

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

ATLANTA, JULY 03, 2008

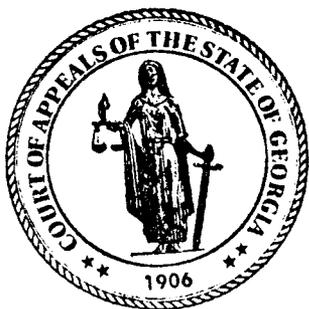
The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0281
IGNACIO ZARATE-RAMIREZ V. THE STATE

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

95024

06B2910



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

JUL 03 2008

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

JUL 18 2008

The Court of Appeals hereby passes the following order:

A08I0282. BARBARA HALL v. JOANN WILBANKS

Barbara Hall, individually and d/b/a BJ's Restaurant and James Hall, individually and d/b/a BJ's Restaurant ("Hall") seek to appeal the trial court's order denying their motion for summary judgment. Following the denial of their motion for summary judgment, Hall sought and obtained a timely certificate of immediate review; however, the certificate was improperly filed by the trial court in the Superior Court of Bartow County instead of the Superior Court of Gordon County where the order sought to be appealed was rendered. The certificate filed in Bartow County was "voided" and an amended certificate was entered in Gordon County more than ten days after entry of the order denying summary judgment.

A certificate of immediate review must be signed by the trial judge *and* filed with the clerk of the trial court within ten days of the order sought to be appealed. *Van Schallern v. Stanco*, 130 Ga. App. 687 (204 SE2d 317) (1974); *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973). Because the certificate of immediate review relied upon here was not timely filed with the clerk as required, the application is hereby *dismissed* for lack of jurisdiction.



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

JUL 18 2008

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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.

Willie L. Martinez, Clerk.

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

ATLANTA, JULY 17, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0283

BRUCE HART V. THE STATE

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

71024

07CR0663



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 17 2008

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Willie L. Martin

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

ATLANTA, JULY 23, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0284
MARY MCGOWIN CAPONE V. PETER CAPONE

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

92024

CE0701506



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 23 2008

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the minutes of the Court of Appeals of Georgia*

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hereto affixed the day and year last above written.*

Clerk.

Will L. Martin

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

ATLANTA, JULY 16, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0285
PRESIDIO HOMES, LLC, V. LARRY MULKEY ET AL

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

99024

07A03086



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

JUL 16 2008

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

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hereto affixed the day and year last above written.*

Clerk.

Will L. Martin

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

ATLANTA, JULY 10, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0286
BIOLAB, INC., V. MICHAEL S. LAW

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

70024

07C18262



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 10 2008

*I certify that the above is a true extract from
the minutes of the 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, JULY 23, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A0810287
CLARK ATLANTA UNIVERSITY, INC., V. KENTON ARMANDO SMITH
ET AL

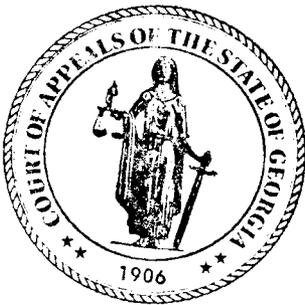
Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of STATE COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

91024

04VS065489

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, JUL 23 2008



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the minutes of the Court of Appeals of Georgia*

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Clerk.
Willie L. Martin

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

ATLANTA, JULY 28, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0288
DANIEL PINTO, SR., V. ASSOCIATED CREDIT UNION

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

94024

08C00861

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 28 2008

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the minutes of the Court of Appeals of Georgia*

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

Clerk.

Will. L. Martinez



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

ATLANTA, JULY 24, 2008

The Court of Appeals hereby passes the following order:

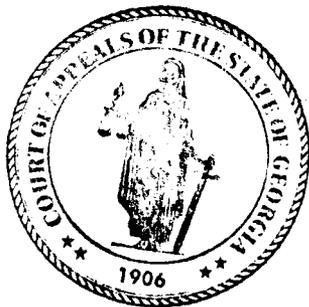
APPLICATION NO. A08I0289

VERNON BROWN V. THE STATE

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

97025

SU07CR1592



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 24 2008

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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, JULY 23, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0290
C.E. HALL CONSTRUCTION, INC., V. GREENE CONCRETE
SERVICES, INC.

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

96025

STCV0503524



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 23 2008

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Clerk.

Willie L. Martinez

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

ATLANTA, JULY 24, 2008

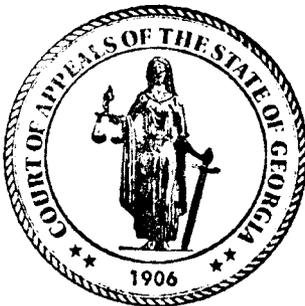
The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0291
HOOSHANG TOWFIGH V. DAVID TOWFIGH

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

98025

2005A5284



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 24 2008

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the minutes of the Court of Appeals of Georgia*

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hereto affixed the day and year last above written.*

Clerk.

Willi L. Martinez

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

ATLANTA, JULY 29, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0292

PRESBYTERIAN VILLAGE AUSTELL, INC. V. MARGARET BELL

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

90025

06EV000852



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 29 2008

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the minutes of the Court of Appeals of Georgia*

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hereto affixed the day and year last above written.*

Clerk.

Willie L. Martin

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

ATLANTA, JULY 29, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0293
CHOATE CONSTRUCTION COMPANY V. MARGARET BELL

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

90026

2006EV00852



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 29 2008

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

Willie L. Martin

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

ATLANTA, JULY 31, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0294
KATHLEEN CLEAVER V. ELAINE BROWN

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

95025

2007CV143579



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

JUL 31 2008

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

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

Clerk.

William L. Martinez

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: JUL 23 2008

A08I0295. CLARENDON NAT. INS. CO. v. SHANNON DUNN.

Clarendon National Insurance Company ("Clarendon") filed this interlocutory application seeking to appeal the denial of its motion for summary judgment. In her response to the application, Shannon Dunn, Individually and as Administratrix of the Estate of Jeanette Nicole Dunn ("Dunn"), included a copy of her dismissal without prejudice of Clarendon from this action.

Because Dunn dismissed her action against Clarendon, Clarendon's application for interlocutory appeal is moot. See *Newman v. Steinberg*, 133 Ga. App. 824 (212 SE2d 479) (1975). This application is therefore DISMISSED as moot. See OCGA § 5-6-48 (b).

LC#
2006A10927



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL 23 2008

I certify that the above is a true extract from
the minutes of 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 28, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0296

ASSOCIATED CREDIT UNION V. DANIEL PINTO, SR.

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

94025

08C00861



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 28 2008

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Clerk.

Willie L. Martinez

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: JUL 30 2008

A08I0297. MCG HEALTH, INC. v. THOUREAU L. GOODWIN.

MCG Health, Inc., defendant below, filed this application for interlocutory review on July 3, 2008. It has now filed a motion to voluntarily withdraw the application on the basis that Thoureau L. Goodwin, plaintiff below, has dismissed his complaint against MCG Health, Inc. without prejudice. The motion is hereby **GRANTED.**



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JUL 30 2008

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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.*

Willie L. Martin, Clerk.

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

ATLANTA, AUGUST 11, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0298
HOPEWELL INTERNATIONAL, INC., D/B/A GATEWAY
INDUSTRIES AND ASSOC., V. MAIN EVENT FITNESS OF
MARIETTA, INC.

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

92025

0714679



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 11 2008

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

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hereto affixed the day and year last above written.*

Clerk.

Willie L. Martin

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **JUL 25 2008**

A08I0299. PAUL JACKSON ET AL. v. BILLY WEAVER ET AL.

Plaintiffs Paul Jackson and Paul Ross filed this application for interlocutory appeal seeking review of the superior court's order denying their motion for reconsideration of the order granting partial summary judgment to the defendants. The order was entered May 21, 2008 and the certificate of immediate review was entered June 30, 2008.

Pursuant to OCGA § 5-6-34 (b), a certificate of immediate review "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 signing the order "nunc pro tunc to come within the ten day time period of OCGA § 5-6-34 (b). . . ." Nunc pro tunc entries are wholly ineffective in the context of the filing of a certificate of immediate review. *Whitlock v. State*, 124 Ga. App. 599, 601 (1) (185 SE2d 90) (1971). It is the date that a certificate of immediate review is actually filed, and not the date that the certificate is signed, that is material for jurisdictional purposes. *Turner*, supra, at 176. Moreover, even if the certificate could be deemed signed and filed on May 31, this would merely render the July 9 application untimely filed. OCGA § 5-6-34 (b).

Due to the untimely filing of the certificate of immediate review, this court lacks jurisdiction to consider the application, which is therefore **DISMISSED**.

LC#
07CV49126



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

JUL 25 2008

I certify that the above is a true extract from
the minutes of 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 06, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0300
DEERE AND COMPANY D/B/A JOHN DEERE TRACTOR CO.,
V. CHARLES CHAPPELEAR

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

70025

2006CA584



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **AUG 06 2008**

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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.

Willi L. Martin

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

ATLANTA, AUGUST 07, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0301

DARRIN R. SHURLING V. MANDI H. SHURLING

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

91025

1B08DR124



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 07 2008

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

Willie L. Martin

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

ATLANTA, AUGUST 01, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0302

CAMDEN COUNTY V. RON LEWIS

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

97026

07V0274



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 01 2008

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Clerk.

Willie L. Martin

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

ATLANTA, AUGUST 11, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0303

MICKEY ROUSE V. GLYNN ROUSE

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

96026

07V0048



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 11 2008

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Clerk.

Will. L. Martin

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

ATLANTA, AUGUST 08, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0304
KI SOO SHIN V. ESTATE OF STACY CAMACHO, ET AL

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

98026

07C10289



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 08 2008

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

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Clerk.

Will L. Martin

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

ATLANTA, AUGUST 13, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0305
INFILCO DEGREMONT, INC., V. ARCHER WESTERN CONTRACTORS,
LTD.

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

95026

0719318



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 13 2008

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

William L. Matia

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

ATLANTA, AUGUST 11, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0306
JANE F. CROSBY V. THOMAS W. LEBERT, II

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

93026

07CV1858



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **AUG 11 2008**

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

Clerk.

Will. L. McIntosh

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

ATLANTA, AUGUST 14, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0307
LIFE CARE CENTERS OF AMERICA, INC., D/B/A LIFE CARE CENTER
OF GWINNETT, ET AL V. ANGELA SMITH 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.

71026

08C01735



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 14 2008

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Clerk.

Willie L. Martinez

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

ATLANTA, AUGUST 14, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0309

BARRY SCOTT HEAD V. THE STATE

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

92026

S2007CR00948



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 14 2008

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Clerk.

Willie L. Martin

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

ATLANTA, AUGUST 18, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0310
PETER CAPONE V. MARY MCGOWIN CAPONE

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

92027

CE0701506



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 18 2008

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Clerk.

Will. L. Martin

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

ATLANTA, AUGUST 20, 2008

The Court of Appeals hereby passes the following order:

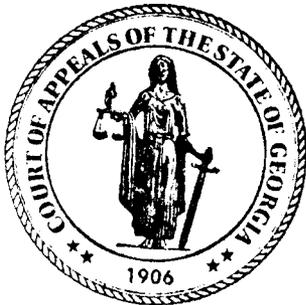
APPLICATION NO. A08I0311

JOHN STEWART ET AL V. GEORGIA BANK & TRUST

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

99026

07CV1251



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 20 2008

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

Clerk.

Will L. Matiza

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

ATLANTA, AUGUST 13, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0312
NICHOLE LATRECE COOPER V. THE STATE

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

70026

07CR00471



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 13 2008

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the minutes of the Court of Appeals of Georgia*

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hereto affixed the day and year last above written.*

Clerk.

Will. L. Martin

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

ATLANTA, AUGUST 18, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0313

G. DOUGLAS DILLARD ET AL V. BISHOP EDDIE LONG MINISTRIES,
INC., ET AL

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

91026

07CV4113



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 18 2008

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the minutes of the Court of Appeals of Georgia*

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hereto affixed the day and year last above written.*

Clerk.

Will. L. Martinez

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 08, 2008

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 **S09C0038**

G. DOUGLAS DILLARD et al. v. BISHOP EDDIE LONG MINISTRIES, INC., et al.

Clerk, Supreme Court of Georgia

Case No. A08I0313

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

SEP 18 2008

Clerk, Court of Appeals of Georgia

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

ATLANTA, AUGUST 18, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0314

G. DOUGLAS DILLARD ET AL V. DERRICK ADAMS

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

91027

07CV4111



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 18 2008

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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

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 08, 2008

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 **S09C0039**

G. DOUGLAS DILLARD et al. v. DERRICK ADAMS

Clerk, Supreme Court of Georgia

Case No. A08I0314

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

SEP 10 2008

Clerk, Court of Appeals of Georgia

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

ATLANTA, AUGUST 13, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0315

ANTHONY HILL GRADING, INC., V. SBS INVESTMENTS, 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 STATE COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

94026

06A50496



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 13 2008

*I certify that the above is a true extract from
the minutes of the 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 22, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0316
GEORGE EDWARD NEWSOME 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.

97027

2007D7701



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 22 2008

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Clerk.

Will. L. Martin

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

ATLANTA, AUGUST 22, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0317
DEKALB COUNTY, GEORGIA V. MAXWELL TAYLOR

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

96027

06A50694



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **AUG 22 2008**

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Clerk.

Will L. Martin

Court of Appeals of the State of Georgia

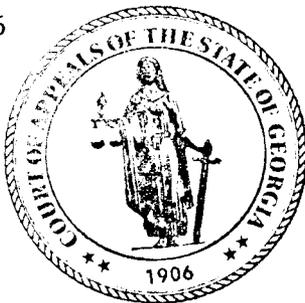
ATLANTA,

The Court of Appeals hereby passes the following order: **AUG 08 2008**

A08I0318. COOPER/T. SMITH STEVEDORING COMPANY INC. ET AL. v. THE STATE ET AL.

Cooper/T. Smith Stevedoring Company, Inc. and Cooper/T. Smith Corporation filed this application for interlocutory appeal, seeking review of an order of the superior court denying their motion for partial summary judgment and granting summary judgment to the respondents on the issue of liability and measure of damages. The grant of partial summary judgment as to one or more but fewer than all the claims or parties is reviewable by direct appeal. OCGA § 9-11-56 (h); *Olympic Dev. Group, Inc. v. American Druggists' Ins. Co.*, 175 Ga. App. 425 (1) (333 SE2d 622) (1985). The order in this case is thus subject to direct appeal. Furthermore, all rulings within that order and any other non-final rulings entered in the case may also be raised as part of such a direct appeal. OCGA § 5-6-34 (d); see *Southeast Ceramics v. Klem*, 246 Ga. 294, 295 (1) (271 SE2d 199) (1980). "This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicants have not otherwise filed a notice of appeal." *Spivey v. Hembree*, 268 Ga. App. 485, 486 n. 1 (602 SE2d 246) (2004). In this case, however, the applicants have filed a timely notice of appeal. This application is thus superfluous and is accordingly **DISMISSED**.

LC#
2004CV88266



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

AUG 08 2008

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

AUG 8 2008

The Court of Appeals hereby passes the following order:

**A08I0318. COOPER/T. SMITH STEVEDORING COMPANY INC. ET AL. v.
THE STATE ET AL.**

Cooper/T. Smith Stevedoring Company, Inc. and Cooper/T. Smith Corporation filed this application for interlocutory appeal, seeking review of an order of the superior court denying their motion for partial summary judgment and granting summary judgment to the respondents on the issue of liability and measure of damages. The grant of partial summary judgment as to one or more but fewer than all the claims or parties is reviewable by direct appeal. OCGA § 9-11-56 (h); *Olympic Dev. Group, Inc. v. American Druggists' Ins. Co.*, 175 Ga. App. 425 (1) (333 SE2d 622) (1985). The order in this case is thus subject to direct appeal. Furthermore, all rulings within that order and any other non-final rulings entered in the case may also be raised as part of such a direct appeal. OCGA § 5-6-34 (d); see *Southeast Ceramics v. Klem*, 246 Ga. 294, 295 (1) (271 SE2d 199) (1980). "This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicants have not otherwise filed a notice of appeal." *Spivey v. Hembree*, 268 Ga. App. 485, 486 n. 1 (602 SE2d 246) (2004). In this case, however, the applicants have filed a timely notice of appeal. This application is thus superfluous and is accordingly **DISMISSED**.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 8 2008

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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.*

Willie L. Mart 

, Clerk.

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

ATLANTA, AUGUST 26, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0319
HOG SLAT, INC., D/B/A GEORGIA POULTRY EQUIPMENT COMPANY
V. BILLY GARLAND

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

90027

2005CV915



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 26 2008

*I certify that the above is a true extract from
the minutes of the 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 21, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0320
KIM W. JOHNSTON, ET AL V. ESTUS TIM FLURY ET AL

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

95027

63903



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **AUG 21 2008**

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Will. L. Martin

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

ATLANTA, AUGUST 22, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0321
THIRD COAST TERMINALS, A/K/A THIRD COAST PACKAGING, INC.,
V. KOST USA, INC., ET AL

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

93027

06CV45987



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 22 2008

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the minutes of the Court of Appeals of Georgia*

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

Clerk.

W. L. Martinez

Court of Appeals of the State of Georgia

ATLANTA,

AUG 13 2008

The Court of Appeals hereby passes the following order:

A08I0322. COLLINS v. THE STATE.

