

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

ATLANTA,            AUGUST            29, 2006

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

APPLICATION NO.            A07I0001  
STATE OF GEORGIA V. JULIUS HAYNES

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

95001

2004RCCV691

*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.

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

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

ATLANTA, SEPTEMBER 07, 2006

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

APPLICATION NO. A07I0002  
OSHA SECURITY, INC., V. GAYE V. GRUBBS ET AL

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

96001

05A369961

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

*Will. L. Martin*

# Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **SEP 08 2006**

**A07I0003. IN THE INTEREST OF: C.L.L., a child.**

Applicant C.L.L., a minor accused of aggravated battery and armed robbery, seeks immediate review of an order of the juvenile court entered on June 26, 2006, granting the State's motion to transfer this delinquency case to the superior court for criminal proceedings. The juvenile court timely certified this matter for immediate review by certificate filed with the clerk on July 6, 2006.<sup>1</sup> C.L.L. did not file his application for appeal, however, until August 14, 2006. Because applicant did not file his application within ten days after the filing of the certificate of immediate review as required under OCGA § 5-6-34 (b), this court is without jurisdiction to consider the submission. While we acknowledge that the applicant apparently relied on the juvenile court's order granting a purported "extension of time in which to file enumeration of errors and brief," that court is without authority to extend the time for the filing of an application for appeal with this court. OCGA § 5-6-34 (b) does not contemplate the granting of such extensions, and such extensions are otherwise forbidden under Court of Appeals Rule 30 (f). This application is therefore *dismissed*

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<sup>1</sup>The applicant and the juvenile court are advised that a transfer of a juvenile delinquency proceeding to the superior court for disposition is considered a final judgment of the juvenile court subject to direct appeal. *Rocha v. State*, 234 Ga. App. 48 (506 SE2d 192) (1998).

as untimely filed.<sup>2</sup>

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.*

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*Will L. Matz*

....., Clerk.

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<sup>2</sup>We note that even if the certificate of immediate review were disregarded and this application were treated as one for discretionary appeal, because the application was not filed within 30 days of the order appealed from it follows that OCGA § 5-6-35 (j) is inapplicable here.

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

ATLANTA, SEPTEMBER 05, 2006

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

APPLICATION NO. A07I0004

HARVEY P. COLE ET AL V. CONNIE J. MILLER ET AL

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

90001

03VS045023

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **SEP 05 2006**

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the minutes of the Court of Appeals of Georgia*

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

*Will L. Matia*

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

ATLANTA, SEPTEMBER 12, 2006

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

APPLICATION NO. A07I0005  
PROSAFE PROPERTIES, LLC D/B/A CRIME FREE, INC., ET AL V. LEAMON  
LAND

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

91001

04C091364

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

*Willie L. Martin*

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

ATLANTA,

SEPTEMBER 07, 2006

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

APPLICATION NO. A07I0006

NOEL N. CHUA ET AL V. JAMES CARTER ET AL

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

70001

06V0456

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 07 2006**

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*Clerk.*

*Will 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. A07I0007

GATEWAY ATLANTA APARTMENTS INC V. RUTHIE HARRIS, ADMINISTRATOR  
OF THE ESTATE OF DONTA 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.

93001

01VS021989

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 05 2006**

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*Clerk.*

*Will. L. Mat...*

# Court of Appeals of the State of Georgia

ATLANTA, **AUG 28 2006**

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

**A07I0008. VICTORIA R. COTHRAN v. STANLEY J. MEHOSKY.**

Victoria R. Cothran filed this application for interlocutory appeal seeking review of the superior court's order requiring DNA testing. The order was entered July 21, 2006 and the certificate of immediate review was entered August 2, 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 August 2, 2006 is two days late. Cothran'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*

**AUG 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 written.*



, Clerk.

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

ATLANTA, SEPTEMBER 12, 2006

*The Court of Appeals passed the following order*

Case No. A07I0008

VICTORIA R. COTHRAN V. STANLEY J. MEHOSKY

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

97-001  
SU2005DM3823

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta SEP 12, 2006*

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Clerk.

*Will. L. Martin*

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

ATLANTA,                      SEPTEMBER 13, 2006

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

APPLICATION NO.            A07I0009

EFFIE SIMMONS ET AL V. LYNN M. ANDERSON ET AL

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

94001

1B03CV397

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

*Willi L. Mat...*

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

ATLANTA, SEPTEMBER 18, 2006

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

APPLICATION NO. A07I0010

PATRICIA ABERNATHY V. STEPHANIE R. STENSVOLD ET AL

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

92001

04CV2753

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

SEP 18 2006

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

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*Clerk.*

*W. L. Matz*

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

ATLANTA, SEPTEMBER 18, 2006

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

APPLICATION NO. A07I0011

ADAIRSVILLE BAPTIST CHURCH, INC. ET AL V. STEPHANIE STENSVOLD ET AL

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

92002

04CV2753

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 18 2006**

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*Clerk.*

*Will. L. Mat...*

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

ATLANTA, SEPTEMBER 05, 2006

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

APPLICATION NO. A07I0012  
DOUGLASS FRONTIER, LLC ET AL V. RUTHIE HARRIS, ADMINISTRATOR  
OF THE ESTATE OF DONTA 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.

93002

01VS021989

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **SEP 05 2006**

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*Clerk.*

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

# Court of Appeals of the State of Georgia

ATLANTA,

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

## **A07I0013. Orlando Perez v. The State**

Orlando Perez seeks interlocutory review of the trial court's motion to suppress. Perez has been indicted for murder, felony murder, and aggravated assault. This application is in substance a pre-conviction appeal in a murder case.

In *State v. Thornton*, 253 Ga. 524 (322 SE2d 711) (1984), the Supreme Court held that as a matter of policy, it shall review "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."

Accordingly, the above-captioned application case is ordered TRANSFERRED to the Supreme Court for appropriate appellate disposition. See Georgia Const. of 1983, Art. VI, Sec. I, Par. VIII

*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, SEPTEMBER 19, 2006

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

APPLICATION NO. A07I0014

SANTINA TRUCK V. THE STATE

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

71001

05CR01228C

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 19 2006**

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

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

*Clerk.*

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

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

ATLANTA,                    SEPTEMBER 19, 2006

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

APPLICATION NO.            A07I0015

PAIGE BRAY ET AL V. CHRISTOPHER DWAYNE BREWER

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

95002

04V150

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    **SEP 19 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. Martin*

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

ATLANTA, SEPTEMBER 14, 2006

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

APPLICATION NO. A07I0016

COASTAL HEALTH SERVICES, INC., A GEORGIA CORPORATION, D/B/A  
WAYCROSS HEALTH AND REHABILITATION CENTER V. BURNICE L. BARNUM,  
AS THE ADMINISTRATOR OF THE ESTATE OF JIMMY L. BARNUM

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

96002

S03V006

*Court of Appeals of the State of Georgia*

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

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

ATLANTA, SEPTEMBER 05, 2006

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

APPLICATION NO. A07I0017  
WORTHING SOUTHEAST, INC., V. RUTHIE HARRIS, ADMINISTRATOR OF  
THE ESTATE OF DONTA 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.

93003

01VS021989

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **SEP 05 2006**

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Clerk.

*Will. L. Martin*

# Court of Appeals of the State of Georgia

ATLANTA,

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

**SEP 19 2006**

**A07I0018. MARTINI v. BOLADO, Jr.**

Gwen Marie Martini seeks immediate review of an oral ruling of the superior court denying her motion to dismiss the respondent's petition for modification of custody based on lack of jurisdiction under the Uniform Child Custody Jurisdiction and Enforcement Act. OCGA § 19-9-40 et seq. An oral order or pronouncement, however, is neither appealable nor effective for any purpose unless and until it is reduced in writing, signed by the judge and filed with the clerk. *Titelman v. Stedman*, 277 Ga. 460, 461 (591 SE2d 774) (2003). Because Martini's application presents nothing for review, it is hereby *dismissed* without prejudice for lack of jurisdiction.

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

**SEP 19 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.*

*Will L. Matia*  
....., Clerk.

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

ATLANTA, SEPTEMBER 27, 2006

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

APPLICATION NO. A07I0019  
CHOICEPOINT SERVICES INC. V. LUDWICK H. HIERS

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

91002

2006CV110840

*Court of Appeals of the State of Georgia*

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

*Clerk.*

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

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

ATLANTA,

SEPTEMBER 20, 2006

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

APPLICATION NO. A07I0020

STACY LAMAR EVERSON V. THE STATE

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

70002

06S20

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 20 2006**

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

*Will L. Matz*

# Court of Appeals of the State of Georgia

ATLANTA

*The Court of Appeals hereby passes the following order:* SEP 19 2006

A07I0021. PIONEER CONSTRUCTION, INC., v. INMAN PARK PROPERTIES OF SAVANNAH, LLC ET AL .

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

97-002

STCV0500419

*Court of Appeals of the State of Georgia*  
*Clerk's Office,* SEP 19 2006

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

*Will L. Martin*, Clerk.

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

ATLANTA, SEPTEMBER 28, 2006

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

APPLICATION NO. A07I0022  
DEMETRICE LUNDY V. THE STATE

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

94002

05CR0106

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **SEP 28 2006**

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

*Will. L. Martin*

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

ATLANTA, SEPTEMBER 20, 2006

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

APPLICATION NO. A07I0023

AMERICAN APPRAISAL SERVICES, INC., ET AL V. INDYMAC BANK, FSB

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

99002

05CV11466

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 20 2006**

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

*Clerk.*

*Will L. Matia*

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

ATLANTA, SEPTEMBER 25, 2006

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

APPLICATION NO. A07I0024

LINDA P. ELLISON ET AL V. ALLEN SCOTT " BUZZ " HILL

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

71002

03CV21939

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 25 2006**

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

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

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

ATLANTA,                      OCTOBER      05, 2006

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

APPLICATION NO.            A07I0025  
YOUNG HEE HUBBARD ET AL V. DEPARTMENT OF TRANSPORTATION  
OF THE STATE OF GEORGIA

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

95003

02VS038576

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

**OCT 05 2006**

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

*Clerk.*

*Will L. Martin*

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

ATLANTA, SEPTEMBER 25, 2006

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

APPLICATION NO. A07I0026

ROBERT J. BALOTIN, M.D., ET AL V. KENNETH SIMPSON ET AL

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

96003

2005V35708

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

SEP 25 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.*

*Willi L. Martinez*

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

ATLANTA,                      OCTOBER      04, 2006

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

APPLICATION NO.            A07I0027

BRANDON STEWARD V. THE STATE

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

98002

06SC40069

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 04 2006**

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

*Will. L. Matz*

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

ATLANTA,                      OCTOBER      04, 2006

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

APPLICATION NO.            A07I0028  
CITY OF DEMOREST, GEORGIA, ET AL V. ROBERTS & DUNAHOO PROPERTIES  
LLC ET AL

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

98003  
05CV601C

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*      OCT 04 2006

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

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

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

ATLANTA,                      OCTOBER      03, 2006

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

APPLICATION NO.            A07I0029  
JOSEPH WEAVER SPURLOCK V. THE STATE

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

90003

2006CR1145

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 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. Mat... [Signature]*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **SEP 28 2006**

**A07I0030. VIDEO WAREHOUSE, INC. v. FELICIA NEWSOME, AS  
SURVIVING SPOUSE ET AL.**

**A07D0039. VIDEO WAREHOUSE, INC. v. FELICIA NEWSOME.**

On August 17, 2006, the State Court of Coffee County entered a dismissal of this wrongful death action. With a view to insuring that the matter will be preserved for appeal, Video Warehouse, Inc. has filed the two above captioned applications and indicates that it intends to file a notice of appeal. By telephone, the state court clerk has confirmed the timely filing of a notice of appeal. Therefore, since the case is no longer pending below and is not described in OCGA § 5-6-35 (a), and the dismissal order appears subject to appeal pursuant to OCGA § 5-6-34 (a), the applications are unnecessary and ordered DISMISSED. See *Spivey v. Hembree*, 268 Ga. App. 485, 486 (n. 1) (602 SE2d 246) (2004) and OCGA § 5-6-35 (j).

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

**SEP 28 2006**

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*Willie L. Martin*, Clerk.

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

ATLANTA,                      OCTOBER      11, 2006

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

APPLICATION NO.            A07I0031

DERRICK BAILEY V. THE STATE

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

70003

SU05CR1526

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 11 2006**

*I certify that the above is a true extract fromd  
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*Witness my signature and the seal of said court  
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*Clerk.*

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

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

ATLANTA,

SEPTEMBER 28, 2006

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

APPLICATION NO. A07I0032

JASON DIXON V. THE STATE

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

97003

2006CR132

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 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.*

*Will L. Mat...*

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

ATLANTA,                      OCTOBER      11, 2006

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

APPLICATION NO.            A07I0033

ELIZABETH OPAL TURNER ET AL V. CRESSIDA BAILEY ET AL

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

94003

04CV12650

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      **OCT 11 2006**

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

*Willi L. Mat...*  
Clerk

# Court of Appeals of the State of Georgia

ATLANTA, OCT 16 2006

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

**A07I0034. ZACHARY PATTERSON v. DEPARTMENT OF HUMAN RESOURCES et al.**

Zachary Patterson filed an application for interlocutory review of an order entered on July 5, 2006, that provided for a temporary income deduction for child support. Under OCGA § 5-6-34 (b), a certificate of immediate review must be obtained within 10 days of the entry of the order, decision, or judgment appealed. Although it appears that the trial court signed a certificate of immediate review on July 12, 2006, the certificate was not stamp-filed with the clerk of court until August 1, 2006.<sup>1</sup>

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). When a certificate of immediate review is not filed with the clerk within ten days, it is untimely and the party must await final judgment in the case before he can obtain review of the interlocutory order or judgment. *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973). Because the certificate of immediate review in this case was not timely filed, this Court lacks jurisdiction to consider Patterson's application.

---

<sup>1</sup> Even if the certificate of immediate review had been file-stamped on July 12, 2006, Patterson's application was not filed in this Court until August 11, 2006, rendering it untimely. See *Genter v. State*, 218 Ga. App. 311 (460 SE2d 879) (1995); OCGA § 5-6-34 (b); Court of Appeals Rule 32 (a).

Accordingly, this application is ordered DISMISSED.

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

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*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,            OCTOBER    10, 2006

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

APPLICATION NO.            A07I0035  
SANSWIRE TECHNOLOGIES, INC., A/K/A WIRELESS HOLDINGS, GROUP, INC.,  
ET AL V. TSUNAMI COMMUNICATIONS, INC., ET AL

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

99003

06A023685

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

# Court of Appeals of the State of Georgia

ATLANTA,

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

**A07I0040. KEVIN GRAHAM JACOB v. KATHLEEN KOSLOW.**

Kathleen Koslow filed a contempt action against her former husband, Kevin Jacob, to enforce Jacob's compliance with an alimony provision in the parties' divorce decree. Jacob answered then filed a motion for judgment on the pleadings or, in the alternative, motion to transfer. The superior court denied both motions. Jacob now seeks interlocutory review of the order denying such relief.

This Court, however, lacks jurisdiction to review this application. The underlying subject matter of the contempt action involves the terms of a settlement agreement incorporated into a final judgment and decree of divorce. Although Jacob filed his application with this Court, it is the Supreme Court that has jurisdiction over appeals in all divorce and alimony cases. Ga. Const. of 1983, Art. VI, Sec. VI, Par. III (6). Because the order sought to be appealed involves an attempt to dismiss or transfer a contempt proceeding that arose from the subject matter of alimony, it is ancillary to and incident to divorce, and jurisdiction to hear an appeal of this nature is vested with the Supreme Court. See *Griffin v. Griffin*, 243 Ga. 149 (253 SE2d 80) (1979); see also *Brown v. King*, 266 Ga. 890 (472 SE2d 65) (1996); *Smith v. Smith*, 254 Ga. 450, 452 (2) (330 SE2d 706) (1985); *Hines v. Hines*, 237 Ga. 755 (1) (229 SE2d 744) (1976).

Accordingly, this application is ordered TRANSFERRED to the Supreme Court for disposition.

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

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

ATLANTA,                    OCTOBER    17, 2006

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

APPLICATION    NO.            A07I0041

KWAME GORDON    V.    THE STATE

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

91004

2006CR8894

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 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,                    OCTOBER    25, 2006

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

APPLICATION NO.            A07I0042

PATRICIA PINKNEY V. KINDRED NURSING CENTERS LIMITED PARTNERSHIP  
D/B/A SAVANNAH SPEACIALTY CARE CENTER, 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.

70004

STCV0503656

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

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **OCT 30 2006**

**A07I0043. BIXLER, M. D. v. HERNDON AS ADMINISTRATOR OF THE  
ESTATE OF SARA MCGINTY, DECEASED.**

Via an order entered October 13, 2006, this application was dismissed due to the absence of a trial judge's signature with respect to the certificate of immediate review. While the order complained of was found to bear an adequate electronic signature, no proper signature of any type was found with respect to the certificate of immediate review.

However, as the case remains within the jurisdiction of this Court, we act pursuant to the authority of this Court to protect and aid its appellate jurisdiction, and now conclude that our review of this application failed to acknowledge a proper electronic signature in respect of the certificate of immediate review. See the Georgia Electronic Records and Signature Act, OCGA § 10-12-1 et seq. There, it is stated in OCGA § 10-12-3 (7) that: "Signature" means a symbol or method that a person causes to be attached to or logically associated with a record with the intent to sign such record." Thus, it is sufficient that the trial court has adopted a method that causes its authorization of the certificate of immediate review, and intent to sign such

record, to be electronically recorded and logically associated with the record containing the certificate language. See OCGA § 10-12-3 (3). Contrary to our earlier conclusion, physical attachment of a symbol to the record to be signed is only one of alternative ways to create a signature.

As the certificate of immediate review does bear a signature as required, and the application for interlocutory appeal is otherwise in proper form and timely, the application is ordered REINSTATED. Upon consideration of the application on the merits, however, the application is DENIED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 30 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,                      OCTOBER      30, 2006

*The Court of Appeals passed the following order*

Case No. A07I0043

FRANK BIXLER, M.D., V. ROBERT HERNDON AS ADMINISTRATOR  
OF THE ESTATE OF SARA MCGINTY, DECEASED

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

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    OCT 30, 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,                      OCTOBER      20, 2006

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

APPLICATION NO.            A07I0044  
IN THE INTEREST OF : A.H. & O.L., CHILDREN

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

93004  
075061777

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

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

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **OCT 24 2006**

**A07I0045. NKW RAPID DELIVERY SYSTEM, INC. ET AL. v. CYNTHIA STEWART.**

Upon consideration of the application for interlocutory appeal in this case, the application is DENIED. Upon consideration of the respondent's motion to impose penalty for frivolous application for interlocutory appeal, the motion is DENIED.

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

**OCT 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. Martin*, Clerk.

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

ATLANTA,                      OCTOBER      30, 2006

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

APPLICATION NO.            A07I0046  
GREAT AMERICAN INSURANCE COMPANY OF NEW YORK V. GREAT  
SOUTHWEST EXPRESS COMPANY INC., ET AL

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

92004

02CV2967

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

**OCT 30 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. McIntosh*

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

ATLANTA,                      OCTOBER      30, 2006

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

APPLICATION NO.            A07I0047  
THAD CAMPBELL ET AL V. HUGH AUSTIN ET AL

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

99004

06CV1158

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta      OCT 30 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:* **OCT 11 2006**

**A07I0048. CARMEN V. PORRECA v. THOMAS M. STINSON.**

Carmen V. Porreca's withdrawal of this application is GRANTED.

*Court of Appeals of the State of Georgia*

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

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

ATLANTA, NOVEMBER 02, 2006

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

APPLICATION NO. A07I0049

AMERICAN ZURICH INSURANCE COMPANY V. KEY ATLANTA CORP.

