

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

ATLANTA, SEPTEMBER 06, 2005

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

APPLICATION NO. A06I0001  
MADISON COUNTY PLANNING AND ZONING ET AL V. THOMAS  
ADAMS ET AL

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

95001

03MV510

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **SEP 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. W. L. Martin, Jr.*

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

ATLANTA, SEPTEMBER 07, 2005

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

APPLICATION NO. A06I0002  
DALLAS AIRMOTIVE, INC V. UNITED STATES AVIATION  
UNDERWRITERS, INC., ET AL

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

96001

I023700

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* SEP 07 2005

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

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*Clerk.*

*C. W. L. Martin, Jr.*

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

ATLANTA, SEPTEMBER 01, 2005

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

APPLICATION NO. A06I0003  
EDITH BROWN V. VIRGINIA PADGETT 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.

98001

04MV066T

*Court of Appeals of the State of Georgia*

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

*Clerk.*

*Will. 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. A06I0004  
CINCINNATI INSURANCE COMPANY V. BRUCE WILLIAMS

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

90001

03A090034

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 09 2005**

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*Clerk.*

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

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **SEP 09 2005**

**A06I0005. PIEDMONT CENTER 15 LLC v. AQUENT, INC.**

Plaintiff Piedmont Center 15 LLC filed this interlocutory application seeking review of an order entered August 11, 2005, denying its motion for summary judgment, and granting in part and denying in part the motion for summary judgment filed by defendant Aquent, 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). The order sought to be appealed is thus directly reviewable.

“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). There is no indication that Piedmont Center 15 LLC has filed a notice of appeal. Accordingly, this application is GRANTED.

Piedmont Center 15 LLC 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 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*

SEP 09 2005

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

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

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

ATLANTA, SEPTEMBER 20, 2005

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

APPLICATION NO. A06I0006

COMMUNITY BANK & TRUST ET AL V. WALTON CARTER ET AL

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

71001

04CV197

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 20 2005**

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*Clerk.*

*C. V. L. Mait...*

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

ATLANTA, SEPTEMBER 15, 2005

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

APPLICATION NO. A06I0007

ALFRED B. JOHNSON, M.D. V. CINDY M. PEACOCK

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.

92001

04VS075616

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 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.*

*William L. Martin*

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

ATLANTA, SEPTEMBER 16, 2005

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

APPLICATION NO. A06I0008  
DIVINE & DOROUGH, P.C. V. LAWRENCE R. ROBERTS

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

97001

03CV20693

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **SEP 16 2005**

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

*C. 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:** October 6, 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 **S06C0252**

*DIVINE & DOROUGH, P.C. v. LAWRENCE R. ROBERTS*

Clerk, Supreme Court of Georgia

Case No. A06I0008

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

**OCT 14 2005**

Clerk, Court of Appeals of Georgia

Court of Appeals  
of the State of Georgia

ATLANTA, SEPTEMBER 09, 2005

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

APPLICATION NO. A06I0009

ROSALYN B. HOWARD V. FREDERICK J. SANDERS, II ., ET AL

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

99001

04VS5069952

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* SEP 09 2005

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*Clerk.*

*William L. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* SEP 07 2005

**A06I0010. JAMES D. MANCUSO v. ALICE STEYAART D/B/A RE/MAX  
ACCENT-RICHMOND HILL ET AL.**

**A06I0011. JAMES D. MANCUSO v. ERNEST HOMES, LLC ET AL.**

James D. Mancuso has filed these interlocutory applications to appeal one order granting complete summary judgment to four defendants and another order granting partial summary judgment to the remaining three defendants. 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 orders Mancuso seeks to appeal are thus directly appealable.

“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). There is no indication that Mancuso has filed notices of appeal. Accordingly, these applications are GRANTED. Mancuso 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 Bryan 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* SEP 07 2005

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the minutes of the Court of Appeals of Georgia.*

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*C. Will. L. Martin, JR.*, Clerk.

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

ATLANTA,

*The Court of Appeals hereby passes the following order:* **SEP 07 2005**

**A06I0010. JAMES D. MANCUSO v. ALICE STEYAART D/B/A RE/MAX  
ACCENT-RICHMOND HILL ET AL.**

**A06I0011. JAMES D. MANCUSO v. ERNEST HOMES, LLC ET AL.**

James D. Mancuso has filed these interlocutory applications to appeal one order granting complete summary judgment to four defendants and another order granting partial summary judgment to the remaining three defendants. 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 orders Mancuso seeks to appeal are thus directly appealable.

“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). There is no indication that Mancuso has filed notices of appeal. Accordingly, these applications are GRANTED. Mancuso 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 Bryan 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* **SEP 07 2005**

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

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

ATLANTA, SEPTEMBER 19, 2005

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

APPLICATION NO. A06I0012  
NANCY COLP ET AL V. FORD MOTOR COMPANY

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

94001

96A22055

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **SEP 19 2005**

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

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*Clerk.*

*C. Will. L. Mait; R*

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

ATLANTA, SEPTEMBER 23, 2005

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

APPLICATION NO. A06I0013

GEORGIA DEPARTMENT OF TRANSPORTATION V. DORIS STRICKLAND

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.

70001

1S03CV124

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 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, SEPTEMBER 14, 2005

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

APPLICATION NO. A06I0014  
WEBSTER HERNANDEZ LOPEZ V. THE STATE

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

95002

04CR0224

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 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  
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*Clerk.*



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

ATLANTA, SEPTEMBER 21, 2005

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

APPLICATION NO. A06I0015  
CITY OF FORT OGLETHORPE V. RICKY HOLLOWAY

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

96002

03CV01913

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **SEP 21 2005**

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the minutes of the Court of Appeals of Georgia*

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Clerk.

*C. L. Mantz, Jr.*

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

ATLANTA,

*The Court of Appeals hereby passes the following order:* **SEP 09 2005**

**A06I0016. ELIXIR INDUSTRIES, INC. et al. v. WITT et al.**

The Interlocutory Application received in the above-docketed matter does not contain an order or judgment signed by the trial judge and filed with the clerk. Rather, the application includes an order which was electronically signed and filed below under the provisions of the Georgia Electronic Records Act (OCGA § 10-12-1 et seq.) as implemented by the State Court of Fulton County. This Court will accept for filing with the application a copy of the order accepted by the lower court pursuant to OCGA § 10-12-1 et seq. and local rules.

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

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **SEP 09 2005**

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*Will. L. Maitland*, Clerk.

Court of Appeals  
of the State of Georgia

ATLANTA, SEPTEMBER 19, 2005

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

APPLICATION NO. A06I0017

BERNARD SLAPPEY V. THE STATE

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

90002

05CR081

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 19 2005**

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*Clerk.*

*Will. L. Mart; R*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **SEP 26 2005**

## **A06I0018. ASUTOSH VYAS v. THE STATE.**

On September 1, 2005, Asutosh Vyas filed an application for interlocutory review of the order, entered August 12, 2005, denying his motion to suppress and motion to quash. On August 18, 2005, the trial court granted a certificate of immediate review but upon request of Vyas, a second certificate review was entered on August 22, 2005.

A certificate of immediate review is granted, within the meaning of OCGA § 5-6-34 (b), 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). For some undisclosed reason, the certificate of immediate review signed on August 22, 2005 was not timely filed with the clerk of the trial court.

Thereafter, for purposes of clarifying the record, the trial court entered an order on September 1, 2005 striking the filing of the certificate of immediate review of August 18, 2005 from the record and, in effect, vacating it and rendering it null and void. In this same order, the trial court directed that the certificate of immediate review, signed on August 22, 2005, be filed nunc pro tunc August 22, 2005. Thus, the only remaining certificate of immediate review is the one signed on August 22, 2005 and filed on September 1, 2005 nunc pro tunc August 22, 2005.

Under OCGA § 5-6-34 (b), a certificate of immediate review must be granted within ten days of the date of the order sought to be appealed. See *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973); *Bowers v. Price*, 168 Ga. App. 125 (308 SE2d 420) (1983); *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). A certificate of immediate review is ineffective to secure immediate review of a non-final judgment unless it is entered, i.e., filed with the clerk, within ten days after entry of the judgment appealed sought to be appealed. *Van Schallern v. Stanco*, 130 Ga. App. 687 (204 SE2d 317) (1974); see *Turner v. Harper*, supra; *Laurens County v. Dixon*, supra.

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). The certificate of immediate review, signed August, 22, 2005, was not filed until September 1, 2005, and the attempt to enter the certificate of immediate review nunc pro tunc August 22, 2005 was without legal force and effect. Because the certificate of immediate review was not granted until twenty 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. *Graves v. Dean*, 166 Ga. App. 186 (303 SE2d 751) (1983); *Van Schallern v. Stanco*, supra; *Whitlock v. State*, supra; see *Baxter v. Lone*, 122 Ga. App. 500, 501 (4) (177 SE2d 712) (1970).

*Court of Appeals of the State of Georgia*

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

, Clerk.

*Cecil L. Martin, Jr.*

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

ATLANTA, SEPTEMBER 28, 2005

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

APPLICATION NO. A06I0019  
AMLI RESIDENTIAL PROPERTIES, INC V. GEORGIA POWER  
COMPANY

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

71002

02VS040025

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 28 2005**

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

*C. L. Mantz*

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

ATLANTA,

*The Court of Appeals hereby passes the following order:* **SEP 15 2005**

**A06I0020. Jason Lewis Dooley v. The State**

Jason Lewis Dooley filed this application for interlocutory review of the trial court's order granting the State's motion to strike jury trial demand. The order Dooley seeks to appeal was entered in the trial court on August 17, 2005. A certificate of immediate review was entered on August 18, 2005. This application was filed on September 2, 2005. An application for interlocutory appeal is valid only if filed within 10 days of the entry of a timely certificate of immediate review. See *Genter v. State*, 218 Ga. App. 311 (460 SE2d 879) (1995); OCGA § 5-6-34 (b); and Court of Appeals Rule 32 (a). Since this application was not received until 15 days after entry of the certificate of immediate review, it is untimely and this Court lacks jurisdiction to consider it. Accordingly, this application is ordered DISMISSED.

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

**SEP 15 2005**

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*William L. Mantz, Jr.*, Clerk.

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

ATLANTA, SEPTEMBER 09, 2005

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

APPLICATION NO. A06I0021

DAIMLERCHRYSLER CORPORATION ET AL V. STEPHEN WITT 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.

98003

2004VS061614

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

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Clerk.

*William L. Martin, Jr.*

 Court of Appeals  
of the State of Georgia

ATLANTA, SEPTEMBER 26, 2005

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

APPLICATION NO. A06I0022  
RICHARD JAMES ROBBINS V. THE STATE

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

97002

02B41382

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

**SEP 26 2005**

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*Clerk.*

*C. W. L. Martin*

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

ATLANTA, SEPTEMBER 16, 2005

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

APPLICATION NO. A06I0023  
MICHAEL R. JONES V. THE COMMUNITY BANK ET AL

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

99002

05C053285

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **SEP 16 2005**

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Clerk.

*William L. Martin, Jr.*

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

ATLANTA, SEPTEMBER 21, 2005

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

APPLICATION NO. A06I0024  
COTTON STATES MUTUAL INSURANCE COMPANY V. JENNIFER  
KINZALOW 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.

94002

05A299775

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 21 2005**

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*Clerk.*

*C. W. L. Mait...*

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

ATLANTA, SEPTEMBER 26, 2005

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

APPLICATION NO. A06I0025

THOMAS LEROY FALKENBERRY V. THELMA JOYCE TAYLOR ET AL

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

70002

03A20724

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 26 2005**

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

*Will. L. Mait; JR*

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

ATLANTA, SEPTEMBER 27, 2005

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

APPLICATION NO. A06I0026  
THOMAS TREY TYSON V. THE STATE

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

95003

2005SC8843

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 27 2005**

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

*C. L. Martin, Jr.*

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

ATLANTA,

*The Court of Appeals hereby passes the following order:* **SEP 14 2005**

**A06I0027. Nicholas Lee Nichols v. James R. Prather**

Nicholas Lee Nichols, Billy P. Wofford, and Pickens County, Georgia (“Nichols”) seek interlocutory review of the trial court's denial of their motion for summary judgment. The order denying Nichols' motion for summary judgment was entered in the trial court on June 6, 2005. On July 12, 2005, the trial court entered an order vacating the June 6, 2005 order. On July 21, 2005, the trial court entered a certificate of immediate review certifying its order denying Nichols' motion for summary judgment. However, the July 12, 2005 order, which vacated the June 6, 2005 order and did not “reenter” the order denying summary judgment, rendered this application moot as there is nothing to appeal. See *Cambron v. Canal Insurance Co.*, 246 Ga. 147, 149 (269 SE2d 426) (1980). Further, the July 21, 2005 certificate of immediate review was untimely as more than ten days had elapsed since the June 6, 2005 order denying summary judgment. OCGA § 5-6-34 (b). Accordingly, this application is ordered DISMISSED.

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

**SEP 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.*

*C. Vill. L. Mart, Jr.*, Clerk.

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

ATLANTA, OCTOBER 06, 2005

Honorable Court of Appeals hereby passes the following order:

A06I0027. NICHOLAS LEE NICHOLS ET AL v. JAMES R. PRATHER ET AL .

Upon consideration of the motion for reconsideration, it is ordered that it be hereby dismissed as untimely filed.

96-003

2003SUCV908

*Court of Appeals of the State of Georgia*

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

*William L. Maitland*

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

ATLANTA, SEPTEMBER 15, 2005

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

APPLICATION NO. A06I0029

ANDREW COLLIER V. THE STATE

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

93003

04CR47937

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 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; R*

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

ATLANTA, SEPTEMBER 22, 2005

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

APPLICATION NO. A06I0030  
EASTERN CAR LINER, LTD., ET AL V. RONALD KYLES

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.

71003  
I021921

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

*C. Vill. L. Martine*

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

ATLANTA,                      OCTOBER      05, 2005

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

APPLICATION NO.            A06I0031  
SANDRA WELLS ET AL V. CAROLYN HOWELL

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

92003

03CV0941

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

Clerk.

*C. L. Matier*

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

ATLANTA,            OCTOBER    06, 2005

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

APPLICATION NO.        A06I0032

MEADOWS REGIONAL MEDICAL CENTER, INC., ERNESTINE C. 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 SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

90004

05CV297

*Court of Appeals of the State of Georgia*

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

# Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **OCT 05 2005**

**A06I0033. HOWARD v. HOWARD.**

Tina Lynn Howard seeks immediate review of a non-final order entered in a divorce case. Because the question presented is whether a settlement agreement should be enforced in a pending divorce case, Howard's application is hereby *transferred* to the Supreme Court for disposition. Ga. Const. of 1983, Art. VI, § VI, ¶ III (6).<sup>1</sup>

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

---

<sup>1</sup>This court is well aware that the Supreme Court takes a narrow view of the issues that are within its divorce and alimony jurisdiction. See *Egeland v. Egeland*, \_\_\_ Ga. \_\_\_ (\_\_\_ SE2d \_\_\_) (Application no. S05D1712, decided August 4, 2005). We conclude that the order complained of in the present case does not fall within the categories of cases discussed in *Egeland*. Moreover, we note that, for reasons that should be self-evident, it is unfortunate that this court is *ever* asked to make a choice between increasing our appellate workload by granting an application for interlocutory appeal in a divorce case or, in the alternative, allowing the Supreme Court to decide the issue upon entry of the final judgment and decree of divorce.

# Court of Appeals of the State of Georgia

ATLANTA,

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

**SEP 22 2005**

## **A06I0034. Smith v. Funicello**

Demarcus A. Smith and Marjorie E. Smith filed this application for interlocutory appeal seeking review of the trial court's denial of their motion for summary judgment. The order the Smiths seek to appeal was entered in the trial court on August 22, 2005. A certificate of immediate review was dated September 2, 2005, nunc pro tunc to September 1, 2005, but was not filed of record in the trial court until September 6, 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 obtained during the ten-day period, it is untimely and the party must wait until a final judgment is entered before appealing an interlocutory judgment rendered in the case. *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973). In this case, the trial court's attempt to effectively nunc pro tunc the certificate of immediate review is ineffective. *Whitlock v. State*, 124 Ga. App 599 (1) (185 SE2d 90) (1971). The Smiths' failure to obtain a file stamped certificate of immediate review within ten days after entry of the order sought to be appealed deprives this Court of jurisdiction to consider this application. Accordingly, this application is ordered DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 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. Vill. L. Mait; JR*, Clerk.

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

ATLANTA,            OCTOBER    14, 2005

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

APPLICATION NO.        A06I0035

MIMMS ENTERPRISES INC., ET AL V. VIRGINIA LAZENBY ET AL

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

91003

02A87778

*Court of Appeals of the State of Georgia*

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

*C. Will. L. Martin, III*

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

ATLANTA,

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

**SEP 30 2005**

**A06I0036. ROCKDALE HEALTH SYSTEM, INC., ET AL v. KAREN  
HOLDER AS ADMINISTRATRIX OF THE ESTATE OF MICHAEL  
HILL.**

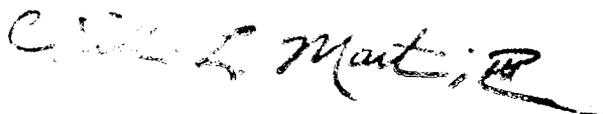
Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The application and response show that this case was pending in the State Court of Clayton County on February 16, 2005. In addition to any other issues addressed in the appellate brief of the Appellant or the Appellee, the parties shall address whether OCGA § 9-11-9.1, effective February 16, 2005, is to be applied retroactively to this case so as to revoke the 45-day grace period in the former OCGA § 9-11-9.1 (b). See Ga. Law 2005, p. 1, §§ 3,15/SB 3; compare *Kneip v. Southern Engineering Co.*, 260 Ga. App. 409, 410-411 (2) (395 SE2d 809) (1990) with *Mug A Bug v. Vester*, 270 Ga. 407, 408 (509 SE2d 925) (1999), *Blackmon v. Thompson*, 195 Ga. App. 589 (394 SE2d 795) (1990) and *Precision Planning, Inc. v. Wall*, 193 Ga. App. 331, 332 (387 SE2d 610) (1989).

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

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

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

ATLANTA,            OCTOBER    05, 2005

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

APPLICATION NO.        A06I0037  
NORTHLAKE MEDICAL CENTER, LLC V. LINDA QUEEN

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

70003

05A305176

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    **OCT 05 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.

*Civil L. Mait...*

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

ATLANTA,            OCTOBER    17, 2005

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

APPLICATION NO.        A06I0038

UNCLE TAI'S, INC V. CPI - PHIPPS LIMITED LIABILITY COMPANY

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

95004

04VS075187D

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

*W. L. Matz*

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

ATLANTA,            OCTOBER    17, 2005

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

APPLICATION NO.        A06I0039  
WENDELL FINCHER V. MICHAEL CRIDER

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

96004  
032181

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



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

ATLANTA,            OCTOBER    17, 2005

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

APPLICATION NO.        A06I0040  
PATRICIA BUCE V. ELIZABETH FUDGE

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.

98004

04A72244

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 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.*

*Willie L. Matia*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **OCT 14 2005**

**A06I0041. GERALD W. HUDGINS ET AL. v. HEDCON PROPERTIES, LLC,  
A GEORGIA LIMITED LIABILITY COMPANY, F/K/A HANSEATIC  
TRADING CORP.**

Gerald W. Hudgins and Henry D&H Venture have filed this interlocutory application to appeal an order denying summary judgment to them and granting partial summary judgment on the identical issue to Hedcon Properties, LLC. 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 the applicants seek to appeal is thus directly appealable.

“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). There is no indication that the applicants have filed a notice of appeal. Accordingly, this application is 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 Henry 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*

**OCT 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.*

*C. W. L. Martin, JR.*, Clerk.

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

ATLANTA,            OCTOBER    14, 2005

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

APPLICATION NO.        A06I0042  
ROBERT COLLINS CRAMER V. THE STATE

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

71004

2005SR0294

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

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

ATLANTA,

*The Court of Appeals hereby passes the following order:* **OCT 07 2005**

**A06I0043. GILLEN PARKER & WITHERS LLC ET AL v. DEBORAH L. WARD ET AL.**

On August 24, 2005, the trial court denied the applicants' motion for summary judgment. On August 31, 2005, the trial court certified its order for immediate review pursuant to OCGA § 5-6-34 (b). The applicants filed this application for interlocutory appeal on September 30, 2005, 30 days after the trial court entered the certificate of immediate review. OCGA § 5-6-34 (b) permits this Court to consider interlocutory appeals only where the application is made within ten days after the certificate of immediate review is entered. Because the applicants failed to file their 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 for lack of jurisdiction.