Camella Noelle Collins seeks an interlocutory appeal from an order entered July 21, 2008, denying her motion to suppress. It appears that the certificate of immediate review relied upon by Collins, however, was not actually 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. Neither conformed signatures nor stamped signatures shall be permitted.” A certificate of immediate review confers jurisdiction to this Court to review an order not otherwise subject to direct or discretionary appeal only if it is signed and filed within 10 days of the entry of the order to which the certificate refers. OCGA § 5-6-34 (b); *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973). Because the certificate of immediate review submitted with Collins’s application does not contain a signature of the trial judge as required, her application is *dismissed* as unauthorized.

LC#
2008SR2281



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 13 2008

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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.*

Willie L. Mat... , Clerk.

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

ATLANTA, AUGUST 28, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0323
PROGRESSIVE BAYSIDE INSURANCE COMPANY V. ALLEN
KREBS

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

70027

08SV00003

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 28 2008

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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,

AUG 13 2008

The Court of Appeals hereby passes the following order:

**A08I0324. MUSEUM TOWER CONDOMINIUM ASSOCIATION, INC. v.
THE CHILDREN'S MUSEUM OF ATLANTA, INC.**

Museum Tower Condominium Association, Inc. filed this timely application for interlocutory appeal, seeking review of an order of the superior court denying its motion for partial summary judgment and granting partial summary judgment to the respondent, The Children's Museum of Atlanta, Inc. The grant of partial summary judgment as to one or more but fewer than all the claims or parties is reviewable by direct appeal. OCGA § 9-11-56 (h); *Olympic Dev. Group, Inc. v. American Druggists' Ins. Co.*, 175 Ga. App. 425 (1) (333 SE2d 622) (1985). The order in this case is thus subject to direct appeal. Furthermore, all rulings within that order and any other non-final rulings entered in the case may also be raised as part of such a direct appeal. OCGA § 5-6-34 (d); see *Southeast Ceramics v. Klem*, 246 Ga. 294, 295 (1) (271 SE2d 199) (1980). "This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicants have not otherwise filed a notice of appeal." *Spivey v. Hembree*, 268 Ga. App. 485, 486 n. 1 (602 SE2d 246) (2004). The clerk of the superior court has informed the clerk of this Court that Museum Tower Condominium Association, Inc. has not filed a notice of appeal in the case. Accordingly, its application for appeal is hereby **GRANTED**. The applicant shall have ten days from the date of this order to file a notice of appeal in the superior court.

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

LC#
2007CV134298



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **AUG 13 2008**

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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.*

Willie L. Martin, Clerk.

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

ATLANTA,

SEPTEMBER 02, 2008

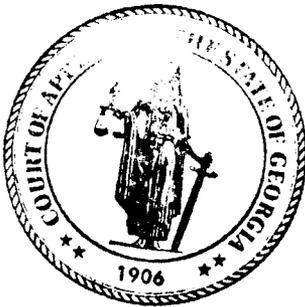
The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0325
CRYOLIFE, INC., V. MICHAEL HOHENBERRY

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

97028

2008A546



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 02 2008

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the minutes of the Court of Appeals of Georgia*

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

Will L. Martin

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

ATLANTA, AUGUST 22, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0326
ASHLEY GOODIN V. STEPHANIE GAINEY ET AL

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

96028

2006RCCV774



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **AUG 22 2008**

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

Clerk.

Will L. Martin

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order:

AUG 15 2008

**A08I0327. JAMES P. WADDELL, III., et al. v. STATE OF GEORGIA,
DEPARTMENT OF TRANSPORTATION.**

James P. Waddell III and James P. Waddell, Jr., filed a timely application for interlocutory appeal from the state court's order granting summary judgment in favor of third-party defendant State of Georgia, Department of Transportation. The grant of summary judgment as to one or more but fewer than all the claims or parties is reviewable by direct appeal. OCGA § 9-11-56 (h); *Olympic Dev. Group, Inc. v. American Druggists' Ins. Co.*, 175 Ga. App. 425 (1) (333 SE2d 622) (1985). "This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicants have not otherwise filed a notice of appeal." *Spivey v. Hembree*, 268 Ga. App. 485, 486 n. 1 (602 SE2d 246) (2004). Accordingly, this application for appeal is hereby GRANTED.

The Waddells shall have ten days from the date of this order to file a notice of appeal in the state court, provided that they have not otherwise filed a timely notice of direct appeal. The clerk of the state court is directed to include a copy of this order in the record transmitted to this court.

LC#
05VS082808



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 15 2008

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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.*

Willie L. Martin, Clerk.

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

ATLANTA, AUGUST 28, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0328

TRIAD HEALTH MANAGEMENT OF GEORGIA, III, LLC D/B/A TARA
AT THUNDERBOLT NURSING ET AL V. ANTHONY M. JOHNSON, AS
ADMINISTRATOR OF THE ESTATE OF MATTHEW JOHNSON ET AL

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

90028

STCV0704742



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **AUG 28 2008**

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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, SEPTEMBER 08, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0329

DAVID RACHEL ET AL V. AMERICAN HOME EQUITY CORPORATION

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

95028

2006CV117279



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 08 2008

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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. Mat... [Signature]

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

ATLANTA, AUGUST 28, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0330

DOUGLAS DAY V. THE STATE

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

93028

2008F020



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 28 2008

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Willie L. Martin

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

ATLANTA, SEPTEMBER 08, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0331

MILTON THOMAS TREMBLE, JR., ET AL V. METAL TRANSPORTATION
SYSTEMS, INC.

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

71028

1J06CV057



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 08 2008

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Clerk.

Willie L. Martin

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

ATLANTA, SEPTEMBER 03, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0332
MACY'S CENTRAL, INC., V. SHERYL HORWITZ

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

92028

STCV0502195



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 03 2008

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Will. L. Martinez

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

ATLANTA, AUGUST 28, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0333
LOUIS E. HOLTZ V. JOHN L. DANIEL

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

99028

07CV9509



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **AUG 28 2008**

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Will L. Martinez

Court of Appeals of the State of Georgia

ATLANTA, SEP 08 2008

The Court of Appeals hereby passes the following order:

A08I0334. THE STATE v. MILLER.

The State filed a direct appeal from an order of the superior court dismissing two counts of a five count indictment against Omar Kyhan Miller. The court based the dismissals on the State's seizure and subsequent destruction of a cell phone that contained information potentially useful to Miller's defense. That appeal has been docketed in this court as Appeal No. A09A0086. The State also filed the above styled application for interlocutory appeal from the same order, expressing concern that the Supreme Court's decision in *State v. Ware*, 282 Ga. 676 (653 SE2d 21) (2007), is in conflict with this court's earlier decision in *State v. Tuzman*, 145 Ga. App. 481 (243 SE2d 675) (1978). There is no such conflict. *State v. Ware*, supra, stands for the proposition that an order granting a motion for new trial may only be appealed by the State by interlocutory appeal under OCGA § 5-6-34 (b), since such an order is neither final nor otherwise subject to direct appeal under OCGA § 5-7-2. An order dismissing less than all counts of a multi-count indictment may be appealed by the State under OCGA § 5-7-1 (a) (1). Such an order is subject to direct appeal as opposed to interlocutory appeal because it is understood to be a final judgment within the meaning of OCGA § 5-6-34 (a) (1). *Tuzman*, supra at 482 (1); see also *State v. Jones*, 274 Ga. 287 (553 SE2d 612) (2001). Because we conclude that the State's direct appeal is proper, its application for interlocutory appeal is hereby *dismissed* as superfluous.

LC#
08B1793



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta SEP 08 2008

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the minutes of the Court of Appeals of Georgia.*

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Willie L. Martin, Clerk.

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

ATLANTA, SEPTEMBER 15, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0335

REGIONS BANK, INC., ET AL V. HAROLD A. DUDLEY, JR., ET AL

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

91028

06A09709



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 15 2008

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Clerk.

Willie L. Mat... [Signature]

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **MAY 22 2008**

A08I0229. DIDIER LAND COMPANY v. COX

Beverly Gregory Tucker Gravitt has filed a “motion to be added as appellant or, alternatively, to accept brief as an amicus curiae brief” in which she seeks to have this Court consider her position on the issues in this application. On May 21, 2008, however, this Court denied Didier Land Company’s interlocutory application to appeal the grant of Carlton and Evelyn Cox’s motion to quash the subpoena issued to mediator Leslie Waycaster. Therefore, Gravitt’s motion is DENIED AS MOOT.

Court of Appeals of the State of Georgia
Clerk’s Office, Atlanta **MAY 22 2008**

I certify that the above is a true extract from
the minutes of 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 20, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0230
JERRY RAY THOMPSON V. THE STATE

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

94019

07CR240

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 20 2008



*I certify that the above is a true extract from
the minutes of the 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 27, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0231

SUMMIT AUTOMOTIVE GROUP, LLC, V. TED A. CLARK, JR., ET AL

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

97020

04V0923



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 27 2008

*I certify that the above is a true extract from
the minutes of the Court 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 15 2008

The Court of Appeals hereby passes the following order:

A08I0232. RHONDA BERRIAN PORTER ET AL. v. KIMBERLY W. MEGOW ET AL.

A08I0217. KIMBERLY W. MEGOW ET AL. v. RHONDA BERRIAN PORTER ET AL.

In application number A08I0232, Rhonda Berrian Porter filed a timely interlocutory application, seeking to appeal an order granting in part the summary judgment motion of Margaret Guill, M.D. Under OCGA § 9-11-56 (h), the grant of partial summary judgment is subject to direct appeal. *Olympic Dev. Group v. American Druggists' Ins. Co.*, 175 Ga. App. 425 (1) (333 SE2d 622) (1985). The order Porter seeks to appeal is thus directly appealable and is not subject to the interlocutory appeal requirements. "This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicants have not otherwise filed a notice of appeal." *Spivey v. Hembree*, 268 Ga. App. 485, 486, n.1 (602 SE2d 246) (2004). It appears that no notice of appeal has been filed. Accordingly, application A08I0232 is ordered **GRANTED**. Applicant Porter shall have ten days from the date of this order to file a notice of appeal with the trial court. The Clerk of the State Court of Lowndes County is directed to include a copy of this order in the appeal record transmitted to this Court.

In application number A08I0217, Kimberly W. Megow, M.D. seeks to appeal a separate order in the same case denying her motion for summary judgment. This application is properly before this Court by application for interlocutory appeal. The

application of Kimberly W. Megow, M.D. is **DENIED** without prejudice to her right to file a timely cross appeal in the manner provided under OCGA § 5-6-38 (a).



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 15 2008

I certify that the above is a true extract from the minutes of 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, MAY 21, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0233

EMMITT MILLER V. THE STATE

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

96020

08C97605



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 21 2008

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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, MAY 28, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0234

DENVER C. HOOTEN ET AL V. RICHARD R. THOMAS ET AL

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

98020

08CV110



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 28 2008

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Clerk.

Willie L. Matz

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

ATLANTA, JUNE 04, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0235
MICHAEL L. MOSELY V. THE STATE

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

93020

2007M107360

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



JUN 04 2008

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

The Court of Appeals hereby passes the following order:

JUN 0 5 2008

A08I0236. GREGORY L. BOSTWICK ET AL. v. GEORGIA TRANSMISSION CORPORATION.

Gregory L. Bostwick filed this application for interlocutory appeal from the trial court's order overruling his exceptions to the special master's award in this condemnation action. The trial court entered the order on April 17, 2008, and a certificate of immediate review on April 24, 2008. The application for interlocutory appeal was docketed in this Court on May 7, 2008.

An application for interlocutory appeal must be filed in this Court within ten days after the trial court issues a certificate of immediate review. OCGA § 5-6-34 (b); *Genter v. State*, 218 Ga. App. 311 (460 SE2d 879) (1995). Because Bostwick did not file his application within ten days of the date the certificate of immediate review was granted, this Court lacks jurisdiction over this application, which is therefore **DISMISSED**.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 0 5 2008

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

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



Will L. Mat..., Clerk.

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order:

JUN 0 5 2008

A08I0236. GREGORY L. BOSTWICK ET AL. v. GEORGIA TRANSMISSION CORPORATION.

Gregory L. Bostwick filed this application for interlocutory appeal from the trial court's order overruling his exceptions to the special master's award in this condemnation action. The trial court entered the order on April 17, 2008, and a certificate of immediate review on April 24, 2008. The application for interlocutory appeal was docketed in this Court on May 7, 2008.

An application for interlocutory appeal must be filed in this Court within ten days after the trial court issues a certificate of immediate review. OCGA § 5-6-34 (b); *Genter v. State*, 218 Ga. App. 311 (460 SE2d 879) (1995). Because Bostwick did not file his application within ten days of the date the certificate of immediate review was granted, this Court lacks jurisdiction over this application, which is therefore **DISMISSED**.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 0 5 2008

I certify that the above is a true extract from the minutes of 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, JUNE 05, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0237

FRANCES NADINE TIMS ET AL V. DOLORES HASSEL BERGER

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

07V630



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 05 2008

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

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

Clerk.

Willie L. Martinez

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **JUN 0 5 2008**

**A08I0238. LEVEL 3 COMMUNICATIONS, LLC ET AL. V. SOUTHERN
TELECOM, INC.**

The applicants' motion to withdraw this application is hereby *GRANTED*.

LC#
2007CV144050



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

JUN 0 5 2008
*I certify that the above is a true extract from
the minutes of 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,

JUN 03 2008

The Court of Appeals hereby passes the following order:

A08I0239. MEADOW RIVER LUMBER CO., et al. v. EQUUSTOCK, LLC.

Defendants Meadow River Lumber Co. and Calvin Garland seek immediate review of an order granting the plaintiff's motion for partial summary judgment and denying the defendants' cross-motion for partial summary judgment. "The grant of partial summary judgment as to one or more but fewer than all the claims or parties is reviewable by direct appeal if the notice of appeal is filed within 30 days of the rendition of such judgment. OCGA § 9-11-56 (h); [Cits]" *Olympic Dev. Group v. American Druggists' Ins. Co.*, 175 Ga. App. 425 (1) (333 SE2d 622) (1985). Furthermore, all rulings within that order and any other non-final rulings entered in the case may also be raised as part of such a direct appeal. OCGA § 5-6-34 (d); see *Southeast Ceramics v. Klem*, 246 Ga. 294, 295 (1) (271 SE2d 199) (1980). "This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicants have not otherwise filed a notice of appeal." *Spivey v. Hembree*, 268 Ga. App. 485, 486 n. 1 (602 SE2d 246) (2004). Accordingly, the defendants' application for appeal is hereby *granted*.

The applicants 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*

JUN 03 2008

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

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

Willie L. Martin, Clerk.



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

ATLANTA, JUNE 09, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0241
EDNA GARRETT MCNEIL, AS TEMPORARY ADMINISTRATIX
OF SHAUNTEL MCNEIL V. STARWOOD HOTELS & RESORTS
WORLDWIDE, INC., ET AL

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

94020

2007EV002341



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **JUN 09 2008**

*I certify that the above is a true extract from
the minutes of the 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: **JUN 03 2008**

A08I0242. MARY BATTLE, AS ADMINISTRATOR OF THE ESTATE OF MATTIE MAE LEWIS, DECEASED v. ALBANY HEALTH CARE, INC.

Mary Battle, as the administrator of her cousin's estate, seeks interlocutory review of an order granting partial summary judgment. 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 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 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.

LC#
05SCV1011



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **JUN 03 2008**

I certify that the above is a true extract from
the minutes of 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 28, 2008

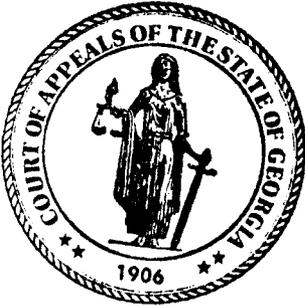
The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0243
DANIEL HERNANDEZ DE LA VEGA ET AL V. THE STATE

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

98021

08CR040



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 28 2008

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

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

Clerk.

Will. L. Martin

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

ATLANTA, JUNE 16, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0244
GRUBB & ELLIS MANAGEMENT SERVICES, INC., V. DANA SAMS
RAISSIAN

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

90021

06C10757



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 16 2008

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

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

Clerk.

Will L. Martin

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

ATLANTA, JUNE 12, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0245
ENCOMPASS INSURANCE COMPANY OF AMERICA V. TOBY
FRIEDMAN

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

95021

STCV0602802



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 12 2008

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

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

Clerk.

W. L. Martin

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

ATLANTA, JUNE 11, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0246
BILL CREEDEN, ET AL V. JAVIER BASILLIO FUENTES

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

93021

061776318



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 11 2008

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

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

Clerk.

Willie L. Martinez

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

ATLANTA, JUNE 16, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0247
BARTON PROTECTIVE SERVICES, LLC., ET AL V. DANA SAMS
RAISSIAN

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

90022

06C10757



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 16 2008

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

JUN 13 2008

A08I0248. ART M. COOK et al. v. ODIAS SMITH et al.

Art M. Cook, Greensboro Development, LLC and the City of Greensboro seek interlocutory review from an order that denied their motion for summary judgment on April 28, 2008. They successfully obtained a certificate of immediate review that was entered on May 9, 2008, eleven 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

Clerk's Office, Atlanta

JUN 13 2008

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

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

Will L. Martin, Clerk.

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

ATLANTA, JULY 07, 2008

The Court of Appeals passed the following order

Case No. A08I0248

ART M. COOK ET AL V. ODIAS SMITH 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 JUL 07, 2008*



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

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

Clerk.

Will. L. Martin

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **AUG 01 2008**

A08I0248. ART M. COOK et al. v. ODIAS SMITH et al.

Upon consideration of the motion for permission to file a second 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 01 2008

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



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

ATLANTA, JUNE 02, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0249

SOUTHERN TELECOM, INC. V. LEVEL 3 COMMUNICATIONS, 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.

99021

2007CV144050



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 02 2008

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

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

Clerk.