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

95005

04CV2797

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 02 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. Martinez*

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

ATLANTA,                      OCTOBER      30, 2006

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

APPLICATION NO.            A07I0050

TRACY DIXON V. THE STATE

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

96005

2005R145

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 30 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. Matia*

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

ATLANTA,            DECEMBER 06, 2006

*The Court of Appeals passed the following order*

Case No. A07I0050

TRACY DIXON V. THE STATE

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

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

*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:** December 27, 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 **S07C0579**

TRACY MICHELLE DIXON v. THE STATE

Clerk, Supreme Court of Georgia

Case No. A0710050

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

DEC 29 2006

Clerk, Court of Appeals of Georgia

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

ATLANTA,                      NOVEMBER 01, 2006

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

APPLICATION NO.            A07I0051

CLAUDINE MIDDLEBROOKS V. DEKALB COUNTY FIRE DEPARTMENT AND  
EMERGENCY SERVICES

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

98005

05A425903

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

**NOV 01 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,                      NOVEMBER 22, 2006

*The Court of Appeals passed the following order*

Case No. A07I0051

CLAUDINE MIDDLEBROOKS V. DEKALB COUNTY FIRE DEPARTMENT AND  
EMERGENCY SERVICES

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

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

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: December 12, 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 **S07C0511**

CLAUDINE MIDDLEBROOKS v. DEKALB COUNTY FIRE DEPARTMENT AND  
EMERGENCY SERVICES

Clerk, Supreme Court of Georgia

DEC 19 2006

Case No. A0710051

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 03, 2006

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

APPLICATION NO. A07I0052

JAYSON STEVENS V. THE STATE

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

90005

06SC43833

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 03 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. Matia*

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

ATLANTA,                      NOVEMBER 07, 2006

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

APPLICATION NO.            A07I0053

FACILITY PROGRAM MANAGEMENT INC., V. SCHADSONS CORPORATION

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

91005

03CV0752

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 07 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. Mat... [Signature]*

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

ATLANTA,                      OCTOBER      30, 2006

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

APPLICATION NO.            A07I0054

SHAUN A. CARTER 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.

70005

06SC42674

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      OCT 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 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 06 2006

**A07I0055. JOHNSON, et al. v. STEPHENS.**

Upon consideration of the above styled application for appeal, the application is hereby *denied*. Moreover, because the application has already been considered on the merits and in light of the mandatory time constraints involved in addressing an application for interlocutory appeal, applicants' "motion for plaintiff's response to defendants' application for interlocutory review to be redacted and recast" is likewise *denied*.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

NOV 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.*

*Willie L. Mantz*

....., Clerk.

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

ATLANTA,                    NOVEMBER 08, 2006

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

APPLICATION NO.            A07I0056

DEMETRIS CRAWFORD V. GREAT AMERICAN CASH ADVANCE, 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.

93005

2006RCCV198

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

NOV 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.*

*Willi L. Martinez*

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

ATLANTA,                      OCTOBER      30, 2006

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

APPLICATION    NO.            A07I0057  
LYNWOOD CLEAVELAND, M.D., V. JANE GANNON

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

94005  
2004SV1941

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

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* NOV 06 2006

**A07I0058. RAY SHIVER v. GEORGIA & FLORIDA RAILNET, INC.**

Ray Shiver filed this application for interlocutory review of the trial court's order that granted partial summary judgment to Georgia & Florida Railnet, Inc. (G&F) on his toxic tort claim and granted G&F's motion in limine to exclude the causation testimony of a doctor. "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*.

Shiver 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 G&F. 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 NOV 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.

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

ATLANTA,                      OCTOBER      31, 2006

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

APPLICATION NO.            A07I0059

JOHN ENTREKIN, M.D., ET AL V. JANE GANNON, AS THE SURVIVING  
SPOUSE AND EXECUTRIX OF THE ESTATE OF WILLIAM J. GANNON

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

94006

2004SV1941

*Court of Appeals of the State of Georgia*

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


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

ATLANTA,                      NOVEMBER 03, 2006

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

APPLICATION NO.            A07I0060  
BELK, INC. ET AL V. A. F. ET AL

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

99005

SU05CV1458

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 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. Martin*

# Court of Appeals of the State of Georgia

ATLANTA,

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

**A07I0061. SPALDING COUNTY BOARD OF HEALTH v. WAYNE J. MOSS.**

The Spalding County Board of Health seeks interlocutory review of an order entered September 22, 2006, denying a motion to dismiss. We first note that the certificate of immediate review relied upon by applicant was not signed by the trial judge. Court of Appeals 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.” A certificate of immediate review confers jurisdiction to this Court to review an order not otherwise subject to direct or discretionary appeal only if it is signed and filed within 10 days of the entry of the order to which the certificate refers. OCGA § 5-6-34 (b); *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973). Because the certificate of immediate review does not contain a signature of the trial judge within the meaning of Court of Appeals Rule 30 (b), the application for interlocutory review is ordered DISMISSED for lack of jurisdiction.

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

NOV 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. Martin*, Clerk.

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

ATLANTA,                      NOVEMBER 09, 2006

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

APPLICATION NO.            A07I0062  
EDWARD ST. FLEUR 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.

95006

06RCCR619

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

**NOV 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. Martin*

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

ATLANTA,            NOVEMBER 02, 2006

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

APPLICATION NO.        A07I0063

STATE FARM FIRE AND CASUALTY COMPANY V. STEVE PULLEN ET AL

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

96006

05V681F

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*    NOV 02 2006

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*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,                    NOVEMBER 09, 2006

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

APPLICATION NO.            A07I0064

STATE OF GEORGIA ET AL V. CITY OF DULUTH, GEORGIA

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

98006

05A100544

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 09 2006**

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*Clerk.*

*Willie L. Martin*

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

ATLANTA,                      NOVEMBER 13, 2006

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

APPLICATION NO.            A07I0065  
CHARLES BILLY LEE ET AL V. PHILIP BARBER

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

90006

051130534

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

**NOV 13 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,            OCTOBER    30, 2006

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

APPLICATION    NO.            A07I0066

JOHNNY D. THORNTON V. RURAL IMPROVEMENT CORPORATION

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

91006

06CV0054

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*            **OCT 30 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,                      NOVEMBER 09, 2006

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

APPLICATION NO.            A07I0067  
CITY OF DULUTH, GEORGIA ET AL V. JEFF MORGAN 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.

98007

05A100544

*Court of Appeals of the State of Georgia*

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

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

ATLANTA,                    OCTOBER    31, 2006

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

APPLICATION NO.            A07I0068

REGINA RICHARDS 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.

70006

2005CR0454

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

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **NOV 07 2006**

**A07I0069. STEPHENS v. THE STATE.**

Tyrone Stephens stands charged with possession of cocaine, possession of marijuana and obstruction of a law enforcement officer. Stephens filed a motion to suppress, which was denied by order entered on August 30, 2006. A certificate of immediate review was issued on October 5 referencing the order of August 30. Stephens thereafter filed the above styled application for interlocutory appeal. Because the certificate of immediate review relied upon by Stephens was not entered within ten days of the order complained of as required under OCGA § 5-6-34 (b), Stephens' application is hereby *dismissed* for lack of jurisdiction. *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973).<sup>1</sup>

*Court of Appeals of the State of Georgia*

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

---

<sup>1</sup>We note that Stephens' assertion that he did not receive a copy of the superior court's disposition until September 25, 2006, is irrelevant for purposes of determining appellate jurisdiction. If the superior court frustrated Stephens' desire to seek immediate review of the order denying his motion to suppress by failing to notify him of its ruling in a timely fashion, Stephens' remedy lies with that court. OCGA § 15-6-21 (c); see generally *Atlantic-Canadian Corp. v. Hammer, Siler, George Assoc., Inc.*, 167 Ga. App. 257 (306 SE2d 22) (1983).

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

ATLANTA,                      NOVEMBER 09, 2006

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

APPLICATION NO.            A07I0070

MARK S. MARANI ET AL V. FULTON COUNTY BOARD OF TAX ASSESSORS

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

93006

2006CV114416

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*            **NOV 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, NOVEMBER 17, 2006

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

APPLICATION NO. A07I0071

THE ATLANTA JOURNAL-CONSTITUTION ET AL V. RICHARD A. JEWELL

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

92006

97VS01228046

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **NOV 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, DEC 14 2006

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

**A07I0071. THE ATLANTA JOURNAL-CONSTITUTION ET AL. v.  
RICHARD A. JEWELL.**

Upon consideration of the applicants' motion for reconsideration of this Court's order denying their application for interlocutory appeal, the motion is DENIED. The respondent's request for sanctions is also DENIED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* DEC 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.*

*Will. L. Martinez*, Clerk.

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:** January 03, 2007

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 **S07C0616**

ATLANTA JOURNAL-CONSTITUTION et al. v. RICHARD A. JEWELL

Clerk, Supreme Court of Georgia

Case No. A0710071

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

Clerk, Court of Appeals of Georgia

sent to SC  
JAN 10 2007

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

ATLANTA,                      NOVEMBER 20, 2006

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

APPLICATION NO.            A07I0072

ROBERT CHEEK V. THE STATE

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

99006

069366842

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*            **NOV 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. 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:** December 05, 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 **S07C0474**

ROBERT CHEEK v. THE STATE

Clerk, Supreme Court of Georgia

Case No. A0710072

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

DEC 05 2006

Clerk, Court of Appeals of Georgia

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

ATLANTA, NOVEMBER 09, 2006

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

APPLICATION NO. A07I0073  
CARL S. MAYS V. TANIA M. SMITH AS SURVIVING SPOUSE OF  
JAMES REUBEN SMITH, DECEASED

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

71006

05EV000105F

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 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. Smith*

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

ATLANTA,                    NOVEMBER 09, 2006

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

APPLICATION NO.        A07I0074  
JIM BREH 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.

95007

069326533

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

# Court of Appeals of the State of Georgia

ATLANTA,

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

**NOV 14 2006**

**A07I0075. ESTATE OF RYAN, Sr., v. SHUMAN.**

Plaintiff Fran Tuttle, as administrator for the estate of Anthony v. Ryan, Sr., seeks immediate review of an order denying the estate's motion for summary judgment in a dispossessory action. In addition to possession of the property at issue here, Tuttle also sought a declaratory judgment as to the validity of any lease or other agreements on which defendant Brad Shuman relies, as well as rescission of any such agreements and damages for tortious interference with Tuttle's fiduciary obligations. Although styled as a mere denial of the plaintiff's motion for summary judgment, the trial court affirmatively ruled that the decedent and Shuman formed a valid, enforceable and easily construed agreement and that Shuman has performed satisfactorily under that agreement. Moreover, the court concluded that if it did not compel the estate to perform under the agreement it would "be a fraud upon the defendant." We conclude that the order complained of is essentially a sua sponte grant of partial summary judgment in favor of Shuman which is directly appealable under OCGA § 9-11-56 (h), as well as a declaratory judgment directly appealable as a final judgment under OCGA § 9-4-2. See *Sunstates Refrigerated Svcs. v. Griffin*, 215 Ga. App. 61, 62 (1) (449 SE2d 858) (1994). "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). Accordingly, Tuttle's application for interlocutory appeal is hereby *granted*.

Tuttle shall have *seven* days from the date of this order to file a notice of appeal in the superior court. OCGA § 44-7-56. 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*

**NOV 14 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.

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

ATLANTA, NOVEMBER 13, 2006

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

APPLICATION NO. A07I0076  
CLINT MCCULLOUGH ET AL V. ULYSSES REYES, 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.

96008  
05V681F

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

**NOV 13 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. Mat... [Signature]*

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

ATLANTA, NOVEMBER 21, 2006

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

APPLICATION NO. A07I0077

BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF GEORGIA , D/B/A  
MEDICAL COLLEGE OF GEORGIA ET AL V. CRAIG BARTON, A MINOR BY AND  
THROUGH BRADY BARTON 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.

90007

2004RCCV1156

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 21 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,                      NOVEMBER 17, 2006

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

APPLICATION NO.            A07I0078  
AUTO-OWNERS INSURANCE COMPANY V. STATE FARM FIRE AND  
CASUALTY COMPANY ET AL

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

91007

04CV20712

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    **NOV 17 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, NOVEMBER 22, 2006

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

APPLICATION NO. A07I0079

IN THE INTEREST OF D.T., A MINOR CHILD V. STATE OF GEORGIA

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

70007

06DL06697

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* NOV 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,                      NOVEMBER 21, 2006

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

APPLICATION NO.            A07I0080

MCG HEALTH, INC., V. CRAIG BARTON, A MINOR, BY AND THROUGH  
BRADY BARTON 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.

90008

2004RCCV1156

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 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,                      NOVEMBER 15, 2006

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

APPLICATION NO.            A07I0081  
WALLACE REAGAN V. ANNALICIA CRONAN ET AL

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

97007

90432

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      NOV 15 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:* NOV 09 2006

**A07I0082. HOWARD WAYE v. CONTINENTAL SPECIAL RISKS INC., ET AL.**

On October 3, 2006, the trial court entered a certificate of immediate review from an order dismissing defendant Continental Special Risks, Inc. On October 27, 2006, applicant Howard Waye filed the instant application for interlocutory appeal. An application for interlocutory review must be filed within ten days after the certificate of immediate review is granted. OCGA § 5-6-34 (b). Since the applicant had only until October 13, 2006 to file the application, it was filed 14 days late. This Court therefore lacks jurisdiction to consider the application which is ordered DISMISSED.

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

NOV 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. Matz*, Clerk.

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

ATLANTA,                    NOVEMBER 29, 2006

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

APPLICATION NO.            A07I0083  
SUNLINK HEALTH SYSTEMS, INC., D/B/A MEMORIAL HOSPITAL OF ADEL  
V. VERA PETTIGREW

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

94007

200543

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      **NOV 29 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.*

*Wili L. Matia*

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

ATLANTA, NOVEMBER 29, 2006

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

APPLICATION NO. A07I0084  
VASCULAR SOLUTIONS, INC., V. MARY PARKER

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

92007

02VS035653C

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 29 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,

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

**A07I0085. CHRISTOPHER DAVIS v. THE STATE.**

Christopher Davis filed this application for interlocutory appeal from the superior court's order denying his motion to dismiss the indictment against him on the basis of OCGA § 16-1-7 (b), which is in substance a denial of a motion for a plea in bar on the basis of double jeopardy. See OCGA § 16-1-8. 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 appeal if the order is subject to direct appeal and the applicant has not otherwise filed a timely notice of appeal. It appears that Davis has not filed a notice of appeal; therefore, the application is hereby GRANTED. Davis shall have ten days from the date of this order to file a notice of appeal in the superior court. The clerk of the superior court is directed to include a copy of this order in the record transmitted to this Court.

*Court of Appeals of the State of Georgia*

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

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

ATLANTA, DECEMBER 04, 2006

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

APPLICATION NO. A07I0086

THE STATE V. DEVON F. JONES

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

71007

93CR18616R

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 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. Martin*

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

ATLANTA,            DECEMBER 04, 2006

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

APPLICATION NO.        A07I0087

REEVES CONSTRUCTION COMPANY ET AL V. DENNIS CRENSHAW ET AL

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

95008

05CV317

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 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,                    DECEMBER 07, 2006

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

APPLICATION NO.            A07I0088  
GWEN MARIE MARTINI V. HOMERO BOLADO, JR.

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

98008

06V945

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

DEC 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.*

*Wili L. Mart* <sup>Clerk.</sup>

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

ATLANTA,                    DECEMBER 08, 2006

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

APPLICATION NO.            A07I0089

GEORGE G. BOWLUS V. THE STATE

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

91008

S2006CR289

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 8 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,                    DECEMBER 13, 2006

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

APPLICATION NO.            A07I0090  
ADVANTAGE FUNDING CORPORATION V. GREAT SOUTHERN  
CONTRACTORS, INC., ET AL

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

70008

06A455705

*Court of Appeals of the State of Georgia*

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

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

ATLANTA,            DECEMBER 07, 2006

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

APPLICATION NO.        A07I0091

ROGER PATRICK RICHARDS V. JACQUELINE ELIZABETH RICHARDS

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

97008

06CV95481

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    **DEC 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]*

# Court of Appeals of the State of Georgia

ATLANTA,

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

DEC 08 2006

**A07I0092. SHIVANIL CO., INC. d/b/a QUICK EXPRESS d/b/a RICK'S COUNTRY STORE et al. v. SSK GAME ENTERPRISES, INC. d/b/a TED'S MUSIC COMPANY.**

Shivanil Co., Inc. seeks interlocutory review from an order denying a motion for summary judgment. The order was filed on October 30, 2006, but the certificate of immediate review was not entered by the clerk of the superior court until November 13, 2006, more than ten days after the entry of the order denying summary judgment.

A party seeking appellate review from an interlocutory order must follow the interlocutory application procedures in OCGA § 5-6-34 (b), and "seek a certificate of immediate review from the trial court, and comply with the time limitations therein." *Scruggs v. Ga. Dept. of Human Resources*, 261 Ga. 587, 589 (1) (408 SE2d 103) (1991). If the certificate of immediate review is not filed within the ten-day period allowed, the party seeking review must wait until entry of final judgment in the matter to appeal the order. Because the certificate of immediate review in this case was not signed by the judge *and* filed with the clerk within ten days as required by OCGA § 5-6-34 (b), this application is untimely and must be DISMISSED. See *Laurens County v. Dixon*, 133 Ga. App. 727 (213 SE2d 26) (1975).

*Court of Appeals of the State of Georgia*

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

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

ATLANTA,            NOVEMBER 30, 2006

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

APPLICATION NO.        A07I0093

COOLRAY HEATING AND COOLING, INC., D/B/A COOLRAY HEATING AND  
AIR ET AL V. LLEASMANY ( JOHNNY ) MERCADO A MINOR, BY AND THROUGH  
HIS NEXT FRIEND BLANCA CAMPOS

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

94008

04A7698

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 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,            DECEMBER 13, 2006

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

APPLICATION NO.        A07I0094

BECK, OWEN & MURRAY ET AL V. WILLIAM RANDY JOHNSON

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

92008

031499534

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    **DEC 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,            DECEMBER 14, 2006

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

APPLICATION NO.        A07I0095  
REDMOND PARK HOSPITAL, INC., D/B/A REDMOND REGIONAL MEDICAL  
CENTER V. MYRA LYNN HAMILTON ET AL

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

99008

05CV37194

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 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.*

*Willie L. Martin*

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

ATLANTA,                    DECEMBER 13, 2006

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

APPLICATION NO.            A07I0096  
REGIONS BANK V. WILLIAM RANDY JOHNSON

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

92009

031499534

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 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. Martin*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **DEC 06 2006**

**A07I0097. GREGG T. SAVAGE v. MICHAEL CARTER ET AL.**

Gregg T. Savage seeks interlocutory review of the trial court's denial of his "Motion to Vacate or Set Aside Default Judgment." The order Savage seeks to appeal was entered in the trial court on November 3, 2006. Savage's certificate of immediate review was file stamped on November 14, 2006. Although it appears that the trial court signed a certificate of immediate review on November 13, 2006, the certificate was not stamp-filed with the clerk of court until November 14, 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). When a certificate of immediate review is not filed with the clerk within ten days, it is untimely and the party must await final judgment in the case before he can obtain review of the interlocutory order or judgment. *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973). Because the certificate of immediate review in this case was not timely filed, this Court lacks jurisdiction to consider Savage's application. Accordingly, this application is ordered DISMISSED

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 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.*

*Will. L. Martin* Clerk.

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

ATLANTA,            DECEMBER 19, 2006

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

APPLICATION NO.        A07I0098

RONALD H. DAVIS ET AL V. CITY OF FORSYTH, GEORGIA

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

95009

2001CV502

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 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.*

*Willie L. Martin*

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

ATLANTA,                    DECEMBER 11, 2006

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

APPLICATION NO.            A07I0099  
CHLOIS LOLLIS V. EDITH E. 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 SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

96009  
2004217

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 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.

*W. L. Matia*

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

ATLANTA,            DECEMBER 12, 2006

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

APPLICATION NO.        A07I0100  
ARNOLD WANDEL V. HOME DEPOT, 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.

98009  
2006CV117491

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    **DEC 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,                    DECEMBER 12, 2006

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

APPLICATION NO.            A07I0101  
CHRISTINA LEVERETT SMITH V. THE STATE

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

90009  
2005F10216

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

**DEC 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,                   DECEMBER 22, 2006

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

APPLICATION NO.           A07I0102  
HEALTH MANAGEMENT ASSOCIATES, INC., D/B/A EAST GEORGIA REGIONAL  
MEDICAL CENTER V. BETTY BAZEMORE

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

91009

1B05CV062

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 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.*

*Willi E. Mat:R*

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

ATLANTA,                    DECEMBER 20, 2006

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

APPLICATION NO.            A07I0103

FOOTHILLS FINANCIAL GROUP, LLC V. JDD HOLDINGS, LLC

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

70009

05A142084

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

*Willi L. Martinez*

# Court of Appeals of the State of Georgia

ATLANTA,

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

DEC 12 2006

**A07I0104. CORA BETT THOMAS v. THE STATE.**

Cora Bett Thomas filed this application for interlocutory appeal from the state court's order denying her Motion for Plea in Bar based upon claims of double jeopardy and collateral estoppel. 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 appeal if the order is subject to direct appeal and the applicant has not otherwise filed a timely notice of appeal. *Spivey v. Hembree*, 268 Ga. App. 485, 486 n. 1 (602 SE2d 246) (2004). It appears that Thomas has not filed a notice of appeal; therefore, the application is hereby GRANTED. Thomas shall have ten days from the date of this order to file a notice of appeal in the state court. The clerk of the state court is directed to include a copy of this order in the record transmitted to this Court.