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

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **OCT 17 2005**

**A06I0044. DANNY WHITE v. THE STATE.**

Danny White filed this interlocutory application seeking review of the trial court's order entered October 6, 2004, denying his motion to suppress evidence.

OCGA § 5-6-34 (b) provides that where the trial court renders an interlocutory order

and certifies it for immediate review within ten days of entry of the order, the

appellate courts of this State may permit an appeal if the application is made within

ten days after such certificate is granted. In this case, the application contains two

attempted certificates of immediate review, entered November 8, 2004 and September

28, 2005, but both were filed too late to authorize an application seeking review of the

October 6, 2004 order. *Turner v. Harper*, 231 Ga. App. 175, 176 (200 SE2d 748)

(1973); *Laurens County v. Dixon*, 133 Ga. App. 727 (213 SE2d 26) (1975).

Furthermore, neither this court nor the trial court has authority to grant an extension of time for filing an application. *Rosenstein v. Jenkins*, 166 Ga. App. 385 (304 SE2d 740) (1983). Because White's application does not contain a timely certificate of immediate review, this Court lacks jurisdiction over this application. Accordingly, this application is hereby DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 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.*

*W. L. Matz*, Clerk.

Court of Appeals  
of the State of Georgia

ATLANTA, NOVEMBER 01, 2005

*The Court of Appeals passed the following order*

Case No. A06I0044

DANNY WHITE V. THE STATE

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

97-004  
IS03CR084

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

*Clerk.*

*Wilhelm Matz*

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:** November 17, 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 **S06C0507**

**DANNY LEE WHITE v. THE STATE**

Clerk, Supreme Court of Georgia

Case No. A06I0044

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

NOV 19 2005

Sent video tape  
only one copy.

Clerk, Court of Appeals of Georgia

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

ATLANTA,                      NOVEMBER 02, 2005

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

APPLICATION NO.            A06I0045  
CUMMINS ENGINE COMPANY, INC., ET AL V. TERMINAL INVESTMENT  
CORPORATION

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

99004

I030306

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

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

ATLANTA,            OCTOBER    27, 2005

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

APPLICATION NO.            A06I0046

CHARLES P. MURRAH, M.D. V. IRA E. FENDER, 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.

91004

2005CV362

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 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.

*Willie L. Martinez*

Court of Appeals  
of the State of Georgia

ATLANTA,            OCTOBER    31, 2005

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

APPLICATION NO.        A06I0047

TERRY F. GREEN ET AL V. O. FRANKLIN ASKIN, JR. ET AL

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

94004

2002RCCV177

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    OCT 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.*



# Court of Appeals of the State of Georgia

ATLANTA, NOV 28 2005

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

- A06I0048. BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF GEORGIA v. CHARLES CANAS ET AL.**
- A06I0050. SHARON J. KAMINER ET AL v. CHARLES CANAS ET AL.**
- A06I0052. MCG HEALTH, INC. v. CHARLES CANAS ET AL.**
- A06I0053. AYMAN AL-JABI v. CHARLES CANAS ET AL.**

On October 6 and 7, 2005, defendant applicants filed applications for interlocutory review of the order, entered September 19, 2005, which granted in part and denied in part their motions for summary judgment and denied their motions to disqualify witnesses. On October 17, 2005, the trial court entered an order in which it noted that its order of September 19, 2005 had implicitly affirmed the constitutionality of OCGA §§ 9-3-71 and 9-3-73, and expressly ruled that OCGA §§ 9-3-71 and 9-3-73 did not violate the equal protection and due process clauses of either the Constitution of the United States or the Georgia Constitution of 1983.

On October 18, 2005, plaintiff respondents filed a timely notice of direct appeal of the orders entered September 19, 2005 and October 17, 2005. The notice of appeal contains a jurisdictional statement asserting that exclusive jurisdiction of the direct appeal is vested in Supreme Court of Georgia. Subsequently, each of the defendant applicants filed timely notices of cross appeal. Accordingly, all matters raised in these applications can now be asserted in these cross appeals. OCGA § 5-6-34 (d).

Based on these facts and in the interest of judicial economy, this Court transferred this case to the Supreme Court so that one ultimate determination as to appellate jurisdiction could be made regarding this litigation. The Supreme Court, however, elected to determine its jurisdiction "independently of any possible basis for jurisdiction which may (or may not) be found in a future direct appeal," and on November 9, 2005 returned the applications to this Court for disposition.

On November 10, 2005, the Supreme Court entered another order vacating its order of November 9, 2005; and pursuant to this order, this Court returned these applications to the Supreme Court. On November 18, 2005, the Supreme Court entered an order again returning these cases to this Court stating that "even presuming

that the order sought to be appealed in the applications contains an implicit ruling on constitutionality of the statutes sufficient to invoke this Court's jurisdiction, that ruling is not challenged by the applicants in the instant interlocutory applications."

Regardless of where appellate jurisdiction ultimately will lie in this case, the issues raised in these applications can now be fully litigated in the direct appeal being administratively processed below. Accordingly, in aid of the potential appellate jurisdiction of this Court, these applications are DENIED without prejudice and without any ruling being made as to the merits of any issues presented therein. Ga. Court of Appeal of 1953, Art. VI, Sec. I, Par. IV.

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

 , Clerk.

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

ATLANTA,                      OCTOBER      21, 2005

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

APPLICATION    NO.                      A06I0049  
DONNA MCGAHEE ET AL V. THE STATE

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

95005

05CW18                      05CW19

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    --*

**OCT 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.*



# Court of Appeals of the State of Georgia

ATLANTA, NOV 28 2005

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

**A06I0048. BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF  
GEORGIA v. CHARLES CANAS ET AL.**

**✓ A06I0050. SHARON J. KAMINER ET AL v. CHARLES CANAS ET AL.**

**A06I0052. MCG HEALTH, INC. v. CHARLES CANAS ET AL.**

**A06I0053. AYMAN AL-JABI v. CHARLES CANAS ET AL.**

On October 6 and 7, 2005, defendant applicants filed applications for interlocutory review of the order, entered September 19, 2005, which granted in part and denied in part their motions for summary judgment and denied their motions to disqualify witnesses. On October 17, 2005, the trial court entered an order in which it noted that its order of September 19, 2005 had implicitly affirmed the constitutionality of OCGA §§ 9-3-71 and 9-3-73, and expressly ruled that OCGA §§ 9-3-71 and 9-3-73 did not violate the equal protection and due process clauses of either the Constitution of the United States or the Georgia Constitution of 1983.

On October 18, 2005, plaintiff respondents filed a timely notice of direct appeal of the orders entered September 19, 2005 and October 17, 2005. The notice of appeal contains a jurisdictional statement asserting that exclusive jurisdiction of the direct appeal is vested in Supreme Court of Georgia. Subsequently, each of the defendant applicants filed timely notices of cross appeal. Accordingly, all matters raised in these applications can now be asserted in these cross appeals. OCGA § 5-6-34 (d).

Based on these facts and in the interest of judicial economy, this Court transferred this case to the Supreme Court so that one ultimate determination as to appellate jurisdiction could be made regarding this litigation. The Supreme Court, however, elected to determine its jurisdiction "independently of any possible basis for jurisdiction which may (or may not) be found in a future direct appeal," and on November 9, 2005 returned the applications to this Court for disposition.

On November 10, 2005, the Supreme Court entered another order vacating its order of November 9, 2005; and pursuant to this order, this Court returned these applications to the Supreme Court. On November 18, 2005, the Supreme Court entered an order again returning these cases to this Court stating that "even presuming

that the order sought to be appealed in the applications contains an implicit ruling on constitutionality of the statutes sufficient to invoke this Court's jurisdiction, that ruling is not challenged by the applicants in the instant interlocutory applications."

Regardless of where appellate jurisdiction ultimately will lie in this case, the issues raised in these applications can now be fully litigated in the direct appeal being administratively processed below. Accordingly, in aid of the potential appellate jurisdiction of this Court, these applications are DENIED without prejudice and without any ruling being made as to the merits of any issues presented therein. Ga. Court of Appeal of 1953, Art. VI, Sec. I, Par. IV.

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

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

ATLANTA,      NOV 28 2005

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

**A06I0048. BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF  
GEORGIA v. CHARLES CANAS ET AL.**

**A06I0050. SHARON J. KAMINER ET AL v. CHARLES CANAS ET AL.**

√ **A06I0052. MCG HEALTH, INC. v. CHARLES CANAS ET AL.**

**A06I0053. AYMAN AL-JABI v. CHARLES CANAS ET AL.**

On October 6 and 7, 2005, defendant applicants filed applications for interlocutory review of the order, entered September 19, 2005, which granted in part and denied in part their motions for summary judgment and denied their motions to disqualify witnesses. On October 17, 2005, the trial court entered an order in which it noted that its order of September 19, 2005 had implicitly affirmed the constitutionality of OCGA §§ 9-3-71 and 9-3-73, and expressly ruled that OCGA §§ 9-3-71 and 9-3-73 did not violate the equal protection and due process clauses of either the Constitution of the United States or the Georgia Constitution of 1983.

On October 18, 2005, plaintiff respondents filed a timely notice of direct appeal of the orders entered September 19, 2005 and October 17, 2005. The notice of appeal contains a jurisdictional statement asserting that exclusive jurisdiction of the direct appeal is vested in Supreme Court of Georgia. Subsequently, each of the defendant applicants filed timely notices of cross appeal. Accordingly, all matters raised in these applications can now be asserted in these cross appeals. OCGA § 5-6-34 (d).

Based on these facts and in the interest of judicial economy, this Court transferred this case to the Supreme Court so that one ultimate determination as to appellate jurisdiction could be made regarding this litigation. The Supreme Court, however, elected to determine its jurisdiction "independently of any possible basis for jurisdiction which may (or may not) be found in a future direct appeal," and on November 9, 2005 returned the applications to this Court for disposition.

On November 10, 2005, the Supreme Court entered another order vacating its order of November 9, 2005; and pursuant to this order, this Court returned these applications to the Supreme Court. On November 18, 2005, the Supreme Court entered an order again returning these cases to this Court stating that "even presuming

that the order sought to be appealed in the applications contains an implicit ruling on constitutionality of the statutes sufficient to invoke this Court's jurisdiction, that ruling is not challenged by the applicants in the instant interlocutory applications."

Regardless of where appellate jurisdiction ultimately will lie in this case, the issues raised in these applications can now be fully litigated in the direct appeal being administratively processed below. Accordingly, in aid of the potential appellate jurisdiction of this Court, these applications are DENIED without prejudice and without any ruling being made as to the merits of any issues presented therein. Ga. Court of Appeal of 1953, Art. VI, Sec. I, Par. IV.

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **NOV 28 2005**

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*Will L. Matz* , Clerk.

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

ATLANTA,      NOV 28 2005

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✓ **A06I0053. AYMAN AL-JABI v. CHARLES CANAS ET AL.**

On October 6 and 7, 2005, defendant applicants filed applications for interlocutory review of the order, entered September 19, 2005, which granted in part and denied in part their motions for summary judgment and denied their motions to disqualify witnesses. On October 17, 2005, the trial court entered an order in which it noted that its order of September 19, 2005 had implicitly affirmed the constitutionality of OCGA §§ 9-3-71 and 9-3-73, and expressly ruled that OCGA §§ 9-3-71 and 9-3-73 did not violate the equal protection and due process clauses of either the Constitution of the United States or the Georgia Constitution of 1983.

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that the order sought to be appealed in the applications contains an implicit ruling on constitutionality of the statutes sufficient to invoke this Court's jurisdiction, that ruling is not challenged by the applicants in the instant interlocutory applications."

Regardless of where appellate jurisdiction ultimately will lie in this case, the issues raised in these applications can now be fully litigated in the direct appeal being administratively processed below. Accordingly, in aid of the potential appellate jurisdiction of this Court, these applications are DENIED without prejudice and without any ruling being made as to the merits of any issues presented therein. Ga. Court of Appeal of 1953, Art. VI, Sec. I, Par. IV.

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **NOV 28 2005**

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*Willie L. Martinez* , Clerk.

Court of Appeals  
of the State of Georgia

ATLANTA, NOVEMBER 02, 2005

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

APPLICATION NO. A06I0054  
PHOEBE PUTNEY MEMORIAL HOSPITAL, INC., ET AL V. MARY ANN  
SANDERS, 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.

98005

04SCV99

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

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

Clerk.



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

ATLANTA,            NOVEMBER 03, 2005

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

APPLICATION NO.        A06I0056

GEORGIA FARM BUREAU MUTUAL INSURANCE COMPANY ET AL

V. CAROL A. BECHTEL ET AL

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

93005

03V62596

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 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.*

*Wills L. Matia*

Court of Appeals  
of the State of Georgia

ATLANTA,                      NOVEMBER 17, 2005

*The Court of Appeals passed the following order*

Case No. A06I0056

GEORGIA FARM BUREAU MUTUAL INSURANCE COMPANY ET AL  
V. CAROL A. BECHTEL ET AL

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

93-005  
03V62596

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

*William Martinez*

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 5, 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 **S06C0601**

GEORGIA FARM BUREAU MUTUAL INSURANCE COMPANY et al. v. CAROL A. BECHTEL et al.

Clerk, Supreme Court of Georgia

Case No. A06I0056

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

~~DEC 09 2005~~

DEC 12 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:* **OCT 20 2005**

**A06I0057. I'KENYO SHINE v. THE STATE.**

I'Kenyo Shine seeks immediate review of an order denying his motion to sever. Shine has been charged with murder and other crimes. 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, Shine's application is TRANSFERRED to the Supreme Court.

*Court of Appeals of the State of Georgia*

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

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

ATLANTA,                    NOVEMBER 02, 2005

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

APPLICATION NO.            A06I0058

CRISP REGIONAL HOSPITAL, INC., ET AL V. MARY ANN SANDERS

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.

98006

04SCV99

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

NOV 02 2005

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

*W. L. Mat... [Signature]*

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

ATLANTA,                    NOVEMBER 04, 2005

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

APPLICATION NO.            A06I0059  
JUANITA HICKS ET AL V. CALVIN T. MCGEE

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.

92005  
03VS057136B

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

**NOV 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... [Signature]*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* NOV 01 2005

**A06I0060. TABITHA CHASTAIN v. THE STATE.**

Defendant Tabitha Chastain filed an application for interlocutory review of an order, entered September 21, 2005, denying her motion to suppress evidence. Although the certificate of immediate review was signed by the trial court on September 28, 2005, it was not filed until October 6, 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. *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973); *Bowers v. Price*, 168 Ga. App. 125, 126 (308 SE2d 420) (1983). A certificate of immediate review is granted on the date that it is filed or entered. See *Turner v. Harper*, supra at 176; *Laurens County v. Dixon*, 133 Ga. App. 727, 728 (213 SE2d 26) (1975). Because the certificate of immediate review was not granted within the requisite 10-day period, this Court is without jurisdiction to consider this application which is ordered DISMISSED.

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

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

 , Clerk.

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

ATLANTA,            NOVEMBER 15, 2005

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

APPLICATION NO.        A06I0061  
LARGO VILLAS HOMEOWNERS ASSOCIATION V. YVONNE G.  
BUNCE

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.

99005  
SPCV0500882

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

**NOV 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. Matz*

 Court of Appeals  
of the State of Georgia

ATLANTA, NOVEMBER 07, 2005

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

APPLICATION NO. A06I0062

DAWSON COUNTY, ET AL V. CHESTATEE REGIONAL HOSPITAL

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

91005

03CV582C

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* NOV 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.*

*Willie L. Matijevic*

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

ATLANTA, NOVEMBER 10, 2005

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

APPLICATION NO. A06I0063

CHERYL DIANN SPRINGER V. DOUGLAS NEIL SPRINGER

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

94005

05CV1836

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

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Clerk.

*Will L. Matz*

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

ATLANTA,            NOVEMBER 01, 2005

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

APPLICATION NO.        A06I0064

CLEAR CHANNEL BROADCASTING INC. V. MARK E. TURCOTTE

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.

95006

05C081352

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

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*Clerk.*



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

ATLANTA,            OCTOBER    27, 2005

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

APPLICATION NO.        A06I0065  
AERO TOY STORES, LLC V. GORDON S. GRIEVES, JR.

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

96006

2004A90144

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

**OCT 27 2005**

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*Clerk.*  
*Willie L. Matz*

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

ATLANTA,

*The Court of Appeals hereby passes the following order:*      **NOV 09 2005**

**A06I0066. JAMES MICKEY TAYLOR d/b/a WALLACE BARBEQUE v.  
MARION E. BOLDUC.**

The defendant in this slip and fall case has filed an application for interlocutory appeal, seeking review of the trial court's denial of his motion for summary judgment. The application is deficient in that it fails to contain materials from the record sufficient to apprise this court of the appellate issues, in context, and support the arguments advanced. See Court of Appeals Rule 30 (d). This application provides only the required copies of the order sought to be appealed and certificate of immediate review. Both the application and plaintiff's response to it make repeated references to depositions and affidavits which have not been provided as a part of either the application or the response. The application contains representations regarding the contents of the absent record, but the response disputes the statement of facts contained in the application in its entirety. Because plaintiff, as applicant, has failed to provide appropriate portions of the case record, applicant therefore has not satisfied his burden to show that an appeal should be allowed, and the application is DENIED. See *Harper v. Harper*, 259 Ga. 246 (1989).

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      **NOV 09 2005**

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*William L. Matz*  
....., Clerk.

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

ATLANTA, NOVEMBER 21, 2005

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

APPLICATION NO. A06I0067  
TEMPO REAL ESTATE CORPORATION V. MR. RAUL JAIMES  
BENITEZ 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.

93006

04A20691

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

NOV 21 2005

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



# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **OCT 27 2005**

**A06I0068. Mariner Health Care, Inc. v. Foster**

**A06I0069. Mariner Health Care, Inc. v. Foster**

**A06I0070. Mariner Health Care, Inc. v. Foster**

**A06I0071. Mariner Health Care, Inc. v. Foster**

Mariner Health Care, Inc. and Brian Center Nursing Care/Austell, Inc. ("Mariner") timely filed the above four applications for interlocutory appeal seeking review of four separate orders entered by the trial court. In A06I0071, Mariner seeks to appeal the trial court's order granting in part William M. Foster's motion for summary judgment. 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 entered in A06I0071 is thus directly appealable. Further, all rulings within that order and any other non-final rulings entered 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). Thus, all four orders may be directly appealed.

"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). There is no indication that Mariner has filed a notice of appeal. Accordingly, these applications are GRANTED. Mariner 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 Twiggs 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*

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*Willie L. Martin*, Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

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**A06I0069. Mariner Health Care, Inc. v. Foster**

**A06I0070. Mariner Health Care, Inc. v. Foster**

**A06I0071. Mariner Health Care, Inc. v. Foster**

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"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). There is no indication that Mariner has filed a notice of appeal. Accordingly, these applications are GRANTED. Mariner 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 Twiggs 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*

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OCT 27 2005

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*Willie L. Matz*, Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

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**A06I0068. Mariner Health Care, Inc. v. Foster**

**A06I0069. Mariner Health Care, Inc. v. Foster**

**A06I0070. Mariner Health Care, Inc. v. Foster**

**A06I0071. Mariner Health Care, Inc. v. Foster**

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“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). There is no indication that Mariner has filed a notice of appeal. Accordingly, these applications are GRANTED. Mariner shall have ten days from the date of this

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

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*Willie L. Matz*, Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:*     **OCT 27 2005**

**A06I0068. Mariner Health Care, Inc. v. Foster**

**A06I0069. Mariner Health Care, Inc. v. Foster**

**A06I0070. Mariner Health Care, Inc. v. Foster**

**A06I0071. Mariner Health Care, Inc. v. Foster**

Mariner Health Care, Inc. and Brian Center Nursing Care/Austell, Inc. (“Mariner”) timely filed the above four applications for interlocutory appeal seeking review of four separate orders entered by the trial court. In A06I0071, Mariner seeks to appeal the trial court's order granting in part William M. Foster's motion for summary judgment. 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 entered in A06I0071 is thus directly appealable. Further, all rulings within that order and any other non-final rulings entered 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). Thus, all four orders may be directly appealed.

“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). There is no indication that Mariner has filed a notice of appeal. Accordingly, these applications are GRANTED. Mariner 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 Twiggs 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*

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*Willie L. Martin*, Clerk.

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

ATLANTA,                      NOVEMBER 17, 2005

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

APPLICATION NO.            A06I0072

LANIER ORR ET AL V. GEORGIA TRANSMISSION CORPORATION

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.