Willie L. Martinez

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

ATLANTA, JUNE 11, 2008

The Court of Appeals hereby passes the following order:

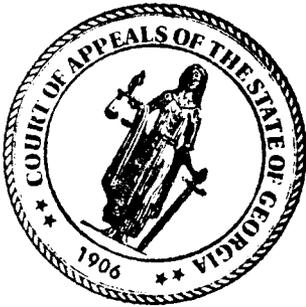
APPLICATION NO. A08I0250

J&D NEAL TRUCKING, INC. ET AL V. TRACY GRIFFIN ET AL

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

92021

2006CV117076



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 11 2008

*I certify that the above is a true extract from
the minutes of the 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, JUNE 11, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0251

NEWELL TRANSPORTATION, LLC V. TRACY GRIFFIN ET AL

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

92022

2006CV117076



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 11 2008

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

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

Clerk.

Willie L. Mat...

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

ATLANTA, JUNE 18, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0252
MICHAEL T. SMITH AS ADMINISTRATOR OF THE ESTATE OF
NOBERTO CANELA CASTANEDA ET AL V. CLAYTON COUNTY

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

70021

2007CV03239

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 18 2008

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

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

Clerk.

Will L. Martin



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

ATLANTA, JUNE 18, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0253

BRANDON PICKLE V. M. FRANCIS STUBBS ET AL

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

91021

2005V584



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 18 2008

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

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

Clerk.

Will. L. Martin

CLERK'S OFFICE

SUPREME COURT of GEORGIA

244 Washington Street, Room 572
Atlanta, Georgia 30334

(404) 656-3470

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

Docketing Date: July 02, 2008

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 **S08C1766**

BRANDON PICKLE v. M. FRANCIS STUBBS et al.

Clerk, Supreme Court of Georgia

Case No. A08I0253

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 13, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0254
ODIAS SMITH ET AL V. ART M. COOK ET AL

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

71022
06CV523



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

JUN 13 2008

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

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

Clerk.

Will. L. Martin

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

ATLANTA, JUNE 02, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0255

LEVEL 3 COMMUNICATIONS, LLC., ET AL V. SOUTHERN TELECOM, 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.

99022

2007CV144050



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 02 2008

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

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

Clerk.

Willie L. Mat... [Signature]

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

ATLANTA, JUNE 13, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0256

MERVIN ALLEN GOULETTE, JR., V. THE STATE

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

94021

CR0700737063



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 13 2008

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

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

Clerk.

Willie L. Martin

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

ATLANTA, JUNE 19, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0257
PARK SPRINGS, LLC V. DEKALB COUNTY TAX ASSESSORS

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

97022

05CV9893



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 19 2008

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

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

Clerk.

A handwritten signature in black ink, appearing to read "John L. Mat...".

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

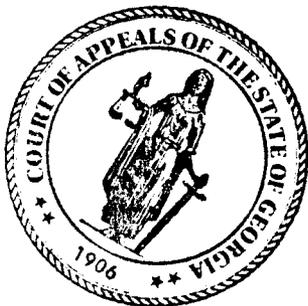
ATLANTA, JULY 22, 2008

The Court of Appeals passed the following order

Case No. A08I0257

PARK SPRINGS, LLC V. DEKALB COUNTY TAX ASSESSORS

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 JUL 22, 2008

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

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

Clerk.

Will. L. Martin

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

ATLANTA, JUNE 18, 2008

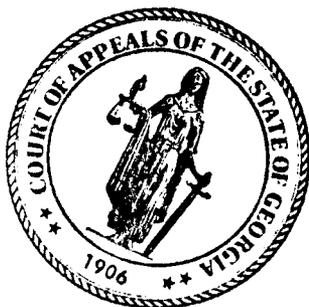
The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0258
MANOJ TRIPATHY V. VELINK, INC., ET AL

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

96022

05A02932



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 18 2008

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

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

Clerk.

Willie L. Martin

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

ATLANTA, JUNE 30, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0259
SOUTHERN COTTAGE PROPERTIES, LLC V. KIIETI WALKER-PARKER
AS EXECUTRIX OF THE ESTATE OF CURTIS U. WALKER

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

98022

2006CV365



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **JUN 30 2008**

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

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

Clerk.

Will L. Mat... [Signature]

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

ATLANTA, JUNE 25, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0260

JOHN B. STAMPS ET AL V. ARMANDO ROIS-MENDEZ

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

95022

2006CV121206



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 25 2008

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

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

Clerk.

Willie L. Martinez

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

ATLANTA, JUNE 25, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0261

CADLEWAY PROPERTIES, INC., V. SOUTHERN CONTRACTORS ET AL

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

93022

06CV1210



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 25 2008

*I certify that the above is a true extract from
the minutes of the 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, JULY 16, 2008

The Court of Appeals passed the following order

Case No. A08I0261

CADLEWAY PROPERTIES, INC., V. SOUTHERN CONTRACTORS 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 JUL 16, 2008*

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

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

Clerk.

Will L. Martin

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

ATLANTA, JUNE 24, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0262

BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF GEORGIA

(" BOR ") D/B/A MEDICAL COLLEGE OF GEORGIA (" MCG ") ET AL

V. DAVID CASEY

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

70022

2002RCCV328



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN 24 2008

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

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

Clerk.

Willie L. Martin

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

ATLANTA, JUNE 25, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0263
CHRISTOPHER APPEL V. FRANK WOOD

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

91022

07C8787



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

JUN 25 2008

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

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

Clerk.

Willie L. Martinez

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: JUN 27 2008

A08I0264. COUNTRYWIDE HOME LOANS, INC., assignee of Advanced Financial Services, Inc., v. KING, et al.

Plaintiff Countrywide Home Loans seeks immediate review of an order denying its motion for default judgment in an action filed against mortgagors James and Marie King. Ordinarily this would be a non-final order, but the trial court denied the motion on the specific ground that the underlying debt has been discharged in bankruptcy and relief from the stay is limited to recovery of the underlying collateral. Since there is no collateral to recover in this case, the superior court's order leaves no issues pending for trial. The order of the trial court immediately preceding the order certified for immediate review bolsters this conclusion. "[E]ven though an order does not specify that it is a grant of final judgment, it nevertheless constitutes a final judgment within the meaning of (OCGA § 5-6-34(a)(1)) where it leaves no issues remaining to be resolved, constitutes the court's final ruling on the merits of the action, and leaves the parties with no further recourse in the trial court." [Cits.] *Standridge v. Spillers*, 263 Ga. App. 401, 403 (1) (587 SE2d 862) (2003). *Standridge* likewise involves an order denying a motion for default judgment that contains findings of fact effectively resolving the entire case.

"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, Countrywide's application for appeal is hereby *granted*. Countrywide 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.

LC#
07CV03954



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 27 2008

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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 17, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0265
MELVIN STOWERS ET AL V. GEORGIA POWER COMPANY

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

97023

05CV432

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 17 2008

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the minutes of the Court of Appeals of Georgia*

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hereto affixed the day and year last above written.*

Clerk.



Willie L. Martin

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

ATLANTA, JUNE 25, 2008

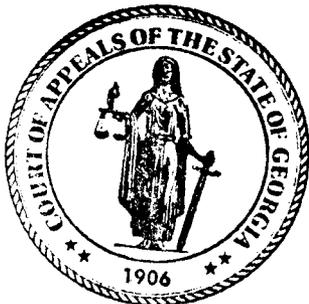
The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0266
QUENTIN SHAWN LISTER V. THE STATE

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

96023

08B1954



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **JUN 25 2008**

*I certify that the above is a true extract from
the minutes of the 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 02, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0267

KEITH ROBERSON V. THE STATE

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

98023

CR052325



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 02 2008

*I certify that the above is a true extract from
the minutes of the 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, JUNE 27, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0268
JAMES L. BYRUM V. NATIONAL RAILROAD PASSENGER
CORPORATION, ET AL

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

90023
CV991503



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

JUN 27 2008

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Will L. Martin

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

ATLANTA, JULY 03, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0269
JOHN HERZIG V. GLEN HAUENSTEIN

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

95023

07CV9811



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

JUL 03 2008

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

JUN 3 0 2008

**A08I0270. DEERE PARK & ASSOCIATES, LLC v. CH FURNITURE
SOURCE, LLC D/B/A DESIGNER FURNITURE SOURCE**

Deere Park & Associates LLC (“Deere Park”) filed this application for interlocutory appeal seeking review of the trial court’s order declining to issue a writ of possession and denying a motion for the appointment of a receiver. “All judgments or orders granting or refusing applications for receivers . . .” are reviewable by direct appeal if the notice of appeal is filed within 30 days of the rendition of such judgment. OCGA § 5-6-34 (a) (4). “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, Deere Park’s application for appeal is GRANTED. Deere Park 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.

LC#08A04186



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 3 0 2008

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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.*

Willie L. Martin, Clerk.

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

ATLANTA, JULY 02, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0271
EWING TAYLOR WADDLE V. THE STATE

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

71023

S2007CR00901



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 02 2008

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

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

Clerk.

William L. Martinez

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

ATLANTA, JULY 03, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0272

THE STATE OF GEORGIA V. JIMMIE DWIGHT WHITFIELD

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

2007CR879



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL 03 2008

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

JUN 25 2008

The Court of Appeals hereby passes the following order:

A08I0273. THOMAS A. JONES III v. DAVID G. O'DAY ET AL.

Thomas A. Jones III seeks immediate review of an order granting defendant David G. O'Day's motion for partial summary judgment. "The grant of partial summary judgment as to one or more but fewer than all the claims or parties is reviewable by direct appeal if the notice of appeal is filed within 30 days of the rendition of such judgment. OCGA § 9-11-56 (h); [Cits.]" *Olympic Dev. Group, Inc. v. American Druggists' Ins. Co.*, 175 Ga. App. 425 (1) (333 SE2d 622) (1985). "This Court will grant a timely application for interlocutory review if the order 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, Jones's application for appeal is hereby **GRANTED**. Jones 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.

LC#
2006CV119931



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

JUN 25 2008

*I certify that the above is a true extract from
the minutes of 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 08, 2008

The Court of Appeals hereby passes the following order:

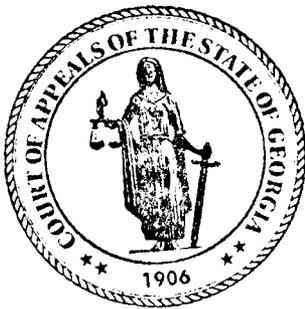
APPLICATION NO. A08I0274

LILLIE MAE ROBERTSON V. MARIAN JONES AS PARENT AND
GUARDIAN OF RAMESH HOUSTON

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

70023

2008CV465



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 08 2008

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

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

Clerk.

Willie L. Martin

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

ATLANTA, JULY 09, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0275
GLORIA SMITH V. DEAN A. HOLSAPPLE ET AL

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

91023

02A10217



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, **JUL 09 2008**

*I certify that the above is a true extract from
the minutes of the 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: July 29, 2008

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 **S08C1925**

GLORIA SMITH v. DEAN A. HOLSAPPLE et al.

Clerk, Supreme Court of Georgia

Sent to S.C.
7-31-08
JUL 31 2008

Case No. A08I0275

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 08, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0276
THE SEASONS HEALTH & REHABILITATION CENTER, LLC D/B/A
THE SEASONS HEALTH & REHAB CENTER V. SHIRLEY COWAN AS
SURVIVING SPOUSE 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.

94023

2008SV1201



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 08 2008

*I certify that the above is a true extract from
the minutes of the 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 03, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0277
JOSEPH BRITTON FRIX 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.

97024

2008CR1373



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL 03 2008

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

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

Clerk.

Willie L. Martin

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

ATLANTA, JULY 10, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0278
HAMPTON ISLAND FOUNDERS, LLC., ET AL V. LIBERTY CAPITAL,
LLC., ET AL

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

96024

06110446



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 10 2008

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

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

Clerk.

Willie L. Mat... [Signature]

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

ATLANTA, JULY 07, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0279
KAI LIEBERAM V. CHRISTINE MASTROPASQUA

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

98024

2007CV137341

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL 07 2008



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

JUL 10 2008

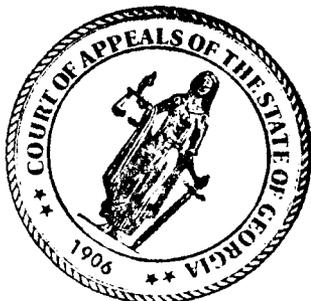
The Court of Appeals hereby passes the following order:

A08I0280. STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY v. XIONG.

Defendant State Farm Mutual Automobile Insurance Company seeks immediate review of an order granting the plaintiff's motion for partial summary judgment regarding the validity of a provision in the uninsured motorist section of the plaintiff's insurance policy permitting a setoff for medical payments coverage benefits received by the plaintiff. "The grant of partial summary judgment as to one or more but fewer than all the claims or parties is reviewable by direct appeal if the notice of appeal is filed within 30 days of the rendition of such judgment. OCGA § 9-11-56 (h); [Cits]" *Olympic Dev. Group v. American Druggists' Ins. Co.*, 175 Ga. App. 425 (1) (333 SE2d 622) (1985). "This Court will grant a timely application for interlocutory review if the order 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). State Farm's application for interlocutory appeal is therefore *granted*.

The applicant 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.

LC#
07SV410



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 10 2008

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

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

Will L. Martin, Clerk.

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **APR 17 2008**

A08I0192. ALSTON & BIRD, LLP v. MELLON VENTURES II, L.P.

Alston & Bird, LLP, W. Thomas Carter, III, and Randolph A. Moore, III (“Defendants”) seek interlocutory review of the trial court’s order denying Defendants’ motion to have the trial court withdraw a prior order referring certain matters to a special master for a recommendation to the trial court. This Court, however, lacks jurisdiction to consider this application. Under OCGA § 5-6-34 (b), for a party to obtain interlocutory review of an order, the trial court must certify within ten days of the entry of the order that immediate review should be had. The trial court did not grant the Defendants’ request for a certificate of immediate review. 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) (543 SE2d 16) (2001).

The Defendants also argue that the matter is subject to direct appeal pursuant to the collateral order doctrine, despite the absence of a final judgment terminating the underlying action. Under the collateral order doctrine, a direct appeal is permitted in certain limited situations “because the issue is substantially separate from the basic issues presented in the complaint, an important right may be lost if review had to await final judgment, and nothing further in the underlying action can affect the issue on appeal.” *In re Paul*, 270 Ga. 680, 682-683 (513 SE2d 219) (1999). However, “[t]o come within the ‘small class’ of decisions excepted from the final-judgment rule . .

. , the order must conclusively determine the disputed question, resolve an important issue completely separate from the merits of the action, and be effectively unreviewable on appeal from a final judgment.” *Coopers & Lybrand v. Livesay*, 437 U. S. 463, 468-469 (98 SC 2454, 57 LE2d 351) (1978); see also *Scroggins v. Edmondson*, 250 Ga. 430 (297 SE2d 469) (1982). The order at issue does not meet these criteria, and the collateral order exception has never been extended to the type of order at issue in this case.

Since the circumstances of this case do not fall within the narrow exceptions to the requirement of a certificate of immediate review, the Defendants’ failure to comply with the interlocutory appeal procedures of OCGA § 5-6-34 (b) deprives this Court of jurisdiction to consider this application, which is accordingly DISMISSED.

LC#
2006CV116281



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 17 2008

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

William L. Martin Clerk.

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

ATLANTA, APRIL 23, 2008

The Court of Appeals hereby passes the following order:

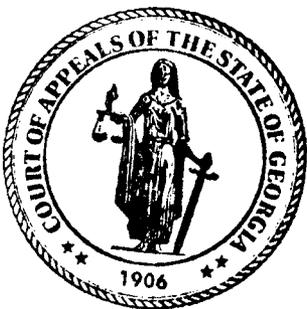
APPLICATION NO. A08I0193

ATLANTIC SOUTHEAST AIRLINES, INC. V. LARRY CARTER, AS EXECUTOR
OF THE ESTATE OF BLANCHE GAMBLE

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

95017

05VS082456



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 23 2008

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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, APRIL 24, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0194

CHARLES BARTON RICE, SR., ET AL V. BARTON PROTECTIVE
SERVICES, LLC ET AL

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

96017

2006CV115190



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 24 2008

*I certify that the above is a true extract from
the minutes of the 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. **APR 07 2008**

A08I0195. PATRICK SEAN McGONIGAL v. DEBORAH A. McGONIGAL.

Patrick Sean McGonigal filed an application for discretionary appeal to this court from an order of the Cobb Superior Court denying his motion to stay Deborah A. McGonigal's petition alleging that Mr. McGonigal is in contempt of certain provisions of the settlement agreement incorporated into the parties' divorce decree. "[T]he rights of the parties after a divorce is granted are based not on the settlement agreement, but on the judgment itself. [Cit.]" *White v. White*, 274 Ga. 884, 885 (2) (561 SE2d 801) (2002). Ms. McGonigal alleges that Mr. McGonigal is in contempt of an obligation imposed under the decree to pay her a percentage of the net proceeds he realized upon the sale of his stock in a certain company because he failed to pay her the entire amount due.¹ Our constitution provides that "[u]nless otherwise provided by law, the Supreme Court shall have appellate jurisdiction of" certain classes of cases, including "[a]ll divorce and alimony cases." Ga. Const. of 1983, Art. VI, § VI, ¶ III (6). "[A]n appeal from the judgment in a contempt action seeking to enforce any portion of the divorce decree other than child custody is ancillary to divorce and alimony and falls within this Court's jurisdiction over 'divorce and alimony cases.' [Cits.]" (Emphasis supplied.) *Rogers v. McGahee*, 278 Ga. 287, 288 (602 SE2d 582)

¹Mr. McGonigal filed an action for money had and received in the Cobb State Court, alleging that his payment to Ms. McGonigal was mistaken because no money was due under the decree since the transaction was a recapitalization, not a stock sale. Mr. McGonigal filed an application for discretionary appeal of the state court's dismissal of the action. We granted the application and the ensuing appeal is pending in this court as Appeal No. A08A0944.

