEE STINSON V. THE STATE

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

91021

05SR00880

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAY 10 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, MAY 02, 2005

*The Court of Appeals passed the following order*

Case No. A05I0249

FOOTSTAR CORPORATION ET AL V. HAZEL DEAN

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

93-021  
I030309G

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta MAY 02, 2005*

*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 12, 2005

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

APPLICATION NO. A05I0250  
STONEGATE MANAGEMENT GROUP, INC., ET AL V. BRADLEY  
D. CHURCH

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

99020

04A59185

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAY 12 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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. Marti*

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

ATLANTA,

**MAY 16 2005**

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

**A05I0251. Smith, Gambrell & Russell v. Paul**

Smith, Gambrell & Russell n/k/a Smith, Gambrell & Russell, LLP (“Smith, Gambrell”) filed this application for interlocutory review of the trial court's partial denial of its motion for summary judgment. In that same order, the trial court partially granted Smith, Gambrell’s motion for summary judgment as to several issues. G. Douglas Paul, Sharon V. Paul, Catspaw Productions, Inc., Catspaw, Inc., Atlanta Catco, Inc., and Recording Studio, Inc. (“Paul”) have filed a timely notice of appeal as to the partial grant of summary judgment pursuant to OCGA § 9-11-56 (h). Therefore, this application is DISMISSED without prejudice to Smith, Gambrell’s right to file a timely cross appeal in the manner provided under OCGA § 5-6-38 (a).

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 16 2005**

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

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



, Clerk.

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

ATLANTA, MAY 11, 2005

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

APPLICATION NO. A05I0252  
BURNS INTERNATIONAL SECURITY SERVICES CORPORATION  
V. CEDRIC B. JOHNSON 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.

94021

03VS047049H

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 11 2005**

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

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

*Clerk.*



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

ATLANTA, MAY 12, 2005

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

APPLICATION NO. A05I0253

ASA WHITE V. THE STATE

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

95022

04SC18759

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAY 12 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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; R*



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

ATLANTA, MAY 03, 2005

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

APPLICATION NO. A05I0254  
SHARON LEVISTER ET AL V. STEVEN M. MOORE

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

96022

03CV51435



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

**MAY 03 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, Jr.*



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

ATLANTA, MAY 17, 2005

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

APPLICATION NO. A05I0255  
JOE SEARCY ET AL V. CHARLES E. HARRIS

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

98022

04A024683

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 17 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 E. Martinez*

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

ATLANTA, MAY 25, 2005

*The Court of Appeals passed the following order*

Case No. A05I0255

JOE SEARCY ET AL V. CHARLES E. HARRIS

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

98-022  
04A024683

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta MAY 25, 2005*

*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. Maitland*

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

ATLANTA, MAY 23, 2005

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

APPLICATION NO. A05I0256  
CELEBRITY BUSINESS SUITES, INC., ET AL V. PERIGEE  
COMMUNICATIONS SPECIALISTS, L.L.C.

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

90022

2004CV84830

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 23 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, MAY 18, 2005

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

APPLICATION NO. A05I0257

ALLSTATE INSURANCE COMPANY V. AMB CONTRACTOR, INC., ET AL

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

70022

04A14583

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 18 2005**

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

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

**MAY 24 2005**

**A05I0258. HERITAGE RADIOLOGY ASSOCIATES, INC. v. MEDICAL  
DOCTOR ASSOCIATES, INC.**

Heritage Radiology Associates, Inc. filed this application for interlocutory appeal from the denial of its motion to dismiss for lack of personal jurisdiction. The application includes what appears to be a signed, original "Certificate of Immediate Review." This document, however, is not stamp-filed, and the Clerk of the State Court of Gwinnett County has confirmed that no certificate of immediate review was filed in the case. To be effective, a certificate of immediate review must be signed by the trial judge and filed with the clerk of the trial court within ten days of the date of the order to which the certificate refers. *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973). Because no certificate of immediate review was timely filed with the clerk of the trial court as required, this application is hereby DISMISSED for lack of jurisdiction.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 24 2005**

*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. Martineau*, Clerk.

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

ATLANTA, MAY 12, 2005

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

APPLICATION NO. A05I0259

MARK DAVIS V. VICTOR COREY GRAY - HARVILL

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

71022

04A41

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

MAY 12 2005

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

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

*Clerk.*



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

ATLANTA, MAY - 6 2005

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

**A05I0260. LOIS SMITH v. JANET M. MEDINA.**

Lois Smith filed this application for interlocutory appeal seeking review of the state court's denial of her motion for summary judgment. The order denying summary judgment was entered March 30, 2005, the certificate of immediate review was entered April 13, 2005 and Smith filed this application April 27, 2005.

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 April 9, 2005, the tenth day after entry of the order denying summary judgment, was a Saturday, Smith had until Monday, April 11, 2005 to secure entry of the certificate. Court of Appeals Rule 3. The certificate entered April 13, 2005 is two days late.