92006

01CV1366

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 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. Martinez*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **OCT 31 2005**

## **A06I0073. THOMAS TACON ET AL v. EQUITY ONE, INC.**

Plaintiff Thomas Tacon, et al, filed an application for interlocutory review of an order granting summary judgment to defendant Equity One, Inc., and dismissing Tacon's action only against Equity One and not any of the remaining co-defendants. The order sought to be appeal is a directly appealable order. OCGA § 9-11-56 (h) gives a losing party the right to a direct appeal from an order granting summary judgment on any issue or as to any party even though the judgment is not final under OCGA §§ 5-6-34 (a) (1) or 9-11-54 (b). *Culwell v. Lomas and Nettleton Co.*, 242 Ga. 242, 243 (248 SE2d 641) (1978); *Newton v. K. B. Property Management &c.*, 166 Ga. App. 901, 903 (306 SE2d 901) (1983); see *Benedict v. Snead*, 253 Ga. 759, 751 (560 SE2d 278) (2002); *Hazelwood v. Adams*, 235 Ga. App. 607 (1) (510 SE2d 147) (1998), rev'd. on other grounds, *Adams v. Hazelwood*, 271 Ga. 414 (520 SE2d 896) (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). There is no indication that the applicants have filed a notice of appeal. Accordingly, this application is 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 Camden 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*

**OCT 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.*

*Willie L. Matz*, Clerk.

Court of Appeals  
of the State of Georgia

ATLANTA, NOVEMBER 14, 2005

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

APPLICATION NO. A06I0074

JERRY D. SCOTT, D/B/A JERRY SCOTT REALTY V. STEVEN ANTHONY  
SIZEMORE

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

99006

2003CV79524

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 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. Matz*

Court of Appeals  
of the State of Georgia

ATLANTA, NOVEMBER 23, 2005

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

APPLICATION NO. A06I0075

PHOEBE PUTNEY HEALTH SYSTEM INC., V. CHARLES REHBERG

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

91006

04CV18901

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 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. Matiza*

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

ATLANTA,            DECEMBER 12, 2005

*The Court of Appeals passed the following order*

Case No. A06I0075

PHOEBE PUTNEY HEALTH SYSTEM INC., V. CHARLES REHBERG

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

91-006  
04CV18901

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

Clerk.

*Will L. Matz*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

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

(404) 656-3470

Sherie M. Welch, Clerk

**Docketing Date:** December 30, 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 **S06C0746**

PHOEBE PUTNEY HEALTH SYSTEMS, INC. v. CHARLES REHBERG

Clerk, Supreme Court of Georgia

W. Z. Mettler  
CLERK/COURT ADMINISTRATOR  
COURT OF APPEALS OF GA.

2006 JAN -4 PM 3:45

RECEIVED IN OFFICE

Case No. A06I0075

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

Clerk, Court of Appeals of Georgia

Court of Appeals  
of the State of Georgia

ATLANTA, NOVEMBER 23, 2005

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

APPLICATION NO. A06I0076  
JOHN WESLEY MACKAY V. THE STATE

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

94006

05CR113

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

NOV 23 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. Mat... [Signature]*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **NOV 14 2005**

**A06I0077. ROGER LAVERN SMITH v. THE STATE.**

Applicant Roger Lavern Smith seeks interlocutory review of the trial court's order denying his motion to suppress. The order Smith seeks to appeal was entered in the trial court on October 7, 2005. On October 13, 2005, the trial court certified its order for immediate review pursuant to OCGA § 5-6-34 (b). Smith filed this application for interlocutory appeal on October 31, 2005, 18 days after the trial court entered the certificate of immediate review. OCGA § 5-6-34 (b) permits this Court to consider interlocutory appeals only where the application is made within ten days after the certificate of immediate review is entered. Because Smith failed to file his 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 ordered DISMISSED for lack of jurisdiction.

*Court of Appeals of the State of Georgia*

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

*Willie L. Martinez*, Clerk.

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

ATLANTA, NOVEMBER 30, 2005

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

APPLICATION NO. A06I0078  
READY RESOURCES, INC., ET AL V. LEE ASHER, A/K/A LEE  
MICHAEL ASHER, A/K/A MICHAEL ASHER

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

96007

2005SV1810

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

**NOV 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. Mat... [Signature]*

# Court of Appeals of the State of Georgia

ATLANTA,

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

NOV 03 2005

## **A06I0079. WILMA MCKINNON v. PROGRESSIVE BAYSIDE INSURANCE COMPANY.**

Plaintiff Wilma McKinnon filed a timely application for interlocutory review of the order granting the motion for summary judgment filed by Progressive Bayside Insurance Company, her uninsured/underinsured motorist coverage carrier.

The suit underlying this application is a suit for damages arising out of an automobile collision. The defendant, James Matthew Taylor, is in default. During the course of litigation, Progressive Bayside Insurance Company was served with process and filed an answer in its own name. Progressive Bayside subsequently filed a motion for summary judgment and the trial court granted the motion holding that the insurer's liability under the uninsured motorist coverage shall not exceed the \$25,000/\$50,000 coverage limits stated in the policy in effect on the date of the loss.

OCGA § 9-11-56 (h) states that 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) gives a losing party the right to a direct appeal from an order granting summary judgment on any issue or as to any party even though the judgment is not final under OCGA §§ 5-6-34 (a) (1) or 9-11-54 (b). *Culwell v. Lomas and Nettleton Co.*, 242 Ga. 242, 243 (248 SE2d 641) (1978); *Newton v. K. B. Property Management &c.*, 166 Ga. App. 901, 903 (306 SE2d 901) (1983); see *Benedict v. Snead*, 253 Ga. App. 749, 751 (560 SE2d 278) (2002); *Hazelwood v. Adams*, 235 Ga. App. 607 (1) (510 SE2d 147) (1998), rev'd. on other grounds, *Adams v. Hazelwood*, 271 Ga. 414 (520 SE2d 896) (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). There is no indication that McKinnon has filed a notice of appeal. Therefore, this application is GRANTED. McKinnon 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 Jeff Davis 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*

NOV 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.*

*William L. Matz*

, Clerk.

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

ATLANTA,                      NOVEMBER 17, 2005

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

APPLICATION NO.            A06I0080

JEFFREY JOHNSON V. THE STATE

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

90007

03CR286759

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 17 2005**

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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.

*Willie L. Mat... [Signature]*

Court of Appeals  
of the State of Georgia

ATLANTA, NOVEMBER 30, 2005

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

APPLICATION NO. A06I0082  
HELI - CROPTER, INC., V. HELENA CHEMICAL COMPANY

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

92007

20030599

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

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

ATLANTA, NOVEMBER 21, 2005

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

APPLICATION NO. A06I0083

S E S INDUSTRIES, INC., ET AL V. STEAM-CO., LLC., ET AL

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

97007

2002CV082

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 21 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.*

*W. L. Matia*

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

ATLANTA,            NOVEMBER 29, 2005

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

APPLICATION NO.            A06I0084  
HABERSHAM OAKS ASSOCIATES LIMITED PARTNERSHIP  
F/K/A HABERSHAM COVE ASSOCIATES LIMITED PARTNERSHIP ET AL  
V. SUSAN E. STORY

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.

99007

2003CV70296

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

**NOV 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.*

*Willi L. Martin*

Court of Appeals  
of the State of Georgia

ATLANTA, NOVEMBER 21, 2005

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

APPLICATION NO. A06I0085  
LORA KIMBERLY SUDDUTH V. THE STATE

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

91007

05B25064

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 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. Mat... [Signature]*

# Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: NOV 15 2005

**A06I0086. EMMETT D. YEARTA, JR. et al. v. ATHENA'S TEMPLE, INC. et al.**  
**A06I0088. ATHENA'S TEMPLE, INC. v. EMMETT D. YEARTA, JR.**

Emmett D. Yearata Jr., individually and as executor of the estate of Ealnor Gail Yearata, filed a wrongful death action against Athena's Temple, Inc. and Woodall Family Enterprises, LLLP. The defendants moved for summary judgment and Yearata moved for partial summary judgment. The trial court granted summary judgment to Woodall Family Enterprises but denied Yearata's and Athena's Temple's motions for summary judgment.

In interlocutory application A06I0086, Yearata seeks to appeal the grant of summary judgment to Woodall Family Enterprises. Under OCGA § 9-11-56 (h), the grant of 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 Yearata seeks to appeal is thus directly appealable.

"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). There is no indication that Yearata has filed a notice of appeal. Accordingly, interlocutory application A06I0086 is GRANTED.

In interlocutory application A06I0088, Athena's Temple seeks to appeal that portion of the same order denying its motion for summary judgment. Athena's Temple

properly followed the interlocutory appeal procedures. However, because Yeara seeks to appeal the same order in A06I0086, we also GRANT application A06I0088 as a companion case to A06I0086.

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 Superior 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* **NOV 15 2005**

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

*W. L. Mat... , Clerk.*

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

ATLANTA,                      NOVEMBER 29, 2005

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

APPLICATION NO.            A06I0087  
PELHAM PROPERTIES, INC., ET AL V. SUSAN E. STORY 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.

99008  
2003CV70296

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*      **NOV 29 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. Martinez*

# Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order:

NOV 15 2005

**A06I0086. EMMETT D. YEARTA, JR. et al. v. ATHENA'S TEMPLE, INC. et al.**  
**A06I0088. ATHENA'S TEMPLE, INC. v. EMMETT D. YEARTA, JR.**

Emmett D. Yearata Jr., individually and as executor of the estate of Ealnor Gail Yearata, filed a wrongful death action against Athena's Temple, Inc. and Woodall Family Enterprises, LLLP. The defendants moved for summary judgment and Yearata moved for partial summary judgment. The trial court granted summary judgment to Woodall Family Enterprises but denied Yearata's and Athena's Temple's motions for summary judgment.

In interlocutory application A06I0086, Yearata seeks to appeal the grant of summary judgment to Woodall Family Enterprises. Under OCGA § 9-11-56 (h), the grant of 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 Yearata seeks to appeal is thus directly appealable.

"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). There is no indication that Yearata has filed a notice of appeal. Accordingly, interlocutory application A06I0086 is GRANTED.

In interlocutory application A06I0088, Athena's Temple seeks to appeal that portion of the same order denying its motion for summary judgment. Athena's Temple

properly followed the interlocutory appeal procedures. However, because Yearta seeks to appeal the same order in A06I0086, we also GRANT application A06I0088 as a companion case to A06I0086.

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 Superior 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* **NOV 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.*

*Willie L. Martinez*, Clerk.

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

ATLANTA,

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

**NOV 17 2005**

**A06I0089. LA MOVIDA, INC. v. LEODEGARIO VEGA et al.**

Defendant La Movida, Inc. filed an application for interlocutory review of an order entered October 19, 2005, denying its motion for summary judgment. Although the certificate of immediate review was signed October 31, 2005, it was not filed until November 2, 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. *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973); *Bowers v. Price*, 168 Ga. App. 125, 126 (308 SE2d 420) (1983). A certificate of immediate review is granted on the date that it is filed or entered. See *Turner v. Harper*, supra at 176; *Laurens County v. Dixon*, 133 Ga. App. 727, 728 (213 SE2d 26) (1975). Because the certificate of immediate review was not granted within the requisite 10-day period, this Court is without jurisdiction to consider this application which is ordered DISMISSED.

*Court of Appeals of the State of Georgia*

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

Court of Appeals  
of the State of Georgia

ATLANTA, DECEMBER 05, 2005

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

APPLICATION NO. A06I0090

LOS REYES MEXICAN RESTAURANT # 1, INC., V. DIXON SERVICES

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

96008

2003A11056

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

*Willie L. Martinez*

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

ATLANTA,

*The Court of Appeals hereby passes the following order:*      **NOV 29 2005**

**A06I0091. Jim Young Construction Co. Inc. v. Violet Brown**

Jim Young Construction Co. Inc.'s withdrawal of this application is  
GRANTED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 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.*

*Will. L. Mat... , Clerk.*

Court of Appeals  
of the State of Georgia

ATLANTA,            DECEMBER 06, 2005

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

APPLICATION NO.            A06I0092

JOSEPH BRIAN FLETCHER ET AL V. HIGHLAND LAND COMPANY, LLC

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

90008

2005CV349

*Court of Appeals of the State of Georgia*

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

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

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

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** December 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 **S06C0739**

JOSEPH BRIAN FLETCHER et al. v. HIGHLAND LAND COMPANY, LLC

Clerk, Supreme Court of Georgia

Case No. A06I0092

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

Clerk, Court of Appeals of Georgia

*Sherie M. Welch*  
CLERK/COURT ADMINISTRATOR  
COURT OF APPEALS OF GA.

2006 JAN -4 PM 3:45

RECEIVED IN OFFICE

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

ATLANTA,                   DECEMBER 07, 2005

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

APPLICATION NO.           A06I0093  
WALKER ELECTRIC COMPANY V. CHANDLER BYRD

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

93008  
CE0301642063

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

DEC 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.*

*Willie L. Mat... [Signature]*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* NOV 22 2005

**A06I0094. RICKY JOE ELY et al. v. THE STATE.**

Tina and Ricky Joe Ely filed this application for interlocutory appeal from the order denying their motion to suppress. The trial court entered the order as well as a certificate of immediate review on October 21, 2005. The Elys' application was docketed in this Court November 10, 2005.<sup>1</sup>

An application for interlocutory appeal must be filed within ten days after the certificate of immediate review is granted. OCGA § 5-6-34 (b). The Elys had until Monday, October 31, 2005 to file their application. The application filed November 10, 2005 is ten days late. Therefore, the Elys' application is DISMISSED.

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

*Will L. Matz*, Clerk.

---

<sup>1</sup>The application was initially received in the Court on October 31, 2005 but rejected for filing because the Elys failed to include a certificate of service in violation of Court of Appeals Rule 6.

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

ATLANTA,                    DECEMBER 12, 2005

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

APPLICATION NO.            A06I0095

D. CURTIS MANN V. ANDREW C. ALEXANDER 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.

97008

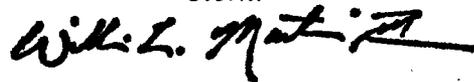
05CV46278

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

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

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hereto affixed the day and year last above written.*

Clerk.



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

ATLANTA,                    DECEMBER 09, 2005

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

APPLICATION NO.            A06I0096

ROBERT C. ABRAMSON, M.D., ET AL V. MARY PRICE WILLIAMS ET AL

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

91008

2005RCCV147

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 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. Mat... [Signature]*

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

ATLANTA, NOVEMBER 30, 2005

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

APPLICATION NO. A06I0097  
DONALD D. GIBSON V. THE STATE

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

70008

CR0500262063

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 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,            DECEMBER 07, 2005

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

APPLICATION NO.            A06I0098  
CANDLER HOSPITAL, INC., V. MARK BEAMON, AS TEMPORARY  
ADMINISTRATOR OF THE ESTATE OF BONZOLA HART 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.

95009

I040243

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

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

ATLANTA,                    NOVEMBER 30, 2005

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

APPLICATION NO.            A06I0099  
DEREK A. BISHOPP ET AL    V. BILL ATKINSON

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.

96009  
STCV0402049

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

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

ATLANTA,                      NOVEMBER 30, 2005

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

APPLICATION NO.            A06I0100  
GERALD BECKS D/B/A JAY'S PLACE SPORTS BAR & LOUNGE V.  
MARY PIERCE

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

98009

04A254206

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 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. Mat... [Signature]*

# Court of Appeals of the State of Georgia

ATLANTA,

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

**DEC 08 2005**

**A06I0101. BIJOU SALON & SPA, LLC., ET AL. v. KENSINGTON ENTERPRISES, INC.**

Bijou Salon & Spa, LLC, Victoria Adelsky, Harvey Adelsky, and VJ&H, Inc. filed a timely application seeking interlocutory review of the order of the superior court granting the motion of Kensington Enterprises, Inc. for interlocutory injunction. However, a direct appeal may be taken from the grant or refusal of applications for interlocutory injunctions. OCGA § 5-6-34 (a) (4); *Georgia Power Company v. Hunt*, 266 Ga. App. 331 (466 SE2d 846) (1996). This Court will grant a timely application for interlocutory appeal if the order is subject to direct appeal and the applicants have not otherwise filed a timely notice of appeal. The above styled application is therefore GRANTED.

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

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 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.*

, Clerk.

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

ATLANTA,            DECEMBER 21, 2005

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

APPLICATION NO.            A06I0102  
EDENFIELD & COX, P.C., D/B/A EDENFIELD, COX, BRUCE & CLASSENS  
V. CURTIS L. MACK

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.

93009

04VS069365G

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

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

ATLANTA,            DECEMBER 15, 2005

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

APPLICATION NO.            A06I0103

NANCY A. MCGARRAH ET AL V. MICHAELE POSIG 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.

92009

03A118873

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 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. Mat...*

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

ATLANTA,                   DECEMBER 15, 2005

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

APPLICATION NO.           A06I0104  
CERTAIN UNDERWRITERS AT LLOYDS, LONDON V. RUCKER  
CONSTRUCTION , INC

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

97009

2004S080785

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

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

ATLANTA,            DECEMBER 06, 2005

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

APPLICATION NO.            A06I0105

JASON GRIFFIN, M.D., ET AL V. DEBRA SUE BURDEN 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.

99009

05CV804

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 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. Mat... [Signature]*

Court of Appeals  
of the State of Georgia

ATLANTA,            DECEMBER 12, 2005

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

APPLICATION NO.        A06I0106  
DWIGHT ERIC HAIRE V. THE STATE

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

91009

05CR145

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 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 L. Matz*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order* NOV 30 2005

**A06I0107. PHILLIP LINDSEY v. THE STATE.**

Phillip Lindsey 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 November 10, 2005, so applicant had until November 21, 2005, to file his application. OCGA § 1-3-1 (d) (3). Lindsey filed the application on November 23, 2005, two 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* NOV 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. Mat... , Clerk.*

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

ATLANTA,                   DECEMBER 22, 2005

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

APPLICATION NO.           A06I0108  
GWINNETT MEMORIAL PARK, LLC V. JAMIE GENTRY ET AL

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

70009

03A029027

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 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. Mat... [Signature]*

Court of Appeals  
of the State of Georgia

ATLANTA,            DECEMBER 01, 2005

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

APPLICATION NO.            A06I0109

CLEAR CHANNEL BROADCASTING, INC V. MARK E. TURCOTTE

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.

95010

05C08135S2

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 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.*

*Willi L. Mat... [Signature]*

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

ATLANTA,            DECEMBER 13, 2005

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

APPLICATION NO.        A06I0110  
CARROLL CLAXTON ET AL V. JAMES B. CURTIS

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.

96010

STCV0402575

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

*Will L. Matz*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **DEC 12 2005**

**A06I0111. BARRY MATHIS ET AL. v. DANIEL P. SCOTT.**

Defendants Daniel P. Scott, et al., have filed an application for an interlocutory review by this Court of the order, entered November 14, 2005, denying defendants motion for summary judgment. The underlying subject matter generally controls over the relief sought in determining the proper procedure to follow to appeal.” *Rebich v. Miles*, 264 Ga. 467, 469 (448 SE2d 192) (1994). The underlying subject matter of this application is an action in ejectment, in which plaintiff Daniel P. Scott asserts an alleged presently enforceable legal title against the possession of the defendants for purposes of recovering his land in its original condition. Defendants’ first defense to this suit is that Scott is not the legal owner of the land described in the complaint; and thus, defendants in possession are contesting plaintiff’s claim of title to the land in question.

Article VI, Section VI, Paragraph III of the Georgia Constitution of 1983 vests the Supreme Court of Georgia with appellate jurisdiction over cases involving title to land. The phrase “cases involving title to land,” as used in the constitutional grant of appellate jurisdiction to the Supreme Court, is narrowly confined to those actions, “such as ejectment and statutory substitutes, in which the plaintiff asserts a presently enforceable legal title against the possession of the defendant for the purpose of recovering the land. *Georgia Dept. of Transp.*, 278 Ga. 423. 424 (603 SE2d 257) (2004); *Stolaman v. Stolaman*, 220 Ga. 799, 800 (1) (142 SE2d 70) (1965); *Bond v.*

Ray, 207 Ga. 559, 561 (63 SE2d 399) (1951). This is such a case.

Accordingly, this Court lacks jurisdiction over this application and it is TRANSFERRED to the Supreme Court for disposition.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

DEC 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.*

*W. L. Matia*

, Clerk.

