

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

ATLANTA, SEPTEMBER 15, 2008

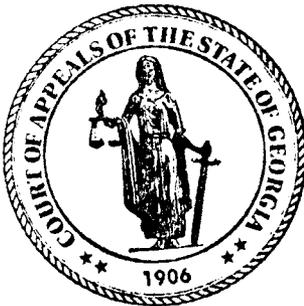
*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A09I0001  
LEWIS AND RAULERSON, INC V. GREGORY R. SAPP

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

95001

15105CV0002



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 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, SEPTEMBER 15, 2008

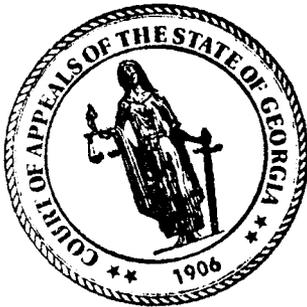
*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A09I0002  
GREGORY R. SAPP V. LEWIS AND RAULERSON, INC.

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

95002

15105CV0002



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 15 2008**

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*Clerk.*

*Will L. Martin*

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

ATLANTA,                      SEPTEMBER 17, 2008

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

APPLICATION NO.            A09I0003  
MICHAEL JORDAN V. GREGORY K. GRANT ET AL

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

96001

STCV0502971



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 17 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, SEPTEMBER 04, 2008

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

APPLICATION NO. A09I0004

JOEL D. WALKER ET AL V. JAMES W. WALLIS, JR., ET AL

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

98001

06CV02402



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

**SEP 04 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, SEPTEMBER 12, 2008

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

APPLICATION NO. A09I0005

LOW COUNTRY VENTURES, LLC V. LUCILLE PIZZOLATO ET AL

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

90001

STCV0701281



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 12 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, SEPTEMBER 12, 2008

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

APPLICATION NO. A09I0006  
BARBARA HALL ET AL V. JOANN WILBANKS

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

93001

07CV49600



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 12 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, SEPTEMBER 18, 2008

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

APPLICATION NO. A09I0007

DALIAN MEDICAL UNIVERSITY PLASTINATION CO., LTD., ET AL  
V. STEFANO ARTS

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

91001

06VS096884



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 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, SEPTEMBER 15, 2008

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

APPLICATION NO. A09I0008  
GORDON LAWRENCE GARRETT V. THE STATE

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

97001

2008D1601



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 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 written.*

*Clerk.*

A handwritten signature in black ink, appearing to read "William E. Martinez", is written over the word "Clerk.".

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

ATLANTA, SEPTEMBER 19, 2008

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

APPLICATION NO. A09I0009  
CAMELA NOELLE COLLINS V. THE STATE

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

70001

2008CR2281



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 19 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, SEPTEMBER 10, 2008

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

APPLICATION NO. A09I0010

E.I. DU PONT DE NEMOURS AND COMPANY, ET AL V. DENNIS A. WATERS, JR.

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

71001

02V2076



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 10 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, SEPTEMBER 12, 2008

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

APPLICATION NO. A09I0011  
TENET HEALTHSYSTEM GB, INC., D/B/A AMC V. POLLY A. CARTER,  
ET AL

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

92001

07EV002689



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 12 2008**

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*Clerk.*

*Will. L. Martin*

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

ATLANTA, SEPTEMBER 12, 2008

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

APPLICATION NO. A09I0012  
ATLANTA WOMEN'S HEALTH GROUP ET AL V.  
STACEY S. CLEMONS ET AL

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

94001

06VS095652



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 12 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, SEPTEMBER 17, 2008

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

APPLICATION NO. A09I0013

ANDREW HAMMOND V. THE STATE

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

99001

08C99644



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 17 2008**

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*Clerk.*

*Willie L. Martinez*

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

ATLANTA,

SEPTEMBER 18, 2008

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

APPLICATION NO. A09I0014

JANE P. BOWLES V. JESSE BOWLES

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

96002

2007CV077



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 18 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:*

SEP 09 2008

## A09I0016. ELIAS NYANKOJO v. NORTH STAR CAPITAL ACQUISITION ASSIGNEE OF WELLS FARGO FINANCIAL.

Elias Nyankojo filed this timely application for interlocutory appeal of an order of the state court denying his motion for partial summary judgment and granting partial summary judgment to the respondent. The grant of partial summary judgment 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 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, this application for appeal is hereby **GRANTED**. Nyankojo shall have ten days from the date of this order to file a notice of appeal in the state court, provided he has 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#  
08VS130005



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

SEP 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.*

*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:*

**Case No. A09I0016**

**ELIAS NYANKOJO V. NORTH STAR CAPITAL ACQUISITION  
ASSIGNEE OF WELLS FARGO FINANCIAL**

The interlocutory application received in the above docketed matter does not contain a stamped 'filed' copy of the order appealed, as required by Rule 30 (b).

Applicant is hereby ordered to supplement the application with a stamped 'filed' copy of the order instanter. If applicant does not cause a copy of said order to be physically filed with the Court within 10 days of the date of this order, the application will be dismissed. Applicant's submission in response to this order will be deemed filed only on the date it is physically received in the Clerk's office.