Even if the certificate had been timely, Smith's application, filed April 27, 2005, 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). Since April 23, 2005, the tenth day after entry of the certificate of immediate review, was a Saturday, and Monday, April 25, 2005, was an official state holiday, Smith had until Tuesday, April 26, 2005 to file her application. Court of Appeals Rule 3. The application filed April 27, 2005 is one day late.

For these reasons, Smith'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*

**MAY - 6 2005**

*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. McIntosh*, Clerk.

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

ATLANTA, MAY 27, 2005

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

APPLICATION NO. A05I0261  
JONES PETROLEUM COMPANY, INC., ET AL V. BETTY  
F. PHILLIPS, AS EXECUTRIX OF THE ESTATE OF BUD GROSS

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

92022

2003CV0628

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

**MAY 27 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, MAY 26, 2005

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

APPLICATION NO. A05I0262  
IN THE INTEREST OF J.D.G., A CHILD

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 Juvenile Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

92022  
14605J005

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **MAY 26 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 23, 2005

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

APPLICATION NO. A05I0263  
SCOTT KOROWOTNY ET AL V. THE OUTBACK HOMEOWNERS  
ASSOCIATION, INC

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

93022

2002SUCV0144

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 23 2005**

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

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

ATLANTA, MAY 23, 2005

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

APPLICATION NO. A05I0264  
THE OUTBACK PROPERTY OWNERS ASSOCIATION, INC.  
V. SCOTT KOROWOTNY ET AL

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

93024

2002SUCV144

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 23 2005**

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

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

*Clerk.*

*William L. Maitland*

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

ATLANTA,

**MAY 11 2005**

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

**A05I0264. THE OUTBACK PROPERTY OWNERS  
ASSOCIATION, INC. v. SCOTT KOROWOTNY, ET  
AL.**

The above application was docketed in this Court on April 28, 2005. On May 9, 2005, moveant filed a Motion to Consolidate this application with A05I0263. Scott Korowotny, et al. v. The Outback Homeowners Association, Inc.

It appearing the applications are cross-applications, each rising out of the same lower court case number, the motion is hereby GRANTED. A05I0264 will be made a companion application to A05I0263, and assigned to the same Division of judges.

This Court will dispose of the application by issuing an order granting, denying or dismissing the application on or before May 31, 2005.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAY 11 2005**

*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.*

*Willie L. Matz*

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

ATLANTA, MAY 31, 2005

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

APPLICATION NO. A05I0265

GEORGIA POWER COMPANY V. JAMES W. STEWART ET AL

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

94022

03CV0826

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 31 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 23, 2005

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

APPLICATION NO. A05I0266

E.R. SNELL CONTRACTOR, INC., V. CHRISTINE WALBURN

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

96023

03C010104

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 23 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, MAY 23, 2005

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

APPLICATION NO. A05I0267  
THE GEORGIA DEPARTMENT OF TRANSPORTATION ET AL  
V. CHRISTINE WALBURN ET AL

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

96024

03C010104

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 23 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, MAY 25, 2005

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

APPLICATION NO. A05I0268  
ANTHONY PERNELL FLORENCE V. THE STATE

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

98023

05CR116

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 25 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 01, 2005

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

APPLICATION NO. A05I0269  
OLIVIA BANKS AS MOTHER AND NATURAL HEIR OF GRASHAUNDA  
E. BANKS V. THE CITY OF HAMPTON, 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.

90023  
03CV1977C

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **JUN 01 2005**

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

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

ATLANTA, MAY 19, 2005

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

APPLICATION NO. A05I0270  
PAULA RAINEY V. WILWAT PROPERTIES, INC.

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

70023

04VS069958E

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**MAY 19 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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; R*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 27, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0271

MICHAEL DAVIS V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

97023

2005CR039

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAY 27 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, MAY 24, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0272  
FRANZ T. STONE V. WILLIAM M. FOSTER

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

71023

2004V093

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 24 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 06, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0273  
MICHAEL PAUL HUGHES V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

91023

2005SC01776 2005SC01777 2005SC01778 2005SC01779

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 06 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signatura and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*William L. Mart; R*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 24, 2005

*The Court of Appeals passed the following order*

Case No. A05I0273

MICHAEL PAUL HUGHES V. THE STATE

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

91-023  
2005SC01776 2005SC01777 2005SC01778 2005SC01779

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta JUN 24, 2005*

*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, JUNE 02, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0274  
RICHARD S. TAYLOR V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

92023

059028542

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**JUN 02 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, JUNE 08, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0275

CROSS PLAINS CHRISTIAN CHURCH V. CYNTHIA BRANDENBURG ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

93023

03S0883

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**JUN 08 2005**

*I certify that the above is a true extract fromd  
the minutes of the 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. <sup>Clerk</sup> Martine*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 25, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0276

SHANE NEIGHBORS ET AL V. PICKENS COUNTY, GEORGIA ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

99023

2005SUCV126

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 25 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*William L. Maitland*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 07, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0277

TIFT COUNTY, GEORGIA ET AL V. JERRY MCDONALD ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

99023

2004CV221

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 07 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 03, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0278  
TERNELL JERMAINE CALLOWAY V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