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

DEC 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,

*The Court of Appeals hereby passes the following order:* **DEC 29 2006**

**A07I0105. JAMES BRANDON OLDFIELD v. THE STATE.**

James Brandon Oldfield seeks interlocutory review from an order denying his motion to suppress. The order that Oldfield seeks to appeal was filed in the trial court on November 9, 2006. A certificate of immediate review was entered on November 27, 2006. To be effective, a certificate of immediate review must be signed and filed within ten days of the entry of the order to which the certificate refers. See OCGA § 5-6-34 (b). In this case, the certificate was not entered until 18 days after the entry of the order sought to be appealed. Thus, the certificate is untimely and this Court lacks jurisdiction to consider this application. Accordingly, the application is ordered DISMISSED.

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **DEC 29 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,            DECEMBER 22, 2006

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

APPLICATION NO.        A07I0106

MARK R. LEE, M.D., V. JAMES GARY NELSON, DDS., ET AL

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

94009

000RCCV663

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 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. Martin*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **JAN 08 2007**

**A07I0107. THOMAS DAVIS v. METROPOLITAN ATLANTA RAPID  
TRANSIT AUTHORITY.**

Thomas Davis filed an application for interlocutory review of the trial court's order denying his motion for partial summary judgment and motion in limine. The trial court order sought to be appealed was filed on November 22, 2006.

Pursuant to OCGA § 5-6-34 (b), a certificate of immediate review must be obtained within 10 days after the entry of the order appealed. While the trial court did sign a certificate of immediate review in a timely fashion, on December 4, 2006, the certificate was not filed until December 5, 2006, rendering it untimely. "[T]he certificate must be filed with the clerk of the trial court or 'entered' within the ten-day period in order to secure immediate review of a non-final judgment; and if the certificate is not entered within the ten-day period, then the party seeking review will merely have to await a final judgment in the case before he can seek a review of interlocutory judgments entered in the trial court." *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973).

Here, the trial court has attempted to remedy the untimely filing of the

certificate of immediate review by entry of an "ORDER NUNC PRO TUNC" which, after acknowledging that the certificate was inadvertently not filed until December 5, 2006, directs the trial court clerk to file the certificate as of December 4, 2006. However, a nunc pro tunc entry is not intended to supply omitted action, but to supply omission in the record of action really had but omitted from the record due to inadvertence or mistake. A nunc pro tunc order cannot be used to supply an action not then taken. Therefore, this attempted use of nunc pro tunc is improper and without legal effect. *Colony Bank Worth v. Caterpillar Financial Services Corporation*, 281 Ga. App. 397, 399 (636 SE2d 119) (2006); *Andrew L. Parks, Inc. v. SunTrust Bank*, 248 Ga. App. 846, 848 (545 SE2d 31) (2001).

Due to the untimely filing of the certificate of immediate review, this Court lacks jurisdiction to consider the application. Accordingly, the application is ordered DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **JAN 08 2007**

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

*The Court of Appeals hereby passes the following order:* **DEC 22 2006**

**A07I0108. RIDDLES v. THE STATE.**

Defendant Hubert Riddles seeks immediate review of an order entered on July 28, 2006, denying his motion to suppress. The superior court certified the matter for immediate review on or about December 1, 2006, noting in its certificate that Riddles was never served with a copy of the order denying his motion. While it is unfortunate that Riddles did not receive timely service, neither this nor any other circumstance serves to extend the ten day time period during which a interlocutory order may be certified for immediate review. OCGA § 5-6-34 (b); see generally *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973). Riddles' application is therefore *dismissed* for lack of jurisdiction.<sup>1</sup>

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 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.*

*Will L. Mat... Clerk.*

---

<sup>1</sup>Riddles is advised that if he still wishes to seek immediate review under these circumstances, he must first pursue the appropriate remedy for the superior court's failure to serve him with the order denying his motion to suppress. See *Atlantic-Canadian Corp. v. Hammer, Siler, George Assoc., Inc.*, 167 Ga. App. 257 (306 SE2d 22) (1983); *Cambron v. Canal Ins. Co.*, 246 Ga. 147, 148-149 (1) (269 SE2d 426) (1980).

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

ATLANTA,            JANUARY    08, 2007

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

APPLICATION NO.        A07I0109  
BRENCOR HICKORY LAKES, LLC, A GEORGIA LIMITED LIABILITY  
COMPANY, ET AL V. AARON E. SPENCE, ET AL

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

95010

041636534

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*        **JAN 08 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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    08, 2007

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

APPLICATION    NO.            A07I0110  
GARY QUEDENS V. TIMOTHY F. WILKERSON, AS CHILD AND AS  
ADMINISTRATOR OF THE ESTATE OF W. FRED WILKERSON ET AL

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

96010

03CV1012

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*    **JAN 08 2007**

*I certify that the above is a true extract from  
the minutes of 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 28 2006**

**A07I0111. JESSE F. ARMISTEAD, JR. v. CLARA KELLEY et al.**

Jesse F. Armistead, Jr. has filed an application for interlocutory review of the trial court's order denying his motion for summary judgment and granting in part the motion for summary judgment filed by Clara Kelley, individually, and as executrix of the estate of Thomas Wayne Kelley. Under OCGA § 9-11-56 (h), the grant of partial summary judgment on any issue or as to any party is reviewable by direct appeal if the notice of appeal is filed within 30 days of the date of the entry of such judgment. *Olympic Dev. Group v. American Druggists' Ins. Co.*, 175 Ga. App. 425 (1) (333 SE2d 622) (1985). Thus, the order at issue is directly appealable and is not subject to the interlocutory review requirements of OCGA § 5-6-34 (b).

This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicant has not otherwise filed a notice of appeal. *Spivey v. Hembree*, 268 Ga. App. 485, 486, n.1 (602 SE2d 246) (2004). The application does not indicate that Armistead filed a notice of appeal.

Accordingly, this application is GRANTED. Armistead shall have ten days from the date of this order to file a notice of appeal with the trial court. The clerk of

the superior court is directed to include a copy of this order in the record transmitted to this Court.

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

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **DEC 29 2006**

**A07I0112. RAMIRO GARCIA CORZA v. THE STATE.**

Ramiro Garcia Corza filed this application for interlocutory appeal seeking review of the superior court's order setting bond. The order was entered October 19, 2006 and the certificate of immediate review was entered November 30, 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). Corza's certificate of immediate review is ineffective because it was entered 42 days after the entry of the judgment he seeks to appeal. This Court therefore lacks jurisdiction and the application is DISMISSED.

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **DEC 29 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. Matia*, Clerk.

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

ATLANTA,            JANUARY    04, 2007

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

APPLICATION NO.        A07I0113  
WILD ADVENTURES, INC. V. LINDA LATHINGHOUSE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that 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

04CV2219

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    **JAN 04 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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:* **JAN 08 2007**

**A07I0114. WARRILOW v. THE STATE.**

**A07I0115. SETTLES v. THE STATE.**

The above styled applicants seek immediate review of separate but otherwise procedurally and substantively similar orders denying their respective motions in limine. The orders submitted by applicants for this court's consideration were each signed on December 5, 2006, and filed with the clerk on December 7, 2006. The certificate of immediate review in Application No. A07I0114, however, makes reference to an order entered on November 1, 2006, while the certificate in Application No. A07I0115 mentions an order entered on December 5, 2006. In neither case, however, does the state court certify any particular "order, decision, or judgment" for immediate review as contemplated under OCGA § 5-6-34 (b). Instead the documents styled as certificates of immediate review each offer identical detailed analyses for the trial court's prior decisions and further

permitting application for interlocutory appeal on the following issues, to wit:

A.

Does the administration of multiple field sobriety test(s) exceed the limitations on the scope of a second tier (Terry stop) encounter if it is found that the defendant was not free to immediately terminate the encounter?

B.

What is the scope of "threshold inquiries" permitted in a second tier (Terry Stop ) traffic stop if it is found that the Defendant is not free to immediately terminate the encounter?

While it is neither unusual nor inappropriate for a trial judge to state matters of concern in the process of certifying a particular order, decision or judgment for immediate review, to be valid the certificate must still conform to the minimal requirements of the interlocutory appeal procedure, OCGA § 5-6-34 (b). The certificates upon which applicants rely here, however, unambiguously discuss specific issues and certify *only* those issues for immediate review. Such limited authorization is insufficient to authorize immediate review.

Our conclusion here should not be misunderstood as one favoring form over substance. For example, if the trial judge had timely certified for immediate review the broadly stated "issue" of whether the court committed reversible error in denying the applicants' respective motions in limine, then this court would have no trouble in treating the certificates as sufficient to authorize the filing of applications for interlocutory appeal within the statutory requirements of OCGA § 5-6-34 (b). In contrast, the certificates relied upon here are too narrowly worded to authorize the type of review contemplated under OCGA § 5-6-34 (b). Because this court is without jurisdiction to entertain "certified questions" from the trial courts and because the trial judge has not otherwise authorized *plenary* review of any order, decision or judgment in either of these cases, the above styled applications are hereby *dismissed* for lack of jurisdiction.

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

JAN 08 2007

I certify that the above is a true extract from  
the minutes of 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:* **JAN 08 2007**

**A07I0114. WARRILOW v. THE STATE.**

**A07I0115. SETTLES v. THE STATE.**

The above styled applicants seek immediate review of separate but otherwise procedurally and substantively similar orders denying their respective motions in limine. The orders submitted by applicants for this court's consideration were each signed on December 5, 2006, and filed with the clerk on December 7, 2006. The certificate of immediate review in Application No. A07I0114, however, makes reference to an order entered on November 1, 2006, while the certificate in Application No. A07I0115 mentions an order entered on December 5, 2006. In neither case, however, does the state court certify any particular "order, decision, or judgment" for immediate review as contemplated under OCGA § 5-6-34 (b). Instead the documents styled as certificates of immediate review each offer identical detailed analyses for the trial court's prior decisions and further

permitting application for interlocutory appeal on the following issues,  
to wit:

A.

Does the administration of multiple field sobriety test(s) exceed the limitations on the scope of a second tier (Terry stop) encounter if it is found that the defendant was not free to immediately terminate the encounter?

B.

What is the scope of "threshold inquiries" permitted in a second tier (Terry Stop ) traffic stop if it is found that the Defendant is not free to immediately terminate the encounter?

While it is neither unusual nor inappropriate for a trial judge to state matters of concern in the process of certifying a particular order, decision or judgment for immediate review, to be valid the certificate must still conform to the minimal requirements of the interlocutory appeal procedure, OCGA § 5-6-34 (b). The certificates upon which applicants rely here, however, unambiguously discuss specific issues and certify *only* those issues for immediate review. Such limited authorization is insufficient to authorize immediate review.

Our conclusion here should not be misunderstood as one favoring form over substance. For example, if the trial judge had timely certified for immediate review the broadly stated "issue" of whether the court committed reversible error in denying the applicants' respective motions in limine, then this court would have no trouble in treating the certificates as sufficient to authorize the filing of applications for interlocutory appeal within the statutory requirements of OCGA § 5-6-34 (b). In contrast, the certificates relied upon here are too narrowly worded to authorize the type of review contemplated under OCGA § 5-6-34 (b). Because this court is without jurisdiction to entertain "certified questions" from the trial courts and because the trial judge has not otherwise authorized *plenary* review of any order, decision or judgment in either of these cases, the above styled applications are hereby *dismissed* for lack of jurisdiction.

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

JAN 08 2007

I certify that the above is a true extract from  
the minutes of 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,                      JANUARY      12, 2007

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

APPLICATION NO.            A07I0116

PEACHTREE/STRATFORD, L. P. V. WOMBLE, CARLYLE, SANDRIDGE &  
RICE, PLLC, ET AL

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

97010

2005CV103053

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 12 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court 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:* **JAN 30 2007**

**A07I0116. PEACHTREE/STRATFORD, L.P. v. WOMBLE, CARLYLE,  
SANDRIDGE & RICE, PLLC, ET AL.**

Peachtree/Stratford, L.P. seeks reconsideration of this Court's January 12, 2007 denial of its application for interlocutory appeal. However, court of Appeals Rule 37 (b) requires motions for reconsideration to be filed within ten days from the rendition of the judgment. Peachtree/Stratford's motion for reconsideration was filed on January 23, 2007 and is thus untimely. Accordingly, the motion for reconsideration is ordered DISMISSED.

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

**JAN 30 2007**

*I certify that the above is a true extract from  
the minutes of 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    16, 2007

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

APPLICATION NO.        A07I0117  
KENNESTONE HOSPITAL, INC. D/B/A WELLSTAR KENNESTONE HOSPITAL  
ET AL V. RONALD E. LAMB 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.

93010

2003CV73931

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*    **JAN 16 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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:* **JAN 08 2007**

**A07I0118. RODNEY RAINES, JR. et al. v. HUGH SMITH et al.**

Deloris Raines and Rodney Raines, Sr. filed a motion to add three defendants to a lawsuit that they had filed on behalf of Rodney Raines, Jr. The trial court denied the motion on November 10, 2006. Thereafter, the Raineses obtained a certificate of immediate review.

To be effective, a certificate of immediate review must be signed and filed within ten days of the entry of the order, decision, or judgment certified for immediate review. See OCGA § 5-6-34 (b). In this case, the certificate of immediate review was not filed within ten days of November 10, 2006, but was filed either on December 11 or December 15, 2006.<sup>1</sup> Therefore, the certificate is untimely, and this Court lacks

---

<sup>1</sup> The application contained a certificate of immediate review signed on December 8, 2006, but that certificate was not a stamped "filed" copy as required by Rule 30 (b) of this Court. The Raineses then submitted a copy of a certificate of immediate review filed and recorded on December 15, 2006, but the date appeared to have been altered. The clerk of superior court faxed a copy of the same certificate of immediate review which showed a filing date of December 11, 2006. No explanation for the discrepancy has been provided.

jurisdiction to consider the application. Accordingly, this application is ordered  
DISMISSED.

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **JAN 08 2007**

*I certify that the above is a true extract from  
the minutes of 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,                    JANUARY    04, 2007

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

APPLICATION    NO.            A07I0119  
MARVIN LEON HAMILTON V. THE STATE

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

92010

06RCCR978

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

**JAN 04 2007**

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

*The Court of Appeals hereby passes the following order:*     **JAN 11 2007**

**A07I0120. JOSEPH G. BAUER ET AL v. MICKEY'S LUMBER & SUPPLY  
CO., INC.**

Joseph G. Bauer and Tracy M. Bauer filed this application for interlocutory appeal from the order denying their motion to dismiss. The trial court entered the order on November 29, 2006 and a certificate of immediate review on December 5, 2006. The application for interlocutory appeal was docketed on December 18, 2006.

An application for interlocutory appeal must be filed within ten days after the certificate of immediate review is granted. OCGA § 5-6-34 (b). See *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973); *Genter v. State*, 218 Ga. App. 311 (460 SE2d 879) (1995); *Bowers v. Price*, 168 Ga. App. 125, 126 (308 SE2d 420) (1983). Because the Bauers did not file their application within ten days of the date the certificate of immediate review was granted, this Court lacks jurisdiction over this application and it is DISMISSED.

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*     **JAN 11 2007**

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

*The Court of Appeals hereby passes the following order:* **JAN 09 2007**

A07I0121. BILL HEARD CHEVROLET, INC. - UNION CITY v. TIMOTHY GREER ET AL .

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

71-010

06C052956

*Court of Appeals of the State of Georgia*  
*Clerk's Office,* **JAN 09 2007**

*I certify that the above is a true extract from  
the minutes of 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,            JANUARY    11, 2007

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

APPLICATION NO.        A07I0122  
TONY HOLLOWAY ET AL V. THE STATE

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

95011

06RCCR453

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **JAN 11 2007**

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

The Honorable Court of Appeals hereby passes the following order:

A07D0127. TONY HOLLOWAY ET AL v. THE STATE

It appearing the DISCRETIONARY application A07D0127 was incorrectly docketed, it is hereby ordered that said application is hereby changed to a INTERLOCUTORY application with a new case number of A07I0122.

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

**DEC 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.*

Clerk.

*Will. L. Martin*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **JAN 11 2007**

**A07I0123. SOUTH FULTON CONCERNED CITIZENS, INC. ET AL. v. THE  
CITY OF ATLANTA, GEORGIA ET AL.**

Upon consideration of the application for interlocutory appeal in this case, the application is DENIED. Upon consideration of the applicants' motion for expedited review, the motion is DENIED as moot.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **JAN 11 2007**

*I certify that the above is a true extract from  
the minutes of 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,                      JANUARY    18, 2007

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

APPLICATION NO.            A07I0124  
DEKALB MEDICAL CENTER, INC., V. NONNIE HAWKINS, AS NEXT FRIEND  
AND NATURAL GUARDIAN OF EMMANUEL HAWKINS, 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.

98011

06A487157

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    **JAN 18 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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    09, 2007

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

APPLICATION NO.        A07I0125

VIBRATECH, INC., V. CYNTHIA LOUISE FROST, AS EXECUTOR OF THE ESTATE  
OF JAMES HOWARD FROST, 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.

90011

05C156682

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*      **JAN 09 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court 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:* **JAN 12 2007**

**A07I0126. TONYA LOUISE ARNETT ET AL. v. THE STATE.**

Tonya Louise Arnett and Cornelius Raleigh Robbins seeks interlocutory review of the trial court's denial of their motion to suppress statements. The order sought to be appealed was entered in the trial court on December 6, 2006. Applicant's certificate of immediate review was file stamped on December 21, 2006. Although it appears that the trial court signed the certificate of immediate review on December 12, 2006, the certificate was not stamped "filed" with the clerk of court until December 21, 2006.

A certificate of immediate review is ineffective unless entered, that is, filed with the clerk, within ten days after entry of the order sought to be appealed. OCGA § 5-6-34 (b); *Van Schallern v. Stanco*, 130 Ga. App. 687 (204 SE2d 317) (1974). When a certificate of immediate review is not entered during the ten-day period following entry of the order sought to be appealed, it is untimely and the party must wait until final judgment is entered before an appeal is allowed. Because the certificate of immediate review in this case was not timely filed, this Court lacks jurisdiction to consider the application. Accordingly, this application is ordered DISMISSED.

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **JAN 12 2007**

*I certify that the above is a true extract from  
the minutes of 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,            JANUARY    23, 2007

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

APPLICATION NO.        A07I0127  
GULABBEN KARSANBHAI PATEL, D/B/A DUNES INN & SUITES V.  
ISAAC S. WEST, III

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

97011

STCV0503126

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*        **JAN 23 2007**

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

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

Clerk.

*Will. L. Martin*

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

ATLANTA,                    JANUARY    17, 2007

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

APPLICATION    NO.            A07I0128  
CARL HOWARD SMITTICK V. EMMA JEAN ELLIOTT

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

93011

06CV1134

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 17 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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    19, 2007

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

APPLICATION NO.        A07I0129

JOSEPH W. DEHAVEN, M.D., V. BRENDA ANDERSON, A LEGAL  
GUARDIAN OF MATTHEW ANDERSON

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

94011

STCV0502114

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*      **JAN 19 2007**

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

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

*Will. Clerk. Mat. J.*

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:** February 01, 2007

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 **S07C0766**

JOSEPH W. DEHAVEN, M.D. v. BRENDA ANDERSON, A LEGAL GUARDIAN OF  
MATTHEW ANDERSON

Clerk, Supreme Court of Georgia

Case No. A07I0129

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

FEB 08 2007

Clerk, Court of Appeals of Georgia

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **JAN 18 2007**

**A07I0130. EDWARD HASTIPOGLU v. THE STATE.**

Edward Hastipoglu moved for discharge and acquittal based on purported violations of his constitutional and statutory rights to a speedy trial. The trial court denied Hastipoglu's motion to dismiss on December 13, 2006 and granted a certificate of immediate review on December 18, 2006. Hastipoglu then filed a timely application for interlocutory review on December 28, 2006.

Although an order overruling a plea in bar based on the alleged violation of the right to a speedy trial is interlocutory since the case remains pending in the trial court, such order is directly appealable. *Callaway v. State*, 275 Ga. 332 (567 SE2d 13) (2002). This Court will grant a timely application for interlocutory review if the order at issue 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). There is no indication that Hastipoglu has filed a notice of appeal. Accordingly, this application is GRANTED.