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

ATLANTA,            DECEMBER 21, 2005

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

APPLICATION NO.        A06I0112  
TALON WDE, LLC V. CAROL DENISE VAUGHAN ET AL

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

90010  
04S0499

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

**DEC 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. Mat... [Signature]*

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

ATLANTA,            DECEMBER 30, 2005

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

APPLICATION NO.        A06I0113

JACKIE JOHNSON ET AL V. BARBARA J. HALEY ET AL

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

93010

2005CV101875

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

DEC 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. Matz*

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

ATLANTA,            JANUARY    13, 2006

*The Court of Appeals passed the following order*

Case No. A06I0113

JACKIE JOHNSON ET AL V. BARBARA J. HALEY ET AL

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

93-010  
2005CV101875

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    JAN 13, 2006*

*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:** January 30, 2006

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 **S06C0911**

JACKIE JOHNSON et al. v. BARBARA J. HALEY et al.

Clerk, Supreme Court of Georgia

Case No. A06I0113

Court of Appeals of Georgia

Notice of Petition for Certiorari

FEB 01 2006

filed in office

Clerk, Court of Appeals of Georgia

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

ATLANTA,            DECEMBER 28, 2005

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

APPLICATION NO.        A06I0114  
VINCENT W. COLLINS V. THE STATE

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

71010

S2005CR595

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

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

ATLANTA,

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

**DEC 13 2005**

**A06I0115. Adam Runsdorf v. Westek Georgia, LLC**

Adam Runsdorf filed this application for interlocutory appeal seeking interlocutory review of the trial court's denial of his motion for summary judgment. An application for interlocutory appeal is valid only if filed within 10 days of the date a timely certificate of immediate review is entered in the court below. *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 November 21, 2005, so applicant had until December 1, 2005, to file his application. OCGA § 1-3-1 (d) (3). Runsdorf filed this application on December 2, 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* **DEC 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. Mat... , Clerk.*

 Court of Appeals  
of the State of Georgia

ATLANTA,            JANUARY    03, 2006

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

APPLICATION    NO.            A06I0116

DANIEL JAMES CARROLL V. THE STATE

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

97010

2005FE164

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

**JAN 03 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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,            JANUARY    03, 2006

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

APPLICATION    NO.            A06I0117  
CANDICE KAY CARROLL V. THE STATE

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

97011

2005FE163

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    **JAN 03 2006**

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

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **DEC 15 2005**

**A06I0118. CITY OF CONYERS, GEORGIA ET AL v. SOUTHERN  
OUTDOOR ADVERTISING, L. L. C.**

Plaintiff Southern Outdoor Advertising, L. L. C., filed suit against defendants City of Conyers, Georgia, et al., challenging the validity of the City of Conyers' sign ordinance, adopted November 20, 2002. Defendants filed a timely application seeking an interlocutory appeal of the order, entered November 22, 2005, holding that, as a matter of law, the sign ordinance was not properly adopted.

A trial court may grant summary judgment sua sponte to the nonmoving party so long as the grant is proper in all other respects. *Guideone Life Ins. Co. v. Ward*, 275 Ga. App. 1, 7 (3) (619 SE2d 723) (2005). The trial court's order, entered November 20, 2002, is in substance and function, a sua sponte grant of partial summary judgment as to one but fewer than all pending claims.

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). Accordingly, the order the applicants seek to appeal is directly appealable. Further, all rulings within that order and any other non-final rulings entered in the case may also be raised as part of such a direct appeal. OCGA § 5-6-34 (d); see *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). It appears that a notice of appeal has not been filed. Therefore, this application is GRANTED.

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

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

ATLANTA,                    JANUARY    09, 2006

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

APPLICATION    NO.            A06I0119

DAIMLERCHRYSLER CORPORATION V. JOSEPHINE V. LANE 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.

91010

2003AB00206    2001CV36976    2002AB00148C    2003AB00234C

2004AB00244C

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 09 2006**

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

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

*Clerk.*

*Will. L. Mat. Jr.*

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

ATLANTA,                      JANUARY      09, 2006

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

APPLICATION    NO.            A06I0120

DAIMLERCHRYSLER CORPORATION V. GAIL M. HIPSKY 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.

91011

2003AB00206    2001CV36976    2002AB00148C    2003AB00234C

2004AB00244C

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 09 2006**

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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... [Signature]*

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

ATLANTA,                    JANUARY    09, 2006

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

APPLICATION    NO.            A06I0121  
DAIMLERCHRYSLER CORPORATION V. THERESA MAE VAN KAMPEN  
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.

91012  
2003AB00206

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*    **JAN 09 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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,            JANUARY    09, 2006

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

APPLICATION    NO.            A06I0122

DAIMLERCHRYSLER CORPORATION V. JUDITH H. ROSS 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.

91013

2003AB00206    2001CV36976    2002AB00148C    2003AB00234C  
2004AB00244C

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

**JAN 09 2006**

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

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **JAN 04 2006**

**A06I0123. PILLAR DEVELOPMENT, INC. v. FUQUA CONSTRUCTION CO., INC., ET AL.**

Defendant Pillar Development, Inc. filed an application for interlocutory review of an order granting summary judgment to plaintiffs Fuqua Construction Company, Inc. and Newman Homes, Inc. The order sought to be appealed is a directly appealable order. OCGA § 9-11-56 (h) gives a losing party the right to a direct appeal from an order granting summary judgment on any issue or as to any party even though the judgment is not final under OCGA §§ 5-6-34 (a) (1) or 9-11-54 (b). *Culwell v. Lomas and Nettleton Co.*, 242 Ga. 242, 243 (248 SE2d 641) (1978); *Newton v. K. B. Property Management &c.*, 166 Ga. App. 901, 903 (306 SE2d 901) (1983); see *Benedict v. Snead*, 253 Ga. App. 749, 751 (560 SE2d 278) (2002); *Hazelwood v. Adams*, 235 Ga. App. 607 (1) (510 SE2d 147) (1998), rev'd. on other grounds, *Adams v. Hazelwood*, 271 Ga. 414 (520 SE2d 896) (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). There is no indication that the applicant has filed a notice of appeal. Accordingly, this application is 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 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* **JAN 04 2006**

*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. Matz*, Clerk.

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

ATLANTA,            JANUARY    10, 2006

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

APPLICATION NO.            A06I0124

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.

70010

03CV0826

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 10 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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,                    JANUARY    10, 2006

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

APPLICATION NO.            A06I0125  
VIA NET. WORKS INC., V. TORKDESIGNS, LLC

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

95011

2005CV104716

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*    **JAN 10 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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,            JANUARY    11, 2006

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

APPLICATION NO.            A06I0126  
JESSICA ANN DOBASH V. STATE FARM MUTUAL AUTOMOBILE INSURANCE  
CO., AS SUBROGEE OF SCOTT R. MARSHALL

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

96011

04CV45070

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*            **JAN 11 2006**

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

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

*Clerk.*

*Willi L. Mat... [Signature]*

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

ATLANTA,

*The Court of Appeals hereby passes the following order:* **DEC 30 2005**

**A06I0127. USA PAYDAY CASH ADVANCE CENTER # 1, INC., ET AL v. INA  
CLAIRE EVANS ET AL**

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

98-011  
04VS070347C

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

, Clerk.

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

ATLANTA,            JANUARY    03, 2006

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

APPLICATION NO.            A06I0128

JAMES L. HILLIARD ET AL V. JAMES G. FOLEY, JR., A/N/F JAMES  
G. FOLEY, III ET AL

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

90011

2000CV20702

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 03 2006**

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

Court of Appeals  
of the State of Georgia

ATLANTA, JANUARY 18, 2006

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

APPLICATION NO. A06I0129

NORTHSIDE HOSPITAL, INC., ET AL V. SHELIA A. MCDONALD

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

93011

05VS078522E

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **JAN 18 2006**

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

 Court of Appeals  
of the State of Georgia

ATLANTA,            JANUARY    13, 2006

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

APPLICATION NO.            A06I0130

W. JOSEPH ABSI, M.D., ET AL V. ARDALIA BREWER

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

71011

03VS047867G

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    **JAN 13 2006**

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

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

ATLANTA,            JANUARY    06, 2006

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

APPLICATION NO.        A06I0131

WILLIE PARKS V. THE STATE

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

92011

03SC10191

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    **JAN 06 2006**

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

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

ATLANTA,            JANUARY    11, 2006

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

APPLICATION NO.            A06I0132

MID-SOUTH SUBCONTRACTORS, INC. D/B/A MID-SOUTH ROOF SYSTEMS V. WILLIAM  
ALLEN ROWLAND ET AL

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

99011

01VS017258G

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 11 2006**

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

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

*Clerk.*

*Willi L. Matz*

 Court of Appeals  
of the State of Georgia

ATLANTA,                    JANUARY    06, 2006

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

APPLICATION    NO.            A06I0133

TORTILLERIA EL MAIZAL, INC., ET AL V. DIXON SERVICES

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

94011

2003A11072

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 06 2006**

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

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

ATLANTA

**JAN 09 2006**

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

A06I0134. NATIONAL TRUCK PARTS OF GEORGIA, INC., D/B/A SIKES  
TRANSPORTATION, INC., ET AL v. ANDREA R. MANGHAM ET AL.

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

70-011

2003CV67975

*Court of Appeals of the State of Georgia*  
*Clerk's Office,* **JAN 09 2006**

*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.*

*Willie L. M. [Signature]*, Clerk.

Court of Appeals  
of the State of Georgia

ATLANTA,            JANUARY    20, 2006

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

APPLICATION NO.            A06I0135  
MORTON SKOLNIK ET AL V. ENVIRO SPECIALTY, LLC

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

95012

05CV1550B

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 20 2006**

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

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

*Clerk.*

*Will L. Mat... [Signature]*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **JAN 12 2006**

**A06I0136. THE HOUSING AUTHORITY OF THE CITY OF MACON,  
GEORGIA v. ELLIS.**

The mayor of the City of Macon, C. Jack Ellis, filed this action seeking a declaratory judgment, a writ of mandamus and a permanent injunction as a means of resolving a dispute with the local housing authority involving Ellis's assertion that as mayor he has the sole authority under OCGA § 8-3-50 to appoint members to that authority. The housing authority seeks immediate review of the denial of its motion to dismiss Ellis's action in its entirety based on the theory that the dispute is nonjudicial under the political question doctrine. Because we conclude that this is primarily a mandamus action and because the Supreme Court has appellate jurisdiction in cases involving extraordinary remedies, the housing authority's application for interlocutory appeal is hereby *transferred* to the Supreme Court. Ga. Const. of 1983, Art. VI, § VI, ¶ III (5); OCGA § 9-6-28.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 12 2006**

*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... A*

, Clerk.

 Court of Appeals  
of the State of Georgia

ATLANTA,                    JANUARY        18, 2006

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

APPLICATION    NO.            A06I0137  
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY ET AL V.  
BOYD CAPITAL PARTNERS, LLC., ET AL

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

98012

2004CV79719

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta        **JAN 18 2006**

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

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

*Clerk.*



 Court of Appeals  
of the State of Georgia

ATLANTA,                    JANUARY    18, 2006

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

APPLICATION NO.            A06I0138  
FIRST SPECIALTY INSURANCE CORPORATION, INC., V. LAKESHA FLOWERS  
ETA L

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.

90012

2004CV93840

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

**JAN 18 2006**

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

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

Clerk.



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

ATLANTA,            JANUARY    20, 2006

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

APPLICATION NO.        A06I0139

JAMES " JIMMY " DIAL ET AL V. ENVIRO SPECIALTY, LLC

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

95013

05CV1550B

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **JAN 20 2006**

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the minutes of the Court of Appeals of Georgia*

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

*Clerk.*

*Will. L. Martinez*

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

ATLANTA,            JANUARY    12, 2006

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

APPLICATION    NO.            A06I0140

WILLIAM E. FINDLEY ET AL V. DONNA BALDING 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.

93012

2004V549

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 12 2006**

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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. Matz*

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

ATLANTA,                    JANUARY    23, 2006

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

APPLICATION    NO.            A06I0141

RE/MAX GRATER ATLANTA ET AL V. FREDRICK L. KUNDRATA, III

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

71012

05CV96689

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 23 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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      24, 2006

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

APPLICATION    NO.            A06I0142  
GARY CARROLL ET AL V. OCONEE COUNTY

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

92012

2001CV0431S

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

**JAN 24 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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,            JANUARY    20, 2006

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

APPLICATION    NO.            A06I0143

PRIVATE PROFESSIONALS, INC., V. STACEE FLANAGAN ET AL

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

97012

2005CV87010

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    **JAN 20 2006**

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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.*

*Willie L. Matia*

Court of Appeals  
of the State of Georgia

ATLANTA,                    JANUARY    23, 2006

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

APPLICATION    NO.            A06I0144

JAY BROWN V. THE STATE

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

99012

05M1543

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    **JAN 23 2006**

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

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

ATLANTA,            JANUARY    12, 2006

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

APPLICATION    NO.            A06I0145

HURBERT DUNCAN MOSELEY JR., ET AL V. GEORGIA POWER COMPANY

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

94012

05CV281C

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 12 2006**

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

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 1, 2006

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 **S06C0935**

ANN GREEN MOSELEY, Trustee, et al. v. GEORGIA POWER COMPANY et al.

Clerk, Supreme Court of Georgia

Case No. A0610145

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

FEB 07 2006

Clerk, Court of Appeals of Georgia

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

ATLANTA,            JANUARY    11, 2006

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

APPLICATION    NO.            A06I0146  
FRANK BATTLE ET AL V. THOMAS HURT

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

70012

2004SV1882

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

**JAN 11 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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,            JANUARY    25, 2006

*The Court of Appeals passed the following order*

Case No. A06I0146

FRANK BATTLE ET AL V. THOMAS HURT

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

70-012  
2004SV1882

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    JAN 25, 2006*

*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. Martinez*

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 13, 2006

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 **S06C0989**

FRANK BATTLE et al. v. THOMAS HURT

Clerk, Supreme Court of Georgia

Case No. A06I0146

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

FEB 15 2006

Clerk, Court of Appeals of Georgia

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

ATLANTA,            JANUARY    26, 2006

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

APPLICATION    NO.            A06I0147

THE RIGHT STUFF FOOD STORES, INC., V. JACQUES GILCHREST

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.

96013

2004CV89473

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 26 2006**

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

**JAN 24 2006**

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

**A06I0148. THE BENEFICIARIES OF THE UNION CHAPPEL TRUST, et al.  
v. CLARK, et al.**

The applicants in the above styled case seek immediate review of an order compelling discovery in an equity case in which the plaintiffs seek to quiet title under the provisions of OCGA § 23-3-60 et seq. Because the underlying subject matter sounds in equity and involves title to land, and because it otherwise appears that in the event this application is denied any post-judgment appellate review of the order complained of would be properly addressed only to the Supreme Court and not this court, this application for interlocutory appeal is hereby *transferred* to the Supreme Court for disposition. Ga. Const. 1983, Art. VI, § VI, ¶ III (1) and (2); *Rebich v. Miles*, 264 Ga. 467 (448 SE2d 192) (1994) (“the underlying subject matter generally controls over the relief sought in determining the proper appellate procedure”).

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

**JAN 24 2006**

*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.*

*Willie L. Mat... Clerk.*

Court of Appeals  
of the State of Georgia

ATLANTA,                    JANUARY    12, 2006

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

APPLICATION    NO.            A06I0149  
HUGHES SUPPLY INC V. EMMANUAL ABUA

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

90013

04A272145

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

**JAN 12 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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,            JANUARY    25, 2006

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

APPLICATION NO.        A06I0150

M.G. GEER, AS TRUSTEE FOR WATKINS DRIVE TRUST V. THE PROVIDENT  
BANK, 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.

93013

03CV1708

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 25 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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,            JANUARY    11, 2006

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

APPLICATION    NO.            A06I0151  
SHARON HEMBREE V. BONNIE SPIVEY, 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.

71013  
I020478F

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*    **JAN 11 2006**

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

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

*W. L. Matz*  
Clerk.

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

ATLANTA,                    JANUARY    31, 2006

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

APPLICATION NO.            A06I0152

MICHAEL INGRAM V. THE STATE

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

92013

05CR0287

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 31 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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,                    JANUARY    25, 2006

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

APPLICATION NO.            A06I0153

DUSTY REYNOLDS 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.

97013

2004SUCR43

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 25 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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,            JANUARY    23, 2006

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

APPLICATION NO.        A06I0154  
JOHNNY CHUMLEY ET AL 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.

99013  
2005SUCV749

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

**JAN 23 2006**

*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. Matiza*

Court of Appeals  
of the State of Georgia

ATLANTA, JANUARY 25, 2006

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

APPLICATION NO. A06I0155

GEORGIA SOUTHERN AND FLORIDIA RAILWAY COMPANY V. WAYNE  
PETERS

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

94013

03CV22567

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 25 2006**

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

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

*Clerk.*

*Willi L. Mat... [Signature]*

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

ATLANTA,                    JANUARY     31, 2006

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

APPLICATION    NO.            A06I0156  
KELLEY CLARK GEORGE V. JOHN BROOKS AKINS

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

70013

2005CVD468

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*     **JAN 31 2006**

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

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

ATLANTA,            JANUARY    24, 2006

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

APPLICATION NO.        A06I0157  
DAVID T. PICKLE D/B/A DAVID T. PICKLE TIMBER COMPANY V.  
RAYONIER FOREST RESOURCES, L.P. F/K/A RAYONIER TIMBERLANDS  
OPERATING COMPANY, LP

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

95014

05CV347

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*        **JAN 24 2006**

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

# Court of Appeals of the State of Georgia

ATLANTA,

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

JAN 25 2006

**A06I0158. IN THE INTEREST OF B. H., A CHILD.**

The applicant seeks immediate review of a November 17, 2005, order denying his motion to suppress certain statements. The applicant relies on a certificate of immediate review signed November 28 and filed on December 2 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, the application is DISMISSED for lack of jurisdiction.

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

JAN 25 2006

*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.*

*Willie L. Martin*

, Clerk.

Court of Appeals  
of the State of Georgia

ATLANTA,                    FEBRUARY 08, 2006

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

APPLICATION NO.            A06I0159  
LORENA FUNICELLO ET AL V. DEMARCUS A. SMITH ET AL

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

98014

2004CV01355D

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      **FEB 08 2006**

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

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

*Clerk.*

*Will. L. Mat... [Signature]*

Court of Appeals  
of the State of Georgia

ATLANTA, FEBRUARY 07, 2006

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

APPLICATION NO. A06I0160  
HOSPITAL AUTHORITY OF HOUSTON COUNTY D/B/A HOUSTON MEDICAL  
CENTER V. TWANA L. MACK ET AL

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

90014

03V32835

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 07 2006**

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

*Willi L. Mat... [Signature]*

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

ATLANTA,

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

**FEB 07 2006**

**A06I0161. ABN Amro Mortgage Group, Inc. v. Hill**

ABN Amro Mortgage Group, Inc., National City Mortgage Co., and Greenpoint Mortgage Funding, Inc.'s application for interlocutory appeal is denied. Phillip E. Hill, Sr.'s motion to dismiss the application is also denied. *Mayor & Aldermen of the City of Savannah v. Norman J. Bass Construction Co.*, 264 Ga. 16, 17 (441 SE2d 63) (1994).

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

**FEB 07 2006**

*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,                      FEBRUARY 15, 2006

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

APPLICATION NO.            A06I0162

TONYA GAYLE KIRK V. THE STATE

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

71014

05CR0998

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 15 2006**

*I certify that the above is a true extract fromd  
the minutes of 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,            FEBRUARY 15, 2006

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

APPLICATION NO.        A06I0163

EDWIN HEYMANN V. THE STATE

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

92014

2004CR1112

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    **FEB 15 2006**

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

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

ATLANTA,                      FEBRUARY   01, 2006

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

APPLICATION   NO.                      A06I0164

BLAINE KELLEY, JR. ET AL V. HELLER FINANCIAL, 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.

97014

2005CV104137

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*      **FEB 01 2006**

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

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

*Clerk.*

*Willi L. Mat... [Signature]*

Court of Appeals  
of the State of Georgia

ATLANTA,                      FEBRUARY 20, 2006

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

APPLICATION NO.            A06I0165

MARK A. INMAN, LLC., ET AL V. GEORGE R. VITO D.P.M.