(2004). “[A]n application for contempt to enforce the divorce decree is ancillary to, and an incident of, the divorce action, and jurisdiction to hear an appeal of this nature is in [the Supreme Court]. [Cit.]” *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); compare *Ashburn v. Baker*, 256 Ga. 507 (350 SE2d 437) (1986) (jurisdiction in contempt action involving child custody issues, but not issues relating to divorce and alimony, is within the appellate jurisdiction of the Court of Appeals). Because we conclude that this court lacks appellate jurisdiction over this matter, Mr. McGonigal’s application is *TRANSFERRED* to the Supreme Court for disposition.

LC#
0714255



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

APR 07 2008

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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.*

Willie L. Martinez , Clerk.

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

ATLANTA, APRIL 22, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0196

JUAN PICAZO V. THE STATE

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

90017

07CR0104



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 22 2008

*I certify that the above is a true extract from
the minutes of the 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, APRIL 30, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0197
SCOTT SHANLEY ET AL V. STATE FARM FIRE & CASUALTY
COMPANY ET AL

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

97017

03CV5082



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 30 2008

*I certify that the above is a true extract from
the minutes of the 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, APRIL 23, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0198
JULIE CAY SOMMESE V. THE STATE

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

93017

07B1176



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 23 2008

*I certify that the above is a true extract from
the minutes of the 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: **APR 22 2008**

A08I0199. DOUGLAS MITTLEIDER ET AL. v. M. HENRY DAY, JR., P.C. ET AL.

The applicants 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 applicants have filed a notice of appeal. Accordingly, this application is **GRANTED**. The applicants shall have ten days from the date of this order to file a notice of appeal with the trial court. The clerk of the state court is directed to include a copy of this order in the record transmitted to this Court.

LC#
07EV001830



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 22 2008

I certify that the above is a true extract from the minutes of 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 30, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0200

RHYAN DISHROOM V. THE STATE

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

92017

2008SUCR200



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 30 2008

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

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

Clerk.

Will L. Martin

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

ATLANTA, APRIL 22, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0201
ROY R. KELLY, III V. THE STATE

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

99017

NONE



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 22 2008

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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, APRIL 18, 2008

The Court of Appeals hereby passes the following order:

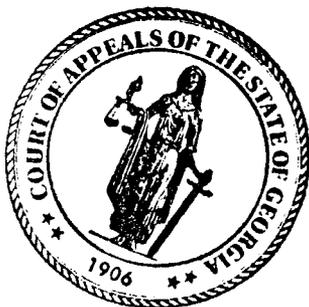
APPLICATION NO. A08I0202

HOLLIS & SPANN, INC., V. MAY CATHERINE HOPKINS 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.

70017

I040848



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 18 2008

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the minutes of the Court of Appeals of Georgia*

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hereto affixed the day and year last above written.*

Clerk.

Willie L. Martin

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

ATLANTA, MAY 02, 2008

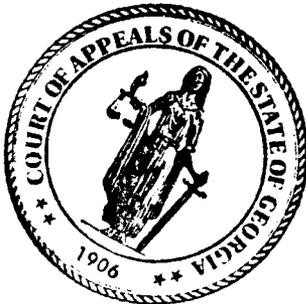
The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0203
JOHN DAVID BELL 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.

91017

2007SUCR1025



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **MAY 02 2008**

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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, APRIL 30, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0204

CITY OF TYBEE ISLAND, GEORGIA V. ENVIRO-ASSETS, LLC

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

94017

STCV0602708



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 30 2008

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hereto affixed the day and year last above written.*

Clerk.

Willie L. Martin

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

ATLANTA, MAY 01, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0205
CARL WINKLER 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.

95018

2007SUCR1024



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **MAY 01 2008**

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Clerk.

Will L. Martin

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

ATLANTA, MAY 08, 2008

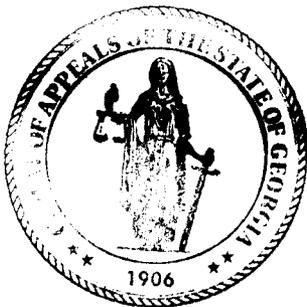
The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0206
AMERICAN SPORTS MANAGEMENT, INC., D/B/A ATLANTA
KICK V. JEFF HAYES ET AL

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

96018

06CV9527



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 08 2008

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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, MAY 12, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0207
QBE INSURANCE CORPORATION V. JEREMIAH C. BROWN
ET AL

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

98018

20050117



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

MAY 12 2008

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Will. L. Martin

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

ATLANTA, MAY 05, 2008

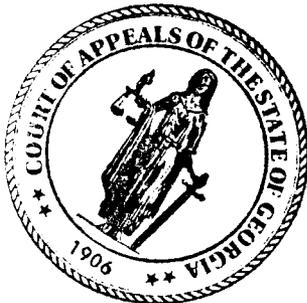
The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0208
GEORGIA DEPARTMENT OF TRANSPORTATION V. SAMMY
L. CARNEGIE

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

90018

07A67870



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

MAY 05 2008

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the minutes of the Court of Appeals of Georgia*

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hereto affixed the day and year last above written.*

Clerk.

Willie L. Martinez

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

ATLANTA, MAY 05, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0209
GEORGIA DEPARTMENT OF TRANSPORTATION V. STEPHEN
ANTHONY HARRIS

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

90019

07A67871



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 05 2008

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the minutes of the Court of Appeals of Georgia*

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hereto affixed the day and year last above written.*

Clerk.

Will. L. Martin

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

ATLANTA, MAY 05, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0210
GEORGIA DEPARTMENT OF TRANSPORTATION V. TERRELL LAMAR
FLOYD

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

90020

07A67872



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **MAY 05 2008**

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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, MAY 14, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0211
BLUEGREEN GOLF CLUBS, INC., ET AL V. KERRY COE ET AL

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

92018

07V0758



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 14 2008

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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, MAY 07, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0212
CEDRIC DEVANTE ROPER V. THE STATE

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

99018

1J07CR031



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 07 2008

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the minutes of the Court of Appeals of Georgia*

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

Will. L. Martin

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order:

APR 30 2008

A08I0213. MERVIN ALLEN GOULETTE, JR. v. THE STATE.

Mervin Allen Goulette Jr. filed this application for interlocutory appeal of the denial of his motion to suppress. After denying the motion to suppress on March 18, 2008, the superior court entered a certificate of immediate review on March 19, 2008. Under OCGA § 5-6-34 (b), an application for interlocutory appeal is valid only if filed within 10 days of the date a timely certificate of immediate review is entered in the court below. *Genter v. State*, 218 Ga. App. 311 (460 SE2d 879) (1995). Goulette filed his application April 17, 2008, 29 days after the entry of the certificate of immediate review. The application is thus untimely, and this Court lacks jurisdiction to consider it. Therefore, this application for interlocutory appeal is hereby *DISMISSED*.

LC#
CR700737063

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **APR 30 2008**

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*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 02, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0214
ELGIN RUSSELL 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.

91018

05T13488



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 02 2008

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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, MAY 16, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0215
OWNERS INSURANCE COMPANY ET AL V. SIMPLE AWARENESS
LLC D/B/A RIVERSTONE SPA ET AL

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

94018

05CV2805



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 16 2008

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

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

Clerk.

Will L. Mat... [Signature]

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

ATLANTA, MAY 02, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0216

JEAN GUTHRIE V. DONNA WICKES

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

97018

06A884



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 02 2008

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

Clerk.

Will L. Mat... [Signature]

Court of Appeals of the State of Georgia

ATLANTA,

MAY 15 2006

The Court of Appeals hereby passes the following order:

A08I0232. RHONDA BERRIAN PORTER ET AL. v. KIMBERLY W. MEGOW ET AL.

A08I0217. KIMBERLY W. MEGOW ET AL. v. RHONDA BERRIAN PORTER ET AL.

In application number A08I0232, Rhonda Berrian Porter filed a timely interlocutory application, seeking to appeal an order granting in part the summary judgment motion of Margaret Guill, M.D. Under OCGA § 9-11-56 (h), the grant of partial summary judgment is subject to direct appeal. *Olympic Dev. Group v. American Druggists' Ins. Co.*, 175 Ga. App. 425 (1) (333 SE2d 622) (1985). The order Porter seeks to appeal is thus directly appealable and is not subject to the interlocutory appeal requirements. "This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicants have not otherwise filed a notice of appeal." *Spivey v. Hembree*, 268 Ga. App. 485, 486, n.1 (602 SE2d 246) (2004). It appears that no notice of appeal has been filed. Accordingly, application A08I0232 is ordered **GRANTED**. Applicant Porter shall have ten days from the date of this order to file a notice of appeal with the trial court. The Clerk of the State Court of Lowndes County is directed to include a copy of this order in the appeal record transmitted to this Court.

In application number A08I0217, Kimberly W. Megow, M.D. seeks to appeal a separate order in the same case denying her motion for summary judgment. This application is properly before this Court by application for interlocutory appeal. The

application of Kimberly W. Megow, M.D. is **DENIED** without prejudice to her right to file a timely cross appeal in the manner provided under OCGA § 5-6-38 (a).



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **MAY 15 2008**

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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 15, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0218
GEORGIA CASUALTY AND SURETY CO. V. CHAMBERS DRUM
COMPANY, INC.

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

96019

2005CV104094



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 15 2008

*I certify that the above is a true extract from
the minutes of the 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 14, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0219
IGNACIO LOPEZ-JARMILLO V. THE STATE

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

98019

07SC58241



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 14 2008

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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, MAY 08, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0220
CURTIS N. FRIENDS V. THE STATE

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

95019

2007M7085



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 08 2008

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

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

Will. L. Martin

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

ATLANTA, MAY 08, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0221
KELLY ROANE LOUDERMILK V. THE STATE

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

95020

2007M7085



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

MAY 08 2008

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Will L. Martin

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

ATLANTA, MAY 23, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0222
KEVIN SHANE JONES V. THE STATE

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

93018

07M6250



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

MAY 23 2008

*I certify that the above is a true extract from
the minutes of the 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 23, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0223

YOUNG JIAN LIU V. JOYCE BOYD, AS SURVIVING PARENT OF
JOSHUA ANDREW BELL

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

93019

07C19759



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 23 2008

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

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hereto affixed the day and year last above written.*

Clerk.

Willie L. Martin

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

ATLANTA, MAY 14, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0224

HENRI TCHAYA 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.

71018

07D6879



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 14 2008

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the minutes of the Court of Appeals of Georgia*

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hereto affixed the day and year last above written.*

Clerk.

Willie L. Martin

Court of Appeals of the State of Georgia

ATLANTA, May 21, 2008

The Court of Appeals hereby passes the following order:

A08I0225. SAMMY BRINSON v. THE STATE.

Sammy Brinson is under indictment for four counts of murder and other crimes. Brinson is seeking interlocutory review of the denial of his motions to exclude certain similar transaction evidence and to allow expert evidence on shaken baby syndrome. Because Brinson 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, this application is ordered TRANSFERRED to the Supreme Court for disposition. See *State v. Thornton*, 253 Ga. 524 (1) (322 SE2d 711) (1984).



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 21 2008

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hereto affixed the day and year last above written.*

Willie L. Martin

, Clerk.

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

ATLANTA, MAY 29, 2008

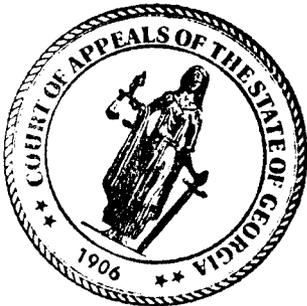
The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0226
MARGARET M. HELLRUNG V. FULTON COUNTY BOARD OF
ASSESSORS

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

92019

2007CV130165



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 29 2008

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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.

Willie L. Martin

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

ATLANTA, MAY 28, 2008

The Court of Appeals hereby passes the following order:

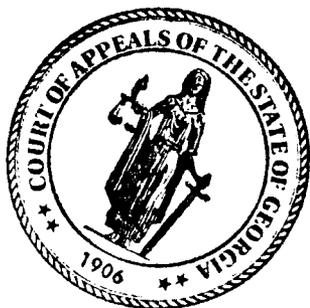
APPLICATION NO. A08I0227

GREGORY MILLER V. THE STATE

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

99019

07C55003



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **MAY 28 2008**

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the minutes of the Court of Appeals of Georgia*

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hereto affixed the day and year last above written.*

Clerk.

Will L. Mat... [Signature]

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

ATLANTA, MAY 30, 2008

The Court of Appeals hereby passes the following order:

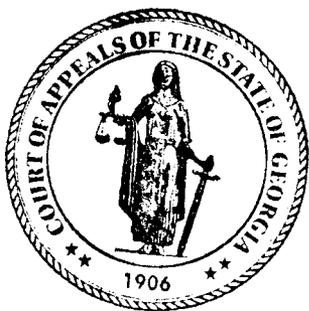
APPLICATION NO. A08I0228

IN RE : ESTATE OF RAUL LEON

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

70019

05A03663



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 30 2008

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*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 21, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0229
DIDIER LAND COMPANY ET AL V. CARLTON C. COX ET AL

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

91019

05CI1104

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **MAY 21 2008**



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hereto affixed the day and year last above written.*

Clerk.

Willie L. Martin

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

ATLANTA, APRIL 01, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0176
LA COSECHA, INC. D/B/A LA PARILLA MEXICAN RESTAURANT
V. DANIEL KARANOVICH 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.

92015

2006A7211



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 01 2008

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Clerk.

Will L. Martin

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

ATLANTA, MARCH 21, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0177

THE COCA-COLA COMPANY ET AL V. FRANNIE M. 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.

99015

06VS096246



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **MAR 21 2008**

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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, APRIL 02, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0178
OTHNEIL ALBERT JAMES 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.

70015
05B2975



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 02 2008

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hereto affixed the day and year last above written.*

Clerk.

Will L. Martin

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

ATLANTA, APRIL 02, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0179
AMERICAN WATER SERVICE USA V. GARY T. MCRAE

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

91015

CE0400040

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 02 2008

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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, APRIL 04, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0181

DEPARTMENT OF TRANSPORTATION V. CERTAIN ACCESS RIGHTS ET AL

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

95016

03V190



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 04 2008

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hereto affixed the day and year last above written.*

Clerk.

Willie L. Martin

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

ATLANTA, APRIL 03, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0182

JOHN P. FILER ET AL V. OLIVIA ESKEW, A MINOR, BY NEXT
FRIEND AND MOTHER, DONNA ESKEW

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

96016

2007A13850



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 03 2008

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the minutes of the Court of Appeals of Georgia*

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hereto affixed the day and year last above written.*

Clerk.

Will. L. Martinez

Court of Appeals of the State of Georgia

ATLANTA,

MAR 21 2008

The Court of Appeals hereby passes the following order:

A08I0183. NORTHEAST GEORGIA CANCER CARE, LLC v. BLUE CROSS AND BLUE SHIELD OF GEORGIA, INC. ET AL.

Northeast Georgia Cancer Care, LLC (“NEGACC”) filed a multi-count complaint against Blue Cross and Blue Shield of Georgia, Inc. and Blue Cross Blue Shield Healthcare Plan of Georgia, Inc. (together “BCBS”). In one count of the complaint, NEGACC sought a declaration that under OCGA § 33-20-16, BCBS was required to enter certain agreements with NEGACC. BCBS moved to dismiss four counts of the complaint, including the count seeking a declaratory judgment. The superior court granted BCBS’s motion. In dismissing the declaratory judgment count, the superior court expressly found that OCGA § 33-20-16 does not apply to HMOs. NEGACC filed this application for interlocutory appeal.

We conclude that the court’s order amounts to a declaratory judgment disposing of some but not all of the issues in this case. And, even though the case remains pending below, a declaratory judgment “[has] the force and effect of a final judgment or decree and [is] reviewable as such.” OCGA § 9-4-2; see *Sunstates Refrigerated Svcs. v. Griffin*, 215 Ga. App. 61, 62 (1) (449 SE2d 858) (1994). Therefore this order is subject to direct appeal.

We 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). Accordingly, NEGACC’s application for appeal is *GRANTED*.

NEGACC 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*

MAR 21 2008

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



Mr. James Walton Boswell III
KING & SPALDING
1180 PEACHTREE STREET
ATLANTA GA 30309-3521

A08I0183

Court of Appeals of the State of Georgia

ATLANTA,

MAR 21 2008

The Court of Appeals hereby passes the following order:

A08I0183. NORTHEAST GEORGIA CANCER CARE, LLC v. BLUE CROSS AND BLUE SHIELD OF GEORGIA, INC. ET AL.

Northeast Georgia Cancer Care, LLC (“NEGACC”) filed a multi-count complaint against Blue Cross and Blue Shield of Georgia, Inc. and Blue Cross Blue Shield Healthcare Plan of Georgia, Inc. (together “BCBS”). In one count of the complaint, NEGACC sought a declaration that under OCGA § 33-20-16, BCBS was required to enter certain agreements with NEGACC. BCBS moved to dismiss four counts of the complaint, including the count seeking a declaratory judgment. The superior court granted BCBS’s motion. In dismissing the declaratory judgment count, the superior court expressly found that OCGA § 33-20-16 does not apply to HMOs. NEGACC filed this application for interlocutory appeal.