Hastipoglu shall have ten days from the date of this order to file a notice of appeal. See OCGA § 5-6-35 (g). The clerk of the superior court is instructed to include a copy of this order in the appeal record transmitted to this Court.

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **JAN 18 2007**

*I certify that the above is a true extract from  
the minutes of 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,                      JANUARY    12, 2007

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

APPLICATION NO.            A07I0131

KAIROS PEACHTREE ASSOCIATES, LLC., F/K/A RCI PEACHTREE  
ASSOCIATES, LLC V. CONSTANTIN PAPADOPOULOS

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

99011

05VS081720D

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 12 2007**

*I certify that the above is a true extract fromd  
the minutes of 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:* **JAN 22 2007**

**A07I0132. DONALD R. YOUNG II ET AL. v. DAVID RONDELL BARRETT  
ET AL.**

Donald R Young II and Janice Young seek interlocutory review of the trial court's transfer of this action for damages to the State Court of Cobb County. The application contains a transfer order entered November 30, 2006, and a certificate of immediate review entered December 19, 2006. The application does not contain a denial of a motion for reconsideration referenced in the application, or any further order of the trial court. The order to be appealed must be included in the application pursuant to Court of Appeals Rule 30 (b).

And, a certificate of immediate review is ineffective unless entered, that is, filed with the clerk of the trial court, within ten days after entry of the order appealed from. OCGA § 5-6-34 (b); *Van Schallern v. Stanco*, 130 Ga. App. 687 (204 SE2d 317) (1974). When a certificate of immediate review is not filed with the clerk within ten days, it is untimely and the party must await final judgment in the case before review of the interlocutory order or judgment may be obtained. *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973).

Here, the certificate of immediate review fails to clearly designate the order intended to be certified for immediate review. Either the certificate of immediate review was not timely filed with respect to the order entered November 30, 2006, or if applicants intended to seek review of the denial of motion for reconsideration, they have failed to include that order in the application as required by Court of Appeals Rule 30 (b). In either instance, this Court lacks jurisdiction to consider the application, which is accordingly ordered DISMISSED.

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **JAN 22 2007**

*I certify that the above is a true extract from  
the minutes of 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, JAN 29 2007

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

**A07I0133. TATE v. ATAKORA.**

Patrick Atakora brought suit against applicant Ernest N. Tate based on Tate's alleged role as a co-conspirator in a scheme to defraud Atakora of his share of a \$90 million Georgia "Big Game" jackpot. Prior to the completion of discovery, Tate moved for summary judgment based on judicial estoppel, res judicata and estoppel by agreement. The motion was denied by order entered on December 12, 2006. On December 21 a certificate of immediate review purporting to be from the trial judge, Judge Fred Eady, was signed by the court's administrator, Stefani R. Searcy, "with express permission from Judge Eady." Tate now seeks an interlocutory appeal based on this certificate. Court of Appeals Rule 30 (b), however, 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." Because the certificate of immediate review relied upon by Tate does not contain a signature of the trial judge within the meaning of Court of Appeals Rule 30 (b), his application for interlocutory appeal is hereby *dismissed* as unauthorized.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JAN 29 2007

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

, Clerk.

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

ATLANTA,                      JANUARY      26, 2007

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

APPLICATION NO.            A07I0134

DARCY FULLER V. THE STATE

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

96012

SU06CR1429

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      **JAN 26 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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, 2007

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

APPLICATION NO.            A07I0135  
ABBY MCCULLOUGH V. BRITTANY ABSTON ET AL

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

98012

05A034419

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      **JAN 24 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court 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,                    JANUARY    25, 2007

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

APPLICATION NO.            A07I0136

FAYETTE COUNTY, GEORGIA ET AL V. HEALTHSOUTH HOLDINGS, 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.

90012

2005V0612

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 25 2007**

*I certify that the above is a true extract fromd  
the minutes of 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 01, 2007

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

APPLICATION NO.            A07I0137  
WELLSTAR HEALTH SYSTEM, INC., D/B/A WELLSTAR KENNESTONE  
HOSPITAL V. MICHAEL PAINTER

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

91012

06A12153

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      FEB 01 2007

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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:*      **JAN 25 2007**

**A07I0138. KRISTOPHER BRIAN HONEA v. THE STATE.**

Kristopher Brian Honea seeks interlocutory review of the trial court's denial of his motion in limine to exclude chemical testing. The order Honea seeks to appeal was entered in the trial court on December 7, 2006. Honea's certificate of immediate review was filed on December 21, 2006.

A certificate of immediate review is ineffective unless entered, that is, filed with the trial court clerk, within ten days after entry of the order or judgment appealed from. OCGA § 5-6-34 (b); *Van Schallern v. Stanco*, 130 Ga. App. 687 (204 SE2d 317) (1974). When a certificate of immediate review is not filed with the clerk within ten days, it is untimely and the party must await final judgment in the case before he can obtain review of the interlocutory order or judgment. *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973). Because the certificate of immediate review in this case was not timely filed, this Court lacks jurisdiction to consider Honea's application. Accordingly, this application is ordered **DISMISSED**.

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*      **JAN 25 2007**

*I certify that the above is a true extract from  
the minutes of 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,                      FEBRUARY 08, 2007

*The Court of Appeals passed the following order*

Case No. A07I0138

KRISTOPHER BRIAN HONEA V. THE STATE

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

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    FEB 08, 2007*

*I certify that the above is a true extract from  
the minutes of 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 02, 2007

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

APPLICATION NO. A07I0139  
STEVEN CRAIG DANIEL 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.

97012

05CR0314

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* FEB 02 2007

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

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

Clerk.

*Will. L. Martin*

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

ATLANTA,                      FEBRUARY 02, 2007

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

APPLICATION NO.            A07I0140  
KRISTIN GRANT DANIEL 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  
05CR0314

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*            FEB 02 2007

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

JAN 30 2007

**A07I0141. ROY SMITHBERG v. JOHAN HEINZ LINDEMAN**

Roy Smithberg, Lynn Smithberg, Dennis Barr, Stanley E. Strickland, C. Ansley Williams, and others similarly situated, filed this application for interlocutory appeal seeking review of the trial court's order granting in part and denying in part motions for summary judgment filed by plaintiffs and defendants. Under OCGA § 9-11-56 (h), the grant of partial summary judgment on any issue or as to any party is reviewable by direct appeal if the notice of appeal is filed within 30 days of the date of the entry of such judgment. *Olympic Dev. Group v. American Druggists' Ins. Co.*, 175 Ga. App. 425 (1) (333 SE2d 622) (1985). Thus, the order at issue is directly appealable and is not subject to the interlocutory review requirements of OCGA § 5-6-34 (b).

This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicant has not otherwise filed a notice of appeal. *Spivey v. Hembree*, 268 Ga. App. 485, 486, n.1 (602 SE2d 246) (2004). In this case, however, a timely notice of appeal and notice of cross appeal have been filed. Accordingly, this application is DISMISSED.

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

JAN 30 2007

*I certify that the above is a true extract from  
the minutes of 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,                    JANUARY    31, 2007

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

APPLICATION NO.            A07I0142

ALLSTATE INSURANCE COMPANY V. SHARON SUTTON ET AL

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

94012

2005CV104737

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 31 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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      31, 2007

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

APPLICATION NO.            A07I0143  
PJ SERVICES, INC., V. SHARON SUTTON ET AL

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

94013  
2005CV104737

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 31 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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, FEB 07 2007

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

**A07I0144. RAY D. GRIGGS v. JUANITA FLETCHER et al.**

Ray D. Griggs filed this application for interlocutory appeal to seek review of an order by the superior court that denied his motion for reconsideration and declined to quash a jury demand. That order was entered on December 22, 2006, and the certificate of immediate review was filed 12 days later on January 3, 2007.

A certificate of immediate review is ineffective unless entered, i.e., filed with the clerk, within ten days after the entry of the order, decision or judgment sought to be appealed. OCGA § 5-6-34 (b); *Van Schallern v. Stanco*, 130 Ga. App. 687 (204 SE2d 317) (1974). The certificate that was entered on January 3, 2007 was untimely, even allowing for the fact that January 1, 2007, was a legal holiday. Consequently, Griggs's untimely application for interlocutory appeal must be DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* FEB 07 2007

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

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

*Will. L. Martinez*

, Clerk.

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

ATLANTA,            JANUARY    24, 2007

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

APPLICATION NO.            A07I0145

BURNICE L. BARNUM, AS THE ADMINISTRATOR OF THE ESTATE OF  
JIMMIE L. BARNUM V. COASTAL HEALTH SERVICES, INC., A GEORGIA  
CORPORATION, D/B/A WAYCRSS HEALTH AND REHABILITATION CENTER

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

99011

S03V006

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 24 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court 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,                      FEBRUARY 09, 2007

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

APPLICATION NO.            A07I0146  
HOLMES & COMPANY OF ORLANDO V. DAVID CARLISLE

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

99012

05S01191

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

FEB 09 2007

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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,            FEBRUARY 09, 2007

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

APPLICATION NO.        A07I0147  
BONIFACIO MENDOZA ALCON A/K/A ALCON B. MENDOZA V. DAVID  
CARLISLE 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.

99013

05S01191

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*        **FEB 09 2007**

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

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

*Clerk.*

*Will L. Martin*

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

ATLANTA,            FEBRUARY 06, 2007

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

APPLICATION NO.        A07I0148  
TIMOTHY SPACHT ET AL V. DR. WENDY A. TROYER 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.

71012  
06CV41044

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*        **FEB 06 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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,            FEBRUARY 09, 2007

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

APPLICATION NO.        A07I0149

JULIE ANN ROBINSON ET AL V. RALPH K. ROBINSON

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

95013

20064476

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 09 2007**

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

*The Court of Appeals hereby passes the following order:* FEB 08 2007

**A07I0150. DECISION ONE MORTGAGE COMPANY LLC v. NORMAN LEE  
YATES, JR. et al.**

Decision One Mortgage Company LLC filed this application for interlocutory appeal to seek review of a discovery order on its motion to compel discovery and to obtain attorney fees. The order was entered on December 21, 2006 and the certificate of immediate review was filed on January 5, 2007.

A certificate of immediate review is ineffective unless entered, i.e., filed with the clerk, within ten days after the entry of the judgment, order, or decision sought to be appealed. OCGA § 5-6-34 (b); *Van Schallern v. Stanco*, 130 Ga. App. 687 (204 SE2d 317) (1974).

Here, the certificate of immediate review was not filed until January 5, 2007, 15 days after the entry of the order at issue. Notwithstanding Decision One's contention that the holidays for Christmas and New Year's and the National Day of Mourning for President Gerald R. Ford extended the time for filing a certificate, Decision One's certificate was not timely. The tenth day from December 21, 2006 was December 31. Because December 31 fell on a Sunday and January 1, 2007 was a holiday, Decision One would have had until Tuesday, January 2, 2007, to file the certificate. Even recognizing that January 2 was a National Day of Mourning, Decision One did not file its certificate until January 5, 2007. Decision One's failure

to obtain and file a timely certificate deprives this Court of jurisdiction.  
Consequently, Decision One's application is ordered DISMISSED.

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

FEB 08 2007

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

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

*Will. L. Martin*, Clerk.

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

**ATLANTA,                      FEBRUARY 07, 2007**

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

APPLICATION NO.            A07I0151

HOLDER PROPERTIES, INC., ET AL V. CHRISTINE BOGDANSKI

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

90013

04VS064922

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 07 2007**

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

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

*Will. L. McIntosh* Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* FEB 09 2007

**A07I0152. FORD, et al. v. PEACHTREE RESIDENTIAL PROPERTIES.**

Michael E. and Theresa Ford seek immediate review of an order entered on December 21, 2006, granting an order to compel arbitration. The certificate of immediate review relied upon by the Fords was not issued by the superior court until January 3, 2007, 13 days after entry of the order referenced in the certificate. The Fords assert in their application that "December 25, 2006, January 1, 2007, and January 2, 2007 were National Holidays." While it is true that post offices and other federal offices were closed on January 2 by executive order as a mark of respect for former president Gerald R. Ford, OCGA § 1-4-1 only permits the recognition of those federal holidays "which have been designated *as of January 1, 1984*, as public and legal holidays by the federal government." (Emphasis supplied.) Since January 2, 2007, was not a recognized and observed holiday under OCGA § 1-4-1, it follows that January 2 was the last date on which the Fords could secure a timely certificate of immediate review from the order filed on December 21, 2006. Because the certificate of immediate review relied upon here was not timely filed as required under OCGA § 5-6-34 (b), the Fords' application for interlocutory appeal is *dismissed* for lack of jurisdiction.

Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta FEB 09 2007

*I certify that the above is a true extract from  
the minutes of 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, 2007

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

APPLICATION NO.            A07I0153  
NEWTON COUNTY GEORGIA ET AL V. EAST GEORGIA LAND  
AND DEVELOPMENT COMPANY, L.L.C.

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

70013

9722853

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*            **FEB 08 2007**

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

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:** February 27, 2007

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 **S07C0872**

NEWTON COUNTY GEORGIA et al. v. EAST GEORGIA LAND AND DEVELOPMENT COMPANY, L.L.C.

Clerk, Supreme Court of Georgia

Case No. A07I0153

Court of Appeals of Georgia

**MAR 02 2007**

Notice of Petition for Certiorari

filed in office

Clerk, Court of Appeals of Georgia

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

ATLANTA,                      FEBRUARY 16, 2007

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

APPLICATION NO.            A07I0154  
BERNARD MITCHELL V. THE STATE

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

93013

2003SC07065

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 16 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court 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,            MARCH            12, 2007

*The Court of Appeals passed the following order*

Case No. A07I0154

BERNARD MITCHELL V. THE STATE

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

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    MAR 12, 2007*

*I certify that the above is a true extract from  
the minutes of 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: March 29, 2007**

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 **S07C1029**

**BERNARD MITCHELL v. THE STATE**

Clerk, Supreme Court of Georgia

Case No. A0710154

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,            FEBRUARY 15, 2007

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

APPLICATION NO.        A07I0155  
THE CITY OF JACKSON ET AL V. JOHNNY BENNETT

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

92013

05V47

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*        **FEB 15 2007**

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

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

Clerk.

*Will. L. Martin*

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

ATLANTA,            FEBRUARY 06, 2007

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

APPLICATION NO.        A07I0156  
JAMES DAVID MILUM V. MARCIE KREAGER

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

93014

03SC0325

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 06 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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,                      FEBRUARY 19, 2007

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

APPLICATION NO.            A07I0157  
BRENDA M. DOOLITTLE V. JAMES E. BEASLEY

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

71013

2006D0956

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*      **FEB 19 2007**

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

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:** February 28, 2007

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 **S07C0892**

BRENDA M. DOOLITTLE v. JAMES E. BEASLEY

Clerk, Supreme Court of Georgia

MAR 02 2007

Case No. A0710157

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,                      FEBRUARY 15, 2007

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

APPLICATION NO.            A07I0158  
KIM SCHUESSLER V. JOHNNY BENNETT

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

92014

05V47

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*    **FEB 15 2007**

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

**JAN 25 2007**

**A07I0159. EARTHLINK, INC. v. DEBORAH EAVES et al.**

Earthlink, Inc. filed this application for interlocutory appeal seeking review of the trial court's order granting Deborah Eaves, William O'Hara, and David Tegart's motion for class certification, denying Earthlink's motion for judgment on the pleadings as to the nationwide class action allegations, denying Earthlink's motion to exclude portions of the rebuttal report of Dr. Allen Rosenfield, and denying Earthlink's motion for leave to file a counterclaim. However, a trial court's order certifying a class is directly appealable in the same manner as a final order. OCGA § 9-11-23 (g). This Court will grant a timely application for interlocutory review if the order at issue 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). There is no indication that Earthlink has filed a notice of appeal. Accordingly, this application is GRANTED.

Earthlink shall have ten days from the date of this order to file a notice of appeal. See OCGA § 5-6-35 (g). The clerk of the superior court is instructed to include a copy of this order in the appeal record transmitted to this Court.

With its application Earthlink also filed a motion to seal material in the record. Pursuant to Court of Appeals Rule 18 (b), any records delivered to this Court from the

trial court and sealed by the trial court, shall remain sealed until a motion is made to unseal the record and/or the record is unsealed by this Court.

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

**JAN 25 2007**

*I certify that the above is a true extract from the minutes of 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,                      FEBRUARY    08, 2007

*The Court of Appeals passed the following order*

Case No. A07I0159

EARTHLINK, INC., V. DEBORAH EAVES ET AL

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

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    FEB 08, 2007*

*I certify that the above is a true extract from  
the minutes of 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, OCT 25 2007

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

**A08A0430. EARTHLINK, INC. v. EAVES, et al.**

On January 25, 2007, this court granted an application for appeal filed by Earthlink, Inc., on the sole ground that the order complained of in the application is otherwise subject to direct appeal as a final order granting class certification under OCGA § 9-11-23 (g). See *Spivey v. Hembree*, 268 Ga. App. 485, 486 n. 1 (602 SE2d 246) (2004). On February 1, 2007, Earthlink filed two notices of appeal – one purporting to be a direct appeal from the class certification order and the other an “interlocutory” appeal from the same order. The procedure described in *Spivey* has been adopted by this court to ensure that an applicant is not effectively penalized for mistakenly asking permission to take an appeal from what is otherwise an order appealable as a matter of right. Earthlink has attempted to take advantage of this remedial measure in order to file two appeals from the same order. The Court will not allow Earthlink to pursue multiple appeals in this manner. Because Earthlink has elected to file a timely direct appeal from the order complained of in Application No. A07I0159, our order granting that application is *vacated* and the application is *dismissed* as superfluous. The Clerk shall disregard the notice of appeal filed in response to the granting of Earthlink’s interlocutory appeal.<sup>1</sup>

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* OCT 25 2007

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

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

*Willi Z. Mant*, Clerk.

---

<sup>1</sup>Earthlink is further advised that since this is not an appeal from a granted application the filing fee required under OCGA § 5-6-4 must be paid at the time its original brief is submitted.

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

ATLANTA,                      FEBRUARY    13, 2007

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

APPLICATION    NO.                      A07I0160

AQUAFIL USA, INC V. JIMMY DON CRANE, D/B/A CRANE GRADING

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

96014

06CV1295

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*    **FEB 13 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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 19 2007

**A07I0161. SCOTTY WADE FINCHER v. THE STATE.**

Scotty Wade Fincher seeks interlocutory review of the trial court's denial of his motion to suppress certain physical evidence. The order sought to be appealed was entered in the trial court on January 8, 2007. The accompanying certificate of immediate review, however, was file-stamped on January 26, 2007, and so was not filed with the clerk within ten days of January 8, 2007.

A certificate of immediate review is ineffective unless entered, that is filed with the clerk, within ten days of the entry of the order sought to be appealed. OCGA § 5-6-34 (b); *Van Schallern v. Stanco*, 130 Ga. App. 687 (204 SE2d 317) (1974).

When a certificate of immediate review is not entered within the ten-day period, it is untimely and the party must wait until the final judgment is entered to file an appeal. In the absence of a timely filed certificate, this Court lacks jurisdiction to consider the application. Accordingly, the application is ordered DISMISSED.

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

FEB 19 2007

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

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

*Will L. Martin*, Clerk.

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

ATLANTA,                      FEBRUARY 12, 2007

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

APPLICATION NO.            A07I0162  
HAYWOOD SMITH ET AL V. VICKIE STEWART

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

90014  
04SV1137D

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*            **FEB 12 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court 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,                      FEBRUARY 28, 2007

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

APPLICATION NO.            A07I0163  
HELEN YVETTE PERKINS 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.

91014

06SUCR422

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

**FEB 28 2007**

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

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

ATLANTA,                      FEBRUARY 21, 2007

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

APPLICATION NO.            A07I0164

DONALD R. YOUNG II ET AL V. DAVID RONDELL BARRETT ET AL

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

70014

05CV0833X

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 21 2007**

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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,            MARCH            05, 2007

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

APPLICATION NO.        A07I0165  
VANCE R. MARTIN ET AL V. MICHAEL HAMILTON

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

97014

05CV608

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    **MAR 05 2007**

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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, MARCH 01, 2007

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

APPLICATION NO. A07I0166  
JOHN S. VAUGHN V. JAMES SCOTT BLAND

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

94014  
06CV077

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **MAR 01 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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,                      FEBRUARY 16, 2007

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

APPLICATION NO.            A07I0167  
JAMES P. BURKE, P.E. V. DAVID PAUL 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.

99014

STCV0601645

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*            **FEB 16 2007**

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

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

Clerk.