94023

05CR003

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 03 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 02, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0279  
FOOT STAR CORPORATION ET AL V. HAZEL DEAN

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

95024

STCV0300309

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*

**JUN 02 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 06, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0280

AUTO-OWNERS INSURANCE COMPANY V. SAMUEL L. BOATRIGHT ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

98024

2003S080779

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 06 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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. Mait; JR*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 07, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0281

CARSON DANE PERKINS V. GEORGIA TRANSMISSION CORPORATION

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

90024

02C596

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **JUN 07 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*Will. L. Martin, III*

 Court of Appeals  
of the State of Georgia

ATLANTA, JUNE 29, 2005

*The Court of Appeals passed the following order*

Case No. A05I0281

CARSON DANE PERKINS V. GEORGIA TRANSMISSION CORPORATION

Upon consideration of the motion for reconsideration filed  
in this case, it is ordered that it be hereby denied.

90-024  
02C596

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta JUN 29, 2005*

*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. Martini*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** July 18, 2005

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 **S05C1826**

CARSON DANE PERKINS et al. v. GEORGIA TRANSMISSION CORPORATION

Clerk, Supreme Court of Georgia

Case No. A05I0281

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

**JUL 20 2005**

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 07, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0282

TROUTDALE CORPORATION V. GEORGIA TRANSMISSION CORPORATION

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

90025

02C595

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 07 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 07, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0283

MRS. C.M. (JEAN) DIXON V. GEORGIA TRANSMISSION CORPORATION

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

90026

02C594

Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta JUN 07 2005

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*Will. L. Mait; R*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 29, 2005

*The Court of Appeals passed the following order*

Case No. A05I0283

MRS. C.M. (JEAN) DIXON V. GEORGIA TRANSMISSION CORPORATION

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

90-026  
02C594

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta JUN 29, 2005*

*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. 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:** July 18, 2005

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 **S05C1830**

C.M. (JEAN) DIXON v. GEORGIA TRANSMISSION CORPORATION

Clerk, Supreme Court of Georgia

Case No. A05I0283

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

**JUL 20 2005**

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 15, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0284

GEORGIA DEPARTMENT OF HUMAN RESOURCES V. DAVID CREWS D/B/A  
CREWS MOBILE HOME SERVICE

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.

70024

03V79

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 15 2005**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*



**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 08, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0286

ANTHONY BODDIE V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

71024

04SC22719

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **JUN 08 2005**

*I certify that the above is a true extract fromd  
the minutes 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,

JUNE

07, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0287

ELAINE T. BYNUM ET AL V. GEORGIA TRANSMISSION CORPORATION

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

90027

02C501

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 07 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 07, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0288

ALETHEA C. TURNER, ET AL V. GEORGIA TRANSMISSION  
CORPORATION

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

90028

02C502

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 07 2005**

*I certify that the above is a true extract fromd  
the minutes 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, JUNE 08, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0289

MICHAEL A. CADDY V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

91024

2004SR3401

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **JUN 08 2005**

*I certify that the above is a true extract fromd  
the minutes 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 03, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0290  
FLINT RIVER INDUSTRIAL CENTER, LLC ET AL V. DOUGHERTY  
COUNTY TAX ASSESSORS

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

92024

05CV2261

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 03 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, JUNE 14, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0291

THE CITY OF CARROLLTON GEORGIA ET AL V. SHEILA BARRETT

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

99024

03V00489

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 14 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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:*

**JUN 22 2005**

**A05I0292. ABDULLAH v. DOBBS.**

Salah B. Abdullah seeks immediate review of an order allegedly dated May 11, 2005, granting the defendant's motion to enforce settlement. No such order is included in Abdullah's application. It appears that plaintiff's counsel presented the certificate for signing immediately after a bench ruling. But the certificate is ineffective to the extent that it relates to a bench ruling since a decision of the superior court is not ripe for review of any kind in this court until it has been reduced to writing and filed with the clerk. Moreover, the order signed and filed on May 19, 2005, is clearly not the order certified for immediate review by the superior court, as evidenced by the fact that the order ultimately entered was deemed a final judgment under OCGA § 9-11-54 (b). And once the court entered a final judgment, any application for interlocutory appeal in the case not yet ruled upon by this court would be rendered moot. For the foregoing reasons, Abdullah's application for appeal is *dismissed* without prejudice.

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **JUN 22 2005**

*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 08, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0293  
ARROW EXTERMINATORS, INC V. JOANNE PEELER

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

95025

04VS065834Y

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **JUN 08 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Will. L. Mait, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 17, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0294

FRIEDMAN, DEVER & MERLIN, LLC ET AL V. OSCAR HUDSON

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

96025

03CV69422

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta

**JUN 17 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 31 2005**

**A05I0295. IN RE: T. A., A CHILD.**

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be DENIED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 31 2005**

*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. Mat...*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,

*The Court of Appeals hereby passes the following order:* **JUN 02 2005**

**A05I0296. DENISE MICHELLE LEONE v. THE STATE.**

Denise Michelle Leone filed this application for interlocutory appeal seeking review of the denial of her motion to suppress. The order denying the motion to suppress was entered April 26, 2005. The certificate of immediate review was entered May 12, 2005.