We conclude that the court’s order amounts to a declaratory judgment disposing of some but not all of the issues in this case. And, even though the case remains pending below, a declaratory judgment “[has] the force and effect of a final judgment or decree and [is] reviewable as such.” OCGA § 9-4-2; see *Sunstates Refrigerated Svcs. v. Griffin*, 215 Ga. App. 61, 62 (1) (449 SE2d 858) (1994). Therefore this order is subject to direct appeal.

We 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). Accordingly, NEGACC’s application for appeal is *GRANTED*.

NEGACC 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

MAR 21 2008

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



Mr. James Walton Boswell III
KING & SPALDING
1180 PEACHTREE STREET
ATLANTA GA 30309-3521

A08I0183

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

ATLANTA, APRIL 15, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0184

GEORGIA DEPARTMENT OF TRANSPORTATION V. ALAN BROWN ET AL

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

90016

05VS083534



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 15 2008

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Clerk.

Willie L. Martinez

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

ATLANTA, APRIL 14, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0185
PAUL ALLEN SMITH, JR., ET AL V. ETHEL W. FOLEY

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

97016

SU07CV120

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **APR 14 2008**

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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, APRIL 09, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0186
METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY V.
CECELIA MATTHEWS

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

93016

2007CV133647

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 09 2008

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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, APRIL 18, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0187

MICHAEL R. CARR ET AL V. CAROL MICHELLE HALL

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

71016

2006CV114



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

APR 18 2008

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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...

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

ATLANTA, APRIL 18, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0188
HATTIE BLANKENSHIP V. AMANDA LOSSER, AS GUARDIAN AND
NEXT FRIEND OF MINOR CHILD, MORGAN ALTMAN

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

92016

07C135



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 18 2008

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the minutes of the Court of Appeals of Georgia*

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hereto affixed the day and year last above written.*

Clerk.

Will L. Martinez

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

ATLANTA, APRIL 09, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0189
PIZZA HUT OF AMERICA, INC., V. GINA ANDREWS ET AL

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

99016

2007A7182



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **APR 09 2008**

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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, APRIL 11, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0190
LORD AND COLLIER REALTY, LLC., ET AL V. AJEENAH
CRITTENDON

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

70016

07CV11109



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **APR 11 2008**

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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.

Willie L. Martinez

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order:

APR 01 2008

**A08I0191. J. R. CONSTRUCTION/ELECTRIC, LLC., v. ORDNER
CONSTRUCTION COMPANY.**

Defendant J. R. Construction/Electric, LLC filed the above styled application for interlocutory appeal from an order granting partial summary judgment in favor of plaintiff Ordner Construction Company. 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, the above styled application for appeal is hereby *granted*.

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

LC#
07CV00079

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

APR 01 2008

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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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Willie L. Martinez, Clerk.



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

ATLANTA, JANUARY 29, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0129

JAY GILBERTSON ET AL V. HALL FAMILY INVESTMENTS, L.P.

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

06VS096763



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 29 2008

*I certify that the above is a true extract fromd
the minutes of the Court of Appeals 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 25, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0130
STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY
V. COLEEN M. MANDERS 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.

71011

07C00538

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 25 2008

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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.

Willie L. Martin



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

ATLANTA, FEBRUARY 04, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0131

JAMES HUFF V. THE STATE

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

92011

SU07CR1220



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB 04 2008

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Clerk.

Will. L. Mat... [Signature]

Court of Appeals of the State of Georgia

ATLANTA, FEB 08 2008

The Court of Appeals hereby passes the following order:

A0810133. HARRIET ARGROVES v. JOHN NEELY.

Harriet Argroves filed this application for interlocutory appeal from the denial of her motion for summary judgment. Respondent John Neely has filed a motion to dismiss the application on the basis that the Supreme Court has exclusive jurisdiction to consider it pursuant to its exclusive appellate jurisdiction over divorce and alimony cases. See Ga. Const. of 1983, Art. VI, Sec. VI, Par. III (6). Jurisdiction of this case, however, is governed by the Supreme Court's decision in *Egeland v. Egeland*, 279 Ga. 565 (619 SE2d 596) (2005), holding that the Court of Appeals has jurisdiction over appeals in divorce cases where no final judgment has been entered. *Id.* Neely has also moved to dismiss the application for failure to comply with the procedural requirements of OCGA § 5-6-34 (b). We find, however, that Argroves substantially complied with the requirements of this statute. Accordingly, the motion to dismiss is **DENIED** on all grounds.¹

¹We note that had jurisdiction to consider this application in fact been in the Supreme Court, this Court would transfer – not dismiss – the application. See Court of Appeals Rule 32 (c).

Upon consideration of the application for interlocutory appeal, the application is **DENIED**.

2006CV0704



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

FEB 08 2008

*I certify that the above is a true extract from
the minutes of 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, **JAN 31 2008**

The Court of Appeals hereby passes the following order:

A08I0134. THOMAS BRIAN YOUNG v. THE STATE.

Thomas Brian Young seeks interlocutory review of the trial court's denial of his motion to suppress. The order denying his motion was entered on December 21, 2007. The certificate of immediate review was not filed until January 4, 2008, 14 days after the motion was denied.

A certificate of immediate review of a non-final or interlocutory order, decision, or judgment is ineffective unless entered, i.e., filed with the clerk, within ten days after 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). 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
Clerk's Office, Atlanta **JAN 31 2008**

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

Will L. Martin, Clerk.

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

ATLANTA, FEBRUARY 07, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0135
THE STATE V. FREDERICK O'NEAL

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

94011

00CR2563



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB 07 2008

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Clerk
Willie L. Martinez

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

ATLANTA, FEBRUARY 08, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0136
MARKHEALL C. JACKSON V. THE STATE

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

95012

2007R52



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **FEB 08 2008**

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Clerk.

Willie L. Martin

Court of Appeals of the State of Georgia

ATLANTA, FEB 12 2008

The Court of Appeals hereby passes the following order:

A08I0137. HORN v. THE STATE.

Oliver Horn seeks immediate review of an order denying in part his motion to suppress. The certificate of immediate review signed by the judge on January 8, 2008, and filed with the clerk the following day indicates consistently that the court “denied the motion” at some point prior the signing of the certificate. Despite indications to the contrary in the certificate, Horn has confirmed with clerk’s office personnel that no written order had been filed prior to the filing of the certificate. The certificate of immediate review as written cannot also be considered an “order” subject to appellate review because it indicates – even if erroneously – that the motion to suppress had *already* been denied. We recognize that the certificate includes language describing in some detail the grounds that the court relied upon in denying Horn’s motion, but the inclusion of such explanatory language within the certificate is not unusual. This is especially true when the order being certified for immediate review is tersely worded. Even if such explanatory language in a certificate could be treated as an order in its own right, the “order” within the certificate here would nevertheless be separate and distinct from the prior “order” being certified for immediate review.

Under these circumstances we conclude that the certificate Horn relies upon here is intended to certify for immediate review the trial court’s prior ruling from the bench and not a written order. But “an oral order is not final nor appealable until and unless it is reduced to writing, signed by the judge, and filed with the clerk.” *Sharp v. State*, 183 Ga. App. 641, 642 (1) (360 SE2d 50) (1987). Since Horn submits no written order reflecting a present intention of the court to deny his motion to suppress,

his application presents nothing for review. Horn's application is therefore *dismissed* for lack of jurisdiction.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **FEB 12 2008**

I certify that the above is a true extract from the minutes of 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 22, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0138

ATLANTA PRIMARY CARE CENTER, P.C. V. SHELBY LAUREN ARNELL
CARR, B/N/F LORAIN A. CARR, ET AL

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

98012

2006EV001409



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB 22 2008

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Clerk.

Willi L. Martin

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

ATLANTA, FEBRUARY 25, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0139
TOMAS VELAZQUEZ OCASIO V. THE STATE

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

90012

07B1446



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **FEB 25 2008**

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Clerk.

Will L. Mat... [Signature]

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

ATLANTA, FEBRUARY 21, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0140
HORATIO RAMON LEWIS V. THE STATE

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

97012

0792152



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

FEB 21 2008

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Clerk.

Will L. Mat... [Signature]

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

ATLANTA, FEBRUARY 20, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0141

DAVID GLENN LEE ET AL V. VIDEO WAREHOUSE, INC., ET AL

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

71012

06DV0209



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB 20 2008

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Clerk.

Willi L. Martin

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

ATLANTA, FEBRUARY 20, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0142
AMERIS BANCORP, SUCCESSOR IN INTEREST TO CAIRO BANKING
COMPANY V. JANET L. ACKERMAN

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

92012

07V188



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB 20 2008

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Clerk.

Will. L. Martin

Court of Appeals of the State of Georgia

ATLANTA, FEB 29 2008

The Court of Appeals hereby passes the following order:

A08I0143. THE STATE v. LINDAHL.

On February 12, 2008, this court dismissed the State's direct appeal no. A08A1049 on the ground that the State was not authorized to appeal the order under OCGA § 5-7-1, while noting that the order was otherwise interlocutory. After the direct appeal was docketed in this court the State filed this timely application for interlocutory appeal from the same order referenced in its direct appeal. Because we have previously concluded that OCGA § 5-7-1 does not authorize the State's appeal in this instance, the State's application for interlocutory appeal from the same order is likewise *dismissed* for lack of jurisdiction.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta FEB 29 2008

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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. Martin, Clerk.

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

ATLANTA, FEBRUARY 20, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0144
NED BROOKS ARMSTRONG ET AL V. LOIS J. RAPSON ET AL

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

99012

01VS025020



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB 20 2008

*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.
Willie L. Martin

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

ATLANTA, FEBRUARY 21, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0145

JOHN F. DUKE ET AL V. ANNETTE HANSON ET AL

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

70012

04V0921

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB 21 2008

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*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 25, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0147

NORFOLK SOUTHERN RAILWAY COMPANY ET AL V. DANNY D. HICKSON

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

94012

STCV060224



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB 25 2008

*I certify that the above is a true extract fromd
the minutes of the Court of Appeals 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 27, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0148

LAZ PARKING/GEORGIA, INC., ET AL V. ANGELA 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 STATE COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

95013

06A59485



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB 27 2008

*I certify that the above is a true extract fromd
the minutes of the 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 10, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0149

EILEEN M. DANIELS-HIMBER V. ANDREW J. DENARO

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

96013

06A3514

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 10 2008

*I certify that the above is a true extract fromd
the minutes of the Court 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 03, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0150
ALAN F. BENEKE V. PATRICIA PARKER 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.

98013
07V110



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 03 2008

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Clerk.

Will. L. Martin

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

ATLANTA, MARCH 04, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0151
PHILLIP ADRIAN BRITT 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.

90013

2006F09270



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **MAR 04 2008**

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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 03, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0152
VIDEO WAREHOUSE, INC V. FELICIA NEWSOME

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

71014

06DV0209



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 03 2008

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Will L. Martinez

Court of Appeals of the State of Georgia

ATLANTA, FEB 28 2008

The Court of Appeals hereby passes the following order:

A08I0153. THE STATE v. SANTIAGO COMACHO.

The State seeks to appeal an order involving the construction of OCGA § 17-16-4 (a) (3), a provision of the criminal discovery statute. The order at issue requires the State to deliver or otherwise make available to the defendant tapes, videos and compact discs requested by defense counsel. The superior court granted the State a certificate of immediate review, and the State seeks to proceed under OCGA § 5-7-2.

“In OCGA § 5-7-1 (a), the General Assembly has set forth only a limited right of appeal for the State in criminal cases.” *Howard v. Lane*, 276 Ga. 688 (581 SE2d 1) (2003). “If the State attempts an appeal outside the ambit of OCGA § 5-7-1 (a), the appellate courts do not have jurisdiction to entertain it.” *Id.* The order at issue does not fall within the ambit of OCGA § 5-7-1 (a).

Nor does invoking OCGA § 5-7-2 save the State’s appeal. That statute sets forth the procedure the State must follow to obtain review of specified rulings, but OCGA § 5-7-1 (a) specifies the rulings the State may appeal. *Howard v. Fuller*, S08O 0357 (2007 Ga. LEXIS 873) (Nov. 30, 2007).

We therefore lack jurisdiction over this application which is accordingly DISMISSED.

07CR471



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB 28 2008

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hereto affixed the day and year last above written.*

Willie L. Martin, Clerk.

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

ATLANTA, MARCH 04, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0154
THOMAS UNGARINO V. JERI V. PRUETTE

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

04CV628



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 04 2008

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Clerk.

Will. L. Martin

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

ATLANTA, MARCH 10, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0155

NORFOLK SOUTHERN RAILWAY COMPANY V. MICHAEL B. EVERETT

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

2006EV000797



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 10 2008

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Clerk.

Willie L. Martinez

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

ATLANTA, MARCH 11, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0156

DANNY BRIMLETT V. THE STATE

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

70013

CR052007

Court of Appeals of the State of Georgia

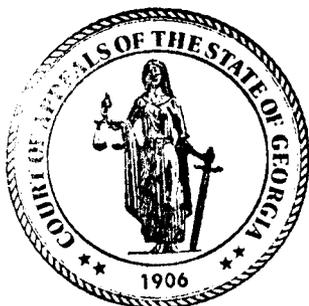
Clerk's Office, Atlanta

MAR 11 2008

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Clerk.



Willi L. Martin

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

ATLANTA, MARCH 13, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0157
THOMAS BRIAN YOUNG V. THE STATE

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

91013

X06CR0490



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

MAR 13 2008

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Clerk.

Willie L. Martin

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

ATLANTA, MARCH 05, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0158
BELLSOUTH TELECOMMUNICATIONS, INC., V. FUTURE
COMMUNICATIONS, INC.

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

94013

2007A6151



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 05 2008

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Will. L. Martin

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

ATLANTA, MARCH 11, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0160
LARRY EDWARD HAYNIE, AS ADMINISTRATOR OF THE ESTATE
OF JARED EDWARD HAYNIE, DECEASED V. GEORGE E. ROBINSON

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

96014

07CV0758



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 11 2008

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Clerk.

Willie L. Martin

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

ATLANTA, MARCH 14, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0161

JONATHAN E. BRANCH V. FRANK SYLVESTER, JR

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

98014

07CV1451



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 14 2008

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Clerk.

Will L. Martin

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

ATLANTA, MARCH 11, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0162
BLUE CROSS AND BLUE SHIELD OF GEORGIA, INC., V.
BARBARA L. 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.

90014

SU05CV120

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 11 2008

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Willi L. Martin



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

ATLANTA, MARCH 14, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0163
NICHOLAS JAMES HOLOWIAK 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.

97014

2007STM433



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 14 2008

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Clerk.

Willie L. Martin

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

ATLANTA, MARCH 19, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0164
DOOLY STATE PRISON V. JULIUS LAMOND MONTGOMERY

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

06DV0336



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 19 2008

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Will L. Martinez

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

ATLANTA, MARCH 21, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0165
CHARLES ANDREW CHATHAM V. THE STATE

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

99014

07SC53659



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 21 2008

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Willie L. Martin

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

ATLANTA, MARCH 17, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0166

OLIVER HORN V. THE STATE

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

70014

CR0700671



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 17 2008

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Will. L. Martinez

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

ATLANTA, MARCH 27, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0167
RICARDO ARMENDARI VEGA V. ALVARO LOPEZ

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

91014

07A07799



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **MAR 27 2008**

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Willi L. Mat...

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

ATLANTA, MARCH 19, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0168
JOSHUA J. JOHNSON V. THE STATE

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

94014

S2008CR00004



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 19 2008

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Clerk.

Will L. Martinez

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

ATLANTA, MARCH 26, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0170
BRIAN RALPH BRANTLEY V. THE STATE

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

96015

2006M029



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

MAR 26 2008

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

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Clerk.

Will L. Mat... [Signature]

Court of Appeals of the State of Georgia

ATLANTA ,

MAR 17 2008

The Court of Appeals hereby passes the following order:

A08I0171. JAMES DRAIN v. TINA JORDAN.

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

98-015

2007SV1149

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

MAR 17 2008

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the minutes of the Court of Appeals of Georgia.*

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Will. L. Martinez , Clerk.

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

ATLANTA, MARCH 27, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0172
CHEMTALL INCORPORATED V. TERRY JOYNER ET AL

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

90015

06V1734



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 27 2008

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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: April 16, 2008

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 **S08C1303**

CHEMTALL INCORPORATED v. TERRY JOYNER et al.

Clerk, Supreme Court of Georgia

Case No. A08I0172

Court of Appeals of Georgia

Notice of Petition for Certiorari

MAY 07 2008

filed in office

Clerk, Court of Appeals of Georgia

Court of Appeals of the State of Georgia

ATLANTA,

MAR 26 2008

The Court of Appeals hereby passes the following order:

A08I0173. IN THE INTEREST OF: M. J. C.

The applicant in the above styled case is a 22 year old who stands accused of acts of child molestation and aggravated child molestation that allegedly occurred on or before July 1, 2000. A bench trial conducted in 2005 ended with a transfer of the case to juvenile court after the superior court determined that the applicant was twelve years old when these crimes were committed. The applicant argued that the superior court's prior disposition, as well as applicant's current age, renders him protected from further proceedings in the juvenile court or the superior court. The superior court denied the applicant's motion to dismiss, but certified the matter for immediate review. This application followed.

The defense of double jeopardy is available in juvenile proceedings. *In the Interest of J. B. W.*, 230 Ga. App. 673 (497 SE2d 1) (1998). Because we conclude that the juvenile court's order effectively denies a plea of double jeopardy, the order is directly appealable under *Patterson v. State*, 248 Ga. 875 (287 SE2d 7) (1982); see *In the Interest of J. B. W.*, supra at 675. The application is therefore *granted*. *Spivey v. Hembree*, 268 Ga. App. 485, 486, n.1 (602 SE2d 246) (2004). 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.