*Will L. Martin*

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

**ATLANTA,                    FEBRUARY 23, 2007**

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

APPLICATION NO.            A07I0168

CDP EVENT SERVICES, INC V. JOHN CAREY ATCHESON 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.

71014

2004VS074375

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta    FEB 23 2007*

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

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

*Clerk.*

*Will L. Martin*

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

**ATLANTA,                      FEBRUARY 28, 2007**

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

APPLICATION NO.            A07I0169  
STEPHANIE SPAETH V. THE STATE

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

95015

06B17945

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta    **FEB 28 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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,            FEBRUARY 26, 2007

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

APPLICATION NO.        A07I0170

FIDELITY AND DEPOSIT COMPANY OF MARYLAND ET AL V. SKIDAWAY  
HEALTH AND LIVING SERVICES, INC.

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

96015

2006CV122710

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*      **FEB 26 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 23, 2007**

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

APPLICATION NO.            A07I0171  
IN THE INTEREST OF R.E.H., A CHILD

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

98015

06JV327

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 23 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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 08, 2007

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

APPLICATION NO. A07I0172  
GREYHOUND LINES, INC., V. LAURA WILLIAMS

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

90015

2005RCCV540

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

**MAR 08 2007**

*I certify that the above is a true extract fromd  
the minutes of 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            08, 2007

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

APPLICATION NO.            A07I0173

TIMOTHY PAUL WELDON ET AL V. ELSIE WARD, IN HER RIGHTS AS  
WIDOW OF DECEDENT MACK WARD ET AL

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

91015

06CV2094

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 08 2007**

*I certify that the above is a true extract fromd  
the minutes of 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            02, 2007

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

APPLICATION NO.        A07I0174  
HUBERT RIDDLES V. THE STATE

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

70015

06CR05

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    **MAR 02 2007**

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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. Martinez*

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

ATLANTA,                    FEBRUARY 28, 2007

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

APPLICATION NO.            A07I0175  
SANTOS PAUL BRUZON V. THE STATE

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

95016

06B17945

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 28 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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, MARCH 05, 2007

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

APPLICATION NO. A07I0176

JOHN BENJAMIN STEWART, III., ET AL V. HOWARD E. JOHNSON

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

97015

03CV063

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 05 2007**

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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. Martin*

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

ATLANTA, MARCH 08, 2007

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

APPLICATION NO. A07I0177  
NATIONAL BUILDING MAINTENANCE SPECIALISTS, INC., ET AL V.  
CASSAUNDRAY HAYES

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

93015

06A471035

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 08 2007**

*I certify that the above is a true extract fromd  
the minutes of 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 23, 2007**

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

APPLICATION NO.            A07I0178

FRANKIE LEE SUTTON A/K/A FRANK L. SUTTON V. STACEY JUSTISS, AS  
MOTHER AND NATURAL GUARDIAN OF CODY ALLEN CERSEY, A MINOR

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

94015

2005C090198

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 23 2007**

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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, MARCH 14, 2007

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

APPLICATION NO. A07I0179  
JASON MILLS V. LAURA PETERS ET AL

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

92015

06VS098055

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **MAR 14 2007**

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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,                    MARCH                    06, 2007**

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

APPLICATION NO.            A07I0180  
CYNTHIA KING BROWN V. RYAN KEITH RAPOZA

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

99015  
06CV981

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*    **MAR 06 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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 05, 2007

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

APPLICATION NO. A07I0181

BRIAN RICHARD PECHIN ET AL V. HALBERT M. LOWDER, JR., ET AL

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

71015

06C0988255

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

**MAR 05 2007**

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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, MARCH 16, 2007

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

APPLICATION NO. A07I0182

SAMUEL T. RAWLS, M.D., ET AL V. LASHAWNDA FOREMAN ET AL

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

96016

CE0600734063

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 16 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court 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,            MARCH            14, 2007

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

APPLICATION NO.        A07I0183  
ALINE J. CABREL V. RAMONA LUM ET AL

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

98016

2000V1085

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

**MAR 14 2007**

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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, MARCH 20, 2007

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

APPLICATION NO. A07I0184

BENJAMIN S. WILLIAMS & ASSOCIATES, LLC V. ZOHREH LORESTANI

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

90016

05VS089516

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 20 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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 06 2007**

**A07I0185. EDGAR ALLEN FENNELL v. THE STATE.**

Edgar Allen Fennell seeks immediate review of an order entered January 9, 2007, denying his motion to suppress. The superior court certified the matter for immediate review on February 6, 2007, noting in its certificate that Fennell was not notified of the denial of the motion to suppress until the district attorney served him on January 30, 2007. While it is unfortunate that Fennell did not receive timely service, neither this nor any other circumstance serves to extend the 10-day time period during which an interlocutory order may be certified for immediate review. OCGA § 5-6-34 (b); see generally *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973). Fennell's application is therefore *dismissed* for lack of jurisdiction.<sup>1</sup>

Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta **MAR 06 2007**

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

---

<sup>1</sup>Fennell is advised that if he still wishes to seek immediate review under these circumstances, he must first pursue the appropriate remedy for the defect in the service of the order denying his motion to suppress. See *Atlantic- Canadian Corp. v. Hammer, Siler, George Assoc., Inc.*, 167 Ga. App. 257 (306 SE2d 22) (1983); *Cambron v. Canal Ins. Co.*, 246 Ga. 147, 148-149 (1) (269 SE2d 426) (1980).

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

ATLANTA,            MARCH            19, 2007

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

APPLICATION NO.        A07I0186  
JOSEPH EDWARD MAY V. THE STATE

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

70016

2005FE615

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*        **MAR 19 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court 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:* **MAR 05 2007**

A07I0187. THE HANOVER INSURANCE COMPANY v. AUDREY LYNN BELL.

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

97-016

2006CV122020

*Court of Appeals of the State of Georgia*  
*Clerk's Office,* **MAR 05 2007**

*I certify that the above is a true extract from  
the minutes of 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, 2007

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

APPLICATION NO. A07I0188  
KRISTOPHER BRIAN HONEA V. THE STATE

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

93016

05B43867

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 21 2007**

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the minutes of the Court of Appeals of Georgia*

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

*Will. L. Martinez*

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

ATLANTA, MARCH 16, 2007

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

APPLICATION NO. A07I0190  
CHURCH OF GREATER WORKS INTERNATIONAL, INC., V.  
JADA FOXWORTH 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 OVERRIDE m.b.u is directed to include a copy of this order in the record transmitted to the Court of Appeals.

92016

05VS086723H

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 16 2007**

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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. Martin*

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

ATLANTA, MARCH 16, 2007

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

APPLICATION NO. A07I0191  
DEBORAH STILL BURTON V. THE STATE

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

99016

06CR0363

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

**MAR 16 2007**

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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, MARCH 28, 2007

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

APPLICATION NO. A07I0192  
EAST COAST TERMINAL, ET AL V. EUGENE CARTER ET AL

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

71016

STCV0502299

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAR 28 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, MARCH 16, 2007

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

APPLICATION NO. A07I0193

CALEB F. DODDS V. THE STATE

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

95017

2006SC15482

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

**MAR 16 2007**

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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,

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

MAR 16 2007

## **A07I0194. STUBBS & ASSOCIATES LEGAL SERVICES, P.C. v. PICKLE.**

Stubbs & Associates Legal Services, P.C. filed this timely application for interlocutory appeal to seek review of an order directing judgment for Brandon Pickle for a specified sum. The trial court directed entry of a final judgment and expressly determined there was no just reason for delay. See OCGA § 9-11-54 (b). No provision of OCGA § 5-6-35 (a) is applicable to this case and the order at issue is directly appealable. See *Culwell v. Lomas & 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). Because the order complained of here is subject to direct appeal, the application for appeal is GRANTED.

Stubbs & Associates shall have ten days from the date of this order to file a notice of appeal in the superior court, provided that it has not otherwise already filed a timely notice of appeal. The clerk of superior court is directed to include a copy of this order in the record transmitted to this Court.

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

MAR 16 2007

*I certify that the above is a true extract from  
the minutes of 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 22, 2007

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

APPLICATION NO. A07I0195

FIRST AMERICAN TITLE INSURANCE COMPANY V. DAVID MARSHALL

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

98017

2003CV72109

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 22 2007**

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

**APR 02 2007**

**A07I0196. BEN JOHNSON v. THE STATE.**

Ben Johnson seeks interlocutory review of the trial court's February 15, 2007, order denying his motion to suppress. Court of Appeals 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." The certificate of immediate review relied upon by Johnson displays a stamp of the judge's signature in the judge's signature line. Because the certificate of immediate review does not contain a signature of the trial court judge within the meaning of Court of Appeals Rule 30 (b), the application for interlocutory review is ordered DISMISSED as unauthorized.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 02 2007**

*I certify that the above is a true extract from  
the minutes of 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, APRIL 06, 2007

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

APPLICATION NO. A07I0197  
FOOD LION, LLC, V. GLORIA WALKER

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

91017  
05CV362

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* APR 06 2007

*I certify that the above is a true extract fromd  
the minutes of 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, MARCH 30, 2007

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

APPLICATION NO. A07I0198

JAMES M. ADAMS III ET AL V. DUGALD STEWART

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

70017

06CV309

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 30 2007**

*I certify that the above is a true extract fromd  
the minutes of 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, MARCH 27, 2007

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

APPLICATION NO. A07I0199  
PAUL WENDELKEN ET AL V. ROC ENTERPRISES, INC.

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

97017

SU05CV303

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 27 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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, 2007

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

APPLICATION NO. A07I0200  
PAUL WENDELKEN ET AL V. JENK LLC

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

97018

SU05CV242

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 27 2007**

*I certify that the above is a true extract fromd  
the minutes of 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, MARCH 23, 2007

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

APPLICATION NO. A07I0201  
SCOTTY WADE FINCHER V. THE STATE

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

93017

2005CR298

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

**MAR 23 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court 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,            MARCH            26, 2007

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

APPLICATION NO.        A07I0202  
MICHAEL SOMESSO 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.

94017

R05H162

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    **MAR 26 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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            29, 2007

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

APPLICATION NO.        A07I0203  
TRAVIS J. WALLACE V. THE STATE

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

92017

2006FE0435

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 29 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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 04, 2007

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

APPLICATION NO. A0710204  
MEADOWS, ICHTER & BOWERS, P.C. ( F/K/A MEADOWS, ICHTER &  
TRIGG, P.C. ) ET AL V. BETSY VANCE PETERZELL

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

99017

05A110415

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 04 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, APRIL 02, 2007

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

APPLICATION NO. A07I0205  
THE LEVIN COMPANY, INC., D/B/A WONDERFUL WORLD OF CHILDREN  
V. KAREN WALKER 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.

71017

00VS004013

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **APR 02 2007**

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

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

*W. L. Martin*  
Clerk.

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

ATLANTA, MARCH 30, 2007

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

APPLICATION NO. A0710206  
RYAN ROSHAWN DAVIS V. THE STATE

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

95018

05B52318

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 30 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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 05, 2007

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

APPLICATION NO. A07I0207  
OWNERS INSURANCE COMPANY V. RIVER PLACE HOMEOWNERS  
ASSOCIATION, INC., ET AL

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

96018

041184140

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* APR 05 2007

*I certify that the above is a true extract from  
the minutes of 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 28, 2007

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

APPLICATION NO. A07I0208  
JENNIFER K. LANOUE V. THE STATE

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

98018

R05D296

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      **MAR 28 2007**

*I certify that the above is a true extract from  
the minutes of 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 02, 2007

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

APPLICATION NO. A07I0209  
GUIDEONE ELITE INSURANCE COMPANY V. CLYDE CARLYN

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

90018

2006RCCV0070

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* APR 02 2007

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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 09, 2007

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

APPLICATION NO. A07I0210

KENNETH SMALLEY ET AL V. SECOND TIME AROUND MINI-FARM, INC.

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

91018

05CV1622

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **APR 09 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court 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:* **MAR 29 2007**

**A07I0211. SATILLA HEALTH SERVICES, INC. D/B/A SATILLA REGIONAL MEDICAL CENTER v. KAREN BROOKSHIRE, ET AL.**

Satilla Health Services, Inc. d/b/a Satilla Regional Medical Center (“Satilla”) seeks interlocutory review of the trial court’s denial of its motion for summary judgment. The order sought to be appealed was entered in the trial court on February 21, 2007. A certificate of immediate review was file-stamped on March 14, 2007. Thus, the certificate of immediate review was not filed with the clerk within ten days of February 21, 2007.

A certificate of immediate review is ineffective unless entered, that is filed with the clerk, within ten days of the entry of the order sought to be appealed. OCGA § 5-6-34 (b); *Van Schallern v. Stanco*, 130 Ga. App. 687 (204 SE2d 317) (1974). When a certificate of immediate review is not entered within the ten-day period, it is untimely and the party must wait until the final judgment is entered to file an appeal. Satilla has submitted a “Supplemental Order Clarifying the Record” in which the trial court attempts to perfect a timely filing of the certificate of immediate review in accordance with *Minor v. Barwick*, 264 Ga. App. 327 (590 SE2d 754) (2003). However, the trial court’s supplemental order states the “certificate was not forwarded to the clerk for filing before the expiration of 10 days from the 21st . . . .” In *Minor* the trial court stated that the certificate of immediate review was “signed by the trial court and delivered to the clerk’s office” prior to the expiration of the 10 days. Thus, this Court’s ruling in *Minor* is distinguishable from the facts of this case.

The certificate of immediate review in this case is untimely. In the absence of

a timely filed certificate, this Court lacks jurisdiction to consider the application. Accordingly, the application is ordered DISMISSED.

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

MAR 29 2007

*I certify that the above is a true extract from the minutes of 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, APRIL 11, 2007

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

APPLICATION NO. A07I0212  
MICHAEL SHANE SNIDER V. THE STATE

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

93018

06CR987



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

**APR 11 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, MARCH 27, 2007

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

APPLICATION NO. A07I0213  
RHEEM MANUFACTURING CO., ET AL V. TERESA BUTTS, AS SURVIVING  
SPOUSE OF ERNESTO BUTTS, DECEASED

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

94018

06CV40678

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **MAR 27 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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 12, 2007

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

APPLICATION NO. A07I0214

CARROLL'S MACHINE & MFG. CO., INC., V. WEINBERG & CO., INC

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

92018

2006CV127441



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 12 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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 30, 2007

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

APPLICATION NO. A07I0215

DEBORAH ZAYAS ET AL V. ALONZO E. JONES, M.D., ET AL

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

99018

SC05CV581

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 30 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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, 2007

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

APPLICATION NO. A07I0216  
HUNTER'S BLUFF, INC., V. NICOLE DIXON

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

71018

STCV0401623



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 13 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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 10, 2007

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

APPLICATION NO. A07I0217

GLENN B. SMITH V. ELBERT COUNTY BOARD OF TAX ASSESSORS

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

95019

06EV259

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* APR 10 2007

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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, APRIL 12, 2007

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

APPLICATION NO. A07I0218  
ROSE ANNA KNIGHT MALHERBE V. KELD HUNDEBOL ET AL

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

96019

06A79207



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

**APR 12 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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, 2007

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

APPLICATION NO. A07I0219

ALEA LONDON, LTD., ET AL V. JAMES MATTHEW HOOVER

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

98019

06A96066



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 13 2007**

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

*Witness my signatare 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:* **APR 10 2007**

**A07I0220. CORRIE KELTY v. THE STATE.**

Corrie Kelty filed this application for interlocutory appeal seeking review of the order denying his motion to suppress. 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 5, 2007, so Kelty had until March 15, 2007 to file his application. He filed the application March 16, 2007, one day late. Kelty's application for interlocutory appeal is untimely and this Court lacks jurisdiction. The application, therefore, is DISMISSED.



*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **APR 10 2007**

*I certify that the above is a true extract from  
the minutes of 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, APRIL 19, 2007

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

APPLICATION NO. A07I0221

TABATHA MAURIELLO ET AL V. DONALD LEE MCCROSKEY, JR.

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

91019

04CV2739



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

**APR 19 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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 19, 2007

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

APPLICATION NO. A07I0222

CALLAWAY GARDEN RESORT, INC. ET AL V. JOANNA S. BIERMAN 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.

70019

06CV082



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 19 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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 16, 2007

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

APPLICATION NO. A07I0223

THE GEORGIA DEPARTMENT OF PUBLIC SAFETY V. PAMELA DAVIS ET AL

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

97019

05CV20686



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 16 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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 25, 2007

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

APPLICATION NO. A07I0224  
LIBERTY MUTUAL FIRE INSURANCE COMPANY, ET AL V. AXIS SURPLUS  
INSURANCE COMPANY

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

93019

2005S070628



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 25 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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 25, 2007

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

APPLICATION NO. A07I0225  
WACHOVIA BANK V. HADI CONSTRUCTION, INC., ET AL

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

94019

04CV2187



*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **APR 25 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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:* **APR 12 2007**

**A07I0226. SATILLA HEALTH SERVICES, INC. d/b/a SATILLA REGIONAL  
MEDICAL CENTER v. PAMELA DENISE YAWN et al.**

Satilla Health Services, Inc. d/b/a Satilla Regional Medical Center filed this application for interlocutory appeal seeking review of the superior court's order denying its motion for summary judgment. The order was entered February 21, 2007 and the certificate of immediate review was entered March 15, 2007.

A certificate of immediate review is ineffective unless entered, i.e., filed with the clerk, within 10 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 15, 2007 is 12 days late. This Court therefore lacks jurisdiction and the application is DISMISSED.



*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **APR 12 2007**

*I certify that the above is a true extract from  
the minutes of 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, APRIL 25, 2007

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

APPLICATION NO. A07I0227

AXIS SURPLUS INSURANCE COMPANY V. LIBERTY MUTUAL FIRE INSURANCE  
COMPANY ET AL

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

93020

2005S070628



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 25 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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, APRIL 26, 2007

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

APPLICATION NO. A07I0228

EDDIE BARNES ET AL V. SCOTT BLAINE BURDETTE ET AL

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

99019

2005CV0203



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 26 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court 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:* **APR 26 2007**

**A07I0229. GRAVES, et al. v. BURDETTE.**

Defendants Seth Graves, Sindt Trucking, Inc., and The Insurance Group of Hanover seek immediate review of an order entered on March 9, 2007, denying their motion for summary judgment. Although the superior court signed a certificate of immediate review referencing this order within ten days, the certificate was not filed with the clerk until April 4, 2007. 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 above styled application for interlocutory appeal is hereby *dismissed* for lack of jurisdiction.



*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **APR 26 2007**

*I certify that the above is a true extract from  
the minutes of 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, APRIL 25, 2007

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

APPLICATION NO. A07I0230  
JACOB CHACHKES, M.D., ET AL V. TRACY SMITH ET AL

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

71019

0204687



*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **APR 25 2007**

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

**MAY 10 2007**

**A07I0231. MARIAN E. BONNER v. BERNICE JONES.**

On April 27, 2007, this Court entered an order denying Marian E. Bonner's application for interlocutory appeal. Bonner has filed a motion to withdraw appeal, stating that the parties reached a full and complete settlement after she filed her application for interlocutory review. Because the application is no longer pending in this Court, the motion to withdraw is moot and is therefore DISMISSED.



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 10 2007**

*I certify that the above is a true extract from  
the minutes of 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, APRIL 12, 2007

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

APPLICATION NO. A07I0232  
VERNON NOLAND V. DONNIE WHEELIS ET AL

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

96020

06CV0267



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 12 2007**

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

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

*Clerk.*

*Willie L. Martin*

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

ATLANTA, APRIL 25, 2007

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

APPLICATION NO. A07I0233  
MICHAEL LEE HENSLEY V. THE STATE

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

98020

2006D05647S5



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 25 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, APRIL 25, 2007

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

APPLICATION NO. A07I0234  
MARK CUARESMA 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.

90020

06CR0339A



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 25 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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:* **APR 26 2007**

**A07I0235. IN THE INTEREST OF: E. W., a child.**

Applicant E. W. admitted to the commission of acts considered crimes under OCGA § 16-11-37 (b) (terroristic acts) and OCGA § 16-11-39 (a) (disorderly conduct). Based on these admissions, the juvenile court entered a 180 day "abeyance" order on November 20, 2006. Specifically, the order states that final disposition of the case will be held in abeyance for 180 days and that the petition for delinquency will be dismissed so long as E. W. meets the terms and conditions set out in the order. Aside from requirements that may be generally described as good behavior, those terms and conditions include 30 days of confinement to his residence except under parental or probation department supervision, a curfew, 24 hours of community service, the drafting of a letter of apology, as well as three book reports. E. W. apparently made no attempt to appeal this order.