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

99014

2004CV93464

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*            **FEB 20 2006**

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

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

*Clerk.*

*Will L. Mat... [Signature]*

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

ATLANTA,

*The Court of Appeals hereby passes the following order:* **FEB 20 2006**

**A06I0166. SKYLAKE PROPERTY OWNERS ASSOCIATION, INC., v.  
POWELL, et al.**

Skylake Property Owners Association seeks immediate review of an order denying its motion for summary judgment. In that same order the trial court also grants in part and denies in part the respondents' motion for summary judgment. The respondents show that Skylake has already filed a timely notice of appeal from the same order complained of here as authorized under OCGA § 9-11-56 (h). Under well-settled jurisdictional principles, an appellant 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. OCGA § 5-6-34 (d); *Southeast Ceramics v. Klem*, 246 Ga. 294, 294-296 (1) (271 SE2d 199) (1980). Because Skylake's application for appeal serves no purpose under these circumstances, the application is hereby *dismissed* without prejudice as superfluous.

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **FEB 20 2006**

*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... Clerk.*

Court of Appeals  
of the State of Georgia

ATLANTA, FEBRUARY 06, 2006

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

APPLICATION NO. A06I0167

WESTERN INDUSTRIES, INC., ET AL V. JERRY LEE POOLE

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.

94014

04A22J885

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **FEB 06 2006**

*I certify that the above is a true extract fromd  
the minutes of 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, FEBRUARY 17, 2006

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

APPLICATION NO. A06I0168

IN RE: DENNIS SCHEIB

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.

70014

2004CV95082

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **FEB 17 2006**

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

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **JAN 25 2006**

**A06I0169. THE CUPBOARD, LLC et al. v. SUNSHINE TRAVEL CENTER, LLC.**

Defendants The Cupboard, LLC and Russell Wallace filed a timely application for interlocutory review of the trial court's order granting partial summary judgment to plaintiff Sunshine Travel Center.

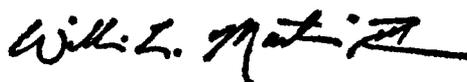
OCGA § 9-11-56 (h) gives a losing party the right to a direct appeal from an order granting summary judgment on any issue or as to any party even though the judgment is not final under OCGA §§ 5-6-34 (a) (1) or 9-11-54 (b). *Culwell v. Lomas and Nettleton Co.*, 242 Ga. 242, 243 (248 SE2d 641) (1978).

"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). There is no indication that the defendants have filed a notice of appeal. Therefore, this application is GRANTED. The defendants 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 Dawson County 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* **JAN 25 2006**

*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,

*The Court of Appeals hereby passes the following order:* FEB 09 2006

**A06I0170. THE PANTRY, INC. v. AARON TUCKMAN.**

The Pantry, Inc. filed this application for interlocutory appeal seeking review of the state court's denial of its motion for summary judgment. The order denying summary judgment was entered January 9, 2006 and the certificate of immediate review was entered January 20, 2006.

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). The certificate entered January 20, 2006 is one day late. The Pantry, Inc.'s application is therefore untimely, this Court lacks jurisdiction and the application is DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

FEB 09 2006

*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,                      FEBRUARY 23, 2006

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

APPLICATION NO.            A06I0171

COLBY ELDER V. THE STATE

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

98015

05SC0034

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*    **FEB 23 2006**

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

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

*Clerk.*

*Will. L. Mat... [Signature]*

Court of Appeals  
of the State of Georgia

ATLANTA,                      FEBRUARY 14, 2006

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

APPLICATION    NO.            A06I0172

JASON L. TERRY V. THE STATE

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

90015

S2005TR30

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 14 2006**

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

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

*Clerk.*

*W. L. Martin*

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

ATLANTA, MARCH 03, 2006

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

APPLICATION NO. A06I0173  
STATE OF GEORGIA, DEPARTMENT OF TRANSPORTATION  
V. DOUGLAS ASPHALT COMPANY

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

93015

2005CV0137

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **MAR 03 2006**

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

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

*Clerk.*

*Willi L. McIntire*

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

ATLANTA, MARCH 02, 2006

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

APPLICATION NO. A06I0174

DEPARTMENT OF TRANSPORTATION V. CAMVIE CORP., 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.

71015

03CV3051C

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **MAR 02 2006**

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

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

*Clerk.*

*Will. L. Mat... [Signature]*

Court of Appeals  
of the State of Georgia

ATLANTA, FEBRUARY 20, 2006

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

APPLICATION NO. A06I0175

JOYCE TODD ET AL V. SYLVIA BYRD A/N/F TYNESHA BYRD

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.

92015

04SV005

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 20 2006**

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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.*

*Willie L. Matz*

Court of Appeals  
of the State of Georgia

ATLANTA, FEBRUARY 22, 2006

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

APPLICATION NO. A06I0176

MAXX PARTS & EQUIPMENT, INC., V. TWIN LANDSCAPING ET AL

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

97015

05A295867

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 22 2006**

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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.*

*Willi L. Mat...*

Court of Appeals  
of the State of Georgia

ATLANTA,            FEBRUARY 20, 2006

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

APPLICATION NO.        A06I0177

PALMYRA NURSING HOME, INC., V. ELZELIA 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.

99015

05SCV0880

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 20 2006**

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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.*

*Willie L. Mat... [Signature]*

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

ATLANTA, MARCH 13, 2006

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

APPLICATION NO. A06I0178  
DEPARTMENT OF HUMAN RESOURCES D/B/A CENTRAL STATE HOSPITAL  
V. THERESA S. HAMILTON

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

91015

03CV22667

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **MAR 13 2006**

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

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

Clerk.

*W. L. Matia*

 Court of Appeals  
of the State of Georgia

ATLANTA, MARCH 02, 2006

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

APPLICATION NO. A06I0179  
JOSEPH A. CARRAGHER, JR., V. RICHARD A. SMITH A/K/A RICHARD  
A. SMITH ET AL

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

94015

04SC1847

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **MAR 02 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 08, 2006

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

APPLICATION NO. A06I0180  
LIVE OAK CONSULTING, INC. V. GEORGIA DEPARTMENT OF COMMUNITY  
HEALTH 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.

70015  
05CV0877

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **MAR 08 2006**

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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. Matz*

Court of Appeals  
of the State of Georgia

ATLANTA, MARCH 03, 2006

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

APPLICATION NO. A06I0181  
HOYT RANDALL COLBAUGH V. THE STATE

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

95016

2005CR510J

Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta **MAR 03 2006**

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

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

Clerk.

*Will. L. Mat... [Signature]*

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

ATLANTA,                      FEBRUARY 27, 2006

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

APPLICATION NO.            A06I0182  
GEORGIA POWER COMPANY V. MELVIN STOWERS

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.

96016  
05CV432B

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

**FEB 27 2006**

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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.*  
Handwritten signature of Willi L. Mat...

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

ATLANTA, MARCH 09, 2006

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

APPLICATION NO. A06I0183

LAUREN M. BARBREE ET AL V. LARRY WATERS ET AL

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

98016

04CV0446

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAR - 9 2006**

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the minutes of the Court of Appeals of Georgia*

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

*Clerk.*

*Will: L. Martinez*

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

ATLANTA,

*The Court of Appeals hereby passes the following order:* **MAR 16 2006**

**A06I0184. M. HOMES, LLC v. SOUTHERN STRUCTURAL, INC.**

Out of an abundance of caution, defendant M. Homes, LLC has filed an application for interlocutory appeal from an order granting plaintiff's application to stay arbitration. Because no issues remain pending in this case and because the case was not previously consolidated with a related case currently pending in the superior court between these same parties, the order complained of is directly appealable as a final judgment under OCGA § 5-6-34 (a) (1). Because applicant states that it is aware that the order at issue here may be directly appealable and that a direct appeal will also be filed in the case, this application is hereby *dismissed* as superfluous.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 16 2006**

*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... Clerk.*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* FEB 28 2006

## **A06I0185. Larry W. Shackelford v. Dianne Watkins Burleigh, as Executor of the Estate of Eric Carter Burleigh**

Larry W. Shackelford and Virginia S. Shackelford filed this application for interlocutory appeal seeking review of the trial court's order striking their answer and counterclaim. The order the Shackelfords seek to appeal was entered January 25, 2006 and the certificate of immediate review was entered February 7, 2006. 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). The certificate entered February 7, 2006 is one day late. The Shackelfords' application is therefore 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* FEB 28 2006

*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... , Clerk.*

 Court of Appeals  
of the State of Georgia

ATLANTA, MARCH 14, 2006

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

APPLICATION NO. A06I0186

CLARK ATLANTA UNIVERSITY, INC. V. WALTER 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.

71016

03VS045389E

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **MAR 14 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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, MARCH 14, 2006

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

APPLICATION NO. A06I0187

SOUTHWAY INDUSTRIAL SERVICES, INC V. GARY BOYD 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.

92016

02A133915

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 14 2006**

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

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

ATLANTA,                    MARCH                    03, 2006

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

APPLICATION NO.            A06I0188  
KIMBERLY DAVIS V. TUATT THI PHAM ET AL

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

97016

04C149254

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta    **MAR 03 2006**

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

 Court of Appeals  
of the State of Georgia

ATLANTA, MARCH 20, 2006

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

APPLICATION NO. A06I0189

GEORGIA CORRECTIONAL HEALTH, LLC, ET AL., V. CAROL KIMBELL

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.

99016

2003CV05319

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 20 2006**

*I certify that the above is a true extract fromd  
the minutes of 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 22, 2006

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

APPLICATION NO. A06I0190  
THE KROGER CO. V. JEANNE AUMAN ET AL

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

91016

04CV3525

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAR 22 2006**

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

Court of Appeals  
of the State of Georgia

ATLANTA, MARCH 14, 2006

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

APPLICATION NO. A06I0191

BILLY RAY MCKEE V. THE STATE

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

94016

052131

Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta **MAR 14 2006**

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

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

ATLANTA,

MAR - 9 2006

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

**A06I0192. DOUGLAS LAMAR INGRAM v. THE STATE.**

On December 27, 2005, the trial court signed an order “Nunc pro tunc, December 14, 2005,” denying Douglas Lamar Ingram’s motion to suppress. This order, however, was not stamp-filed until February 17, 2006. On December 15, 2005, the trial court signed a certificate of immediate review, which was stamp-filed January 5, 2006. On February 21, 2006, Ingram filed this application for interlocutory review. An application for interlocutory review must be filed in this Court within ten days after the certificate of immediate review is granted, i.e. filed with the trial court clerk. OCGA § 5-6-34 (b). Ingram thus had until January 17, 2006 (the tenth day falling on January 15, 2006, a Sunday, and January 16, 2006, having been a State holiday) to file his application, despite the fact that the order denying the motion to suppress was not entered until February 17, 2006. Ingram’s application filed February 21, 2006 is 35 days late. This Court therefore lacks jurisdiction and the application is DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

MAR - 9 2006

*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. Matz*

, Clerk.

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

ATLANTA, MARCH 21, 2006

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

APPLICATION NO. A06I0193

PHILIP BARBER, C.R.N.A., V. CHARLES BILLY LEE ET AL

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

95017

051130534

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 21 2006**

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

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

ATLANTA,

*The Court of Appeals hereby passes the following order:* **MAR 02 2006**

**A06I0194. DR. GREGORY S. BEALE ET AL. v. OTTIS PEACOCK, JR. ET AL.  
A06I0195. DR. GREGORY S. BEALE ET AL. v. OTTIS PEACOCK, JR. ET AL.**

On February 3, 2006, the trial court entered certificates of immediate review from orders denying the applicants' summary judgment motions. On February 17, 2006, the applicants filed the instant applications for interlocutory review. An application for interlocutory review must be filed within ten days after the certificate of immediate review is granted. OCGA § 5-6-34 (b). The applicants had until February 13, 2006 to file their applications. The applications filed February 17, 2006 are four days late. This Court therefore lacks jurisdiction and the applications are DISMISSED.

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **MAR 02 2006**

*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.*

*Willie L. Martinez*, Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* MAR 02 2006

**A06I0194. DR. GREGORY S. BEALE ET AL. v. OTTIS PEACOCK, JR. ET AL.  
A06I0195. DR. GREGORY S. BEALE ET AL. v. OTTIS PEACOCK, JR. ET AL.**

On February 3, 2006, the trial court entered certificates of immediate review from orders denying the applicants' summary judgment motions. On February 17, 2006, the applicants filed the instant applications for interlocutory review. An application for interlocutory review must be filed within ten days after the certificate of immediate review is granted. OCGA § 5-6-34 (b). The applicants had until February 13, 2006 to file their applications. The applications filed February 17, 2006 are four days late. This Court therefore lacks jurisdiction and the applications are DISMISSED.

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* MAR 02 2006

*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... , Clerk.*

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

ATLANTA,

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

**MAR 24 2006**

**A06I0196. GERARD C. GOLD v. DOBBS TEMPORARY SERVICES, INC.**

Gerard C. Gold filed a timely application seeking interlocutory review of the order of the superior court granting the motion of Dobbs Temporary Services, Inc. for interlocutory injunction. However, a direct appeal may be taken from the grant or refusal of applications for interlocutory injunctions. OCGA § 5-6-34 (a) (4); *Georgia Power Company v. Hunt*, 266 Ga. App. 331 (466 SE2d 846) (1996). This Court will grant a timely application for interlocutory appeal if the order is subject to direct appeal and the applicant has not otherwise filed a timely notice of appeal. Since it appears that Gold has filed a timely notice of appeal, the above styled application is therefore DISMISSED.

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

**MAR 24 2006**

*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,

The Court of Appeals hereby passes the following order:

MAR 20 2006

**A06I0197. McGINNIS v. THE STATE.**

Robert Wayne McGinnis pled guilty to two counts of child molestation and was sentenced to eight years to be served on probation as a first offender in February 2004. McGinnis has filed an application for interlocutory appeal from a post-judgment order denying his motion to be exempted from the mandate that first offender probationers who plead guilty in child molestation cases be required to register as sex offenders. OCGA § 42-1-12 (a) (3); but see *State v. Plunkett*, \_\_\_ Ga. App. \_\_\_ (Appeal No. A06A0241, decided February 14, 2006) (“[W]hen OCGA § 42-1-12 (a) (3) was modified to require first offenders to register, the bill enacting the change explicitly stated: ‘This Act shall become effective on July 1, 2004, and shall apply to sentences imposed on or after July 1, 2004.’ [Cit.]”) We conclude that the order complained of disposes of a post-judgment matter that is not otherwise subject to the discretionary appeal procedure, and therefore the order is directly appealable as a final judgment under OCGA § 5-6-34 (a) (1). Accordingly, McGinnis’s application for appeal is hereby *granted* for the reasons stated in *Spivey v. Hembree*, 268 Ga. App. 485, 486 n. 1 (602 SE2d 246) (2004).

McGinnis shall have ten days from the date of this order to file a notice of appeal with the superior court. The superior court is instructed 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 20 2006

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.

*Willie L. Matz* Clerk.

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

ATLANTA,            MARCH            17, 2006

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

APPLICATION NO.            A06I0198

HOMER YOUNG 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.

93017

04R043

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 17 2006**

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

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

*Clerk.*

*Will. L. Mat... [Signature]*

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

ATLANTA, MARCH 21, 2006

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

APPLICATION NO. A06I0199

ORTELIO BOSCH, M.D. V. CHARLES BILLY LEE ET AL

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

95018

051130534

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 21 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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 30, 2006

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

APPLICATION NO. A06I0200  
GREENTREE SERVICING, LLC, F/K/A CONSECO FINANCE SERVICING  
CORPORATION V. TROY A. DEGOLYER ET AL

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

71017

04CV383

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 30 2006**

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

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

ATLANTA, MARCH 16, 2006

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

APPLICATION NO. A06I0202  
WILLIAM F. SANDERSON ET AL V. GUERGUENS NADEEM

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

97017

04C116435

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 16 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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, MARCH 27, 2006

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

APPLICATION NO. A06I0203

JOSEPH H. LUMPKIN, SR. V. GLENN COWAN

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

99017

SU03CV1895

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 27 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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 31, 2006

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

APPLICATION NO. A06I0204

CHARLES MAPP V. EUGENE POOLE

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

91017

05VS082551D

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 31 2006**

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

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

ATLANTA, MARCH 24, 2006

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

APPLICATION NO. A06I0205

LARRY D. HOWARD, M.D., C.M.D., V. TERRY PATTERSON

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.

94017

03CV01975

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAR 24 2006**

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

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

Clerk.

*Will. L. Mat... [Signature]*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* MAR 20 2006

**A06I0206. CALVIN LEE BLACKSTONE v. SCOTT DAVID BLACKSTONE.**

On February 15, 2006, the trial court in this case entered an order denying Calvin Lee Blackstone's motion to dismiss. The court signed a certificate of immediate review on February 23, 2006, but it was not stamp-filed with the clerk of court until March 2, 2006. On March 3, 2006, Calvin Lee Blackstone filed this application for interlocutory appeal from the denial of his motion to dismiss. However, 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). The certificate entered March 2, 2006 is five days late. Calvin Lee Blackstone's application is therefore 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* MAR 20 2006

*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, MARCH 31, 2006

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

APPLICATION NO. A06I0207

GRINNELL CORPORATION, ET AL V. ABCO BUILDERS, INC., ET AL

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

98018

02VS034555G

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 31 2006**

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

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

*Clerk.*

*Will. L. Mat... [Signature]*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **MAR 08 2006**

**A06I0208. MYRON FREEMAN et al. v. CLAUDIA BARNES et al.**

Claudia Barnes, individually and as executrix of the estate of the Honorable Rowland Barnes, filed a wrongful death action against Myron Freeman and other defendants. Freeman moved to dismiss the complaint on the ground that it is barred by the exclusive remedy provision of the Georgia Workers' Compensation Act. Barnes moved for summary judgment on the issue. The trial court granted Barnes's motion and denied Freeman's.

Freeman then filed this application for interlocutory review. "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 *granted*.

Freeman shall have ten days from the date of this order to file a notice of appeal in the state court, provided that he has not otherwise filed a timely notice of direct appeal from the grant of partial summary judgment to Barnes. The clerk of the state court is directed to include a copy of this order in the record transmitted to this court.

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

**MAR 08 2006**

*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... Clerk.*

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

ATLANTA, APRIL 05, 2006

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

APPLICATION NO. A06I0209

TROUTMAN SANDERS, LLP ET AL V. INTERFINANCIAL MIDTOWN, INC

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

93018

2005CV102995

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

APR 05 2006

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

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

APR 03 2006

**A06I0210. COLUMBUS DOCTORS HOSPITAL, et al. v. THOMAS,  
administrator, et al.**

Columbus Doctors Hospital, Inc., seeks immediate review of an order of the state court denying its motion for reconsideration of a previous order compelling discovery. Both the order complained of and the “corrected certificate of immediate review” relied upon by the applicant display a rubber stamp of the judge’s signature in the judge’s signature line. Court Rule 30 (b), however, provides that “applications for interlocutory appeal shall contain a jurisdictional statement and have attached a stamped ‘filed’ copy of the court’s order to be appealed and a stamped ‘filed’ copy of the certificate of immediate review. The trial court’s order and certificate of immediate review must contain the signature of the trial court judge. Conformed signatures will not be accepted.” Because neither the order nor the certificate of immediate review contain a signature of the trial court judge within the meaning of Court Rule 30 (b), the hospital’s application for immediate review is hereby *dismissed* without prejudice for failure to invoke this court’s jurisdiction.

*Court of Appeals of the State of Georgia*

*Clerk’s Office, Atlanta*

APR 03 2006

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

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

*Will L. Martin*

\_\_\_\_\_, Clerk.

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

ATLANTA, MARCH 23, 2006

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

APPLICATION NO. A06I0211  
SWEETBRIAR MANAGEMENT, LLC V. DAPHNE L. SMITH

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

92018  
05S0165

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

**MAR 23 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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 24, 2006

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

APPLICATION NO. A06I0212

HARLEY SNYDER 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.

97018

2005RCCR148

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 24 2006**

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

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

*Clerk.*

*Will. L. Martinez*

Court of Appeals  
of the State of Georgia

ATLANTA, MARCH 27, 2006

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

APPLICATION NO. A06I0213

JOHN ARNOLD ROBINSON V. THE STATE

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

99018

CR051745FR

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAR 27 2006**

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

Court of Appeals  
of the State of Georgia

ATLANTA, MARCH 23, 2006

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

APPLICATION NO. A06I0214  
WALLACE D. MAYS V. SHARON ELLIS 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.

91018  
01V555

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

**MAR 23 2006**

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

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

Clerk.