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). Leone had until May 6, 2005 to secure entry of the certificate. The certificate entered May 12, 2005 is six days late. Accordingly, this Court lacks jurisdiction over the application which is hereby DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 02 2005**

*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. Marti, Jr.*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 17, 2005

*The Court of Appeals passed the following order*

Case No. A05I0296

DENISE MICHELLE LEONE V. THE STATE

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

70-025  
04B32472

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta JUN 17, 2005*

*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,

*The Court of Appeals hereby passes the following order:* **JUN 07 2005**

**A05I0297. JERRY LEVI GREENE v. THE STATE.**

Jerry Levi Greene filed this interlocutory application seeking review of the trial court's order denying his motion to suppress evidence. 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); OCGA § 5-6-34 (b); Court of Appeals Rule 32 (a). The trial court entered the certificate of immediate review on May 13, 2005, so applicant had until May 23, 2005, to file his application. Greene filed the application on May 24, 2005, one day late. Therefore, 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*

**JUN 07 2005**

*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. Mart, Jr.*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 17, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0298  
DAVID MARK SMITH V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

71025

S2004CR1004

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 17 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 23, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0299  
DIANA JEWELL LYLES V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

91025

S2004CR1202

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 23 2005**

*I certify that the above is a true extract fromd  
the minutes 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. Maitland*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 24, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0300

SIMON PROPERTY GROUP, INC., ET AL V. BETTY BENSON ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

92025

041961742

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 24 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*C. Vill. L. Mat, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA,

*The Court of Appeals hereby passes the following order:* **JUN 13 2005**

**A05I0301. GATE CONCRETE PRODUCTS COMPANY v. ERICK  
BOURNIGAL ET AL.**

On May 27, 2005, Gate Concrete Products Company filed an application for interlocutory review of the order denying its motion for summary judgment. On May 5, 2005, the trial court entered the order sought to be reviewed denying Gate Concrete Products' motion for summary judgment. On May 15, 2005, the trial court signed a certificate of immediate review but it was not filed until Wednesday, May 18, 2005.

An application for interlocutory appeal is timely only if a certificate of immediate review is granted within 10 days of the date of entry of the order sought to be appealed. OCGA § 5-6-34 (b). A certificate of immediate review is granted on the date that it is filed or entered. See *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973); *Laurens County v. Dixon*, 133 Ga. App. 727, 728 (213 SE2d 26) (1975). 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. *Van Schallern v. Stanco*, 130 Ga. App. 687 (204 SE2d 317) (1974). In this case, the certificate of immediate review was not filed until 13 days after entry of the order to which the certificate refers. Because the certificate of immediate review was untimely, this Court lacks jurisdiction to consider this application and it is DISMISSED.

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta* **JUN 13 2005**

*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, JUNE 14, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0302  
LAURIE MAYFIELD BARAHONA V. SETH HARMS

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

99025

2003V1240CH

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 14 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, JUNE 23, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0303

JIMMIE BARNARD V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

94025

04R41

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* JUN 23 2005

*I certify that the above is a true extract fromd  
the minutes of the 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. Mait*  
Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 30, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0304

BRIAN G. REYNOLDS V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

95026

04CR293796F

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 30 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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:*

**JUN 14 2005**

**A05I0305. Alea London Limited v. Morgan**

Alea London Limited (“Alea”) seeks interlocutory review of the trial court's order denying its motion for summary judgment. Alea has filed a timely notice of direct appeal from an order granting Pamela Morgan's motion for summary judgment as authorized under OCGA § 9-11-56 (h). Under well settled jurisdictional principles, an applicant need not file an application for interlocutory appeal of any order entered contemporaneously with or pre-existing an order from which a direct appeal is taken since all such orders may be reviewed as a matter of right on direct appeal.<sup>1</sup> OCGA § 5-6-34 (d); *Southeast Ceramics v. Klem*, 246 Ga. 294, 294-296 (1) (271 SE2d 199) (1980). Thus, the order Alea seeks to appeal in this application may be reviewed as part of its direct appeal from the order granting summary judgment. Accordingly, this application is ordered DISMISSED as superfluous.

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**JUN 14 2005**

*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. Mait, Jr.*, Clerk.