On March 19, 2007, the juvenile court granted a motion by the State to amend the original abeyance order by requiring E. W. to pay \$201.27 in restitution to the victim. It is undisputed that the amendment was not made in response to any violation by E. W., of the original abeyance order. The juvenile court certified the restitution order for immediate review. The court premised its authority to amend, as well as its decision to certify the matter for immediate review, on the theory that both the abeyance order and the amending order are interlocutory orders, citing *In the Interest of M. T.*, 223 Ga. App. 615 (478 SE2d 428) (1996).

We assume without deciding that our prior decision in *In the Interest of M. T.* is sound as applied to those delinquency abeyance orders that do not purport to impose conditions other than good behavior during the period of abeyance. Such orders may be safely deemed interlocutory because the juvenile suffers no significant consequences for his or her alleged actions during the period of abeyance. It is far

from clear, however, whether *In the Interest of M. T.* should apply or continue to be applied where, as here, the so-called “abeyance” order is accompanied by requirements and restrictions that clearly go beyond what may be fairly described as the requirement of “a period of good behavior.” *Id.* at 616. It can be argued that such “preliminary” rehabilitative efforts are fundamentally inconsistent with the idea that a disposition of the delinquency petition is being held in abeyance for a period of time. Taken to its logical extreme, such an interpretation of *In the Interest of M. T.* implies that a juvenile may be subjected to an evolving multiplicity of consequences for his or her alleged delinquent acts – all without an adjudication of guilt and without an immediate right to direct appeal.

“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. [Cits.]” *Spivey v. Hembree*, 268 Ga. App. 485, 486, n.1 (602 SE2d 246) (2004). Because we find it appropriate to consider whether the order complained of is, or should be, appealable as a final order notwithstanding the Court’s prior decision in *In the Interest of M. T.*, supra, this application is tentatively *granted* under *Spivey v. Hembree*, supra. On appeal the parties are directed to address the Court’s decision in *In the Interest of M. T.* and its proper application in this case. If it is determined on appeal that the rehabilitation order is indeed a non-final order subject to the interlocutory appeal procedure, this court may elect to consider the matter on the merits or may otherwise dismiss the appeal as improvidently granted based on an improper application of *Spivey v. Hembree*, supra.

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



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* APR 26 2007

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

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

ATLANTA, APRIL 27, 2007

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

APPLICATION NO. A07I0236

CITIZENS AUTOMOBILE FINANCE INC. V. JASON M. NESMITH

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

70020

06SV035



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 27 2007**

*I certify that the above is a true extract from  
the minutes of the Court 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            07, 2007

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

APPLICATION NO.        A07I0237  
PAUL LLOYD ZORN V. THE STATE

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

97020

2007SUCR307



*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta    **MAY 07 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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: **APR 24 2007**

**A07I0238. CARLOS CAPESTANY ET AL. v. THE STATE.**

Carlos Capestany, Melva Hernandez, Raul Dominguez, and Saul Flores-Romero seek to appeal the denial of their motions for pre-trial bond. The defendants contend that the "first appearance hearing waiver" forms they signed are invalid. Therefore, they contend, they were entitled to first appearance hearings within 48 hours of their arrests, and the failure to provide such hearings entitles them to immediate release and pre-trial bond under OCGA § 17-4-62. The denial of a first appearance hearing can be raised in a pre-trial habeas corpus proceeding. See *McClure v. Hopper*, 234 Ga. 45, 48 (214 SE2d 503) (1975); OCGA § 9-14-1 (a). Because the defendants seek review of the denial of habeas corpus relief, and because the Supreme Court has appellate jurisdiction over matters involving habeas corpus, this application for appeal is *transferred* to the Supreme Court. Ga. Const. of 1983, Art VI, § VI, ¶ III (4).



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

**APR 24 2007**

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



**SUPREME COURT OF GEORGIA**

Case No. S0711198

**FILED IN OFFICE**

**MAY 15 2007**

Atlanta

**May 15, 2007**

**CLERK COURT OF APPEALS OF GA**

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

**CARLOS CAPESTANY et al. v. THE STATE**

From the Superior Court of Jackson County.

RECEIVED IN OFFICE  
2007 MAY 15 AM 10:53  
C. Williams  
CLERK/COURT ADMINISTRATOR  
COURT OF APPEALS OF GA.

Defendants filed motions for pre-trial bond and an interlocutory application seeking to appeal the denial of their motions. They did not file a pre-trial habeas action. The filing of an interlocutory application is the proper procedure for seeking to appeal the denial of a motion for pre-trial bond. Howard v. State, 194 Ga. App. 857 (1990). Because the pending charges do not involve murder, the application is returned to the Court of Appeals.

**SUPREME COURT OF THE STATE OF GEORGIA**

Clerk's Office, Atlanta



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

*Janette Edison*, Deputy Clerk

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

ATLANTA, JUNE 04, 2007

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

APPLICATION NO. A07I0238  
CARLOS CAPESTANY 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.

94020

NONUMBER



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 04 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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 27, 2007

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

APPLICATION NO. A07I0239  
FRANCIS RANDY THOMPSON 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

06B27231



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 27 2007**

*I certify that the above is a true extract fromd  
the minutes of 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 11, 2007

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

APPLICATION NO. A07I0240

GREGG T. SAVAGE ET AL V. MICHAEL CARTER ET AL

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

71020

06CV118905



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAY 11 2007**

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

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

*Clerk.*

*Will. L. Martin*

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

ATLANTA, MAY 11, 2007

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

APPLICATION NO. A07I0240

GREGG T. SAVAGE ET AL V. MICHAEL CARTER ET AL

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

71020

06CV118905



*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **MAY 11 2007**

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

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

Clerk.

*Will. L. Martin*

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

ATLANTA,                      MAY                      07, 2007

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

APPLICATION NO.            A07I0241  
OLUFUNSHO LEDIJU V. THE STATE

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

95021

CR052083



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 07 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 04, 2007

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

APPLICATION NO. A07I0242

XAVIER LAMAR JENKINS V. JOHN THEODORE CREA

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

96021

06CV056



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 04 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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 08, 2007

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

APPLICATION NO. A07I0243  
THEODORE VANDERLINDEN 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.

98021

07C851604



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 08 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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 9, 2007

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

## **A07I0243. THEODORE VANDERLINDEN v. THE STATE**

The Court's order of May 8, 2007 is hereby VACATED. The intent of the Court's action was to deny the Application for Interlocutory Appeal, not to grant it. Therefore, the application is hereby DENIED.



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta May 9, 2007*

*I certify that the above is a true extract from  
the minutes of 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,            MAY            11, 2007

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

APPLICATION NO.        A07I0244  
MICHAEL CARTER ET AL V. GREGG T. SAVAGE

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

71021

06CV118905



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*        **MAY 11 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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 09 2007**

**A07I0245. GWINNETT HOSPITAL SYSTEM, INC., D/B/A GWINNETT MEDICAL CENTER v. LINDA CROWE et al.**

Gwinnett Hospital System, Inc., d/b/a Gwinnett Medical Center filed this interlocutory application to appeal the denial of its motion to dismiss Linda and Jeffrey Crowe's personal injury action. In their response to the application, the Crowes have included a copy of their dismissal without prejudice of the personal injury action.

Because the Crowes have dismissed their action, Gwinnett Hospital System's application for interlocutory appeal is moot. See *Newman v. Steinberg*, 133 Ga. App. 824 (212 SE2d 479) (1975). The reversal of the trial court's denial of the motion to dismiss would be of no practical benefit to Gwinnett Hospital System, given the Crowes' voluntary dismissal of their action. This application is therefore DISMISSED as moot. See OCGA § 5-6-48 (b).



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

**MAY 09 2007**

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

*The Court of Appeals hereby passes the following order:* **MAY 17 2007**

**A07I0246. COTTON STATES MUTUAL INSURANCE COMPANY ET AL. v.  
STEPHEN BROWN INSURANCE AGENCY, INC.**

Cotton States Mutual Insurance Co., Cotton States Life Insurance Co., and Shield Life Insurance Co. filed this application for interlocutory appeal seeking review of the trial court's order granting Stephen Brown Insurance Agency Inc.'s motion for injunctive relief. On April 11, 2007, the petitioners filed a timely notice of appeal. Because the grant of injunctive relief is directly appealable pursuant to OCGA § 5-6-34 (a) (4), this application is moot. Accordingly, this application is ordered DISMISSED.



*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **MAY 17 2007**

*I certify that the above is a true extract from  
the minutes of 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 11, 2007

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

APPLICATION NO. A07I0247  
DIALYSIS CLINIC, INC., V. JEAN SUMLIN

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

70021

2006EV000894



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 11 2007**

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



**SUPREME COURT OF GEORGIA**

Case No. S0711067

FILED IN OFFICE

APR 20 2007 Atlanta April 20, 2007

CLERK COURT OF APPEALS OF GA.

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

CHARLIE W. BANKS et al. v. BANK ONE, NA

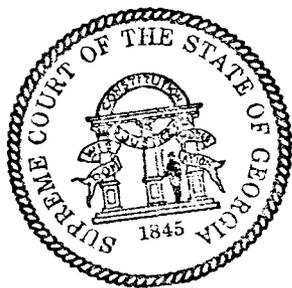
From the Superior Court of Lamar County.

Bank One filed this action against Banks and the Harveys for reformation of a security deed from Banks to Aames Funding Corporation; to have a warranty deed from Banks to the Harveys declared to be forged and void ab initio; and for invalidation of a foreclosure sale. In an order entered March 15, 2007, the superior court denied Bank One's motion for summary judgment as to the allegedly forged warranty deed, but granted Bank One's motion as to reformation of the security deed and invalidation of the foreclosure sale, observing that both causes of action were based on the parties' mutual mistake. The Harveys filed this interlocutory application seeking review of that order. They invoke this Court's title to land and equity jurisdiction, asserting, among other things, that the defense of laches was raised. However, the appeal does not invoke this Court's title to land jurisdiction as it does not involve a quiet title action and does not present a case in which the plaintiff asserts a presently enforceable legal title against the possession of the defendant for the purpose of recovering the land. See Graham v. Tallent, 235 Ga. 47 (218 SE2d 799) (1975). The appeal does not invoke this Court's equity jurisdiction as the assertion of an equitable defense does not in and of itself constitute an equity action and any equitable relief sought was merely ancillary to resolution of the legal questions of whether there was mutual mistake by the parties requiring reformation of the security deed and invalidation of the foreclosure sale.

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2007 APR 20 AM 4:01  
Clerk Court of Appeals of Georgia

See Redfearn v. Huntcliff Homes Association, 271 Ga. 745 (524 SE2d 464) (1999); Tidwell v. Bassett, 271 Ga. App. 867 (611 SE2d 123) (2005). Accordingly, as the application does not present any basis for invoking this Court's jurisdiction, the application must be and hereby is transferred to the Court of Appeals.

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



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

*Leannette Edison*, Deputy Clerk

# Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order:

MAY 07 2007

**A07I0248. CHARLIE W. BANKS ET AL. v. BANK ONE, NA**

David and Sharon Harvey seek interlocutory review of the trial court's order granting partial summary judgment to Bank One, NA, as Trustee. Under OCGA § 9-11-56 (h), the grant of partial summary judgment on any issue or as to any party is reviewable by direct appeal if the notice of appeal is filed within 30 days of the date of the entry of such judgment. *Olympic Dev. Group v. American Druggists' Ins. Co.*, 175 Ga. App. 425 (1) (333 SE2d 622) (1985). Thus, the order at issue is directly appealable and is not subject to the interlocutory review requirements of OCGA § 5-6-34 (b).

This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicant has not otherwise filed a notice of appeal. *Spivey v. Hembree*, 268 Ga. App. 485, 486, n.1 (602 SE2d 246) (2004). The application does not indicate that the Harveys filed a notice of appeal. Accordingly, this application is GRANTED. The Harveys shall have ten days from the date of this order to file a notice of appeal with the trial court. The clerk of the superior court is directed to include a copy of this order in the record transmitted to this Court.



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

MAY 07 2007

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

*The Court of Appeals hereby passes the following order:* **MAY 17 2007**

**A07I0249. MICHAEL ANTHONY HOLLAND v. THE STATE.**

Members of the Georgia Public Defender Standards Council filed this application for interlocutory appeal to the Supreme Court, which transferred the case to this Court on the basis that it lacked jurisdiction to consider it. This Court, however, also lacks jurisdiction to consider this application for appeal. "Only a party to the case can appeal from a judgment . . . or one who has sought to become a party, as by way of intervention under [OCGA § 9-11-24] and has been denied the right to do so." *Mar-Pak Mich. v. Pointer*, 226 Ga. 146 (173 SE2d 219) (1970). The application was not filed by a party to the case or by one who sought unsuccessfully to intervene; thus, the appeal is DISMISSED. *State of Ga. v. Golia*, 235 Ga. 791, 794 (I) (222 SE2d 27) (1976).

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAY 17 2007**

*I certify that the above is a true extract from  
the minutes of 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,            MAY            17, 2007

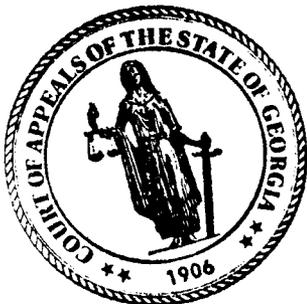
*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A07I0250  
MITSUBISHI MOTORS CORPORATION V. WANDA LOPES COLEMON, AS  
ADMINISTRATRIX OF THE ESTATE OF LISA LOPES, ET AL

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

94021

04A194107



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 17 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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 08, 2007

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

APPLICATION NO. A07I0251

CHOICI LAWRENCE 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.

92021

06CR226



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 08 2007**

*I certify that the above is a true extract fromd  
the minutes of 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, MAY 09, 2007

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

APPLICATION NO. A07I0252  
UNISOURCE WORLDWIDE, INC., V. JANPAK, INC., ET AL

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

99021

CV061921



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 09 2007**

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

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

*Clerk.*

# Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **MAY 23 2007**

**A07I0253. MEMAR et al. v. STYBLO, M.D. et al.**

In this wrongful death case, surviving spouse Ali Memar seeks immediate review of an order granting the defendants' motion for partial summary judgment as to all claims asserted by the decedent's estate. Memar's wrongful death claim remains pending for trial. An application for interlocutory appeal is unnecessary under these circumstances since an order granting summary judgment as to any issue in the case is subject to direct appeal. OCGA § 9-11-56 (h). "This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicants have not otherwise filed a notice of appeal." *Spivey v. Hembree*, 268 Ga. App. 485, 486 n. 1 (602 SE2d 246) (2004). Accordingly, Memar's application for appeal is hereby GRANTED.

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



Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta **MAY 23 2007**

I certify that the above is a true extract from  
the minutes of 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 18, 2007

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

APPLICATION NO. A07I0254  
JUDY GOODMAN V. GENE MAIER ET AL

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

96022

SU04CV1164



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 18 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, MAY 22, 2007

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

APPLICATION NO. A07I0256

GEORGIA INTERLOCAL RISK MANAGEMENT AGENCY V. DANIEL GODFREY  
ET AL

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

90022

06SV749



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 22 2007**

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

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

*Clerk.*

*Will. L. Martin*

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

ATLANTA, MAY 24, 2007

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

APPLICATION NO. A07I0257  
SUNTRUST BANK V. CHAD R. HIGHTOWER

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

91022

SU06CV39653



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 24 2007**

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

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

*Clerk.*

*Will. L. Martin*

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

ATLANTA,            MAY            17, 2007

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

APPLICATION NO.        A07I0258  
CLUB SPORT VENTURES, INC., D/B/A ATLANTA CLUB SPORTS  
V. ELAINE MATTISON

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

70022

05VS083518



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    **MAY 17 2007**

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

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

ATLANTA, MAY 17, 2007

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

APPLICATION NO. A07I0259  
BRIAN GROBER ET AL V. ELAINE MATTISON

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

70023

05VS083518



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 17 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court 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: **MAY 23 2007**

**A07I0260. THE ALBANY HERALD PUBLISHING COMPANY, INC., et al. v. JONES.**

Defendants The Albany Herald Publishing Company, Inc., and Brian Russell seek immediate review of an order of the superior court granting in part and denying in part their motion for summary judgment in this defamation action. The court ruled that the plaintiff is an involuntary limited purpose public figure who must demonstrate actual malice at trial in order to recover, but also found that a jury issue remains on whether the defendants acted with malice. The plaintiff shows that he has filed a timely and valid notice of appeal from the grant of summary judgment to the defendants on the issue of plaintiff's status and his burden of proof at trial. OCGA § 9-11-56 (h); *Diamond v. American Family Corp.*, 186 Ga. App. 681 (368 SE2d 350) (1988). The superior court clerk's office confirms that the applicants filed a notice of cross appeal on May 11, 2007, one week after plaintiff filed his notice of appeal. Because the applicants have filed a valid cross appeal in this matter, their application for interlocutory appeal is *dismissed* as superfluous. See *Southern Ceramics v. Klem*, 246 Ga. 294-296 (1) (271 SE2d 199) (1980).



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

**MAY 23 2007**

I certify that the above is a true extract from the minutes of 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, MAY 25, 2007

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

APPLICATION NO. A07I0261  
SATILLA HEALTH SERVICES, INC., D/B/A SATILLA REGIONAL MEDICAL  
CENTER V. KAREN BROOKSHIRE ET AL

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

93022

05V0421



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

**MAY 25 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, MAY 23, 2007

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

APPLICATION NO. A07I0262  
WINONA BROWN V. MORRIS SEGARS

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

94022

06SUCV589



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 23 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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 22, 2007

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

APPLICATION NO. A07I0263  
EDDIE JAMES MORRISON V. THE STATE

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

92022

07CR64



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

**MAY 22 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court 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:* **MAY 08 2007**

**A07I0264. DANIEL JUDE FRANZ v. TRACE KAREN FRANZ.**

Daniel Jude Franz seeks to challenge a temporary order entered in his pending divorce case.<sup>1</sup> In addition to changing custody of the parties' children, the superior court directed Franz to undergo a 96-hour evaluation at Ridgeview Institute. It also prohibited Franz from having any communication with his children via email or in person until he completed his evaluation and until further court order. The court provided that once Franz completed his evaluation, it will re-assess the prohibition on visitation.

Because the case is pending below, Franz was required to follow the interlocutory appeal procedures of OCGA § 5-6-34 (b). *Bailey v. Bailey*, 266 Ga. 832 (471 SE2d 213) (1996); *Scruggs v. Ga. Dept. of Human Resources*, 261 Ga. 587 (408 SE2d 103) (1991); *Gray v. Springs*, 224 Ga. App. 427 (481 SE2d 3) (1997). The provision of the order directing Franz to undergo an evaluation does not remove the application from this requirement. The court did not order Franz into immediate custody, nor did it order a peace officer to detain him and deliver him to the facility. See OCGA § 37-3-62. Franz may defy the court's order, permit a contempt citation to be entered against him, and seek to appeal the contempt ruling.

The Court observes that the superior court denied Franz's request for a certificate of immediate review. The denial of an application for a certificate of

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<sup>1</sup>Franz filed his application in the Supreme Court, which transferred it here on the ground that because "there is no final judgment of divorce," the case did not invoke the Supreme Court's subject matter jurisdiction.

immediate review is not an appealable judgment. *Price v. State*, 237 Ga. 352 (227 SE2d 368) (1976). It is true that the Supreme Court has crafted an exception to the requirement of a certificate applicable under certain limited circumstances. *Waldrip v. Head*, 272 Ga. 572, 575 (532 SE2d 380) (2000). This application, however, fails to show that any of the limited circumstances to which the exception may be applicable are present in this case. Therefore, adherence to the general rule is required. See *Smith & Wesson Corp. v. City of Atlanta*, 273 Ga. 431, 435 (3) (2001).

Since the circumstances of this case do not fall within the narrow exception to the requirement of a certificate of immediate review, Franz's failure to comply with the interlocutory appeal procedures of OCGA § 5-6-34 (b) deprives this Court of jurisdiction to consider his application, which is hereby DISMISSED. Franz's motion for relief under Court of Appeals Rule 40 (b) and his motion for reconsideration of the refusal to docket his application are DENIED AS MOOT. Trace Karen Franz's motion to dismiss the application is DENIED AS MOOT.