*Will. L. Martinez*

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

ATLANTA, MARCH 31, 2006

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

APPLICATION NO. A06I0215

BRUCE DAVIS V. THE STATE

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

94018

05R3080

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAR 31 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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, APRIL 06, 2006

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

APPLICATION NO. A06I0216

YOUNG REFINING CORPORATION ET AL V. THOMAS STEPHEN MCMANUS

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

70018

04SV00461

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 06 2006**

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

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

*Clerk.*

*Will L. Martinez*

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

ATLANTA, MARCH 29, 2006

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

APPLICATION NO. A06I0217

GEORGE D. OVEREND ET AL V. FULTON COUNTY BOARD OF TAX  
ASSESSORS

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

95019

2004CV83523

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **MAR 29 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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, MARCH 31, 2006

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

APPLICATION NO. A06I0218  
GREAT NORTHERN INSURANCE COMPANY V. JOSEPH SEAN WILLIAMS  
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.

96019

04VS075744G

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **MAR 31 2006**

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

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

ATLANTA, APRIL 10, 2006

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

APPLICATION NO. A06I0219  
ALBERT E. BERRY V. MELISSA A. WILLIAMS

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

98019

04CV34585

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 10 2006**

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

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

ATLANTA, APRIL 11, 2006

*The Court of Appeals passed the following order*

Case No. A06I0220

WAL-MART STORES, INC., V. KATORIA LEE

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

90-019  
2004CV01129E

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta APR 11, 2006*

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

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

Clerk.

*Will. L. Martin*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **MAR 20 2006**

**A06I0221. WENDALL WALTON, SR., AS THE ADMINISTRATOR OF THE ESTATE OF WALLACE DAVID ABERNATHY v. UCC X, INC. D/B/A CEDAR HEIGHTS APARTMENTS ET AL.**

Wendall Walton, Sr. filed an application for interlocutory review of an order granting summary judgment to defendant UCC X, Inc. The order sought to be appealed is a directly appealable order. OCGA § 9-11-56 (h) gives a losing party the right to a direct appeal from an order granting summary judgment on any issue or as to any party even though the judgment is not final under OCGA §§ 5-6-34 (a) or (-11-54 (b)). *Culwell v. Lomas and Nettleton Co.*, 242 Ga. 242, 243 (248 SE2d 641) (1978); *Newton v. K. B. Property Management &c.*, 166 Ga. App. 901, 903 (306 SE2d 901) (1983); see *Benedict v. Snead*, 253 Ga. App. 749, 751 (560 SE2d 278) (2002); *Hazelwood v. Adams*, 235 Ga. App. 607 (1) (510 SE2d 147) (1998), rev'd on other grounds, *Adams v. Hazelwood*, 271 Ga. 414 (520 SE2d 896) (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). There is no indication that the applicants have filed a notice of appeal. Accordingly, this application is hereby GRANTED.

The applicant shall have ten days from the date of this order to file a notice of appeal. The Clerk of the Superior Court of Polk 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 20 2006

*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. Matz*, Clerk.

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

ATLANTA, APRIL 10, 2006

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

APPLICATION NO. A06I0222

CURTIS GARDNER ET AL V. MELISSA A. WILLIAMS

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

98020

04CV34585

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **APR 10 2006**

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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.*

*Willi L. Mat... [Signature]*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* APR 03 2006

## **A06I0223. Ryan Fish v. The State**

Ryan Fish seeks interlocutory review of the trial court's order denying his motion to suppress. The order Fish seeks to appeal was signed by the judge and filed in the trial court on February 20, 2006. Fish sought a certificate of immediate review which was signed by the judge on March 2, 2006; however, the certificate was not entered by the clerk of the superior court until March 3, 2006. The Georgia Supreme Court has held that "the 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. . . ." *Turner v. Harper*, 231 Ga. 175 (200 SE2d 748) (1973). This is consistent with OCGA § 5-6-31 which provides that the filing with the clerk of a judgment, signed by the judge, constitutes entry of a judgment. There is no provision in the statute or in the case law that would authorize the trial court judge to file a certificate of immediate review.

In this case, the trial court judge, on the face of the certificate, states that the certificate was filed with him on March 3, 2006; however, the timeliness of the filing of the certificate is determined by the date the certificate is filed or "entered" by the clerk of the superior court. In this case, the certificate was not filed or entered by the clerk until March 3, 2006 which was eleven days after entry of the order sought to be appealed. Thus, the certificate is untimely and 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* APR 03 2006

*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. Matz*, Clerk.

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

ATLANTA, APRIL 07, 2006

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

APPLICATION NO. A06I0224  
MANDEL DEWITT DENSON V. THE STATE

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

92019

SU05CR1996

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **APR 07 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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 31, 2006

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

APPLICATION NO. A06I0225

GREG BECK V. THE STATE

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

94019

05R3080

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 31 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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, APRIL 06, 2006

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

APPLICATION NO. A06I0226  
THE PANTRY, INC., V. AARON TUCKMAN

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

97019

04W5389

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta APR 06 2006

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

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

ATLANTA, MARCH 27, 2006

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

APPLICATION NO. A06I0227  
THE HOSPITAL AUTHORITY OF GWINNETT COUNTY V.  
LOIS J. RAPSON 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.

99019

05C12517S2

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **MAR 27 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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, APRIL 13, 2006

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

APPLICATION NO. A06I0228

STANLEY R. KALISH, DPM V. DIANNA PIERCE 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.

91019

03VS043578G

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 13 2006**

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

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

*Clerk.*

*Willi L. McIntosh*

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

ATLANTA, APRIL 10, 2006

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

APPLICATION NO. A06I0229  
HENRY F. CHAMBLISS, JR. V. THE STATE

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

70019

05CR179

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 10 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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, APRIL 06, 2006

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

APPLICATION NO. A06I0230  
EARL REECE, ET AL V. MARY TURNER

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.

95020

03A42674

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 06 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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, APRIL 13, 2006

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

APPLICATION NO. A06I0231

FULTON COUNTY, GEORGIA V. ESI COMPANIES, INC.

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

96020

2002CV61339

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **APR 13 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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, APRIL 10, 2006

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

APPLICATION NO. A06I0232  
ALFONZIE WILSON, JR. 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.

90020

05T10073

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **APR 10 2006**

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

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

ATLANTA, APRIL 25, 2006

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

APPLICATION NO. A06I0233  
LIFE OF THE SOUTH INSURANCE COMPANY V. WILLIAM  
S. BROWNING ET AL

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

93020

200120

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **APR 25 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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, APRIL 07, 2006

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

APPLICATION NO. A06I0234

JAMES J. MUGLIA V. MONA SMITH ECKLES ET AL

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

71020

04SC1048

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **APR 07 2006**

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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.*

*Willie L. Martinez*

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

ATLANTA, APRIL 21, 2006

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

APPLICATION NO. A06I0235

STACY PALMER 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.

92020

2006CR037W

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **APR 21 2006**

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

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

Clerk.

*Will. L. Mat... [Signature]*

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

ATLANTA, APRIL 17, 2006

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

APPLICATION NO. A06I0236

LAKELAND INDUSTRIES, INC., V. TOMMY MURRAY ET AL

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

97020

04C040142

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 17 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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, APRIL 17, 2006

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

APPLICATION NO. A06I0237  
LARRY WASHINGTON LESTER V. THE STATE

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

99020

2005CR973

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **APR 17 2006**

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

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

*Clerk.*

*Will L. Mat... [Signature]*

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

ATLANTA,

*The Court of Appeals hereby passes the following order:* **APR 21 2006**

**A06I0238. CARL AIKENS v. BRENT SCARBROUGH & COMPANY, INC.**

Upon consideration of petitioner Carl Aikens' "Consent Motion to Correct the Record," the motion is GRANTED. Upon consideration of Aikens' application for discretionary appeal, the application is hereby DENIED.

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **APR 21 2006**

*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.*

*Willie L. Martinez* , Clerk.

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

ATLANTA, APRIL 14, 2006

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

APPLICATION NO. A06I0239

MITSUBISHI MOTORS CREDIT OF AMERICA, INC., ET AL V.

TIMOTHY P. SHERIDAN ET AL

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

94020

01VS023791Y

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 14 2006**

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

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

*Clerk.*

*Will. L. Mat... [Signature]*

Court of Appeals  
of the State of Georgia

ATLANTA, APRIL 14, 2006

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

APPLICATION NO. A06I0240  
CATERPILLAR INC., V. THOMAS W. CULBERTSON, ET AL

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

70020

03CV295W

Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta **APR 14 2006**

*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. Matia*

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

ATLANTA, APRIL 17, 2006

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

APPLICATION NO. A06I0241

H. KYLE GAY, M.D., ET AL V. ALFREDA DENISE LASSETER ET AL

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

95021

1J05CV082T

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 17 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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, APRIL 26, 2006

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

APPLICATION NO. A06I0242

EMPLOYEE'S RETIREMENT SYSTEM OF GEORGIA V. PETE C. CHAMBERS

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

96021

05V486

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 26 2006**

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

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:*      **APR 21 2006**

## **A06I0243. Ronnie William Wishon v. The State**

Ronnie William Wishon seeks interlocutory review of the trial court's denial of his motion to suppress. The order Wishon seeks to appeal was signed by the trial court judge on February 7, 2006 and entered on February 14, 2006. A certificate of immediate review was signed by the trial court judge on February 9, 2006 and entered on March 20, 2006. 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*      **APR 21 2006**

*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. Matz*

, Clerk.

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

ATLANTA, APRIL 26, 2006

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

APPLICATION NO. A06I0244

GEORGIA CENTRAL RAILWAY, L.P., V. TIMOTHY WALLS

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

90021

CV040607KA

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 26 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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, APRIL 27, 2006

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

APPLICATION NO. A06I0245

DR. KERRY KING ET AL V. TERRIE MOON ET AL

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

93021

05C137084

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **APR 27 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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, APRIL 20, 2006

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

APPLICATION NO. A06I0246  
BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF GEORGIA  
V. CATHERINE STALLINGS 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.

71021

2003RCSC889

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 20 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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:* **APR 26 2006**

**A06I0247. ROBERT P. WILSON v. HOME DEPOT, U. S. A., INC.**

Robert P. Wilson filed this application for interlocutory appeal seeking review of the trial court's denial of a motion for partial summary judgment. An application for interlocutory appeal is valid only if filed within 10 days of the date a timely certificate of immediate review is entered in the court below. *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 6, 2006, so applicant had until March 16, 2006, to file his application. Wilson filed the application on April 3, 2006. Therefore, the application is untimely and this Court lacks jurisdiction. Therefore, the application is ordered DISMISSED.

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **APR 26 2006**

*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. Matz*, Clerk.

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

ATLANTA, MAY 04, 2006

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

APPLICATION NO. A06I0248

CHATHAM COUNTY, GEORGIA V. TURBO CLEAN, INC., ET AL

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

97021

000780MI

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **MAY 04 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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, MAY 02, 2006

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

APPLICATION NO. A06I0249

OSCAR M. GRABLOWSKY, M.D., ET AL V. FORREST SHANE WILSON

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.

99021

03VS48163B

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 02 2006**

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

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

ATLANTA, MAY 08, 2006

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

APPLICATION NO. A06I0250  
RODERICK DION EVANS V. THE STATE

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

91021

05RCCR01934

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 08 2006**

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

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

ATLANTA, MAY 02, 2006

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

APPLICATION NO. A06I0251

SAINT JOSEPH'S HOSPITAL OF ATLANTA, INC., ET AL V. FORREST  
SHANE WILSON

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.

99023

03VS048163Y

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAY 02 2006**

*I certify that the above is a true extract fromd  
the minutes of 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, APRIL 27, 2006

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

APPLICATION NO. A06I0252

DONALD CLARK WRIGHT JR., V. REGINALD CLARK

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

70021

02CV2479C

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 27 2006**

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

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

*Clerk.*

*Will. L. Mat... [Signature]*

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

ATLANTA, MAY 04, 2006

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

APPLICATION NO. A06I0253

SGP TRUCKING, INC., D/B/A SMITH GARDENING PRODUCTS, ET AL  
V. SHEILA

MARIE HENDERSON

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

95022

04SC0544

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 04 2006**

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

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

ATLANTA, MAY 08, 2006

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

APPLICATION NO. A06I0254

VICKI THOMPSON V. WASHINGTON COUNTY REGIONAL MEDICAL  
CENTER FOUNDATION, INC., ET AL

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

96022

05CV478

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 08 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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, MAY 25, 2006

*The Court of Appeals passed the following order*

Case No. A06I0254

VICKI THOMPSON V. WASHINGTON COUNTY REGIONAL MEDICAL  
CENTER FOUNDATION, INC., ET AL

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

96-022  
05CV478

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta MAY 25, 2006*

*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. Mat... [Signature]*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **APR 18 2006**

## **A06I0255. State of Georgia v. John Lombard Smith**

The State of Georgia seeks interlocutory review of the trial court's order denying its Motion to Disqualify Defense Counsel. The defendant in this case, John Lombard Smith, was indicted for malice murder, felony murder, possession of a firearm during the commission of a crime, and possession of a firearm by a convicted felon. In *State v. Thornton*, 253 Ga. 524 (322 SE2d 711) (1984), the Supreme Court directed that we transfer "all cases in which either a sentence of death or life imprisonment has been imposed upon conviction of murder, and all pre-conviction appeals in murder cases" to that Court. See *Turner v. State*, 280 Ga. 174 (626 SE2d 86) (2006). Accordingly, this application is TRANSFERRED to the Supreme Court.

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **APR 18 2006**

*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,

*The Court of Appeals hereby passes the following order:*      **APR 20 2006**

**A06I0256. YVONNE M. WILLIAMS v. CHARLES TRAMMELL.**

Yvonne M. Williams filed a petition for an interlocutory injunction. On December 5, 2005, the Franklin County Superior Court entered an order granting in part the petition for interlocutory injunction. On March 24, 2006, the court vacated and re-entered this order and granted Williams a certificate of immediate review under OCGA § 5-6-34 (b). On April 5, 2006, the trial court again vacated and re-entered the December 5, 2005 and March 24, 2006 orders granting the interlocutory injunction in part and again granted Williams a certificate of immediate review.

Williams then filed a timely application for interlocutory appeal in this Court. A direct appeal, however, may be taken from the grant or refusal of applications for interlocutory injunctions. OCGA § 5-6-34 (a) (4); *Georgia Power Company v. Hunt*, 266 Ga. App. 331 (466 SE2d 846) (1996). "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). Here, however, Williams has also filed a timely notice of appeal in the trial court. Therefore, this application is DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      **APR 20 2006**

*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, MAY 03, 2006

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

APPLICATION NO. A06I0257  
COLUMBUS DOCTORS HOSPITAL, INC., ET AL V. DOROTHY THOMAS, AS  
ADMINISTRATOR OF THE ESTATE OF CARLOS 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.

93022

SC2005CV0138

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 03 2006**

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

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

*Clerk.*

*Will L. Mat... [Signature]*

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

ATLANTA, APRIL 25, 2006

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

APPLICATION NO. A06I0258

WALKER COUNTY, GEORGIA V. TRI-STATE CREMATORY, 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.

71022

05CV66911

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **APR 25 2006**

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

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

*Clerk.*

*Will. L. Mat... [Signature]*

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

ATLANTA, MAY 08, 2006

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

APPLICATION NO. A06I0259  
GEORGIA FARM BUREAU MUTUAL INSURANCE COMPANY V. LINDA  
MCCORD PAWLOWSKI 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.

92022

SU04CV180W

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **MAY 08 2006**

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

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

ATLANTA, MAY 11, 2006

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

APPLICATION NO. A06I0260  
STATE OF GEORGIA, DEPARTMENT OF TRANSPORTATION V.  
DOUGLAS ASPHALT 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.

97022

2004CV83139

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta MAY 11 2006

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

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

*Clerk.*

*Will. L. Mat... [Signature]*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **MAY 05 2006**

**A06I0261. Titus D. Duncan, M.D. v. Lisa Emerson**

Titus D. Duncan, M.D. and Peachtree Surgical Associates, Inc. (“Applicants”) seek immediate review of an order of the superior court denying their motion for summary judgment. Applicants filed a “Motion for Certificate of Immediate Review” which displays the word “GRANTED” in a box at the top and the State Court of Fulton County's seal at the top. However, to be valid a certificate of immediate review must contain an express certification and the bare statement “GRANTED” does not suffice for that purpose. Compare *Clayton v. Edwards*, 225 Ga. App. 141, 144 (4) (483 SE2d 111) (1997); *Bibb County v. McDaniel*, 127 Ga. App. 129 (1) (192 SE2d 544) (1972). Because the trial court did not certify that the order complained of is of such importance to the case that immediate review should be had, this Court lacks jurisdiction to consider this application.

Further, 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). Even assuming that the “Motion for Certificate of Immediate Review” with the word “GRANTED” constitutes a certificate of immediate review, it was not entered. Although Applicants have submitted a

separate document that displays the word "EFILED," this separate document does not describe what has been efiled; it merely lists the court, the judge's name, a "transaction ID" (without explanation as to what that is), a date, the case number, the case name, and the notation "/s/ Judge Fred Eady." Thus, Applicants have not included in their application an effective certificate of immediate review. What is needed is a certificate of immediate review in accordance with OCGA § 5-6-35 (b) which is signed by the judge with evidence that it was entered by the trial court (the clearest and best way would be for the "filed" or "efiled" stamp to be on the document itself). Because the certificate of immediate review in this case failed to meet these requirements, 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* **MAY 05 2006**

*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, MAY 17, 2006

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

APPLICATION NO. A06I0262

CAROL C. OLIVER V. PIEDMONT HOSPITAL, INC., ET AL

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

91022

04C11447S

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **MAY 17 2006**

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

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

Clerk.

*Will. L. Martinez*

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

ATLANTA, MAY 10, 2006

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

APPLICATION NO. A06I0263

SOUTH GREEN CONSTRUCTION OF GEORGIA, INC., ET AL V. DALTON  
PAVING & CONSTRUCTION INC.

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

94022

90477A

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 10 2006**

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

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

*Clerk.*



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

ATLANTA, MAY 08, 2006

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

APPLICATION NO. A06I0264

NORTHSIDE INTERNAL MEDICINE, P.C., ET AL V. ANNETTA DIEW

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

70022

2004CV91244

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

**MAY 08 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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, MAY 12, 2006

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

APPLICATION NO. A06I0265  
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.

95023

2005CV37776

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 12 2006**

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

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

ATLANTA, MAY 12, 2006

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

APPLICATION NO. A06I0266

JENS LIEGLE V. THE STATE

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

96023

04SC19639

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 12 2006**

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

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

ATLANTA, MAY 22, 2006

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

APPLICATION NO. A06I0267  
WAL-MART STORES, INC., V. DOREEN HAMIEL, ET AL

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

98023

2004A85817

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 22 2006**

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

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

*Clerk.*

*Willi L. Mat: [Signature]*

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

ATLANTA, MAY 08, 2006

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

APPLICATION NO. A06I0268

GEORGIA DEPARTMENT OF JUVENILE JUSTICE V. CARLISE 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.

90023

SU04CV2905

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAY 08 2006**

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

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

*Clerk.*

*Will. L. Martin*

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

ATLANTA, MAY 19, 2006

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

APPLICATION NO. A06I0269

PRIMERICA LIFE INSURANCE COMPANY ET AL V. JOHN DOE

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

93023

2003CV72413

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 19 2006**

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

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

*Clerk.*

*Will L. Mat... [Signature]*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **MAY 24 2006**

**A06I0270. WILLIAM C. MORGAN v. KIM E. MORGAN.**

William C. Morgan filed an application for appeal from two orders finding him in contempt regarding the alimony and child support provisions in the parties' final divorce decree. There are no issues involving child custody in this case. We find that the orders complained of fall within the divorce and alimony jurisdiction of the Supreme Court under the Ga. Const. of 1983, Art. VI, Sect. VI, Par. III (6). Because this action is ancillary to the parties' divorce proceeding and falls within the Supreme Court's appellate jurisdiction, this appeal is hereby TRANSFERRED to the Supreme Court for disposition. See *Griffin v. Griffin*, 243 Ga. 149 (253 SE2d 80) (1979); see also *Brown v. King*, 266 Ga. 890 (472 SE2d 65) (1996); compare *Ashburn v. Baker*, 256 Ga. 507 (350 SE2d 437) (1986) (the Court of Appeals has jurisdiction where contempt action involves child custody issues but not issues relating to divorce and alimony).

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **MAY 24 2006**

*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... , Clerk.*

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

ATLANTA, MAY 11, 2006

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

APPLICATION NO. A06I0271

RONALD L. LUTZ V. MARY L. SCHNACK

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

92023

041744618

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 11 2006**

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

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

*Clerk.*

*Will L. Mat... [Signature]*

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

ATLANTA,

*The Court of Appeals hereby passes the following order:* **MAY 17 2006**

**A06I0272. CORNELIUS J. LIGHTS v. THE STATE.**

Cornelius J. Lights filed this application for interlocutory appeal 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 April 18, 2006, so applicant had until April 28, 2006, to file his application. Lights filed the application on May 1, 2006. Therefore, the application is untimely and this Court lacks jurisdiction. Therefore, the application is ordered DISMISSED.