---

<sup>1</sup>The order granting the motion for summary judgment was entered in the trial court on May 11, 2005, the same day the order denying summary judgment. Thus, the orders must be considered as being contemporaneous orders and OCGA § 5-6-34 (d) would apply.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 24, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0306

MARY JO VAUGHN V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

98026

SU04CR0165

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **JUN 24 2005**

*I certify that the above is a true extract fromd  
the minutes 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 17, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0307

DEBORAH E. TUNE V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

70026

S2004TR2029

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 17 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, JUNE 22, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0308  
ZACHARIAH T. BRYANT V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

97026

05CR58995

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 22 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, AUGUST 02, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0309  
SHELIA R. CALHOUN V. MOSES S. CALHOUN

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

71026

DR041843BR

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**AUG 02 2005**

*I certify that the above is a true extract fromd  
the minutes 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, JULY 14, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0310

GEORGE BRAHN, M.D., ET AL V. ELLIS RANDALL STEPHENS

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

91026

2005V35014

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 14 2005**

*I certify that the above is a true extract fromd  
the minutes 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. Maitland*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 07, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0311  
GRINNELL CORPORATION ET AL V. ABCO BUILDERS, INC

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

92026

02VS034555G

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **JUL 07 2005**

*I certify that the above is a true extract fromd  
the minutes 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, JULY 11, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0312

CENTRAL OF GEORGIA RAILROAD COMPANY V. ORLANDO MATHIS

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

93026

01VS022369

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 11 2005**

*I certify that the above is a true extract fromd  
the minutes 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. Mathis, 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.

(404) 656-3470

Sherie M. Welch, Clerk

**Docketing Date:** July 22, 2005

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 **S05C1855**

CENTRAL OF GEORGIA RAILROAD COMPANY v. ORLANDO MATHIS

Clerk, Supreme Court of Georgia

Case No. A05I0312

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

JUL 25 2005

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 11, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0313

INTERNATIONAL PAPER COMPANY ET AL V. ORLANDO MATHIS

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

93027

01VS022369A

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 11 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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.*

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 1, 2005

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 **S05C1920**

INTERNATIONAL PAPER COMPANY et al. v. ORLANDO MATHIS

Clerk, Supreme Court of Georgia

Case No. A05I0313

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

AUG 05 2005

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

ATLANTA,

*The Court of Appeals hereby passes the following order:* **JUN 23 2005**

**A05I0314. ANDREAS SIMS v. THE STATE.**

Andreas Sims filed this application for interlocutory appeal seeking review of the denial of his motion to sever. The order denying the motion to sever was entered May 27, 2005. The certificate of immediate review was entered June 8, 2005.

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). Sims had until June 6, 2005 to secure entry of the certificate. The certificate entered June 8, 2005 is two days late. Accordingly, this Court lacks jurisdiction over the application which is hereby DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 23 2005**

*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, JULY 07, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0315  
KELLY WALTON SHEPHERD V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

95027

2004CR7164

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **JUL 07 2005**

*I certify that the above is a true extract fromd  
the minutes 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, JUNE 30, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0316  
JAMES W. SCOTT, M.D., ET AL V. JOHN CHRIS MARTIN

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

96027  
05CV162

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **JUN 30 2005**

*I certify that the above is a true extract fromd  
the minutes 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:* **JUL 13 2005**

**A05I0317. HOMELIFE COMMUNITIES OF DOUGLAS, INC., et al. v. PEACHTREE PLANNED COMMUNITIES, INC., et al.**

This is a dispute between several related corporate homebuilders, which refer to themselves collectively as “Homelife”, and Homelife’s former construction superintendent, defendant Thomas S. Kimbrell, as well as related corporate entities Peachtree Planned Communities, Inc., and Kimbrell Residential Co., Inc. Homelife alleges that Kimbrell began secretly building houses independently of Homelife while still working for Homelife, thereby becoming a competitor for both subcontractors and potential home buyers in violation of the parties’ Builder Agreement. Homelife currently seeks immediate review of those portions of a lengthy detailed order entered on June 3, 2005, that Homelife believes cannot otherwise be appealed by direct appeal. Respondents show that Homelife has already filed a notice of direct appeal based on that portion of the June 3 order denying Homelife’s request for interlocutory and permanent injunctive relief as authorized under OCGA § 5-6-34 (a) (4). Because Homelife is already authorized under OCGA § 5-6-34 (d) to raise in its pending direct appeal *all* issues addressed in the order complained of in this application, this application serves no purpose and is therefore *dismissed* as superfluous.<sup>1</sup>

*Court of Appeals of the State of Georgia  
Clerk’s Office, Atlanta* **JUL 13 2005**

*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.

---

<sup>1</sup>Although it does not affect our disposition, the parties are further advised that “[d]eclaratory judgments ‘have the force and effect of (final judgments) and (are) reviewable as such.’ OCGA § 9-4-2 (a); [Cit.]” *Sunstates Refrigerated Svcs. v. Griffin*, 215 Ga. App. 61, 62 (1) (449 SE2d 858) (1994).

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 12, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0318  
WESLEY CHAPEL FOOT & ANKLE CENTER, LLC ET AL  
V. CATHERINE JOHNSON 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.