LC#
20062848

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **MAR 26 2008**

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the minutes of the Court of Appeals of Georgia.*

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Willie L. Martin, Clerk.



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

ATLANTA, MARCH 17, 2008

The Court of Appeals hereby passes the following order:

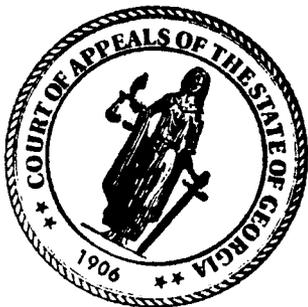
APPLICATION NO. A08I0174

MITCHELL VARNADOE, JR., ET AL V. DANNY M. BOATRIGHT

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

93015

07SV38



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 17 2008

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Clerk.

Will L. Mat... [Signature]

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

ATLANTA, MARCH 28, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0175
MICHELLE HANDLEY 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.

71015

2007CR319

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **MAR 28 2008**

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the minutes of the Court of Appeals of Georgia*

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hereto affixed the day and year last above written.*

Clerk.



Willie L. Martin

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

ATLANTA, NOVEMBER 28, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0077

SHABERN PROPERTY DEVELOPMENT, LLC ET AL V. MICHAEL
MARKSBERRY ET AL

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

90007

07C00393



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 28 2007

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Clerk.

Will L. Martin

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

ATLANTA, DECEMBER 06, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0078

WAL-MART STORES, INC., ET AL V. ANSLEY WRIGHT, 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.

97007

2006CV884



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 06 2007

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Clerk.

Will. L. Martinez

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

ATLANTA, DECEMBER 07, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0079
JUAN ANTONIO SERNA V. THE STATE

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

93007

1B06CR353

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **DEC -7 2007**

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Clerk.

Willi Z. Mat; [Signature]

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

ATLANTA, DECEMBER 14, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0080
VINOD N. PATEL V. THE CAPITAL GROUP LLC D/B/A SUNBELT
BUSINESS BROKERS OF ATLANTA

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

71007

06A06818



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **DEC 14 2007.**

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Clerk.

Willie L. Mat... [Signature]

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

ATLANTA, DECEMBER 14, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0081

TAYUNA MILLER V. THE STATE

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

92007

07CR0025



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 14 2007

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Clerk.

Will. L. McIntire

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

ATLANTA, DECEMBER 07, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0082

ROBERTO BORATTO V. DANNY E. HUNTLEY, ET AL

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

70007

05EV000198



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC - 7 2007

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Clerk.

Willie L. Martin

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

ATLANTA, DECEMBER 13, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0083
ADAM DAVID NESTLENUTT V. SCOTT MILLER

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

91007

06SV00410



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 13 2007

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Clerk.

Willi L. Martin

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

ATLANTA, DECEMBER 14, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0084
DIANE COCHRAN ET AL V. THE STATE

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

94007

07CR0330



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 14 2007

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hereto affixed the day and year last above written.*

Clerk.

Willi L. Martin

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

ATLANTA, DECEMBER 07, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0085
DEBORAH S. ALLEN V. THE STATE

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

95008

07CR2633

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

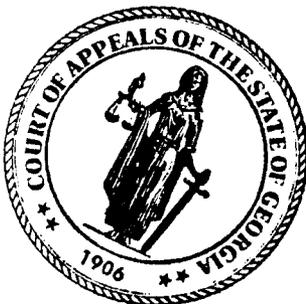
DEC - 7 2007

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Clerk.

Will. L. Martin



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

ATLANTA, DECEMBER 07, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0086
JIMMY DEWAYNE HOWARD V. THE STATE

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

95009

07CR2651



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC - 7 2007

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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. Martinez

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

ATLANTA, DECEMBER 14, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0087
CHATHAM COUNTY, GEORGIA ET AL V. SANDRA GLICKEN, AS SAID
ADMINISTRATRIX OF MITCHELL GLICKEN, DECEASED

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

96008

STCV0500984



Court of Appeals of the State of Georgia

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

Clerk.

Willie L. Martinez

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

ATLANTA, DECEMBER 13, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0088

ALDERWOODS (GEORGIA) HOLDINGS, INC., V. KELLY JOHNSON ET AL

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

98008

2007A5035



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 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 written.*

Clerk.

Willi L. McIntire

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

ATLANTA, DECEMBER 19, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0089
BRETT JEFFERS V. NORFOLK SOUTHERN RAILWAY COMPANY

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

90008

54594



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 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.

A handwritten signature in black ink, appearing to read "William L. Martinez", is written over the printed name "Clerk.".

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

ATLANTA, DECEMBER 19, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0090

GEORGE H. JOHNSON, ET AL V. TETON INVESTMENT PARTNERS, LLC,
ET AL

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

97008

2007CV137572



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **DEC 19 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, DEC 18 2007

The Court of Appeals hereby passes the following order:

A08I0091. ROGERS, et al. v. SCENIC HOMES, INC. d/b/a Scenic Homes, et al.

Cherille and Frederick Rogers seek immediate review of an order granting a motion to stay proceedings and to compel arbitration. The order complained of was entered on November 9, 2007. The certificate of immediate review relied upon by the applicants was signed on November 16 and filed with the clerk on November 27. It is well settled, however, that to be effective a certificate of immediate review must be signed by the trial judge *and* filed with the clerk within ten days after entry of the order to which the certificate refers. *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973). Because the certificate of immediate review relied upon here was not timely filed with the clerk as required, the application is hereby *dismissed* for lack of jurisdiction.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 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.*

Willie L. Martinez, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, DEC 14 2007

The Court of Appeals hereby passes the following order:

A08I0092. AUGUSTA, GEORGIA v. MARILYN BROWN ET AL.

Augusta, Georgia ("Augusta") seeks interlocutory review of the trial court's denial of its motion for summary judgment. The order Augusta seeks to appeal was entered in the trial court on November 6, 2007. A certificate of immediate review was granted and entered on November 27, 2007, 21 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

Clerk's Office, Atlanta DEC 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.*

Will L. Martinez, Clerk.



Court of Appeals
of the State of Georgia

ATLANTA, DECEMBER 27, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0093
ANDREW R. JONES V. FOREST LAKE VILLAGE HOMEOWNERS ASSOC.,
INC., ET AL

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

92008

05CV594

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 27 2007



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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. Martin

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

ATLANTA, DECEMBER 20, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0094
STEPHEN E. MULLINS, D.C. V. JOYCE M. HARDEMAN

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

99008

062761



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 20 2007

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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. Martinez

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

ATLANTA, DECEMBER 17, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0095
EAST-WEST SURGERY CENTER, LP, A LIMITED PARTNERSHIP ET AL
V. GARY A. CANTRELL ET AL

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

70008

04VS075219

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta DEC 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 Z. Mart; [Signature]

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

ATLANTA, DECEMBER 31, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0096
SCARLET TREU, ET AL V. MIN WEI HSU

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

91008

SU02CV0709



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

DEC 31 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.

W. L. Martin

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

ATLANTA, DECEMBER 31, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0097
SCARLET TREU, ET AL V. HUMANISM INVESTMENT, INC

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

91009

SU02CV0708



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 31 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. Mat...

Court of Appeals of the State of Georgia

ATLANTA, DEC 20 2007

The Court of Appeals hereby passes the following order:

A08I0098. ROBERSON v. DELOACH, et al.

On December 5, 2007, Terrell Roberson filed this application seeking immediate review of an order of the superior court entered on November 7, 2007, denying Roberson's motion to enforce settlement agreement. Roberson relies on a certificate of immediate review signed on November 26, "nunc pro tunc November 2, 2007." The certificate was filed on November 28, 2007. This certificate is ineffective for several reasons. First, nunc pro tunc entries are wholly ineffective in the context of the filing of a certificate of immediate review. *Whitlock v. State*, 124 Ga. App. 599, 601 (1) (185 SE2d 90) (1971). Second, it is the date that a certificate of immediate review is actually filed, and not the date that the certificate is signed, that is material for jurisdictional purposes. *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973). Third, even if the certificate could be deemed signed and filed on November 2, this would merely render Roberson's application untimely filed. Finally, we note that even if the certificate and application had both been timely filed, the certificate relied upon here is ineffective because it refers only to "an Order in this case that which is not subject to direct appeal." Because Roberson's submission does not contain a timely certificate of immediate review sufficiently referencing the order complained of, the application is *dismissed* for lack of jurisdiction.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta DEC 20 2007

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the minutes of the Court of Appeals of Georgia.*

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Will. L. Martin, Clerk.

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

ATLANTA, JANUARY 04, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0099

H & S CONCRETE COMPANY, INC., V. GUADALUPE HERNANDEZ-GARCIA
ET AL

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

96009

06A56947



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 04 2008

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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. Martinez

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

ATLANTA, JANUARY 03, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0100
HOSPITAL AUTHORITY OF VALDOSTA AND LOWDES COUNTY,
GEORGIA, D/B/A SOUTH GEORGIA MEDICAL CENTER V. THURMAN
MEEKS 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.

98009

2006CV1701



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 03 2008

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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. Martin

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

ATLANTA, JANUARY 08, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0101
DARNELL EPPINGER V. THE STATE

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

90009

06SC41911



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 08 2008

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the minutes of the Court of Appeals of Georgia*

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

Clerk.

Willi L. Mat... [Signature]

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

ATLANTA, JANUARY 08, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0102
JAMES RUSSELL TAYLOR V. THE STATE

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

94009

2007R118



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 08 2008

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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.

Willie L. Martin

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

ATLANTA, JANUARY 04, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0103

KAREN M. SMITH V. JEFFREY LANGFELDER ET AL

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

97009

06EV000741



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **JAN 04 2008**

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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 E. Martin

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

ATLANTA, JANUARY 10, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0104
MICHELLE HAMILTON V. KARLEN OWENS

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

93009
07CV32



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 10 2008

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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. Martinez

Court of Appeals of the State of Georgia

ATLANTA, DEC 19 2007

The Court of Appeals hereby passes the following order:

A08I0105. CHAMBERS v. THE STATE.

Defendant Philmon Chambers has been indicted on charges of murder and aggravated assault. He seeks immediate review of an order denying his motion to dismiss the charges against him. Chambers argues that he is entitled to immunity from criminal prosecution under OCGA §§ 16-3-23 and 16-3-24.2. Because Chambers 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, his 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*

DEC 19 2007

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hereto affixed the day and year last above written.*

Willie L. Martin, Clerk.

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

ATLANTA, JANUARY 09, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0106
MARIETTA LODGE NO. 1657, BENEVOLENT ET AL V. ADAMSON-
COLETTI, INC., D/B/A REMAX COMMUNITIES ET AL

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

92009

061672548



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 09 2008

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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... [Signature]

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

ATLANTA, JANUARY 09, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0107

CSX TRANSPORTATION, INC. (" CSCT ") V. JIMMY HOWELL, ET AL

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

99009

01VS024827



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 09 2008

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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.

Willie L. Mat... [Signature]

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

ATLANTA, JANUARY 10, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0108

CRAIG ADAM SMIT V. THE STATE

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

70009

2006FE0456



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 10 2008

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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, JANUARY 09, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0109

JENNIFER BLITCH ET AL V. WALKER PHARMACY, 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.

95010

1B05CV416



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 09 2008

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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. Martin

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

ATLANTA, JANUARY 15, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0110
RUDOLPH EUREL LIGGINS V. THE STATE

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

96010

07B2408



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 15 2008

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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, JANUARY 16, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0111
FREDY HERNANDEZ-PEREZ 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.

98010
DA07S75



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

JAN 16 2008

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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, JANUARY 22, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0112

ROBERT JOHNSON ET AL V. KIM THOMPSON ET AL

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

90010

060776



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 22 2008

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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.

Willie L. Martin

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

ATLANTA, JANUARY 16, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0113

CITY OF HELENA ET AL V. BARNIE FRANKLIN DUNN II ET AL

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

97010

05CV401



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 16 2008

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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.

Willie L. Martin

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

ATLANTA, JANUARY 16, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0114

GEORGIA POWER COMPANY V. BARNIE FRANKLIN DUNN, II, ET AL

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

97011

05CV401



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 16 2008

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Willi L. Martinez

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

ATLANTA, JANUARY 22, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0115

GEORGIA PINES COMMUNITY SERVICE BOARD V. MARILYN LEE SUMMERLIN 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

03CV544

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 22 2008

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Clerk.



Willie L. Martin

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

ATLANTA, JANUARY 14, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0116
BRITO PRODUCE INC V. MARGARITA TERRY

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

71010

2007CV07784



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

JAN 14 2008

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Clerk.

Will. L. Martinez

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

ATLANTA, JANUARY 23, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0117

SAMUEL SULLIVAN V. THE STATE

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

92010

079338328



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 23 2008

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Clerk.

Willie L. Martinez

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

ATLANTA, JANUARY 28, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0118

SEABOARD CONSTRUCTION MANAGEMENT LLC ET AL V. GASTER LUMBER & HARDWARE

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

99010

2006V536

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **JAN 28 2008**



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Clerk.

Will. L. Martin

Court of Appeals of the State of Georgia

ATLANTA, **JAN 17 2008**

The Court of Appeals hereby passes the following order:

A0810119. EDNA GARRETT MCNEIL, AS TEMPORARY ADMINISTRATRIX OF SHAUNTEL MCNEIL v. STARWOOD HOTELS & RESORTS WORLDWIDE, INC. ET AL.

Edna Garrett McNeil, as temporary administratrix of ShaunteL McNeil ("McNeil") seeks interlocutory review of the trial court's order granting the motion to open default filed by Starwood Hotels & Resorts Worldwide, Inc., Westin Portman Peachtree, II, LLC and Westin Peachtree Management Co., d/b/a The Westin Peachtree Plaza ("Westin") on the basis of excusable neglect and a proper case. In the application, McNeil contends the trial court lacked the authority to open the default as Westin did not pay costs prior to the order opening the default. Westin contends it tried to pay costs at the time it filed the motion, but the state court clerk's office refused to accept payment until the default was opened. This issue was not raised or ruled upon by the trial court and factual issues exist requiring a determination by the trial court. Accordingly, this application is GRANTED and the case is REMANDED to the trial court for a resolution of the issue as to the payment of costs.



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

JAN 17 2008
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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

Willie L. Martin, Clerk.

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

ATLANTA, JANUARY 28, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0120

ELLISDON CONSTRUCTION, INC. ET AL V. LTH STEEL BUILDINGS, INC.

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

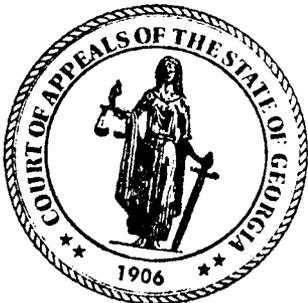
91010

04CV1496

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 28 2008



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

Clerk.

Willie L. Martinez

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

ATLANTA, JANUARY 25, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0121

HECTOR GOPAR V. THE STATE

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

94010

07CR928



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

JAN 25 2008

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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, JAN 10 2008

The Court of Appeals hereby passes the following order:

A08I0122. NATIONAL SERVICE INDUSTRIES, INC. v. GEORGIA POWER COMPANY.

National Service Industries, Inc. filed this application for interlocutory appeal, seeking review of the trial court's order granting partial summary judgment to the respondent and denying its motion for summary judgment. 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 at this time has filed a notice of appeal.¹ 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 JAN 10 2008

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

¹ It states in its application that it intends to pursue a direct appeal.

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

ATLANTA, JANUARY 28, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0123
LARS HIMMER ET AL V. KELD HUNDEBOL ET AL

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

96011

06A07920

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN 28 2008

*I certify that the above is a true extract fromd
the minutes of the Court 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, January 28, 2008

The Court of Appeals hereby passes the following order:

A08I0124. POTTINGER v. SMITH.

Jill Pottinger filed the above styled application for interlocutory appeal on January 2, 2008,¹ following the timely entry of a certificate of immediate review on December 21, 2007. Because Pottinger's application was not filed within ten days after entry of the certificate of immediate review as required under OCGA § 5-6-34 (b), the application is hereby *dismissed* for lack of jurisdiction.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **JAN 28 2008**

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

¹We note that Pottinger filed her application by certified mail, but failed to have the United States Postal Service postmark date stamped on the envelope or container as required under Court of Appeals Rule (4) (c) (2). Under these circumstances Pottinger's application must be treated as filed on January 2, the date it was physically delivered to the Clerk's office. Court of Appeals Rule (4) (c) (1).

Court of Appeals of the State of Georgia

ATLANTA, FEB 29 2008

The Court of Appeals hereby passes the following order:

A08I0124. POTTINGER v. SMITH.

This court dismissed the above styled application for interlocutory appeal on January 28, 2008, as untimely filed. On timely motion for reconsideration Pottinger presents a certified mail receipt demonstrating that her application was in fact timely filed by certified mail on December 31, 2007. Pottinger's motion for reconsideration is therefore *granted* and the order dismissing the application is hereby *vacated*. Upon review of the submission on its merits, the application for interlocutory appeal is hereby *granted*. Pottinger shall have 10 days from the date of this order in which to file a notice of appeal. 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*

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Willie L. Martin, Clerk.

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

ATLANTA, JANUARY 28, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0125
WILD FARMS, INC., ET AL V. UAP DISTRIBUTION, INC., AS SUCCESSOR
IN INTEREST TO U.A.P./GA AG. CHEM., INC.

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

90011

2003V10333

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 28 2008



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

Willi L. Martin

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

ATLANTA, JANUARY 29, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0126
MCKESSON CORPORATION F/K/A MCKESSON HBOC, INC., ET AL V.
HOLCOMBE T. GREEN, 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.