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta* **MAY 17 2006**

*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 25, 2006

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

APPLICATION NO. A06I0273

STEPHEN KOSOR 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.

91023

05T24355

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 25 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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, MAY 24, 2006

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

APPLICATION NO. A06I0274  
SAMUEL MURRAY V. ST. JOSEPH'S / CANDLER HEALTH SYSTEMS, INC.,  
D/B/A ST. JOSEPH'S HOSPITAL

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

94022

CV031334BR

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAY 24 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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, MAY 26, 2006

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

APPLICATION NO. A06I0275  
HUBERT DOUGLAS PHILLIPS V. THE STATE

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

94023

05FR022H

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 26 2006**

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

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* JUN 07 2006

**A06I0275. HUBERT DOUGLAS PHILLIPS v. THE STATE.**

Upon consideration of Hubert Douglas Phillips' motion for reconsideration of this Court's order denying his application for interlocutory appeal, the motion is GRANTED. This Court's order of May 26, 2006, denying the application is VACATED, and the application is GRANTED. The applicant may file a Notice of Appeal in the superior court within ten days of the date of this order. The Clerk of the Superior Court of Franklin County is directed to include a copy of this order in the record transmitted to the Court of Appeals.

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* JUN 07 2006

*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.*

*Willie L. Martin* Clerk.

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

ATLANTA, MAY 25, 2006

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

APPLICATION NO. A06I0276

JESSICA L. WILLIAMS V. CECIL STATON ET AL

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

70023

04CV35839JFL

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAY 25 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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, MAY 19, 2006

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

APPLICATION NO. A06I0277

CHARLIE MACK V. THE STATE

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

95024

2005CR14

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 19 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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, MAY 22 2006

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

**A06I0278. HUNTING AIRCRAFT, INC., F/K/A FIELD AIRCRAFT  
ATLANTA, INC. v. PEACHTREE CITY AIRCRAFT AUTHORITY.**

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

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

MAY 22 2006

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

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

*W. L. Matz* ..... Clerk.

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

ATLANTA, JUNE 07, 2006

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

APPLICATION NO. A06I0279

PAMELA A. BENVENUE CNM V. LORHONDA MILLIGAN, F/K/A, LORHONDA  
HALL ET AL

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

98024

2005VS077610

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 07 2006**

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

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

ATLANTA, MAY 31, 2006

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

APPLICATION NO. A06I0280  
OTIS LAMAR ZACHERY V. THE STATE

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

90024

2005CR1682I

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 31 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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, JUNE 05, 2006

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

APPLICATION NO. A06I0281  
DEBRA SUE TIBITS V. THE STATE

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

93024

2005FE412B

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **JUN 05 2006**

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

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

ATLANTA, JUNE 08, 2006

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

APPLICATION NO. A06I0282

DAVID M. CHALIKIAN ET AL V. OLGA M. BROWN

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

71024

STCV0302306C

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta JUN 08 2006*

*I certify that the above is a true extract fromd  
the minutes of the Court of 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, MAY 31, 2006

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

APPLICATION NO. A06I0283  
GEORGIA FARM BUREAU MUTUAL INSURANCE COMPANY V.  
HOWARD WAYE

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

92024

CE0400430063

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **MAY 31 2006**

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

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

ATLANTA, JUNE 06, 2006

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

APPLICATION NO. A06I0284

DOZIER CRANE & MACHINERY, INC. V. JEFF GIBSON

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.

97024

STCV0400462C

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 06 2006**

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

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

*Clerk.*

*Will. L. Mat... [Signature]*

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

ATLANTA, JUNE 06, 2006

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

APPLICATION NO. A06I0285

DOZIER CRANE & MACHINERY, INC. V. CHRISTOPHER J. JUDGE 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.

97025

STCV00461C

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 06 2006**

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

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

ATLANTA, JUNE 12, 2006

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

APPLICATION NO. A06I0286  
JONES LANG LASALLE AMERICAS INC., V. W.R. HERNDON  
ENTERPRISES INC., D/B/A HEWETT LANDSCAPE MANAGEMENT ET AL

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

99024

CV051801AB

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **JUN 12 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, JUNE 27, 2006

*The Court of Appeals passed the following order*

Case No. A06I0287

THE GEORGIA DEPARTMENT OF TRANSPORTATION V. JEANNA  
SHIVER

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

91-024  
04SV934

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta JUN 27, 2006*

*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. Mat... [Signature]*

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

ATLANTA, JUNE 13, 2006

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

APPLICATION NO. A06I0288

HARBOR MANAGEMENT, INC., ET AL V. JUDGE CECIL UPSHAW ET AL

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

94024

01VS022546G

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **JUN 13 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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, JUNE 08, 2006

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

APPLICATION NO. A06I0289  
MOUNTAIN ORTHOPEDICS & SPORTS MEDICINE, P.C., V. JUDY Y.  
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.

70024

2005SV1870

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* JUN 08 2006

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

*Willi L. Matiza*

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

ATLANTA, JUNE 09, 2006

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

APPLICATION NO. A06I0290  
CUMULUS MEDIA, INC., ET AL V. HARRIS ODELL, JR.

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

95025

STCV0501848

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 09 2006**

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

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

*Clerk.*

*Willi L. Martin*

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

ATLANTA, JUNE 13, 2006

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

APPLICATION NO. A06I0291

JOHNNIE L. ODUM 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.

96025

2005R204

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*      **JUN 13 2006**

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

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

ATLANTA, JUNE 21, 2006

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

APPLICATION NO. A06I0292  
CHOICEPOINT BUSINESS & GOVERNMENT SERVICES, INC.  
ET AL V. PATTI C. SHEW F/K/A PATTI C. DYE

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.

98025

04C118872

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 21 2006**

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

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

ATLANTA, JUNE 15, 2006

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

APPLICATION NO. A06I0293

TITUS D. DUNCAN, M.D., ET AL V. LISA EMERSON

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

90025

05VS076156C

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 15 2006**

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

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

*Clerk.*

*Will. L. Mat... [Signature]*

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

ATLANTA,

*The Court of Appeals hereby passes the following order:* **JUN 20 2006**

**A06I0293. Emerson v. Duncan**

Lisa Emerson's motion for the award of frivolous appeal penalties under Rule 15 (b) is DENIED.

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **JUN 20 2006**

*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. Matz*, Clerk.

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

ATLANTA, JUNE 23, 2006

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

APPLICATION NO. A06I0294  
BROOKVIEW HOLDINGS, LLC V. LYNDA J. SUAREZ AS EXECUTRIX OF  
THE ESTATE OF MANUEL PANTOJA

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.

93025

04RCCV1098

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*      **JUN 23 2006**

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

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

ATLANTA, JUNE 21, 2006

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

APPLICATION NO. A06I0295  
CHERO ASSOCIATES, LLC V. DAVID WOLWARK D/B/A BRIDGEMILL  
COFFEE & DESSERTS

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

71025

05SC0346

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 21 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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, JUNE 21, 2006

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

APPLICATION NO. A06I0296

NP/I & G EAST CHEROKEE, LLC V. DAVID WOLWARK D/B/A  
BRIDGEMILL COFFEE & DESSERTS

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

71026

05SC0346

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 21 2006**

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

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

*Clerk.*

*Willi L. Martin*

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

ATLANTA,

*The Court of Appeals hereby passes the following order:* **JUN 23 2006**

**A06I0297. Vanessa Ervin Davis v. Shenandoah Lugenebel, d/b/a Shenandoah Transport**

Vanessa Ervin Davis filed this interlocutory application seeking review of the trial court's order dismissing her personal injury action against Shenandoah Lugenebel. However, the order Davis seeks to appeal was a final order in the case, and according to the trial court there are no remaining issues pending in that court. Thus, Davis was not required to file an application for interlocutory appeal. "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). There is no indication that Davis filed a notice of appeal. Accordingly, this application is hereby GRANTED.

Davis shall have ten days from the date of this order to file a notice of appeal. 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* **JUN 23 2006**

*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. Martinez*, Clerk.

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

ATLANTA, JUNE 23, 2006

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

APPLICATION NO. A06I0298  
SANDRA LUXENBERG V. MICHAEL F. GRIFFITH ET AL

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

99025

STCV022312

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 23 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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, JULY 11, 2006

*The Court of Appeals passed the following order*

Case No. A06I0298

SANDRA LUXENBERG V. MICHAEL F. GRIFFITH ET AL

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

99-025  
STCV022312

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta JUL 11, 2006*

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

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

Clerk.

*Will L. Mat... [Signature]*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572  
Atlanta, Georgia 30334

(404) 656-3470

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

**Docketing Date:** July 24, 2006

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 **S06C1950**

SANDRA LUXENBERG v. MICHAEL F. GRIFFITH et al.

Clerk, Supreme Court of Georgia

Case No. A06I0298

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

JUL 28 2006

Clerk, Court of Appeals of Georgia

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

ATLANTA, JUNE 26, 2006

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

APPLICATION NO. A06I0299

BARRY W. WALLACE ET AL V. MARTIN K. GROTHEER ET AL

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

91025

CV021743

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 26 2006**

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

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

ATLANTA, JULY 12, 2006

*The Court of Appeals passed the following order*

Case No. A06I0299

BARRY W. WALLACE ET AL V. MARTIN K. GROTHEER ET AL

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

91-025  
CV021743

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta JUL 12, 2006*

*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

(404) 656-3470

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

**Docketing Date:** July 31, 2006

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 **S06C2021**

BARRY W. WALLACE et al. v. MARTIN K. GROTHEER et al.

Clerk, Supreme Court of Georgia

Case No. A06I0299

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

**AUG 04 2006**

Clerk, Court of Appeals of Georgia

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

ATLANTA, JUNE 19, 2006

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

APPLICATION NO. A06I0300  
RANDY ARNOLD KIMBARL V. THE STATE

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

94025

05CR0223

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 19 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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, JULY 18, 2006

*The Court of Appeals passed the following order*

Case No. A06I0300

RANDY ARNOLD KIMBARL V. THE STATE

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

94-025  
05CR0223

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta JUL 18, 2006*

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

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

Clerk.

*Will. L. Mat... [Signature]*

CLERK'S OFFICE

SUPREME COURT of GEORGIA

244 Washington Street, Room 572  
Atlanta, Georgia 30334

(404) 656-3470

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

**Docketing Date:** August 04, 2006

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 **S06C2042**

RANDY ARNOLD KIMBARI v. THE STATE

Clerk, Supreme Court of Georgia

Case No. A06I0300

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

**AUG 09 2006**

Clerk, Court of Appeals of Georgia

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

ATLANTA, JUNE 23, 2006

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

APPLICATION NO. A06I0301  
STEWART FINANCE COMPANY ET AL V. MILLER & MARTIN, PLLC  
F/K/A MILLER & MARTIN, LLP ET AL

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

70025

05CV077

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 23 2006**

*I certify that the above is a true extract fromd  
the minutes of 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  
(404) 656-3470  
Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

**Docketing Date:** July 13, 2006

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 **S06C1910**

STEWART FINANCE COMPANY et al. v. MILLER & MARTIN et al.

Clerk, Supreme Court of Georgia

Case No. A06I0301

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

**JUL 17 2006**

Clerk, Court of Appeals of Georgia

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

ATLANTA, JUNE 26, 2006

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

APPLICATION NO. A06I0302  
KENNETH WATSON V. LOLA LAWTON, AS NATURAL GUARDIAN AND  
NEXT FRIEND OF RAYMOND CARMICHAEL

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

95026

STCV0503127

**JUN 26 2006**

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*



*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 13, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0303

ARTHUR TRELIS NORTON ET AL V. DANIEL COBB

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.

96026

2004A67431

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**JUN 13 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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...*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* JUN 12 2006

## **A06I0304. DEMANDRILL JACKSON v. THE STATE.**

Defendant Demandrill Jackson filed an application for interlocutory review of an order, entered March 23, 2006, denying his motion to suppress evidence. The certificate of immediate review was signed on May 16, 2006, and filed on May 17, 2006.

Under OCGA § 5-6-34 (b), a certificate of immediate review must be granted within 10 days of the date of entry of the order sought to be appealed. *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973); *Bowers v. Price*, 168 Ga. App. 125, 126 (308 SE2d 420) (1983). A certificate of immediate review is granted on the date that it is filed or entered. See *Turner v. Harper*, supra at 176; *Laurens County v. Dixon*, 133 Ga. App. 727, 728 (213 SE2d 26) (1975). Because the certificate of immediate review was not granted within the requisite 10-day period, this Court is without jurisdiction to consider this application which is ordered DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* JUN 12 2006

*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, JUNE 29, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0305  
CASSANDRA NESBITT V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

90026

05CR0302

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 29 2006**

*I certify that the above is a true extract fromd  
the minutes of 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. Martin*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 17, 2006

*The Court of Appeals passed the following order*

Case No. A06I0305

CASSANDRA NESBITT V. THE STATE

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

90-026  
05CR0302

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta JUL 17, 2006*

*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. Martin*

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:** August 16, 2006

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 **S06C2104**

CASSANDRA NESBITT v. THE STATE

Clerk, Supreme Court of Georgia

Case No. A06I0305

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

**AUG 17 2006**

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 28, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0306  
GEORGIA CENTRAL RAILWAY, L.P., ET AL V. DONNA BOYD, AS  
ADMINISTRATOR OF THE ESTATE OF THOMAS LAMAR BOYD

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

93026

20040398S

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 28 2006**

*I certify that the above is a true extract fromd  
the minutes of 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 27, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0307  
WAYNE PURVIS, JR., ET AL V. JACQUELINE STEVE, AS ADMINISTRATOR  
OF THE ESTATE OF NICHOLE FRANCIS TRUETT

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.

92026  
04C433

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*      **JUN 27 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. L. Mat. A*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 26, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0308

THE ESTATE OF CHARLES B. ALTMAN, SR., V. F. BARRY  
HODGES, III, ET AL

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

97026

1B03CV071T

Court of Appeals of the State of Georgia

**JUN 26 2006**

Clerk's Office, Atlanta

*William L. Martin*

*I certify that the above is a true extract fromd  
the minutes of the Court 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, JULY 10, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0309  
CORNELIUS J. LIGHTS V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

99026

1B05CR562

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 10 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court 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. Matiza*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 10, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0310

AMERICAN STATES, INS. CO., V. SSOS, INC., ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

91026

CV050975

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 10 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Will L. Martinez*

# Court of Appeals of the State of Georgia

ATLANTA,

JUL 14 2006

*The Court of Appeals hereby passes the following order:*

## **A06I0311. SKELTON-MORRIS ASSOCIATES v. KNIGHT, et al.**

Defendant Skelton-Morris Associates, LLC seeks immediate review of an order purportedly entered on June 5, 2006, addressing, among other things, plaintiffs' motion in limine. The certificate of immediate review signed by the superior court judge on June 5 and entered on June 6 likewise references "the Order on Plaintiff's Motion in Limine entered on June 5, 2006." The order complained of, however, was not signed by the judge until June 9, 2006, and was not filed with the clerk until June 13, 2006. The exhibits included with applicant's submission reflect that the "order" referenced in the certificate of immediate review was merely an oral ruling that had yet to be reduced to writing. It is well settled that "an oral order is not final nor appealable until and unless it is reduced to writing, signed by the judge, and filed with the clerk." *Sharp v. State*, 183 Ga. App. 641, 642 (1) (360 SE2d 50) (1987). Moreover, the trial court did not, and could not, certify on June 5 that the written order ultimately entered on June 13 would be of such importance to the case that immediate review should be had. Because the order complained of here was not certified for immediate review in the manner required under OCGA § 5-6-34 (b), the application is hereby *dismissed* for lack of jurisdiction.

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

JUL 14 2006

*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.*

*Willie L. Martin*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 30, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0312  
SAMMY JONES, ET AL V. THERESA ROBINSON ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

70026

00V1367

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 30 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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, JULY 07, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0313

DR. GREGORY S. BEALE ET AL V. OTTIS PEACOCK, JR., ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

95027

2004CV292

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **JUL 07 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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]*

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:** July 26, 2006

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 **S06C1968**

GREGORY S. BEALE et al. v. OTTIS PEACOCK, Jr., et al.

Clerk, Supreme Court of Georgia

Case No. A06I0313

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

**JUL 28 2006**

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 12, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0314

JOHN P. MCQUIGG ET AL V. THE WATERFRONT, LLP

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

96027

05V119

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **JUL 12 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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...*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 10, 2006

*The Court of Appeals passed the following order*

Case No. A06I0314

JOHN P. MCQUIGG ET AL V. THE WATERFRONT, LLP

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

96-027  
05V119

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta AUG 10, 2006*

*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. Martinez*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 12, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0315

THE WATERFRONT, LLP V. RIVER OAKS CONDOMINIUM ASSOCIATION, INC.

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

96028

05V119

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **JUL 12 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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 10, 2006

*The Court of Appeals passed the following order*

Case No. A06I0315

THE WATERFRONT, LLP V. RIVER OAKS CONDOMINIUM ASSOCIATION, INC.

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

96-028  
05V119

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta AUG 10, 2006*

*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. Martinez*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:*

**JUL 05 2006**

**A06I0316. KEITH WADE v. THE STATE.**

On June 19, 2006, Keith Wade filed this interlocutory application to appeal the May 23, 2006 order denying his motion for discharge and acquittal for violation of his constitutional and statutory right to speedy trial. As the trial court noted, a defendant may directly appeal the pre-trial denial of either a constitutional or statutory speedy trial claim. *Mayfield v. State*, 264 Ga. App. 551 (593 SE2d 851) (2003). "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).

Here, however, Wade's application for interlocutory review is not timely. An application for interlocutory review must be filed within ten days after the certificate of immediate review is granted. OCGA § 5-6-34 (b). Wade had until June 2, 2006 to file his application. The application filed June 19, 2006 is 17 days late. This Court therefore lacks jurisdiction and the application is DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 05 2006**

*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. Matz*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 13, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0317  
TOM SCOTT, TAX COMMISSIONER OF DEKALB COUNTY, GEORGIA  
V. SHENGIE DONG

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

90027

04CV112364

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 13 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Will L. Martin*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 17, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0318  
JAMES HENRY RAINES V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

93027

05CR566J

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**JUL 17 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court 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. Martin*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 17, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0318  
JAMES HENRY RAINES V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

93027

05CR566J

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**JUL 17 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*Will. L. Martin*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 10, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0319

GRADUATE MEDICAL CONSULTANTS, INC., V. ELDON S. DODDS ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

71027

05CV00284

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 10 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Willi L. Mat... [Signature]*

**Court of Appeals  
of the State of Georgia**

ATLANTA,

*The Court of Appeals hereby passes the following order:* **JUL 17 2006**

**A06I0320. WINONA DRUMMOND RICKS d/b/a FORSYTH FURNISHINGS  
v. PAULA LAND et al.**

**A06I0321. WINONA DRUMMOND RICKS v. PAULA LAND et al.**

Upon consideration of these applications for interlocutory review, the applications are DENIED. Upon consideration of the respondent's motion to dismiss and motion to strike, the motions are DENIED.

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta* **JUL 17 2006**

*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:* **JUL 17 2006**

**A06I0320. WINONA DRUMMOND RICKS d/b/a FORSYTH FURNISHINGS  
v. PAULA LAND et al.**

**A06I0321. WINONA DRUMMOND RICKS v. PAULA LAND et al.**

Upon consideration of these applications for interlocutory review, the applications are DENIED. Upon consideration of the respondent's motion to dismiss and motion to strike, the motions are DENIED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **JUL 17 2006**

*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...*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 13, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0322  
WILLIAM L. JONES, JR. V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

97027

04162 2005R178

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 13 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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. A*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 25, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0323  
SUSAN KIGHT ET AL V. GREG OWENS ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

99027

05CV682 04162

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 25 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court 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. Mat... [Signature]*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 31, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0324

GUIDEONE MUTUAL INSURANCE COMPANY V. MELISSA HUNTER 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.