70027

01VS01512G

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 12 2005**

*I certify that the above is a true extract fromd  
the minutes 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,

*The Court of Appeals hereby passes the following order:*

**JUL 08 2005**

**A05I0319. THE MEDICAL CENTER OF CENTRAL GEORGIA, INC. D/B/A  
MEDICAL CENTER OF CENTRAL GEORGIA ET AL. v. FELICIA  
HARRISON ET AL.**

On June 2, 2005, the trial court in this case denied The Medical Center of Central Georgia, Inc.'s motion for summary judgment. On June 10, 2005, the trial court certified its order for immediate review pursuant to OCGA § 5-6-34 (b). The Medical Center of Central Georgia, Inc. filed its application for interlocutory appeal in this court on June 22, 2005, twelve days after the certificate of immediate review was entered in the trial court. OCGA § 5-6-34 (b) permits this Court to consider interlocutory appeals only where the application is made within ten days after the certificate of immediate review is entered. Because the applicant failed to file its application within this time frame, the application is untimely, and this Court is without jurisdiction to consider it. *Graves v. Dean*, 166 Ga. App. 186 (303 SE2d 751) (1983). Accordingly, the application for interlocutory appeal is hereby DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **JUL 08 2005**

*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 11, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0320  
AIM LAND, INC. D/B/A STRINGER LUMBER CO. V. CINDY  
CLIVE ET AL

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

71027

2003CV1396C

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **JUL 11 2005**

*I certify that the above is a true extract fromd  
the minutes 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, JULY 13, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0321  
MICHELLE DUFFY ET AL V. RAQUELL LYLES

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

041801734

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **JUL 13 2005**

*I certify that the above is a true extract fromd  
the minutes 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 27, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0322  
DAVID ROBERTS, ET AL V. FRANKLIN COUNTY BOARD OF  
TAX ASSESSORS

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

92027

04FV692T

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **JUL 27 2005**

*I certify that the above is a true extract fromd  
the minutes 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. Mait, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 27, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0323

JEFFERSON INSURANCE COMPANY V. TRINAWA 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 State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

99026

00SV5702

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 27 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 12 2005**

## **A05I0324. Stewart v. The State**

Applicant Chaka R. A. Stewart seeks interlocutory review of the trial court's denial of his Motion to Suppress. The order Stewart seeks to appeal was entered in the trial court on June 2, 2005. A certificate of immediate review was signed by the trial court judge on June 17, 2005 and entered on June 20, 2005. 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, because the certificate of immediate review was not entered within ten days after entry of the order sought to be appealed, the certificate of immediate review is untimely. 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 12 2005**

*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, JULY 18, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0325  
BENNETT D. COTTEN, JR., M.D., SOUTHWEST GEORGIA  
ORTHOPEDIC ET AL V. HERMAN R. 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.

94027

01SCV0815

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **JUL 18 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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,

*The Court of Appeals hereby passes the following order:* JUL 07 2005

**A05I0326. DALLAS AIRMOTIVE, INC. et al v. UNITED STATES AVIATION  
UNDERWRITERS, INC. et al.**

On June 30, 2005, applicants Dallas Airmotive, Inc. et al filed an application for interlocutory review of the order entered June 13, 2005, denying applicants' motion for reconsideration and renewed motion for summary judgment. On June 28, 2005, a certificate of immediate review was filed. The certificate states that it was issued nunc pro tunc June 20, 2005.

A certificate of immediate review is granted on the date that it is filed or entered. See *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973); *Laurens County v. Dixon*, 133 Ga. App. 727, 728 (213 SE2d 26) (1975). A nunc pro tunc certificate of immediate review is without efficacy to support an appeal and such an order cannot revive a right of appeal which has expired. *Whitlock v. State*, 124 Ga. App. 599, 601 (1) (185 SE2d 90) (1971).

Under OCGA § 5-6-34 (b), an application for interlocutory review must be filed within ten days after the certificate of immediate review is granted. See *Genter v. State*, 218 Ga. App. 311 (460 SE2d 879) (1995); *Bowers v. Price*, 168 Ga. App. 125 (308 SE2d 420) (1983). The certificate of immediate review accompanying this application was granted on June 28, 2005, that being the date it was filed, and the attempt to enter the certificate of immediate review nunc pro tunc June 20, 2005, was without legal force and effect. Because the certificate of immediate review was not

granted until 15 days after the date the interlocutory order sought to be appealed was entered, this Court is without jurisdiction to consider this application and it is DISMISSED. See *Graves v. Dean*, 166 Ga. App. 186 (303 SE2d 751) (1983); *Van Schallern v. Stanco*, 130 Ga. App. 687 (204 SE2d 317) (1974).

Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta

JUL 07 2005

I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

, Clerk.



**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 22, 2005

*The Court of Appeals passed the following order*

Case No. A05I0326

DALLAS AIRMOTIVE, INC., ET AL V. UNITED STATES AVIATION  
UNDERWRITERS, INC., ET AL

Upon consideration of the motion for reconsideration filed  
in this case, it is ordered that it be hereby denied.

95-028  
I023700CO

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta JUL 22, 2005*

*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, Jr.*

 Court of Appeals  
of the State of Georgia

ATLANTA, JULY 15, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0327  
TRANSWESTERN SPALDING WOODS, LLC ET AL V. INTERNATIONAL  
TELE-SERVICES, INC.

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

96028

2003CV64258

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **JUL 15 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 27, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0328

M.U.N., INC., ET AL V. A QUIET PLACE IN THE WOODS HOMEOWNERS  
ASSOCIATION, INC.