93011

06VS096763



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

JAN 29 2008

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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, JANUARY 29, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0127
MCKESSON CORPORATION F/K/A MCKESSON HBOC, INC., ET AL
V. HOLCOMBE T. GREEN, 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.

93012

06VS096763

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 29 2008



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

Willi L. Martin

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

ATLANTA, JANUARY 29, 2008

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0128
MCKESSON CORPORATION F/K/A MCKESSON HBOC, INC., ET AL
V. HOLCOMBE T. GREEN, 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.

93013
06VS096763



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

JAN 29 2008

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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, OCTOBER 12, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0036

LAMAR GAVIN 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.

91003

07SC55019



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 12 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, OCTOBER 18, 2007

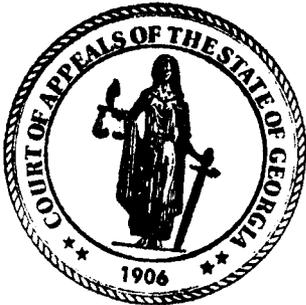
The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0037
J & E BUILDERS, INC. V. RC DEVELOPMENT, INC.

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

94003

05V1162



Court of Appeals of the State of Georgia

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

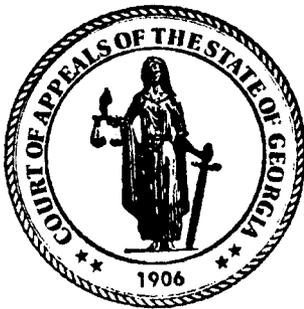
Court of Appeals of the State of Georgia

ATLANTA, September 24, 2007

A08I0037. J & E BUILDERS, INC. v. RC DEVELOPMENT, INC.

The Honorable Court of Appeals hereby passes the following order:

It appearing the DISCRETIONARY application A08D0046 was incorrectly filed due to clerical error, it is hereby ordered that said application is hereby changed to an INTERLOCUTORY application with the case number A08I0037 as stated above.



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

Clerk.

Willie L. Martin

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

ATLANTA, OCTOBER 16, 2007

The Court of Appeals hereby passes the following order:

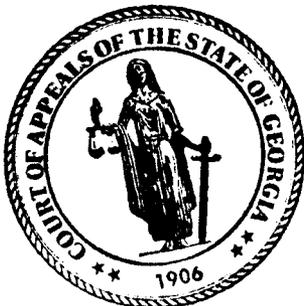
APPLICATION NO. A08I0038

BEN JOHNSON V. THE STATE

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

95004

06SC43421



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 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.

W. L. Martinez

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

ATLANTA, October 15, 2007

The Court of Appeals hereby passes the following order:

**A08I0039. GROOME TRANSPORTATION OF GEORGIA, INC. ET AL. v.
STEPHANIE Y. REESE.**

Groome Transportation of Georgia, Inc. seeks immediate review of an order entered July 21, 2007, denying its motion for partial summary judgment. The superior court certified the matter for immediate review on August 29, 2007. Groome asserts that counsel did not receive the order denying summary judgment until August 24, 2007. While it is unfortunate that Groome 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). Groome's application is therefore *dismissed* for lack of jurisdiction.

Groome is advised that if it still wishes to seek immediate review under these circumstances, it must first pursue the appropriate remedy for the defect in the service of the order denying the motion for partial summary judgment. Although Groome contends that it requested the trial court to vacate and re-enter its order denying partial summary judgment, it is not clear that Groome pursued the appropriate remedy, a motion to set aside and re-enter the order based on clerical error under OCGA § 9-11-60 (g). 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
Clerk's Office, Atlanta*

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hereto affixed the day and year last above written.*

L/C: 2006CV721

Will L. Matz

, Clerk.

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

ATLANTA, OCTOBER 25, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0040

CORRIE KELTY V. THE STATE

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

90004

06R705



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 25 2007

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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, OCTOBER 25, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0041
BRETT JONES THOMPSON V. THE STATE

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

97004
07CR57



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 25 2007

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Clerk.

Willie L. Mat... [Signature]

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

ATLANTA, OCTOBER 23, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0042
RAYMOND JAY HILLS V. THE STATE

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

93004

CR2004D07607

Court of Appeals of the State of Georgia

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



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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, **OCT 29 2007**

The Court of Appeals hereby passes the following order:

A08I0043. ELMIREA LAGHAIE et al. v. VALOR SECURITY SERVICES, INC.

Elmirea Laghaie and Chidi Ibeabuchi have applied for interlocutory review of an order granting summary judgment to Valor Security Services, Inc., one of several defendants. An application for interlocutory appeal is unnecessary under these circumstances; 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). The application does not indicate that the applicants have filed a notice of appeal. Accordingly, this application is GRANTED. The applicants shall have ten days from the date of this order to file a notice of appeal in the superior court. The clerk of the superior court is directed to include a copy of this order in the record transmitted to this Court.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **OCT 29 2007**

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the minutes of the Court of Appeals of Georgia.*

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Willie L. Mat... Clerk.

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

ATLANTA, OCTOBER 23, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0044

THOMAS CARL BALL V. THE STATE

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

92004

07B25905



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 23 2007

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hereto affixed the day and year last above written.*

Clerk.

Will. L. Martin

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

ATLANTA, OCTOBER 24, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0045
HEARTLAND EXPRESS, INC. OF IOWA ET AL V. A. MICHAEL WASHINGTON,
AS ADMINISTRATOR OF THE ESTATE OF LYNDA FAYE GARRETT, ET AL

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

99004

03SV00181



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

OCT 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. Mat... [Signature]

Court of Appeals of the State of Georgia

ATLANTA, **OCT 24 2007**

The Court of Appeals hereby passes the following order:

A08I0046. KILROY, et al. v. ALPHARETTA FITNESS, INC., et al.

Plaintiffs Thomas J. Kilroy, Carol Ann Kilroy, and Yorlik is Here, Inc., filed the above styled application for interlocutory appeal from an order granting defendants' motion for summary judgment as to the plaintiffs' claims alleging fraud and fraudulent transfer. 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, the plaintiffs' application for appeal is hereby *granted*.

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



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **OCT 24 2007**

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Will. L. Martinez, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, OCT 26 2007

The Court of Appeals hereby passes the following order:

A08I0047. THE STATE v. JAMES STANLEY SINCLAIR ET AL.

The State seeks interlocutory review of the trial court's order transferring a criminal case from the Superior Court of DeKalb County to the Superior Court of Coffee County.¹ By statute, the State does not have a right of appeal in criminal cases except as set forth in OCGA § 5-7-1. *State v. Glover*, 281 Ga. 633 (641 SE2d 543) (2007). Under OCGA § 5-7-1 (a) (1), the State may appeal from an order, decision, or judgment setting aside or dismissing any indictment. In this case, the trial court's order transferring the indictments from the Superior Court of DeKalb County to the Superior Court of Coffee County had the substantive effect of terminating the prosecution of Sinclair and Grimes in DeKalb County. *State v. Serio*, 257 Ga. App. 369, 370 (571 SE2d 168) (2002). Because nothing remains pending in the Superior Court of DeKalb County, the State has a right to a direct appeal under OCGA § 5-7-1 (a) (1). "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 (602 SE2d 246) (2004). Accordingly, the State's application for appeal is GRANTED.

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

¹It does not appear that the trial court considered and applied OCGA § 17-7-150 (a) (1) or (2) before granting Sinclair's motion to transfer.

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



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 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.

Wills L. Matlock

, Clerk.

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

ATLANTA, OCTOBER 31, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0048
AMERIREACH.COM, LLC V. JAMES E. HIGH

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

94004

07A059938



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

Willie L. Martin

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

ATLANTA, OCTOBER 24, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0049
ED VOYLES JEEP CHRYSLER DEALERSHIP V. DON WAHLS

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

95005

2007A971



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 24 2007

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Clerk.

Willie L. Martin

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

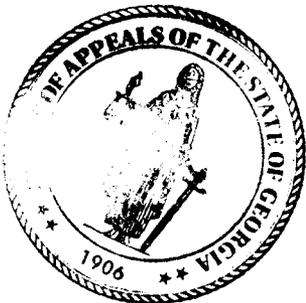
ATLANTA, OCTOBER 25, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0050
CSX TRANSPORTATION, INC., V. EARNEST MCDOWELL

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

96005
05V0379



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 25 2007

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Clerk.

Will. L. Martin

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

ATLANTA, OCTOBER 26, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0051
NOIR ENTERPRISES, INC. V. NEIL BOLLERS ET AL

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

98005

2006SV1748



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 26 2007

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Clerk.

William L. Matia

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

ATLANTA, NOVEMBER 01, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0052
CHC-CHESTNUT RIDGE NURSING AND REHAB CTR, LLC., ET AL V.
TRACIE LYNN EVENSON

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

90005

2006EV000727



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 01 2007

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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. Martin

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

ATLANTA, NOVEMBER 01, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0053
COREY M. MCCLARY 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.

97005
06CR1215



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 01 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, NOVEMBER 02, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0054
M & M MORTGAGE CO., INC., ET AL V. GRANTVILLE MILL., LLC., ET AL

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

93005

07V849

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 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.

Will L. Mat...



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

ATLANTA, OCTOBER 24, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0055
HEARTLAND EXPRESS, INC. OF IOWA ET AL V. BRIAN JOHNSON, AS
ADMINISTRATOR OF THE ESTATE OF DENNIS MERRILL GARRETT, ET AL

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

99005

03SV00181



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **OCT 24 2007**

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Clerk.

Will L. Martinez

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

ATLANTA, NOVEMBER 09, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0056

DANIEL VANCE BUMGARDNER, SR. V. SUSAN BUMGARDNER STEAD

ET AL

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

71005

06CV45848



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **NOV 09 2007**

*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, NOVEMBER 09, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0057

HARBIN CLINIC, LLC V. JOSEPH F. MAGNANT, M.D.

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

92005

06CV03823



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 09 2007

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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, NOVEMBER 07, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0058
ROCKS POND, INC, V. MICHAEL ANTHONY VAN HOOK AS
PARENT OF ANTHONY MICHAEL VAN HOOK, A MINOR

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

70005

STCV0600653



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 07 2007

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Will. L. McIntire

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

ATLANTA, NOVEMBER 16, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0059

SHELEPH HARPER V. THE STATE

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

91005

07C91368



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 16 2007

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Willie L. Martin

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

ATLANTA, NOVEMBER 09, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0060

EMERALD K. ROSE V. JUDA Y DIAZ-CHAVEZ ET AL

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

94005

05C081136



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 09 2007

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Clerk.

Willi L. Martin

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

ATLANTA, NOVEMBER 19, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0061
TIMOTHY J. SALLINS V. THE STATE

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

95006

07R016



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 19 2007

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Willi L. Martin

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

ATLANTA, NOVEMBER 15, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0062
CHRISTOPHER NEIL JAMES V. THE STATE

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

96006

07TR00384



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 15 2007

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

Clerk.

Wick L. Martin

Court of Appeals of the State of Georgia

ATLANTA,

NOV 01 2007

The Court of Appeals hereby passes the following order:

A08I0063. AIG LIFE INSURANCE COMPANY v. MARY ANN MASSMAN.

AIG Life Insurance Company seeks interlocutory review of an October 2, 2007 order denying summary judgment. Although the trial court signed a certificate of immediate review on October 12, 2007, the clerk of court did not enter it until October 22, 2007, 20 days after entry of the order denying summary judgment.

Under OCGA § 5-6-34 (b), for a party to obtain interlocutory review of an order, the trial court must certify within ten days of the entry of the order that immediate review should be had. If the certificate of immediate review is not entered within that ten-day period, it is untimely and the party seeking review must wait until the final judgment in the case. OCGA § 5-6-34 (b); *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973). “[A] certificate of immediate review of a nonfinal or interlocutory judgment is ineffective unless entered, i.e., filed with the clerk, within ten days after entry of the judgment appealed from.” *Van Schallern v. Stanco*, 130 Ga. App. 687 (204 SE2d 317) (1974). Here the certificate of immediate review was not timely entered. This Court, therefore, is without jurisdiction to consider the application which is accordingly DISMISSED.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 01 2007

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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 14, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0064

MARILYN K. GRAMM ET AL V. CITY OF STOCKBRIDGE, GEORGIA,
A POLITICAL SUBDIVISION OF THE STATE OF 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.

90006

05CV3791



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 14 2007

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the minutes of the Court of Appeals of Georgia*

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hereto affixed the day and year last above written.*

Clerk.

Will L. Martin

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

ATLANTA, NOVEMBER 21, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0065
GREENWOOD HOMES, INC. V. LARUE LONG

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

97006
06A57230



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **NOV 21 2007**

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Will. L. Martin

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

ATLANTA, NOVEMBER 15, 2007

The Court of Appeals hereby passes the following order:

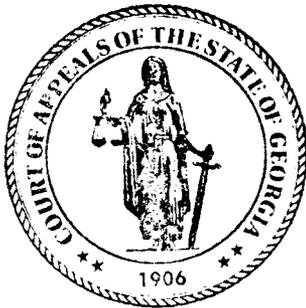
APPLICATION NO. A08I0066

WINNETT COUNTY, GEORGIA V. DONNA JEAN DESANTIS FOX, ET AL

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

93006

07A03856



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

NOV 15 2007

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Clerk.

Will L. Martin

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

ATLANTA, NOVEMBER 26, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0067

RICHARD C. FITZPATRICK V. ANNE MCWHORTER ALLEN

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

71006

CE0601435063

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 26 2007.

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Clerk.

Willi L. Martin



Court of Appeals of the State of Georgia

ATLANTA, **JAN 15 2008**

The Court of Appeals hereby passes the following order:

A08I0067. RICHARD C. FITZPATRICK v. ANNE McWHORTER.

This Court denied applicant Richard C. Fitzpatrick's application for interlocutory review of the denial of his motion to recuse the trial judge in this pending divorce case. Respondent Anne McWhorter, through counsel, thereafter filed her motion for frivolous appeal sanction. The said motion for frivolous appeal sanction, having been read and considered, is hereby DENIED.



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

JAN 15 2008

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

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

Will L. Martin, Clerk.

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

ATLANTA, NOVEMBER 20, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0068

ROBERT L. REHBERGER V. FLINT CIRCUIT DISTRICT ATTORNEY

ET AL

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

92006

96CR0258

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **NOV 20 2007**



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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: November 26, 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 **S08C0483**

ROBERT REHBERGER v. FLINT CIRCUIT DISTRICT ATTORNEY et al.

Clerk, Supreme Court of Georgia

Case No. A08I0068

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

NOV 26 2007

Clerk, Court of Appeals of Georgia

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

ATLANTA, NOVEMBER 14, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0069

TONY F. COOK ET AL V. JAMES MATTHEW HOOVER

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

99006

06A9606

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 14 2007

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

Willi L. Mat... [Signature]



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

ATLANTA, NOVEMBER 14, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0070

TINA SCHETTINA ET AL V. JAMES MATTHEW HOOVER

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

99007

06A9606



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 14 2007

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Clerk.

Will. L. Martin

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

ATLANTA, NOVEMBER 26, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0071
BURKE B. JOHNSON ET AL V. GREG WILLIAMSON

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

70006

05EV000199



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

NOV 26 2007

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Clerk.

Will. L. Martin

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

ATLANTA, NOVEMBER 28, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0072

MICHAEL BOWES V. THE STATE

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

91006

CR0700393063



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 28 2007

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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, DECEMBER 03, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0073

CALIFORNIA EXOTIC NOVELTIES, INC., V. MELANIE HOWARD

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

94006

2006CV125793



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 03 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. Mat... [Signature]

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

ATLANTA, NOVEMBER 28, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0074
AICCO, INC., D/B/A/ IMPERIAL A.I. CREDIT COMPANIES, ET AL V.
RICHARD H. COLE, 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.

95007

07CV852



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 28 2007

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Clerk.

Will L. Martin

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

ATLANTA, NOVEMBER 26, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0075
CYNTHIA DESMOND HUDSON V. THE STATE

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

96007

07CR096



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 26 2007

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Clerk.

Willi L. Martin

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

ATLANTA, NOVEMBER 27, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0076
SCHWOB REALTY COMPANY D/B/A CLOISTER APARTMENTS ET AL
V. MATTHEW PETERSEN ET AL

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

98007

SU05CV4036



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 27 2007

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Willi L. Martin

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

ATLANTA, SEPTEMBER 05, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0001
STATE FARM FIRE AND CASUALTY COMPANY V. DYMYTRK C.
KITTLES, ET AL

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

95001

04CV2071



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 05 2007

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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

L/C: 04CV2071

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

ATLANTA, SEPTEMBER 10, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0002

NEVADA T. COOPER ET AL V. NIAM T. ROBERTS ET AL

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

96001

STCV9900918



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 10 2007

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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. A08I0004

VAISHALI DYER V. THE STATE

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

90001

06CR314576



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **SEP 10 2007**

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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, AUGUST 31, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0003
MELVIN WHATLEY V. ATUL SHARMA ET AL

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

98001

06A2554



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **AUG 31 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.*

Wili. L. Martin
Clerk

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

ATLANTA, SEPTEMBER 05, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0005
RONALD W. LEWIS ET AL V. DONALD R. KIDD

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

97001

2004RCCV0048



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 05 2007

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Clerk.

Will. L. Martin

L/C: 2004RCCV0048

Court of Appeals of the State of Georgia

ATLANTA,

AUG 30 2007

The Court of Appeals hereby passes the following order:

A08I0006. LEON MEEKS v. LAURENCE W. MARTIN ET AL.