91027

03C113102

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **JUL 31 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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. Matia*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:*

**AUG 02 2006**

**A06I0325. KING, et al., v. COMFORT LIVING, INC.**

The defendants in the above styled case seek immediate review of an order entered on June 23, 2006, denying their motion for summary judgment. The certificate of immediate review upon which they rely was likewise filed on June 23, but the certificate reflects that it was signed by the trial judge months earlier, on March 22, 2006. A certificate of immediate review “must be obtained within a ten-day period from the entry of the judgment or judgments sought to be appealed. [OCGA § 5-6-34 (b)].” *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973). Because it appears that the certificate relied upon here was obtained well in advance of the date the order complained of was entered, it is insufficient to support an application for interlocutory appeal. Accordingly, the application is hereby *dismissed* for lack of jurisdiction.<sup>1</sup>

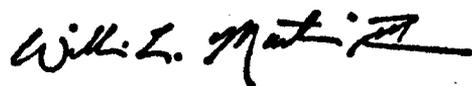
*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 02 2006**

*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.

---

<sup>1</sup>We note that it is possible, if not likely, that the certificate of immediate review relied upon by applicants was actually signed on June 22 and not March 22 as indicated. Applicants are therefore advised that if they still wish to seek immediate review of this matter and if the trial court deems it appropriate to certify the substance of this matter for immediate review, that result may yet be achieved. Accord *Mayor & Alderman of the City of Savannah v. Norman J. Bass Constr. Co.*, 264 Ga. 16, 17 (1) (441 SE2d 63) (1994); see also *Thorpe v. Russell*, 274 Ga. App. 781, 782 (559 SE2d 432) (2002).

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 25, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0326  
KEYSTONE RV COMPANY V. WALTER D. SHERBA ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

70027

20040409

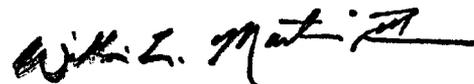
*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**JUL 25 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, JULY 26, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0327

NICHOLAS LEE NICHOLS ET AL V. JAMES R. PRATHER 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.

95028

2003SUCV908

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 26 2006**

*I certify that the above is a true extract fromd  
the minutes of 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 25, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0328

ATLANTA WOMEN'S HEALTH GROUP, P.C., ET AL V. STACEY S.

CLEMONS ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

98028

06VS095652F

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **JUL 25 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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:* **JUL 25 2006**

**A06I0329. ANNE D. STIGALL v. SECRETARY OF STATE, SECURITIES  
AND BUSINESS DIVISION.**

Anne D. Stigall filed this application for interlocutory review of the order of the Cobb Superior Court transferring to Fulton Superior Court her petition for judicial review of a final decision of the Assistant Commissioner of Securities.

The interlocutory appeal procedure does not apply to cases arising under the Georgia Administrative Procedures Act, which authorizes appellate review only when the superior court has rendered a "final judgment." OCGA § 50-13-20; *Hardison v. Booth*, 160 Ga. App. 69 (286 SE2d 60) (1981). Since there has been no final judgment in this case, this Court lacks jurisdiction to consider the application. Stigall's application for interlocutory appeal is therefore DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 25 2006**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin* Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 26, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0330  
DEMANDRILL JACKSON V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

93028

04SC16072

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 26 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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, AUGUST 07, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0331

AMERICAN GENERAL FINANCIAL SERVICES, INC., V. TOMMIE F. VEREEN

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

71028

04CV611C

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 07 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court 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. Martin*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 25, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0332  
RICHARD EDGE ET AL V. JOYCE ELLIOTT ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

97028

SU04CV2464

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 25 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Will. L. Martin*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 28, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0333

CITY OF TOCCOA ET AL V. ELIZABETH JANELL PITTMAN, AS ADMINISTRATRIX  
OF THE ESTATE OF MICHAEL LEWIS HARRISON, DECEASED., ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

99028

04SUCV544C

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **JUL 28 2006**

*I certify that the above is a true extract fromd  
the minutes of 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, AUGUST 01, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0334  
METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY, ( MARTA )  
V. SIMONA EDERY ET AL

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

91028

2004CV83953

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **AUG 01 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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, JULY 28, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0335

WILLIAM POOLE V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

94028

06SC41880

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 28 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Willi L. Mat... [Signature]*

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:** August 17, 2006

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 **S06C2118**

WILLIAM POOLE v. THE STATE

Clerk, Supreme Court of Georgia

Case No. A06I0335

Court of Appeals of Georgia

Notice of Petition for Certiorari

**AUG 21 2006**

filed in office

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 08, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0336

PHOEBE PUTNEY HEALTH SYSTEMS, INC., ET AL V. CHARLES REHBERG

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.

90030

04CV18901

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 08 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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...*

Court of Appeals  
of the State of Georgia

ATLANTA, MARCH 23, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0201

ALLSTATE INSURANCE COMPANY V. LOUIS MALCOLM JOHNSON

ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

92017

2002CV40362

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 23 2006**

*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. Matz*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 09, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0337

RICHMOND PARTNERS, LLC., ET AL V. JESSICA HUBBELL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

95029

05VS089150J

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 09 2006**

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the minutes of the Court of Appeals of Georgia*

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*Clerk.*

*Will L. Martin*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 28, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0338

F. BARRY HODGES, III ET AL V. ATLMAN PONTIAC BUICK CO., INC., ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

96029

1B03CV071

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 28 2006**

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the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Will. L. Martin*

# Court of Appeals of the State of Georgia

ATLANTA, July 21, 2006

*The Court of Appeals hereby passes the following order:*

**A06I0339. USA PAYDAY CASH ADVANCE CENTER #1, INC. ET AL. v.  
MELONY REID ET AL.**

On June 30, 2006, the trial court entered a certificate of immediate review from its order denying the applicants' motion to compel arbitration and granting in part the respondents' motion for contempt. On July 10, 2006, the applicants deposited this application for interlocutory review in this Court's "drop box." See Court of Appeals Rule 4 (a). The application, however, did not contain a copy of a certificate of service indicating that opposing counsel had been served, as required by Court of Appeals Rule 6. The applicants delivered a copy of the certificate of service to this Court on July 11, 2006. Accordingly, the application was not accepted for filing until that day, in accordance with Rule 6.

An application for interlocutory review must be filed within ten days after the certificate of immediate review is granted. OCGA § 5-6-34 (b). The applicants had until July 10, 2006 to file their application. The application filed July 11, 2006, is a day late. This Court therefore lacks jurisdiction and the application is DISMISSED.

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta July 21, 2006*

*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, AUGUST 15, 2006

*The Court of Appeals passed the following order*

Case No. A06I0339

USA PAYDAY CASH ADVANCE CENTER #1, INC., ET AL V. MELONY REID  
ET AL

Upon consideration of the motion for reconsideration filed  
in this case, it is ordered that it be hereby denied.

98-029  
2005CV31777

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta AUG 15, 2006*

*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. Martin*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 03, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0340

LOUIS E. LATAIF, M.D., ET AL V. JOSEPH WHEELER STEPHENS

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

90029

2004SV017

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **AUG 03 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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, JULY 26, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0341  
NOAH STRONG V. CHARMAINE ALEXANDER

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

93029

0510348340

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 26 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court 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. Matz*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 08, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0342

BARBARA SANDERS V. TRINITY UNIVERSAL INSURANCE COMPANY

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

71029

06C005672

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **AUG 08 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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, SEPTEMBER 06, 2006

*The Court of Appeals passed the following order*

Case No. A06I0343

HOMER KEITH AGNEW V. THE STATE

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

92-029  
2006CR166

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta SEP 06, 2006*

*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. Matz*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 25, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0344  
ANN PRAVEN V. GREGORY GEORGE HARDWICK

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

97029

2006CV114696

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**JUL 25 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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 09, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0345  
EARL DEWAYNE FOUNTAIN, SR., V. DEBRA CRENSHAW

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.

99029

06CV211

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **AUG 09 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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, AUGUST 16, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0346  
RICHARD NATION V. CHRISTOPHER SNELLGROVE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

91029

04C1248155

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**AUG 16 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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, AUG 11 2006

*The Court of Appeals hereby passes the following order:*

**A06I0347. BILL HAGEMANN v. CITY OF MARIETTA, GEORGIA ET AL.**

Upon consideration of this application for interlocutory appeal, the application is **GRANTED**. Upon consideration of The Pacific Group, Inc.'s "Motion to Strike Petitioner's 'Reply Brief,'" the motion is **DENIED**. Upon consideration of the City of Marietta's "Motion to Join and Surreply to Petitioner's Application for Interlocutory Appeal," the motion is **DENIED**.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* AUG 11 2006

*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. Matz*

, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUG 11 2006

*The Court of Appeals hereby passes the following order:*

**A06I0348. ED BUNDY ET AL. v. W. CRAIG HESTON ET AL.**

Applicants' motion to withdraw the above styled application for appeal is hereby GRANTED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

AUG 11 2006

*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, AUGUST 18, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0349

PROGRESSIVE AMERICAN INSURANCE COMPANY V. BRAD BONAMICO ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

70029

04A102784

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **AUG 18 2006**

*I certify that the above is a true extract fromd  
the minutes of 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, AUGUST 09, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0350

KENNESTONE HOSPITAL, INC., V. MICHAEL B. HARRIS 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.

95030

04A96643

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 09 2006**

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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.

*Willie L. Martin*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **JUL 26 2006**

## **A06I0351. JULIUS WHITE v. THE STATE.**

Julius White filed this application for interlocutory appeal from the superior court's order denying his motion in autrefois convict and plea of former jeopardy. Such an order is directly appealable. *Patterson v. State*, 248 Ga. 875 (287 SE2d 7) (1982); *Miller v. State*, 204 Ga. App. 562, 563 (420 SE2d 12) (1992). "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). Because the order complained of here is subject to direct appeal, the application for appeal is *granted*.

White shall have ten days from the date of this order to file a notice of appeal in the superior court, provided that he has not otherwise filed a timely notice of direct appeal from the denial of his motion in autrefois convict and plea of former jeopardy. 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* **JUL 26 2006**

*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.*

*Willie L. Matz*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 15, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0352

ANGELA MARTY ET AL V. JOANNA AUGUSTYN 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.

98030

05A355932

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 15 2006**

*I certify that the above is a true extract fromd  
the minutes of 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. Martinez*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 09, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0353  
JOHN PAUL PERRY V. JOHN BENJAMIN PERRY

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.

93030

05CV0744

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 09 2006**

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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*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 24, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0354

WINDOW WORLD OF CHATTANOOGA, INC., ET AL V. MORNING STAR  
COMMUNICATIONS INC., ET AL

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

71030

05CV40082JFL

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 24 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **AUG 25 2006**

**A06I0355. YOUNG, et al. v. WILLIAMS.**

Defendants Henry L. Young, Jr., and Henry L. Young, Jr., P.C., seek immediate review of an order entered on July 9, 2006, denying their motion for summary judgment. We first note that the certificate of immediate review relied upon by the applicants was not signed by the trial judge. Court Rule 30 (b) provides that “[t]he trial court’s order and certificate of immediate review must contain the signature of the trial court judge. Conformed signatures will not be accepted.” But even if the certificate of immediate review contained in the applicants’ submission were deemed adequate to invoke this court’s jurisdiction, the defendants disclose that they have already filed a notice of appeal with the superior court enumerating the grant of partial summary judgment to the plaintiff on the issue of liability. OCGA § 9-11-56 (h). Both matters were disposed of in a single order. It is well-settled that an appellant 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 addressed as a matter of right on direct appeal. OCGA § 5-6-34 (d); *Southeast Ceramics v. Klem*, 246 Ga. 294, 294-296 (1) (271 SE2d 199) (1980). This application is therefore superfluous. For the foregoing reasons, the defendants’ application for interlocutory appeal is hereby *dismissed*.

*Court of Appeals of the State of Georgia*

*Clerk’s Office, Atlanta* **AUG 25 2006**

*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.*

*Willie L. Martin*  
....., Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 21, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0356

ASHBURN HEALTH CARE CENTER INC., ET AL V. CRAIG POOLE, AS  
EXECUTOR OF THE ESTATE OF MAXINE POOLE

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.

97030

2005CV0125

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 21 2006**

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*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Willie L. Martin*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 25, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0357  
RICHARD K. MARTIN V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

99030

05913848 059579848

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 25 2006**

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the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Will. L. Martin*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 24, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0358  
WILLIAM SCHMIDT D/B/A SCHMIDT & ASSOCIATES D/B/A COASTAL KIRBY  
VACUUM SALES & SERVICES V. BRITNI WILLIAMS

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

91030

CV040868

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **AUG 24 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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 24, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0359

CHRISTOPHER LEE STALLINGS V. BRITNI WILLIAMS

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

91031

CV040868

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 24 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court 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. Martinez*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 17, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0360

AUTO-OWNERS INSURANCE COMPANY V. LESSIE REED ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

94030

05V384

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **AUG 17 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Mat...*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 22, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0361

JANE C. PENNY ET AL V. W. GARY MCBRIDE 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.

70030

06C037811

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **AUG 22 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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, SEPTEMBER 06, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0362  
OLEN JACK KING, ET AL V. COMFORT LIVING, INC

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

95031  
04ST238

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **SEP 06 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Mat... [Signature]*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 23, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0363

TRACEY JENNINGS V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

96031

2005SR0200

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **AUG 23 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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, SEPTEMBER 06, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0364

VT GRIFFIN SERVICES, INC. V. LAUREN BENNETT

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

98031

05SV7046

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 06 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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. Matia*

**Court of Appeals  
of the State of Georgia**

ATLANTA, SEPTEMBER 06, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0365  
STANLEY M. KARSMAN ET AL V. BONNER ROOFING SHEET METAL  
CO., INC. ET AL

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

90031

CV041260KA

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **SEP 06 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Willi L. Martin*

**Court of Appeals  
of the State of Georgia**

ATLANTA,

SEPTEMBER 05, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0366

WALTER CLINE ET AL V. RUTHIE HARRIS 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.

93031

01VS021989

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 05 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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 29, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0367

COLUMBUS REGIONAL HEALTHCARE SYSTEM, INC. V. SADIE  
HENDERSON ET AL

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

71031

SC04CV492

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 29 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court 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. Martin*

**Court of Appeals  
of the State of Georgia**

ATLANTA,

SEPTEMBER 13, 2006

*The Court of Appeals passed the following order*

Case No. A06I0367

COLUMBUS REGIONAL HEALTHCARE SYSTEM, INC. V. SADIE  
HENDERSON ET AL

Upon consideration of the motion for reconsideration filed  
in this case, it is ordered that it be hereby denied.

71-031  
SC04CV492

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta SEP 13, 2006*

*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. Martin*

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:** October 03, 2006

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 **S07C0190**

COLUMBUS REGIONAL HEALTHCARE SYSTEM, INC. v. SADIE HENDERSON  
et al.

Clerk, Supreme Court of Georgia

Case No. A06I0367

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

~~OCT 04 2006~~  
Sent discretionary by mistake  
or sent Interlocutory to S.C.  
on OCT 10 2006

Clerk, Court of Appeals of Georgia

COURT OF APPEALS

February 6, 2007

TO: ALL COUNSEL

FROM: Jan Eidson, Deputy Clerk

RE: S07C0190. COLUMBUS REGIONAL HEALTHCARE SYSTEM, INC. v.  
SADIE HENDERSON et al.

Please substitute the enclosed order for the one previously sent to you.

If you should have any questions, please call me at 404/656-3470.



**SUPREME COURT OF GEORGIA**  
Case No. S07C0190

Atlanta February 5, 2007

The Honorable Supreme Court met pursuant to adjournment.  
The following order was passed:

**COLUMBUS REGIONAL HEALTHCARE SYSTEM, INC. v. SADIE  
HENDERSON et al.**

Upon consideration of the Petition for Certiorari to review the judgment of the Court of Appeals in this case, it is ordered that it be hereby granted.

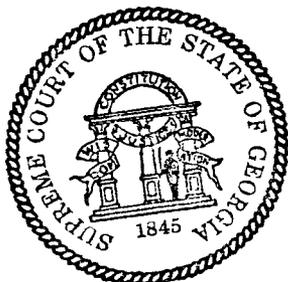
It is further ordered that the application for appeal is hereby granted. Notice of Appeal directed to the Supreme Court should be filed in the trial court within 10 days from the date of this order, timely enumeration of errors and briefs to be filed in this Court after the record is docketed here. The case will be automatically assigned to an oral argument calendar upon docketing. **Oral argument is mandatory in granted certiorari cases.** All the Justices concur.

The Court is particularly concerned with the following:

Whether, under the circumstances of this case, the trial court was authorized to apply the additur provision of OCGA § 51-12-12 (b). See Bunch v. Mathieson Drive Apts., 220 Ga. App. 855 (1996).

Whether the trial court erroneously failed to provide that its grant of the motion for additur was a conditional grant of a motion for new trial. See Spence v. Hilliard, 260 Ga. 107 (1990).

**SUPREME COURT OF THE STATE OF GEORGIA**  
Clerk's Office, Atlanta



I hereby certify that the above is a true extract from  
the minutes of the Supreme Court of Georgia  
Witness my signature and the seal of said court hereto  
affixed the day and year last above written.

, Deputy Clerk

SUPREME COURT OF GEORGIA

ATLANTA

FEB 05 2007

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

Case No. S07G0190

COLUMBUS REGIONAL HEALTHCARE SYSTEM, INC. v. SADIE HENDERSON  
et al.

Upon consideration of the petition for certiorari filed to review the judgment of the Court of Appeals in this case, it is ordered that the certiorari be granted and that this order operate as the writ. The case will be automatically assigned to the calendar for May 2007 for hearing upon the record now of file.

All the Justices concur.

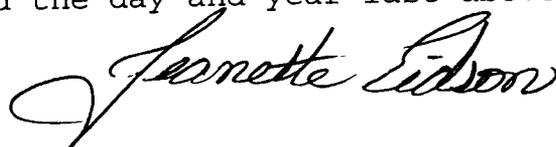
C/A Case No. A06I0367

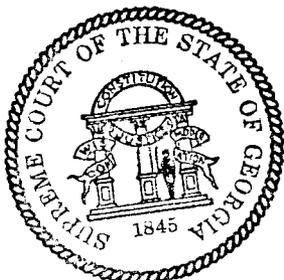
SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court affixed the day and year last above written.

 Deputy Clerk.





**SUPREME COURT OF GEORGIA**  
Clerk's Office

Atlanta, February 5, 2007

**TO ALL COUNSEL:**

Case No. S07C0190: COLUMBUS REGIONAL HEALTHCARE SYSTEM, INC. v. SADIE HENDERSON et al.

The Supreme Court today granted the writ of certiorari in this case. All the Justices concur.

\*\*\*\*\*

This case will be assigned to the **May 2007**, oral argument calendar automatically under Supreme Court Rule 50 (2), as amended September 13, 1996. **Oral argument is mandatory in granted certiorari cases.**

This Court is particularly concerned with the following issue or issues:

Whether, under the circumstances of this case, the trial court was authorized to apply the additur provision of OCGA § 51-12-12 (b). See Bunch v. Mathieson Drive Apts., 220 Ga. App. 855 (1996).

Whether the trial court erroneously failed to provide that its grant of the motion for additur was a conditional grant of a motion for new trial. See Spence v. Hilliard, 260 Ga. 107 (1990).

Briefs should be submitted only on these points. See Supreme Court Rule 45.

Sincerely,

  
*Jeanette Eidson, Deputy Clerk*

**Court of Appeals  
of the State of Georgia**

ATLANTA,

SEPTEMBER 08, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0368

MICHAEL R. PATTON 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.

92031

05SUCR494W

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 08 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Willi L. Martin*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 31, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0369  
JACQUELINE A. BRYANT V. BRUNO'S SUPERMARKETS, INC.  
D/B/A FOODMAX

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

97031

2005CV940

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 31 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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 14, 2006

*The Court of Appeals passed the following order*

Case No. A06I0369

JACQUELINE A. BRYANT V. BRUNO'S SUPERMARKETS, INC.  
D/B/A FOODMAX

Upon consideration of the motion for reconsideration filed  
in this case, it is ordered that it be hereby denied.

97-031  
2005CV940

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    SEP 14, 2006*

*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. Matz*

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:** October 04, 2006

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 **S07C0202**

JACQUELINE A. BRYANT v. BRUNOS SUPERMARKETS, INC., d/b/a FOODMAX

Clerk, Supreme Court of Georgia

Case No. A06I0369

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

OCT 10 2006

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

ATLANTA,

SEPTEMBER 11, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0370  
EVANSTON INSURANCE COMPANY V. PRESIDENTIAL LIFE  
INSURANCE COMPANY ET AL

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

99031

031685635

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 11 2006**

*I certify that the above is a true extract fromd  
the minutes of the Court of 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,

SEPTEMBER 08, 2006

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A06I0371

EDWARD D. HIMOT ET AL V. ROBERT M. SOHA ETAL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

94031

2005A116737

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**SEP 08 2006**

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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. Matz*