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

98028

04A001392

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 27 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, JULY 26, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0329

WAYCROSS UROLOGY CLINIC, P.C., ET AL V. WILLIAM D. JOHNSON  
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.

70028

S01V014

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**JUL 26 2005**

*I certify that the above is a true extract fromd  
the minutes 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...*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 27, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0330  
GULFSTREAM AEROSPACE SERVICES CORPORATION F/K/A  
K-C AVIATION, INC., V. UNITED STATES AVIATION UNDERWRITERS,  
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.

97028

I023700C0

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 27 2005**

*I certify that the above is a true extract fromd  
the minutes 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, JULY 29, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0331

JULIE MONTGOMERY V. THE HOSPITAL AUTHORITY OF ALBANY-  
DOUGHERTY COUNTY

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

71028

05CV0021

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 29 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, JULY 22, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0332

PLAYNATION PLAY SYSTEMS, INC., V. GWEN HAMMER 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.

91028

041785635

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 22 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0333  
ANNETTE WILLIAMS V. CITY OF ATLANTA

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

92028

2005CV98250

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**JUL 21 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, AUGUST 03, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0334

STATE AUTOMOBILE MUTUAL INSURANCE COMPANY V. CAROLYN  
CLAUDETTE COVINGTON ET AL

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

93028

04CV35360

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 03 2005**

*I certify that the above is a true extract fromd  
the minutes 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. Mait; R*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 10, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0335  
HARBOR MANAGEMENT, INC., A/A/F WYNCREST APARTMENTS  
V. GERALD SHELTON

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

99028

03A099652

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 10 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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:* SEP 02 2005

A05I0336. MARGARET PACIFICI v. ELIZABETH E. AMBOS ET AL .

Upon consideration of the motion for withdrawal of the above styled application, it is hereby ordered that said motion be GRANTED.

94-028

CV040617

*Court of Appeals of the State of Georgia*

*Clerk's Office,* SEP 02 2005

*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. Vick. L. Mantz; JR*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 16, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0337

EDWARD J. OLIVER ET AL V. STUART WILLIAM MANVILLE ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

95029

04CV228

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 16 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 26 2005**

**A05I0338. CHRISTOPHER SNELLGROVE v. HYATT CORPORATION  
D/B/A GRAND HYATT ATLANTA ET AL.**

Plaintiff Christopher Snellgrove has filed an application for interlocutory review of the trial court's order granting the motion for partial summary judgment filed by defendant Hyatt Corporation d/b/a Grand Hyatt Atlanta, et al. Under OCGA § 9-11-56 (h), the 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 date of entry of such judgment. *Olympic Dev. Group v. American Druggists' Ins. Co.*, 175 Ga. App. 425 (1) (333 SE2d 622) (1985). Thus, the order in this case is directly appealable and is not subject to the interlocutory review requirements of OCGA § 5-6-34 (b).

This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicant has not otherwise filed a notice of appeal. *Spivey v. Hembree*, 268 Ga. App. 485, 486 n. 1 (602 SE2d 246) (2004). The application does not indicate that Snellgrove has filed a notice of appeal. Accordingly, this application is GRANTED. Snellgrove shall have ten days from the date of this order to file a notice of appeal with the trial court. The Clerk of the State Court of Gwinnett County shall include a copy of this order in the appeal records transmitted to this Court.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 26 2005**

*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. Meade, Jr.*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 03, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0339  
ADRIENNE BROOK DOWIS V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

98029

04CR583

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **AUG 03 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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:* **AUG 11 2005**

A05I0340. TROY CHRISTOPHER FLOYD v. MELINDA NADINE BALLENGER  
ET AL .

Upon consideration of the motion for withdrawal of the above styled application, it is hereby ordered that said motion be GRANTED.

90-029

2001CVSU716S

*Court of Appeals of the State of Georgia  
Clerk's Office,* **AUG 11 2005**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, JR.* , Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA

*The Court of Appeals hereby passes the following order:* **AUG 12 2005**

A05I0341. HYATT CORPORATION D/B/A GRAND HYATT ATLANTA v.  
CHRISTOPHER SNELLGROVE.

Upon consideration of the motion for withdrawal of the above styled application, it is hereby ordered that said motion be GRANTED.

70-029

04C124815

*Court of Appeals of the State of Georgia*  
*Clerk's Office,* **AUG 12 2005**

*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 03, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0342

SHANEZ MICHELLE SLADE V. DONALD M. CARTER ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

97029

02V1943

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 03 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, AUGUST 15, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0343  
SYSCO MACHINERY CORPORATION ET AL V. LOREAN PEREZ  
HERNANDEZ

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

71029

02CV1688

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*      **AUG 15 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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:*     **AUG 04 2005**

**A05I0344. CAROLYN DRUSILLA MERRITT v. THE STATE.**

Defendant Carolyn Drusilla Merritt has filed an application for interlocutory review with the Georgia Court of Appeals seeking to appeal the order denying her motion for pre-trial bond. Merritt has been charged with murder.