*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **MAY 08 2007**

*I certify that the above is a true extract from  
the minutes of 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, MAY 25, 2007

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

APPLICATION NO. A07I0265  
HENRY FRANKLIN CHAMBLISS V. THE STATE

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

71022

07CR008



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

**MAY 25 2007**

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

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

*Clerk.*

*[Handwritten Signature]*

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

ATLANTA, JUNE 04, 2007

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

APPLICATION NO. A07I0266  
SHARRI BOVA ET AL V. HABIBA FILLE ET AL

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

95023

06C061215

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



**JUN 04 2007**

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

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

ATLANTA, MAY 23, 2007

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

APPLICATION NO. A07I0267  
DAVID JOHN WALTERS, M.D. V. ALVIN MANAC, ET AL

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

96023

2005V084



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

**MAY 23 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 04, 2007

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

APPLICATION NO. A07I0268  
ROBERT MCGRAW V. JENNIFER PLAUCHE

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

98023

2007CV128506



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 04 2007**

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

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

*Clerk.*

*Will. L. Martin*

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

ATLANTA, JUNE 04, 2007

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

APPLICATION NO. A07I0269  
DAVID JEREMIAH MANLEY V. THE STATE

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

90023

06B51695

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 04 2007**



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

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

ATLANTA, MAY 24, 2007

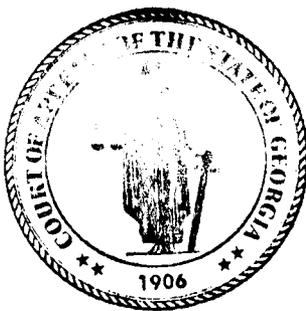
*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A07I0270  
COTTON STATES V. ARTHUR JOE OLIVER

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

91023

ST06CV244



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 24 2007**

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

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

*Clerk.*

*Will. L. McIntosh*

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

ATLANTA, MAY 31, 2007

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

APPLICATION NO. A07I0271  
KRISTINA LOVE 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.

97023

06CR491710



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 31 2007**

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

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

*Clerk.*

*Will. L. Martin*

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

ATLANTA,            MAY            24, 2007

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

APPLICATION NO.        A07I0272  
SUZANNE STEWART V. ARTHUR JOE OLIVER

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

91024

ST06CV244



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 24 2007**

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

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

*Clerk.*

*Will. L. Martin*

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

ATLANTA, MAY 23, 2007

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

APPLICATION NO. A07I0273  
OLATUNJI AWE, M.D. V. ALVIN MANAC

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

96024

2005V084



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 23 2007**

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

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

*Clerk.*

*Will. L. Martin*

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

ATLANTA, JUNE 04, 2007

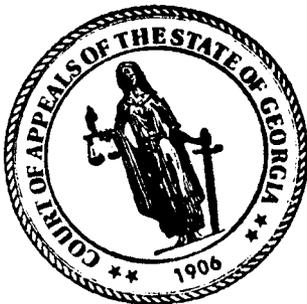
*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A07I0274  
GEORGIA CASUALTY & SURETY CO., V. VALLEY WOOD, 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.

93023

06CV233



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 04 2007**

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

**MAY 25 2007**

**A07I0275. BAHJI AMELIA ADAMS v. ADAM TODD GEORGE ET AL.**

This is a domestic relations case which Bahji Amelia Adams seeks interlocutory review of several orders entered in the trial court. Adams has also filed an interlocutory application in the Supreme Court. See S07I1290.

The Supreme Court of Georgia has “ultimate responsibility for construing the constitutional provisions regarding appellate jurisdiction” and its determinations result “in a binding and conclusive determination of the jurisdiction of the Court of Appeals.” *Saxon v. Coastal Dialysis & Medical Clinic, Inc.*, 267 Ga. 177, 178 (476 SE2d 587) (1996). Therefore, in the interest of judicial economy and in aid of our appellate jurisdiction, this application is TRANSFERRED to the Supreme Court for consolidation with Case No. S07I1290 so that one authoritative determination can be made. See Georgia Constitution of 1983, Art VI, Sec. I, Par. IV.

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

**MAY 25 2007**

*I certify that the above is a true extract from  
the minutes of 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, JUNE 06, 2007

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

APPLICATION NO. A07I0276  
MARGUERITE MASSEY ET AL V. STELLA MODENA ROTH

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

92023

SU05CV2191



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* JUN 06 2007

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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 07, 2007

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

APPLICATION NO. A07I0277  
LA QUINTA INNS, INC., D/B/A LA QUINTA HOTEL AND SUITES, ET AL  
V. CAROL LEECH, 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.

99023

2006CV115526



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 07 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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 25, 2007

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

APPLICATION NO. A07I0278  
ASHLEY NICOLE HARRIS 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.

71023

07CR017



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 25 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 04, 2007

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

APPLICATION NO. A07I0279  
EASTSIDE CONCRETE CONTRACTORS, INC., V. PATENT CONSTRUCTION  
SYSTEMS, A DIVISION OF HARSCO CORPORATION

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

95024

04A281757



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 04 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 11, 2007

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

APPLICATION NO. A07I0280  
VALERIE COOKE ET AL V. LOUIS LEVENSON , AS ADMINISTRATOR CTA  
FOR THE ESTATE OF JERRY EUGENE POST

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

98024

06CV02843



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 11 2007**

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

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

*Clerk.*

*Will. L. Martin*

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

ATLANTA, JUNE 14, 2007

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

APPLICATION NO. A0710281

RAYMOND T. PALOMBO V. JEANNE BARNES BRYANT, IN HER OFFICIAL  
CAPACITY AS INDEPENDENT FIDUCIARY OF THE INTERNATIONAL UNION OF  
INDUSTRIAL ET AL

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

90024

2006CV115381



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 14 2007**

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

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

*Clerk.*

A handwritten signature in black ink, which appears to read "W. L. Martinez". The signature is written in a cursive style.

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

ATLANTA, JUNE 15, 2007

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

APPLICATION NO. A07I0282

JAMES WASHINGTON ET AL V. BERKSHIRE HOMES LLC., ET AL

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

70024

200630433



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 15 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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, JUNE 15, 2007

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

APPLICATION NO. A07I0283  
KINDRED NURSING CENTERS LIMITED PARTNERSHIP D/B/A  
SAVANNAH REHABILITATION AND NURSING CENTER ET AL V. ROBERT  
WHITE ET AL

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

97024

STCV0603003



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 15 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 05, 2007

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

APPLICATION NO. A07I0284  
JAMES C. RICHARDS ET AL V. SUSAN CHIAPETTA AS GUARDIAN  
AD LITEM ON BEHALF OF THE MINOR CHILDREN JAMES CHASE  
RICHARDS 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.

93024

2003CV71408

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 05 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 21, 2007

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

APPLICATION NO. A07I0285

LINDA N. ABNEY V. THE STATE

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

94024

06T6261



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 21 2007**

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

**MAY 30 2007**

**A07I0286. THE STATE v. BOWLING.**

The State seeks immediate review of an order of the superior court granting the defendant's motion in limine to exclude certain video testimony. Because defendant Bowling has been indicted for murder and because the Supreme Court has directed this court to transfer to the Supreme Court pre-conviction appeals in murder cases, the State's application is hereby *transferred* to the Supreme Court for disposition. *State v. Thornton*, 253 Ga. 524 (1) (322 SE2d 711) (1984).



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 30 2007**

*I certify that the above is a true extract from  
the minutes of 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 20, 2007

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

APPLICATION NO. A07I0287

LINTON FLOURNOY ET AL V. WELLS FARGO BANK, N.A., 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.

99024

06CV1434910



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 20 2007**

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

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

*Clerk.*

*Will. L. Martin*

# Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: JUN 06 2007

## A07I0288. ARROW EXTERMINATORS, INC. v. THE GATES CONDOMINIUM HOMEOWNERS ASSOCIATION, INC. ET AL.

Arrow Exterminators, Inc. filed this application for interlocutory appeal, seeking review of the trial court's order granting partial summary judgment to the respondents. Under OCGA § 9-11-56 (h), the grant of partial summary judgment on any issue or as to any party is reviewable by direct appeal if the notice of appeal is filed within 30 days of the date of the entry of such judgment. *Olympic Dev. Group v. American Druggists' Ins. Co.*, 175 Ga. App. 425 (1) (333 SE2d 622) (1985). Thus, the order at issue is directly appealable and is not subject to the interlocutory appeal requirements of OCGA § 5-6-34 (b).

This Court will grant a timely application for interlocutory appeal if the order complained of is subject to direct appeal and the applicant has not otherwise filed a notice of appeal. *Spivey v. Hembree*, 268 Ga. App. 485, 486, n.1 (602 SE2d 246) (2004). The application does not indicate that 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 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

JUN 06 2007

I certify that the above is a true extract from the minutes of 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, JUNE 21, 2007

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

APPLICATION NO. A07I0289  
ADAM WADE MCDANIEL V. THE STATE

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

95025

2006FE0453



*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **JUN 21 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, JUNE 22, 2007

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

APPLICATION NO. A07I0290  
JERRY PRICE V. THE STATE

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

96025

05ER288



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

**JUN 22 2007**

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

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 11, 2007

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 **S07C1641**

JERRY PRICE v. THE STATE

Clerk, Supreme Court of Georgia

Case No. A07I0290

JUL 11 2007

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, JUNE 21, 2007

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

APPLICATION NO. A07I0291  
MONICA BAILEY DANIELS, F/K/A MONICA BAILEY BARNES V. ALAN  
BRANDT BARNES

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

98025

DR061224

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* JUN 21 2007



*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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 03 2007**

**A07I0292. COMMERCE CHRYSLER DODGE JEEP, INC., v. RICHARDSON.**

Applicant Commerce Chrysler Dodge Jeep, Inc., seeks immediate review of an order of the superior court denying its motion for summary judgment. Applicant states that the trial judge “certified within ten days of the date of the order appealed from herein, that this is a matter of such importance as to justify immediate review by this Court as required by OCGA § 5-6-34 (b).” The purported certificate submitted with the application, however, takes the form of an order drafted by the applicant stating that “Defendant’s application for an interlocutory appeal pursuant to OCGA § 5-6-34 (b) from this court’s order dated May 18, 2007, denying Commerce Chrysler’s motion for summary judgment is hereby Granted.” Because applicant’s submission does not contain a proper certification from the trial judge sufficiently stating “that the order, decision, or judgment is of such importance to the case that immediate review should be had” as required under OCGA § 5-6-34 (b), the application is hereby *dismissed* for lack of jurisdiction.<sup>1</sup>



*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*     **JUL 03 2007**

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

, Clerk.

---

<sup>1</sup>We note that even if a valid certificate of immediate review had been submitted here, a defendant joined in an action based on a vicarious liability theory of some kind can rarely demonstrate that an order denying its motion for summary judgment is of such importance to the case as a whole that immediate review should be had. See Rule 30 (a) of the Rules of the Court of Appeals.

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

ATLANTA, JUNE 28, 2007

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

APPLICATION NO. A07I0293

MATTHEW HAND V. THE STATE

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

91025

07M207



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* JUN 28 2007

*I certify that the above is a true extract fromd  
the minutes of the Court 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, JULY 03, 2007

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

APPLICATION NO. A07I0294

LARRY H. CLARK V. CITY OF FLOWERY BRANCH GEORGIA, ET AL

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

70025

2003CV2830



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 03 2007**

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

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

ATLANTA, JULY 06, 2007

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

APPLICATION NO. A07I0295  
ROGER EDWARD HART V. THE STATE

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

97025

05FR244



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* JUL 06 2007

*I certify that the above is a true extract fromd  
the minutes of the Court 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 26, 2007

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

APPLICATION NO. A07I0296  
HETTIE LOWERY 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.

93025

06MR0351



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 26 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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, JULY 05, 2007

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

APPLICATION NO. A07I0297  
IN THE INTEREST OF : H.L.S.

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

94025

J070308



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JUL 05 2007

*I certify that the above is a true extract fromd  
the minutes of the Court 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, JUNE 26, 2007

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

APPLICATION NO. A07I0298  
MARCELLA JANE HOLLENBACK 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.

93026

06MR0351



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 26 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, JULY 11, 2007

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

APPLICATION NO. A07I0299

AGSOUTH FARM CREDIT, ACA, ET AL V. KENNETH C. JOHANSEN ET AL

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

92025

2005CV0609

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 11 2007**



*I certify that the above is a true extract fromd  
the minutes of the Court 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, 2007

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

APPLICATION NO. A07I0300  
TIMOTHY BITTEL V. MATT 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.

99025

7240



*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* [JUL 12 2007]

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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,            JULY            18, 2007

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

APPLICATION NO.            A07I0301  
CORNELIUS HAZLEY 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.

71025  
M2005158

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 18 2007**

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



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

ATLANTA, JULY 11, 2007

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

APPLICATION NO. A07I0302  
FLAV-O-RICH DAIRIES, LLC V. FREDDIE HULSEY

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

95026

061003



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta JUL 11 2007*

*I certify that the above is a true extract fromd  
the minutes of the Court 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,                      JULY                      03, 2007

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

APPLICATION NO.            A07I0303  
MYRON FREEMAN V. GERTRUDE BRANDAU 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.

96026

06A44542

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 03 2007**

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

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

*Clerk.*



*Will. L. Martin*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* JUN 21 2007

**A07I0304. FRANCOIS LECOIN v. THE STATE.**

Francois Lecoin seeks interlocutory review of an order denying his motion to suppress. An application for interlocutory review 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). In the instant case, the trial court entered the certificate of immediate review on June 5, 2007; however, the application was not docketed in this Court until 13 days later on June 18, 2007. Because this Court lacks jurisdiction to consider untimely applications for interlocutory review, this application is ordered DISMISSED.



*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* JUN 21 2007

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

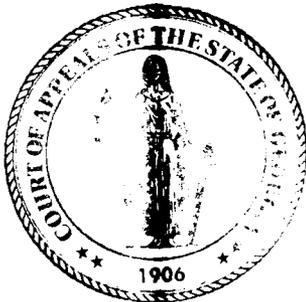
ATLANTA,

The Court of Appeals hereby passes the following order: JUL 03 2007

**A0710304. FRANCOIS LECOIN v. THE STATE.**

Rule 30 (b) of this Court states that “[a]pplications for interlocutory appeal shall . . . 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.” Francois Lecoin did not attach any order, stamped or otherwise, to the initial application he presented to the clerk on or about June 14, 2007. In fact, as of June 14, the “order” Lecoin sought to appeal was only verbal and had not yet been reduced to writing or signed by a judge as per Rule 30 (b). Thus, having failed to comply with Rule 30 (b), Lecoin’s application could not be docketed by this Court on June 14. Although Lecoin supplemented his application with a signed, but unstamped, order on June 18, 2007, his application was untimely by that date because it was docketed more than ten days after the June 5, 2007, certificate of immediate review was entered. OCGA § 5-6-34 (b). Therefore, this Court dismissed the application on June 21, 2007 for lack of jurisdiction. *Genter v. State*, 218 Ga. App. 311 (460 SE2d 879) (1995).

Lecoin now seeks reconsideration of the dismissal of his application. There is, however, no factual circumstance or authority by which this Court may exercise jurisdiction over an untimely application for interlocutory appeal. See *Id.*; *Baynes v. State*, 189 Ga. App. 797 (377 SE2d 708) (1989); OCGA § 5-6-34 (b). Nor may this Court grant extensions for filing an application for interlocutory appeal. See Court of Appeals Rule 30 (f). Accordingly, Lecoin’s motion for reconsideration is hereby DENIED.



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

JUL 03 2007

I certify that the above is a true extract from  
the minutes of 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 18, 2007

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

APPLICATION NO. A07I0305  
LAWYERS TITLE INSURANCE CORPORATION V. KACE  
INVESTMENTS, L.P.

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

90026

2004RCCV0099

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JUL 18 2007

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

**JUN 28 2007**

**A07I0306. ROCKIE ALLEN DOCKERY v. THE STATE**

Rockie Allen Dockery seeks interlocutory review of an order denying his motion to suppress. An application for interlocutory review 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). In the instant case, the trial court entered a timely certificate of immediate review on May 31, 2007; however, the application was not docketed in this Court until 20 days later on June 20, 2007. Because this Court lacks jurisdiction to consider untimely applications for interlocutory review, this application is ordered DISMISSED.

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

**JUN 28 2007**

*I certify that the above is a true extract from  
the minutes of 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, JULY 17, 2007

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

APPLICATION NO. A07I0307  
ATLANTA GAS LIGHT COMPANY V. BREY BARRETT ET AL

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

70026

03VS052819



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 17 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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 23, 2007

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

APPLICATION NO. A07I0308

TRL HOLDINGS LLC, ET AL V. DEPARTMENT OF TRANSPORTATION

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

97026

2007SUCV615



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 23 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 23, 2007

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

APPLICATION NO. A07I0309

TRL HOLDINGS LLC, ET AL V. DEPARTMENT OF TRANSPORTATION

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

97027

2007SUCV616



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 23 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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 23, 2007

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

APPLICATION NO. A07I0310

TRL HOLDINGS LLC, ET AL V. DEPARTMENT OF TRANSPORTATION

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

97028

2007SUCV617



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 23 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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 06, 2007

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

APPLICATION NO. A07I0311  
EDGAR ALLEN FENNELL V. THE STATE

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

94026

03CR746



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 06 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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, 2007

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

APPLICATION NO. A07I0312  
DREW PITTMAN D/B/A LOG CABIN MINI STORAGE V. BALDWIN  
COUNTY, GEORGIA ET AL

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

92026

03CV37804



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 11 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 10, 2007

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 **S07C1812**

DREW PITTMAN D/B/A LOG CABIN MINI STORAGE v. BALDWIN COUNTY,  
GEORGIA et al.

Clerk, Supreme Court of Georgia

Case No. A07I0312

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, JULY 24, 2007

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

APPLICATION NO. A07I0313  
JAMIE SUSAN LEWIS 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.

99026  
07R033



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 24 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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 24 2007

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

## **A07I0314. THOMPSON v. THE STATE.**

John Wayland Thompson, III, stands charged along with several other defendants of manufacturing methamphetamine. He seeks immediate review of an order denying his motion to suppress. He informs the Court that the issues raised in this application are unique to him. The order complained of, however, is the same order referenced by Thompson and his co-defendants in Application No. A07I0313. While the trial court could certainly have addressed both motions to suppress in a single order, the order complained of here addresses itself solely to the issues raised in a joint motion to suppress and does not otherwise acknowledge the existence of multiple motions. Furthermore, neither the legality of Thompson's arrest nor the admissibility of his statements at the time of his arrest is addressed in the order submitted with Thompson's application. Because it appears that the trial court has yet to enter an order disposing of Thompson's separate and distinct motion to suppress, his application for interlocutory appeal is hereby *dismissed* as premature.



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JUL 24 2007

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

....., Clerk.

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

ATLANTA, JULY 19, 2007

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

APPLICATION NO. A07I0315  
SOUTHERN TRUST INSURANCE COMPANY V. KATHY GATES-MANZEY  
ET AL

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

71026

06V787



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JUL 19 2007

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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, 2007

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

APPLICATION NO. A07I0316  
STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, INC.,  
V. CHARLES SIMS ET AL

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

95027

06SV00349



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* JUL 26 2007

*I certify that the above is a true extract fromd  
the minutes of the Court 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 26, 2007

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

APPLICATION NO. A07I0316  
STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, INC.,  
V. CHARLES SIMS ET AL

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

95027

06SV00349



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* JUL 26 2007

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

The Court of Appeals hereby passes the following order: JUL 17 2007

**A07I0317. E. R. SNELL CONTRACTOR, INC. v. WESLEY CALLAWAY et al.**

E. R. Snell Contractor, Inc. seeks interlocutory review of the trial court's order denying its motion for summary judgment. The order sought to be appealed was signed on June 11, 2007 and entered on June 13, 2007. The accompanying certificate of immediate review was file-stamped on July 6, 2007, 23 days later.

A certificate of immediate review is ineffective unless filed with the clerk of court within ten days of entry of the order, judgment, or decision certified for review. OCGA § 5-6-34 (b); *Van Schallern v. Stanco*, 130 Ga. App. 687 (204 SE2d 317) (1974). When a certificate of immediate review is not entered within the ten-day period, the certificate is untimely and the party must wait until final judgment to appeal. In the absence of a timely filed certificate, this Court lacks jurisdiction to consider an application for interlocutory appeal. Accordingly, this application is ordered DISMISSED.



Court of Appeals of the State of Georgia JUL 17 2007  
Clerk's Office, Atlanta

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

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

*Will. L. Martinez*, Clerk.

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

ATLANTA, JULY 23, 2007

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

APPLICATION NO. A07I0318

STACY ALLEN V. THE STATE

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

98027

06MR82



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 23 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, JULY 27, 2007

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

APPLICATION NO. A07I0319  
THEODORE K. RINGHAUSEN V. BEVERLY GARMON ET AL

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

90027

2006V452



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

**JUL 27 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, JULY 26, 2007

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

APPLICATION NO. A07I0320  
GEORGIA FARM BUREAU CASUALTY INSURANCE COMPANY  
V. RICHARD THOMPSON 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.