Leon Meeks filed this application for interlocutory appeal from the trial court's July 30, 2007 order on the parties' cross-motions for summary judgment. In that order, the court ruled "as a matter of law that the permissive license granted by [Meeks] to [the Martins] for the use of the driveway ripened into an easement running with the land" The court added that because the Martins' "use and enjoyment of the easement would not be increased or decreased by the balance of the parties' motions, those issues are therefore moot." As for the remaining issues in the case, the court found that material facts remained for resolution and it therefore denied the parties' summary judgment motions as to those issues. From this order, Meeks filed both a notice of direct appeal and the instant application for interlocutory appeal.

Meeks contends that he filed a notice of direct appeal from the order to the extent it granted the Martins' motion for summary judgment. But the court did not grant the motion for summary judgment, finding any such relief to be moot given the finding that the Martins' use of the driveway had ripened into an easement. Although not a grant of summary judgment, the court's finding amounts to a declaratory judgment order disposing of some but not all of the issues in this case. "Disputes concerning ownership of or right of access to land are classic candidates for resolution via declaratory judgment." *J. M. Huber Corp. v. Ga. Marble Co.*, 239 Ga. App. 271, 273 (1) (520 SE2d 296) (1999).

And, even though the case remains pending below, a declaratory judgment "[has] the force and effect of a final judgment or decree and [is] reviewable as such." OCGA § 9-4-2; see *Sunstates Refrigerated Svcs. v. Griffin*, 215 Ga. App. 61, 62 (1)

(449 SE2d 858) (1994). Therefore this order is subject to direct appeal. We 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, Meeks 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 30 2007**

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

Willie L. Mant

, Clerk.

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

ATLANTA, SEPTEMBER 07, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0007

IN THE INTEREST OF M.L.

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

71001

05JU09



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **SEP 07 2007**

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Clerk.

William L. Martinez

Court of Appeals of the State of Georgia

ATLANTA, SEP 11 2007

The Court of Appeals hereby passes the following order:

A08I0008. BROWN v. THE STATE.

Kwame Hasani Brown seeks immediate review of an order entered on March 19, 2007, denying his Motion for Discovery of the Intoxilyzer 5000 "Source Code". The certificate of immediate review relied upon was not signed and entered until August 6, 2007, 140 days after entry of the order certified for immediate review. Regardless of the reasons underlying the delay, a certificate of immediate review is absolutely ineffective unless it is both signed by the trial judge and filed with the clerk within ten days of the order referenced therein. "[I]f 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 obtain review of interlocutory judgments entered in the trial court." *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973); but see *Thorpe v. Russell*, 274 Ga. 781, 782 (559 SE2d 432) (2002) (counsels that application from denial of motion of reconsideration can effectively serve to remedy this type of problem). Because the certificate of immediate review relied upon here was not timely filed, Brown's application for interlocutory appeal is hereby *dismissed* for lack of jurisdiction.



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

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

Willie L. Martinez Clerk.

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

ATLANTA, SEPTEMBER 07, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0009
REGIONS MORTGAGE, INC., V. HARRY JACKSON 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.

99001

07103915



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP 07 2007

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

Clerk.

Willi L. Mat... [Signature]

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

ATLANTA, SEPTEMBER 11, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0010

RUSHTON C. BARFIELD, JR., ET AL V. SUSAN JACOB

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

70001

07C04738



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP 11 2007

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Clerk.

Willie L. Martin

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

ATLANTA,

SEPTEMBER 17, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0011

DAMOND JARQUICE CANTRELL V. THE STATE

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

91001

07CR767

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 17 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, AUG 30 2007

The Court of Appeals hereby passes the following order:

A08I0012. ROBERT ALLEN MIJOKOVIC v. THE STATE.

Robert Allen Mijokovic filed this application for interlocutory appeal seeking review of the superior court's order denying his motion to suppress. The order was entered August 1, 2007, and the certificate of immediate review was entered August 16, 2007. Pursuant to OCGA § 5-6-34 (b), a certificate of immediate review must be obtained within 10 days after entry of the order appealed. "[T]he certificate must be filed with the clerk of the trial court or 'entered' within the ten-day period in order to secure immediate review of a non-final judgment; and if the certificate is not entered within the ten-day period, then the party seeking review will merely have to await a final judgment in the case before he can seek a review of interlocutory judgments entered in the trial court." *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973).

Here, the trial court has attempted to remedy the untimely filing of the certificate of immediate review by signing the order "nunc pro tunc to August 9, 2007." A nunc pro tunc entry, however, 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, which is therefore DISMISSED.



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

AUG 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. Martin, Clerk.

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

ATLANTA,

SEPTEMBER 17, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0013

CITY OF COLLEGE PARK V. 2600 CAMP CREEK, LLC., ET AL

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

95002

2005CV101612



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 17 2007

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*Witness my signature and the seal of said court
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Clerk.
A handwritten signature in black ink, appearing to read "W. L. Martinez", is written over the word "Clerk.".

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

ATLANTA, SEPTEMBER 24, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0014

TYLER C. MCCAIN ET AL V. MARTIN A. GRUSIN AS TRUSTEE OF THE
TOL ESCROW AGREEMENT

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

96002

04CV1589



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 24 2007

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

Willie L. Martin

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

ATLANTA, SEPTEMBER 14, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0015
OKEFENOKEE AREA DEVELOPMENT AUTHORITY V. HARPER &
COMPANY BUILDERS, INC., ET AL

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

98002

2005C010018



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 14 2007

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Willie L. Martin

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

ATLANTA, SEPTEMBER 25, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0016

THE MEDICAL CENTER OF CENTRAL GEORGIA, INC., ET AL V. ANGEL
CANCEL, M.D., ET AL

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

90002

05CV30946



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 25 2007

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Clerk.

Willie L. Martin

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

ATLANTA, SEPTEMBER 25, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0017

ALVIN SEWELL, M.D., ET AL V. ANGEL CANCEL, M.D., ET AL

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

90003

05CV30946



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 25 2007

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Clerk.

Willi L. Matiza

Court of Appeals of the State of Georgia

ATLANTA, SEP 17 2007

The Court of Appeals hereby passes the following order:

A08I0018. GREGORY HILLMAN v. GEORGIA DEPARTMENT OF HUMAN RESOURCES, ex rel. KIMBERLY C. HILLMAN.

Gregory Hillman seeks interlocutory review of an order denying his untimely motion to recuse the trial judge assigned to his case.¹ Hillman, however, filed this application 18 days after the entry of the order at issue, and he did not obtain a certificate of immediate review.

To appeal an order denying a motion to recuse requires compliance with the interlocutory appeal procedures set forth in OCGA § 5-6-34 (b). *Ellis v. Stanford*, 256 Ga. App. 294, 295 (2) (568 SE2d 157) (2002); *Rolleston v. Glynn County Bd. of Tax Assessors*, 213 Ga. App. 552, 553 (445 SE2d 345) (1994). Hillman's failure to obtain a certificate of immediate review constitutes a fatal defect in this application. Therefore, his application is ordered DISMISSED.

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



¹ In its order, the trial court noted that Hillman had been aware of this particular ground for recusal for "several years" and previously had "specifically waived" this same ground as a basis for potential disqualification. The court also noted that Hillman's motion was legally insufficient because it did not satisfy the three conditions precedent set forth in Uniform Superior Court Rule 25.3.

Court of Appeals of the State of Georgia

ATLANTA, SEP 14 2007

The Court of Appeals hereby passes the following order:

A08I0019. GLOBAL SHIP SYSTEMS, LLC ET AL. v. ARCH INSURANCE GROUP, INC. ET AL.

The applicants filed this timely application for interlocutory appeal seeking review of an order denying them partial summary judgment and granting partial summary judgment to Continental Casualty Company. The grant of a motion for partial summary judgment is directly appealable. OCGA § 9-11-56 (h); see *Whiddon v. Stargell*, 192 Ga. App. 826, 828 (386 SE2d 884) (1989).

We 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, the applicants have 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 SEP 14 2007

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Willie L. Martinez, Clerk.

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

ATLANTA, SEPTEMBER 13, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0020

PETROLEUM REALTY II, LLC., 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.

71002

07552



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP 13 2007

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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: OCT 01 2007

A08I0021, A08D0023. WHITE v. VON ERCK (two applications).

Robert E. White filed an application in the superior court seeking the arrest of a person named Xavier Von Erck. White alleged that Von Erck engaged in conduct constituting the solicitation or attempted solicitation of the crimes of child molestation and/or statutory rape. After a hearing the superior court entered a detailed order explaining its decision not to issue a warrant for Von Erck's arrest based on the information provided by White.

As a precautionary measure White filed separate applications for appeal from the superior court's order, one under the interlocutory appeal procedure, OCGA § 5-6-34 (b), and the other under the discretionary appeal procedure, OCGA § 5-6-35. We conclude, however, that neither appellate procedure is applicable in this case. Because the superior court disposed of the only issue White put before it, the order complained of is clearly final for appeal purposes. It follows that the interlocutory appeal procedure does not apply here. Moreover, because none of the provisions of OCGA § 5-6-35 (a) address the underlying subject matter of the order complained of, the discretionary appeal procedure is likewise inapplicable here.

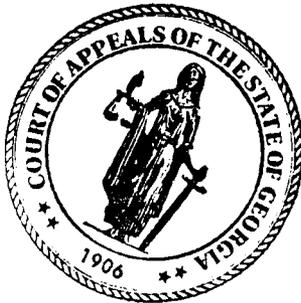
Ordinarily when this court determines that an application for appeal is not required to appeal the decision complained of, we grant the application as a matter of course. OCGA § 5-6-35 (j); see *Spivey v. Hembree*, 268 Ga. App. 485, 486 (n. 1) (602 SE2d 246) (2004). But such action is unnecessary here since we conclude that White lacks standing to appeal the superior court's decision by any means.

The opportunity for persons such as White to apply for and to provide information establishing probable cause for the issuance of an arrest warrant against

another based on an alleged violation of penal laws is provided for under OCGA § 17-4-40. Under the authority of that Code section White has been afforded the opportunity as a concerned citizen to bring Von Erck's alleged criminal wrongdoing to the superior court's attention in an effort to prompt his arrest. We conclude, however, that nothing in OCGA § 17-4-40 affords White a cognizable interest in the outcome of a proceeding initiated by him under that Code section.

In a related context the Supreme Court has held that "[a] citizen does not have a judicially cognizable interest in the prosecution or nonprosecution of another and, hence, lacks standing to contest the prosecuting authority's policies when the citizen is neither prosecuted nor threatened with prosecution. [Cit.]" *Scanlon v. State Bar of Ga.*, 264 Ga. 251, 253 (443 SE2d 830) (1994); see also *Bartlett v. Caldwell*, 265 Ga. 52 (452 SE2d 744) (1995). Since White has no cognizable interest in a prosecution against Von Erck, it follows that he likewise has no cognizable interest in compelling Von Erck's arrest on criminal charges.

Because we conclude that White lacks standing to pursue an appeal in this matter by any means, his applications for appeal are hereby *dismissed* for lack of jurisdiction.¹



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

OCT 01 2007
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Witness my signature and the seal of said court
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Will. L. Martinez, Clerk.

¹Because we base our decision on lack of standing, we need not consider at this time whether a judge's refusal to issue an arrest warrant can ever be the subject of a direct appeal under any circumstances. See generally OCGA § 5-7-1; compare *Chisholm v. Cofer*, 264 Ga. 512 (448 SE2d 369) (1994) (involves attempted filing of a petition for a writ of mandamus in the superior court to compel the magistrate court to issue an arrest warrant after the magistrate court refused to issue the warrant).

Court of Appeals of the State of Georgia

ATLANTA, September 10, 2007

The Court of Appeals hereby passes the following order:

A08I0022. GEORGE R. VITO v. LORNA G. S. VITO

George R. Vito filed this application for interlocutory appeal seeking review of the trial court's order denying his motion to dismiss his pending divorce petition. Vito, a United States resident, filed the above styled divorce action in Monroe County, Georgia on August 14, 2006. He also filed a divorce action in Colombia, South America, where Lorna Vito is a citizen, on October 24, 2006. Vito contends the Monroe County divorce petition should be dismissed because a final judgment of divorce, disposing of all issues of divorce, alimony and property, was entered in Colombia on April 12, 2007. The trial court denied the motion, finding the Colombia divorce was procured through fraud. The sole issue in this case is whether the petition for divorce should be dismissed. The Supreme Court has jurisdiction over "[a]ll divorce and alimony cases." Ga. Const. of 1983, Art. VI, Sec. VI, Par. III (6). This case involves the validity of a Georgia divorce petition and no issues of child custody are present; thus, this case invokes the subject matter jurisdiction of the Supreme Court. Accordingly, this application is TRANSFERRED to the Supreme Court for disposition.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP 10 2007

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L/C: 2006CV584

Willie L. Martinez

, Clerk.

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

ATLANTA, SEPTEMBER 27, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0023

JAVIER MACIAS 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.

70002

05CR0341



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP 27 2007

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Clerk.

Will. L. Martinez

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

ATLANTA, SEPTEMBER 25, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0024

DAVID C. MARSHALL ET AL V. RICHARD D. FLOYD

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

CV061367



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 25 2007

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*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, SEP 13 2007

The Court of Appeals hereby passes the following order:

A0810025. GLENWOOD OAKS PARTNERS LLP v. CORALYN BANKS.

On August 7, 2007, the trial court granted Coralyn Banks' motion for new trial in her action against Glenwood Oaks Partners LLP and others. The trial court denied Glenwood Oaks' request for a certificate of immediate review of that order. Glenwood Oaks nonetheless filed the instant application for review.

Because the case remains pending below, Glenwood Oaks was required to follow the interlocutory appeal procedures of OCGA § 5-6-34 (b), which include obtaining a certificate of immediate review. *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). It is true that the Supreme Court has crafted an exception to the requirement of a certificate 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, Glenwood Oaks' failure to comply with the interlocutory appeal procedures of OCGA § 5-6-34 (b) deprives this Court of jurisdiction to consider the application, which is hereby DISMISSED.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP 13 2007

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William L. Martin

, Clerk.

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

ATLANTA, SEPTEMBER 25, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0026
NATIONWIDE ANESTHESIA SERVICES, INC. ET AL V.
TARA BROXTON

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

95003

06CV632



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 25 2007

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Will L. Martin

Court of Appeals of the State of Georgia

ATLANTA,

SEP 13 2007

The Court of Appeals hereby passes the following order:

A08I0027. J W OUTFITTERS, INC., et al. v. SHRED-IT USA, INC.

Defendants J W Outfitters, Inc., Brad Lathrop and Rickey Lawson seek immediate review of an order of the superior court addressing the parties' cross motions for summary judgment. Defendants argue, among other things, that the superior court erred in granting summary judgment to plaintiff as to liability with respect to three different counts of its complaint. An application for interlocutory appeal is unnecessary under these circumstances; 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, the defendants' application for appeal is hereby *granted*. All issues raised in the applicants' submission may be raised as part of the resulting appeal. OCGA § 5-6-34 (d); *Southeast Ceramics v. Klem*, 246 Ga. 294, 295 (1) (271 SE2d 199) (1980).

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



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

I certify that the above is a true and correct copy of the minutes of the Court of Appeals of Georgia.

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

William L. Martin, Clerk.

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

ATLANTA, OCTOBER 03, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0028

DEWEY WHITE ET AL V. SHAMROCK BUILDING SYSTEMS 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.

98003

0210249899



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 03 2007

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Willi L. Martin

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

ATLANTA, OCTOBER 10, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0029

MITCHELL COOKE, ET AL V. SHAMROCK BUILDING SYSTEMS, INC.

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

98004

0210249899

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 10 2007



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*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, OCTOBER 04, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0030

SEAN CLULEY 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.

97003

2007SUCR084



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta OCT 04 2007

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Clerk.

Will. L. Martin

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

ATLANTA, OCTOBER 03, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0031
DAVE PILZ ET AL V. TYLER THIBODEAU 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.

93003
1B06CV380

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **OCT 03 2007**



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Clerk.
Will. L. Martinez

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

ATLANTA, OCTOBER 05, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0032

MATTHEW LEE GARY V. THE STATE

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

71003

07CR915



Court of Appeals of the State of Georgia

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

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Clerk.

Will. L. Martin

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

ATLANTA, OCTOBER 16, 2007

The Court of Appeals hereby passes the following order:

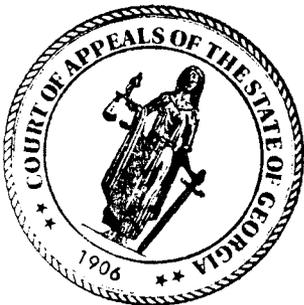
APPLICATION NO. A08I0033

ANDRELLA BAYLIS, ET AL V. SAM DARYANI D/B/A CUSTOM HOUSE, LTD.

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

92003

2005A71882



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 16 2007

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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, NOV 09 2007

The Court of Appeals hereby passes the following order:

A08I0033. ANDRELLA BAYLIS, ET AL v. SAM DARYANI D/B/A CUSTOM HOUSE, LTD.

Andrella Baylis and CI² (collectively, "Baylis") seek reconsideration of this Court's October 16, 2007, order denying their application for interlocutory review. Baylis's motion for reconsideration is DENIED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV 09 2007

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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 16, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0034

HIMANSHU PATEL ET AL V. HIRAM PEAK, 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 STATE COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

99003

07S00094



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 16 2007

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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. Martinez

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

ATLANTA, OCTOBER 12, 2007

The Court of Appeals hereby passes the following order:

APPLICATION NO. A08I0035
WILLIAM ERNEST WOLF 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.

70003

2006CR1528



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT 12 2007

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Clerk.

Willi L. Martin