The Supreme Court has directed this Court to transfer to it "all cases in which either a sentence of death or of life imprisonment has been imposed upon conviction of murder, and all pre-conviction appeals in murder cases. . . ." *State v. Thornton*, 253 Ga. 524 (322 SE2d 711) (1984). Accordingly, Merritt's application is TRANSFERRED to the Supreme Court.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 04 2005**

*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.*

*[Handwritten Signature]*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 16, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0345  
CHAKA R.A. STEWART V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

92029

04C54210

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**AUG 16 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 24, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0346

HEALTH SCHOLARSHIPS, INC., ET AL V. LOUISE O. ARNOLD ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

93029

20035080828

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 24 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 19, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0347

STEVE MORGAN V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

99029

2005CR098

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 19 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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,

*The Court of Appeals hereby passes the following order:* **AUG 04 2005**

**A05I0348. CALVIN MITCHELL MERRITT v. THE STATE.**

Defendant Calvin Mitchell Merritt has filed an application for interlocutory review with the Georgia Court of Appeals seeking to appeal the order denying his motion for pre-trial bond. Merritt has been charged with murder.

The Supreme Court has directed this Court to transfer to it “all cases in which either a sentence of death or of life imprisonment has been imposed upon conviction of murder, and all pre-conviction appeals in murder cases. . . .” *State v. Thornton*, 253 Ga. 524 (322 SE2d 711) (1984). Accordingly, Merritt’s application is TRANSFERRED to the Supreme Court.

*Court of Appeals of the State of Georgia*  
*Clerk’s Office, Atlanta* **AUG 04 2005**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Mat, Jr.* Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 19, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0349  
OFS BRIGHTWAVE CARROLLTON, F/K/A FITEL LUCENT  
TECHNOLOGIES ET AL V. DH SUPPLY COMPANY, INC.

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

94029

04C013092

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **AUG 19 2005**

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the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Will. L. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 24, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0350

JARVIS WILLIAMS V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

95030

04SC24381

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 24 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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:*

**AUG 03 2005**

**A05I0351. BART L. GRAHAM, STATE REVENUE COMMISSIONER v.  
MCKESSON INFORMATION SOLUTIONS, LLC, F/K/A HBO &  
COMPANY OF GEORGIA, INC.**

Defendant Bart L. Graham, State Revenue Commissioner, has filed an application seeking an interlocutory review of the order, entered July 13, 2005, granting in part and denying in part its motion for summary judgment and granting in part and denying in part the motion for partial summary judgment filed by plaintiff McKesson Information Solutions, LLC, f/k/a HBO & Company of Georgia, Inc.

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). But this Court will grant a timely application for interlocutory review if the order sought to be appealed is subject to direct appeal and the applicant has not otherwise filed a notice of appeal. *Spivey v. Hembree*, 268 Ga. App. 485, 486 n. 1 (602 SE2d 246) (2004). The application does not indicate that Graham has filed a notice of appeal. Accordingly, this application is GRANTED.

Graham 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 Fulton County shall include a copy of this order in the appeal records transmitted to this Court.

*Court of Appeals of the State of Georgia  
Clerk’s Office, Atlanta* **AUG 03 2005**

*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, AUGUST 16, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0352  
ADELPHIA TELECOMMUNICATIONS, INC V. HAAMATI BAPPOO  
WATSON

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

98030

04CV1088

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **AUG 16 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 30, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0353

JUDY MCLAIN ET AL V. MARINER HEALTH CARE, INC., D/B/A

BRIAN CENTER NURSING CARE OF POWDER SPRINGS 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.

90030

2004A100306

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 30 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Willie L. Matia*

**Court of Appeals  
of the State of Georgia**

ATLANTA, August 19, 2005

The Honorable Court of Appeals hereby passes the following order:

A05I0354. MATTHEW D. CUYLER v. MICHAEL L. THURMOND

It appearing the INTERLOCUTORY application A05I0354 was  
incorrectly docketed , it is hereby ordered that said application is  
hereby changed to a DISCRETIONARY application with a new case number of  
A06D0012.

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**AUG 19 2005**

*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, AUGUST 23, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0355  
ANTONIO NELSON V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

97030

03B25252

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**AUG 23 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 24, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0356  
CATHERINE JENKINS 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.

71030  
2005SUCR38C

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**AUG 24 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, AUGUST 23, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0357  
SHERRY RUDD, D.D.S., V. WANDA PADEN

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.

92030

2003A33832

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**AUG 23 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, AUGUST 22, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0358  
WILLIAM H. DAVIS V. MICHAEL B. PINSON

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.

93030

05C054471

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **AUG 22 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 30, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0359  
DAVID WARNER ET AL V. QUANTUM RADIOLOGY NORTHWEST,  
P.C., ET AL

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

99030

03A17026

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta

**AUG 30 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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,

SEPTEMBER 09, 2005

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A05I0360

CHARLES WHITTLE V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

94030

04T19373

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 09 2005**

*I certify that the above is a true extract fromd  
the minutes of the Court 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. V. L. Mart; R*