91027

2004V086



*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* JUL 26 2007

*I certify that the above is a true extract fromd  
the minutes of 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 30, 2007

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

APPLICATION NO. A07I0321

J. ANTHONY DEDE, M.D., ET AL V. ANN MICHELLE WASDIN ET AL

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

70027

15103CV0334



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 30 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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,            AUGUST            01, 2007

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

APPLICATION NO.            A07I0322  
BEVERLY A. MEALER ET AL V. ALEX KENNEDY

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

93027

2006V769



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 01 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 26, 2007

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

APPLICATION NO. A07I0323

DAVID MOBLEY V. THE STATE

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

94027

05SC33627



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JUL 26 2007

*I certify that the above is a true extract from  
the minutes of 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 01, 2007

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

APPLICATION NO. A07I0324  
ERIC SANTANA ERIZA V. THE STATE

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

92027

07B11202



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **AUG 01 2007**

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

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

ATLANTA, JULY 26, 2007

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

APPLICATION NO. A07I0325

ALLSTATE INSURANCE COMPANY V. RICHARD THOMPSON ET AL

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

91028

2004V086



*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **JUL 26 2007**

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

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

Clerk.

A handwritten signature in black ink, appearing to read 'W. L. Martin', is written over the printed name 'Clerk.'

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

ATLANTA, JULY 30, 2007

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

APPLICATION NO. A07I0326

SANDRA MAGER, M.D., V. ANN MICHELLE WASDIN ET AL

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

70028

15103CV0334



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 30 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, 2007

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

APPLICATION NO. A07I0327

PETER LEONE V. DIANE WARD

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

71027

2006SV1797



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 31 2007**

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

AUG 02 2007

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

**A07I0328. MADDOX et al. v. PACE.**

The state court entered an order denying applicants' motion for summary judgment on June 19, 2007. A certificate of immediate review of that order was timely filed on June 27, 2007. The applicants mailed their submission to this Court by certified mail on July 6, 2007. See Court of Appeals Rule 4. The application was timely received on Monday, July 9, 2007. The submission could not be docketed as of the date mailed or on the date received, however, because no filing fee was included with the mailing. OCGA § 5-6-4. The filing fee was received by this Court and the application was docketed on July 10, 2007.

An application for interlocutory appeal is jurisdictionally proper only if it is filed with this Court within ten days of the date a timely certificate of immediate review is entered in the court below. OCGA § 5-6-34 (b). Since applicants failed to effect the filing of their application for interlocutory appeal within the time required under OCGA § 5-6-34 (b), the application is hereby DISMISSED as untimely. *Wilson v. Carver*, 252 Ga. App. 174 (555 SE2d 848) (2001).



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

AUG 02 2007

*I certify that the above is a true extract from  
the minutes of 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, AUGUST 06, 2007

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

APPLICATION NO. A07I0329

JAMIE BROSIUS V. THE STATE

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

96028

2007CR200



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 06 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, AUG 02 2007

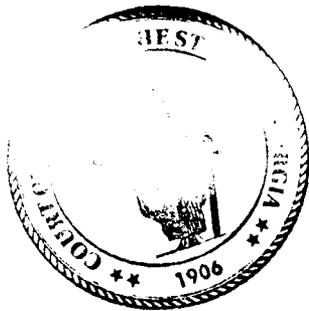
*The Court of Appeals hereby passes the following order:*

**A07I0330. ATLANTA BREAD COMPANY INTERNATIONAL, INC. v. SEAN LUPTON-SMITH et al.**

Atlanta Bread Company International, Inc. filed this application for interlocutory appeal from the trial court's June 22, 2007 order, which denied its amended cross-motion for summary judgment, granted the respondents' motion for partial judgment on the pleadings, and granted the respondents' motion for partial summary judgment. In its application, Atlanta Bread Company International, Inc. states that it seeks review of the denial of its amended cross-motion for summary judgment and the grant of the respondents' motion for partial judgment on the pleadings, on the basis that these rulings are not subject to direct appeal. Furthermore, it discloses that it has also filed a notice of appeal with the superior court enumerating as error the grant of partial summary judgment to the respondents.

Under OCGA § 9-11-56 (h), the grant of partial summary judgment on any issue or as to any party is reviewable by direct appeal. *Olympic Dev. Group v. American Druggists' Ins. Co.*, 175 Ga. App. 425 (1) (333 SE2d 622) (1985). In this case, the trial court disposed of all matters, including the respondents' motion for partial summary judgment, in the June 22, 2007 order. A party need not file an application for interlocutory appeal under OCGA § 5-6-34 (b) seeking review of any order from which a direct appeal is properly taken, even if particular rulings in that order would not, standing alone, be subject to direct appeal. All the rulings in such an order 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 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 timely notice of appeal. *Spivey v. Hembree*, 268 Ga. App. 485, 486, n.1 (602 SE2d 246) (2004). In this case, however, Atlanta Bread Company International, Inc. has filed a timely notice of appeal. This application is thus superfluous, and it is accordingly DISMISSED.



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

AUG 02 2007

I certify that the above is a true extract from  
the minutes of 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 03, 2007

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

APPLICATION NO. A07I0331  
COBB COUNTY BOARD OF TAX ASSESSORS V. MICROCOPY

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

90028

061858940



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 03 2007**

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

*The Court of Appeals hereby passes the following order:* JUL 23 2007

**A07I0332. JOSEPH BRANDEBURG v. THE STATE.**

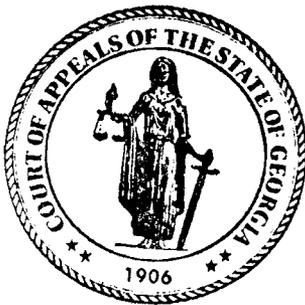
Joseph Brandeburg filed this interlocutory application to appeal an order denying several motions, including a motion to dismiss for violation of his constitutional right to speedy trial. A defendant may directly appeal the pre-trial denial of either a constitutional or statutory speedy trial claim. *Mayfield v. State*, 264 Ga. App. 551 (593 SE2d 851) (2003). This Court will grant a timely application for interlocutory review if the order at issue 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). There is no indication that Brandeburg has filed a notice of appeal. Therefore, this application is GRANTED. Brandeburg shall have 10 days from the date of this order to file a notice of appeal. See OCGA § 5-6-35 (g). The clerk of the superior court is instructed to include a copy of this order in the appeal record transmitted to this Court.

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* JUL 23 2007

*I certify that the above is a true extract from  
the minutes of 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, AUG 10 2007

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

**A07I0333. MIGUEL ORTIZ-SANTANA v. THE STATE.**

Pending before the Court is Miguel Ortiz-Santana's application for interlocutory appeal and motion to supplement his application. Upon consideration of the motion to supplement, the motion is **GRANTED IN PART** to include a stamped "filed" copy of the certificate of immediate review with the application and **DENIED IN PART** to the extent Ortiz-Santana seeks to add a co-defendant as an applicant. Upon consideration of the application for interlocutory appeal, the application is **DENIED**.

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* AUG 10 2007

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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.*

*Will L. Martinez*, Clerk.



# Court of Appeals of the State of Georgia

ATLANTA, AUG 01 2007

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

**A07I0334. RSN PROPERTIES, INC. v. ENGINEERING CONSULTING SERVICES, LTD, ET AL.**

RSN Properties, Inc. ("RSN") filed this interlocutory application, seeking review of a June 25, 2007, order denying its motion for partial summary judgment. The trial court issued a certificate of immediate review, which was entered 11 days later on July 6, 2007. Because a certificate of immediate review was not entered within ten days of the entry of the order complained of as is required under OCGA § 5-6-34 (b), this Court is without jurisdiction to consider the application. *Turner v. Harper*, 231 Ga. 175 (200 SE2d 748) (1973).

Notably, in its June 25 order, the trial court also granted partial summary judgment to respondents. RSN was thus entitled to directly appeal the order pursuant to OCGA § 9-11-56 (h). *Southeast Ceramics, Inc. v. Klem*, 246 Ga. 294 (271 SE2d 199) (1980). Yet, RSN appears not to have filed a notice of appeal. Because RSN failed to file a timely interlocutory application and did not otherwise pursue an alternate avenue of appeal, this Court is without any basis to exercise its jurisdiction over this matter. See *Id.*; *Turner*, 231 Ga. at 175; *Artis v. Gaither*, 199 Ga. App. 114 (404 SE2d 322) (1991). Accordingly, the application is hereby DISMISSED.



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* AUG 01 2007

*I certify that the above is a true extract from the minutes of 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 13, 2007

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

APPLICATION NO. A07I0335  
KAYLA LESTER, A MINOR, BY NEXT FRIEND, KIMWANNA HARDNETT,  
AND KIMWANNA HARDENETT, INDIVIDUALLY., V. ELDRED B. TAYLOR,  
M.D.

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

99028

07CV25247



*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.*

*Willie L. Martin*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            AUGUST            28, 2007

*The Court of Appeals passed the following order*

Case No. A07I0335

KAYLA LESTER, A MINOR, BY NEXT FRIEND, KIMWANNA HARDNETT,  
AND KIMWANNA HARDENETT, INDIVIDUALLY., V. ELDRED B. TAYLOR,  
M.D.

Upon consideration of the motion for reconsideration filed  
in this case, it is ordered that it be hereby denied.



*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    AUG 28, 2007*

*I certify that the above is a true extract from  
the minutes of 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: September 17, 2007**

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 **S08C0094**

**KAYLA LESTER, b/n/f KIMWANNA HARDNETT et al. v. ELDRED B. TAYLOR**

Clerk, Supreme Court of Georgia

Case No. A07I0335

SEP 19 2007 - sent to S.L.

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

Clerk, Court of Appeals of Georgia

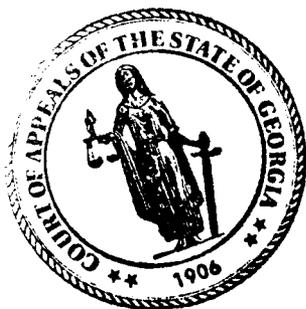
# Court of Appeals of the State of Georgia

ATLANTA, AUG 03 2007

*The Court of Appeals hereby passes the following order:*

**A07I0336. BUCKEYE RETIREMENT CO., L.L.C., LTD. v. DAVID A. LAKE.**

Buckeye Retirement Co., L.L.C., Ltd. filed this application for interlocutory appeal seeking review of the trial court's partial grant of summary judgment to David A. Lake. Buckeye indicates that it has also filed a notice of appeal from the June 27, 2007 partial grant of summary judgment to Lake. OCGA § 9-11-56 (h); *Diamond v. American Family Corp.*, 186 Ga. App. 681 (368 SE2d 350) (1988). The superior court clerk's office confirms that Buckeye filed a notice of appeal on July 18, 2007. Because Buckeye has filed a timely notice of appeal in this matter, this application for interlocutory appeal is *dismissed* as superfluous. See *Southern Ceramics v. Klem*, 246 Ga. 294-296 (1) (271 SE2d 199) (1980).



Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta

AUG 03 2007

*I certify that the above is a true extract from  
the minutes of 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 16, 2007

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A07I0337

RICHARD LANCE PARKER, SR. V. STEPHANIE RENAE PARKER

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

95029

06CV0113



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 16 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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, 2007

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A07I0338

JAMES WALDROP ET AL V. PETER BRASSELER HOLDINGS, L.P.

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

96029

2007CV6064



*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**AUG 09 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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, AUGUST 13, 2007

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A07I0339

KATHLEEN L. KLOTZ, M.D., ET AL V. JAMES H. WILBUR ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

98029

06A89203

*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.*

*Willie L. Mat... [Signature]*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 14, 2007

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A07I0340

DEATRA HARRIS V. BMW FINANCIAL SERVICES N.A., LLC., ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

90029

06A600584



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **AUG 14 2007**

*I certify that the above is a true extract from  
the minutes of 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,            AUGUST            15, 2007

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A07I0341  
V & D ENTERPRISES, INC., D/B/A HAMPTON INN V. FREDERICK  
EYMAN

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

91029

06V0792



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 15 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, AUGUST 21, 2007

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A07I0342

DAIMLERCHRYSLER FINANCIAL SERVICES AMERICAS, LLC V.

JANEKA JACKSON

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

70029

06A020001

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*



**AUG 21 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 21, 2007

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A07I0343  
DAIMLERCHRYSLER FINANCIAL SERVICES AMERICAS, LLC V.  
RENEE WARNELL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

70030

05A030041



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 21 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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 21, 2007

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A07I0344  
DAIMLERCHRYSLER FINANCIAL SERVICES AMERICAS, LLC  
V. GINA CLEMENTE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that 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.

70031

04A109531



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 21 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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, AUGUST 21, 2007

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A07I0345  
DAIMLER CHRYSLER FINANCIAL SERVICES AMERICAS, LLC,  
V. MARSHALL A. WAGES

Upon consideration of the Application for Interlocutory Appeal, it is ordered that 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.

70032

05A032151



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* AUG 21 2007

*I certify that the above is a true extract fromd  
the minutes of the Court 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, AUGUST 21, 2007

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A07I0346

DAIMLERCHRYSLER MOTORS COMPANY, LLC, V. JANEKA Y. JACKSON

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

70033

06A020001

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

AUG 21 2007

*I certify that the above is a true extract fromd  
the minutes of the Court 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 21, 2007

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A07I0347

DAIMLERCHRYSLER MOTORS COMPANY, LLC, V. RENEE M. WARNELL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that 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.

70034

05A030041



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 21 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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 21, 2007

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A07I0348  
DAIMLERCHRYSLER MOTORS COMPANY, LLC, V. GINA M. CLEMENTE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that 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.

70035

04A109531

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 21 2007**



*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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 21, 2007

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A07I0349

DAIMLERCHRYSLER MOTORS COMPANY, LLC, V. MARSHALL A. WAGES

Upon consideration of the Application for Interlocutory Appeal, it is ordered that 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.

70036

05A032151



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **AUG 21 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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, AUGUST 17, 2007

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A07I0350  
ENGINEERED SYSTEMS FOR MANUFACTURING, INC., V.  
TIMOTHY WILLIAMS

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

97029

2003CV2382



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 17 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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 10 2007

*The Court of Appeals hereby passes the following order:*

**A07I0351. THOMAS G. MERRITT et al. v. MARLIN OUTDOOR  
ADVERTISING, LTD.**

Thomas G. Merritt and Waterway on the Ogeechee, Inc. filed this application for interlocutory appeal from an order that granted partial summary judgment as to a certain billboard lease. The grant of partial summary judgment on any issue or as to any party is directly reviewable under OCGA § 9-11-56 (h), if a notice of appeal is filed within 30 days of the date of the entry of such judgment. *Olympic Dev. Group v. American Druggists' Ins. Co.*, 175 Ga. App. 425 (1) (333 SE2d 622) (1985). Thus, the order at issue is directly appealable and is not subject to the interlocutory appeal procedures of OCGA § 5-6-34 (b).

This Court will grant a timely application for interlocutory appeal if the order at issue is subject to direct appeal and the applicant has not otherwise filed a notice of appeal. *Spivey v. Hembree*, 268 Ga. App. 485, 486, n.1 (602 SE2d 246) (2004). The application does not indicate that a notice of appeal has been filed. 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 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*

AUG 10 2007

*I certify that the above is a true extract from  
the minutes of 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 15, 2007

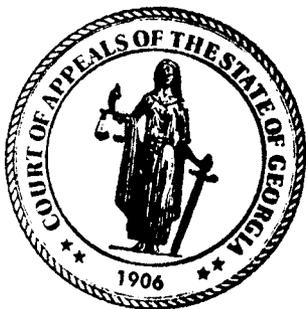
*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A07I0352  
JONATHAN MICHAEL GONDOL V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

94029

R07010310



*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

AUG 15 2007

*I certify that the above is a true extract fromd  
the minutes of the Court 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, AUGUST 23, 2007

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A07I0353  
MICHAEL C. SORRELS V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

92029

06MR330



*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**AUG 23 2007**  
*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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 28, 2007

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A07I0354  
THEODORE PAZUR V. VICKI BELCHER

Upon consideration of the Application for Interlocutory Appeal, it is ordered that 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.

99029

05A88807



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 28 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, AUGUST 28, 2007

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A07I0355  
VICKI BELCHER V. THEODORE PAZUR

Upon consideration of the Application for Interlocutory Appeal, it is ordered that 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.

99030

05A88807



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 28 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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 21, 2007

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A07I0356

PETROLEUM REALTY II, LLC, ET AL V. BOCA PETROCO, INC, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

71029

07CV0329

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

AUG 21 2007



*I certify that the above is a true extract fromd  
the minutes of 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, AUGUST 16, 2007

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A07I0357  
TRACY DANIELS ET AL V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

95030

7R005

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 16 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court 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,            AUGUST            21, 2007

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A07I0358

TAMI WELLS THOMAS ET AL V. MITTIE BELL WILLIAMS

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

96030

2006EV001323



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 21 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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, AUGUST 22, 2007

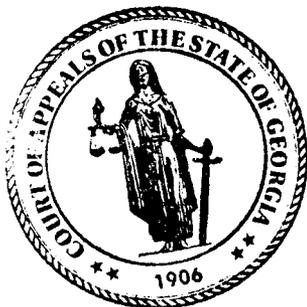
*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A07I0359  
MEDICAL EDGE TECHNOLOGIES, INC., ET AL V. DONALD LAWRENCE,  
ET AL

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

98030

2007CV128964



*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**AUG 22 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court 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, SEPTEMBER 04, 2007

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A07I0360

IN THE INTEREST OF K.K

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

90030

075070145901



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 04 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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*

L/C: 075-06-01459-01460

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 24, 2007

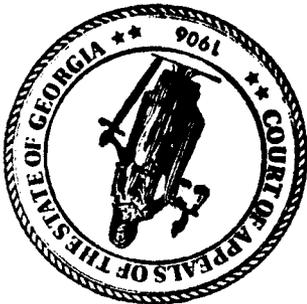
*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A07I0361  
PETROLEUM REALTY II, LLC., ET AL V. BOCA PETROCO, INC., ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

91030

071114218



*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **AUG 24 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court 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 04, 2007

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A07I0362  
RICHARD LANIER V. TIMOTHY HERNDON

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

97030

205RCCV283



*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **SEP 04 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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]*

L/C: 2005RCCV283

**Court of Appeals  
of the State of Georgia**

ATLANTA, SEPTEMBER 06, 2007

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A07I0363  
ECAST SETTLEMENT CORPORATION, ASSIGNEE OF HOUSEHOLD  
CARD SERVICES, INC., V. DELMUS R. HILBURN

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

93030

2004RCSC117



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

SEP 06 2007

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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,            SEPTEMBER 05, 2007

*The Court of Appeals passed the following order*

Case No. A07I0364

CHRISTOPHER L. MOORE D/B/A TRIAD CONSTRUCTION COMPANY  
V. JERRY W. DAVIDSON ET AL

Upon consideration of the motion for reconsideration filed  
in this case, it is ordered that it be hereby denied.



*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    SEP 05, 2007*

*I certify that the above is a true extract from  
the minutes of 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, September 6, 2007

*The Court of Appeals hereby passes the following order:*

**A07I0364. CHRISTOPHER L. MOORE D/B/A TRIAD CONSTRUCTION  
COMPANY v. JERRY W. DAVIDSON ET AL**

Upon consideration of appellee's motion to dismiss appellant's application for interlocutory appeal, it is ordered that said motion be hereby DENIED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta September 6, 2007*

*I certify that the above is a true extract from  
the minutes of 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, SEPTEMBER 6, 2007

*The Court of Appeals hereby passes the following order:*

**A07I0364. CHRISTOPHER L. MOORE D/B/A TRIAD CONSTRUCTION  
COMPANY v. JERRY W. DAVIDSON ET AL**

It appearing the order of this Court issued September 5, 2007 denying motion for reconsideration is incorrect due to clerical error. It is hereby ordered that said order is vacated. It is further ordered that the order attached hereto be substituted.



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta September 6, 2007*

*I certify that the above is a true extract from  
the minutes of 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, SEPTEMBER 10, 2007

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A07I0364  
CHRISTOPHER L. MOORE D/B/A TRIAD CONSTRUCTION COMPANY  
V. JERRY W. DAVIDSON 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.

94030

2004V34092



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* SEP 10 2007

*I certify that the above is a true extract fromd  
the minutes of 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 30, 2007

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A07I0365  
THE PHOENIX INSURANCE COMPANY V. LARRY 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.

92030

CV061522



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 30 2007**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals 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...*