The Court is required to issue an order granting or denying the application within 45 days of the filing of the application See OCGA 5-6-34 (b).



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* SEP 02 2008

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*Clerk.*

*Will. L. Martin*

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

ATLANTA, SEPTEMBER 12, 2008

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

APPLICATION NO. A09I0017  
CHARLES ANDREW CHATHAM V. THE STATE

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

93002

07SC53659



*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **SEP 12 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,                      SEPTEMBER 26, 2008

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

APPLICATION NO.                      A09I0018

KENNETH G. HORTON, ET AL V. MARCUS J. SCHRENKER ET AL

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

91002

07111053



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 26 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,

SEPTEMBER 19, 2008

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

APPLICATION NO. A09I0019

PATRICK LANDFORD V. KELLY GENE LANDFORD

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

97002

CE0600548063



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 19 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, SEPTEMBER 18, 2008

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

APPLICATION NO. A09I0020  
HAKAN USLU ET AL V. IRASEMA VALADES 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.

70002

2007CV139357



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 18 2008**

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*Clerk.*

*Willie L. Martin*

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

ATLANTA, SEPTEMBER 26, 2008

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

APPLICATION NO. A09I0021  
STATE OF GEORGIA, DEPARTMENT OF TRANSPORTATION  
V. DOUGLAS ASPHALT COMPANY

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

98003

2005CV0137



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 26 2008**

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*Clerk.*

*Will. L. Martinez*

# Court of Appeals of the State of Georgia

ATLANTA,

SEP 15 2008

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

**A09I0022. WILLIAM LEWIS JENNINGS v. STEVEN KYLE MCGINNIS ET AL.**

William Lewis Jennings seeks an interlocutory appeal from an order entered August 5, 2008, denying his motion to dismiss. The certificate of immediate review upon which Jennings relies was entered August 25, 2008, 20 days after entry of the order denying the motion to dismiss.

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**.

LC#  
06CV548



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

SEP 15 2008

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hereto affixed the day and year last above written.*

*Will L. Martin* Clerk.

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

ATLANTA, SEPTEMBER 29, 2008

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

APPLICATION NO. A09I0023  
KIRK JASON EVANS V. THE STATE

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

92002

2008CR44



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

**SEP 29 2008**

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*Clerk.*

*Will L. Martin*

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

ATLANTA,                      SEPTEMBER 18, 2008

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

APPLICATION NO.            A09I0024  
THE CITY OF VILLA RICA, GEORGIA ET AL    V. H.G. BROWN FAMILY  
LIMITED PARTNERSHIP ET AL

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

94002

02V000186



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 18 2008**

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*Clerk.*

*Willi L. Martin*

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

ATLANTA, SEPTEMBER 18, 2008

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

APPLICATION NO. A09I0024  
THE CITY OF VILLA RICA, GEORGIA ET AL V. H.G. BROWN FAMILY  
LIMITED PARTNERSHIP ET AL

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

94002

02V000186



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 18 2008**

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Clerk.

*Will L. Martin*

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

ATLANTA,            OCTOBER    03, 2008

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

APPLICATION NO.            A09I0025

SOUTH GREEN CONSTRUCTION OF GEORGIA, INC., ET AL V.

DALTON PAVING & CONSTRUCTION, INC.

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

99002

90477

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 03 2008**

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hereto affixed the day and year last above written.*

Clerk.

*Willi Z. Mantz*



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

ATLANTA,                      SEPTEMBER 26, 2008

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

APPLICATION NO.            A09I0026  
DANITA JABBAR ET AL V. THE STATE

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

95003

08CR213



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 26 2008**

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*Clerk.*

*Will L. Martinez*

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

ATLANTA,                    OCTOBER    01, 2008

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

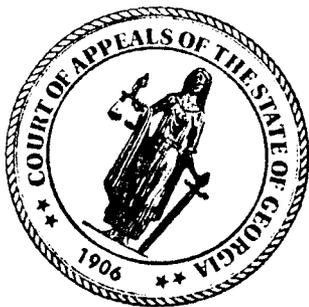
APPLICATION NO.            A09I0027

GERALD W. "JERRY" HICKS ET AL V. JOCK FINCH ET AL

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

96003

2004V306



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 01 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, SEPTEMBER 25, 2008

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

APPLICATION NO. A09I0028  
DAVID BYRD V. STATE FARM FIRE & CASUALTY COMPANY

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

90003

0812253



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 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. Mat... [Signature]*

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

ATLANTA,                      OCTOBER    02, 2008

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

APPLICATION NO.            A09I0029  
ARTHUR A. LAMAS V. CAFE AT MAIN, INC., ET AL

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

93003

I030816



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 02 2008**

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*Clerk.*

*Willie L. Martin*

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

ATLANTA, SEPTEMBER 29, 2008

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

APPLICATION NO. A09I0030  
EMORY-ADVENTIST, INC., ET AL V. LAURA HUNTER ET AL

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

91003

08A8682



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 29 2008**

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*Clerk.*

*Will. L. Martinez*

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

ATLANTA,            OCTOBER    03, 2008

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

APPLICATION NO.        A09I0031  
PEDRO GUTIERREZ ET AL V. THE STATE

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

97003  
08CR46



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 03 2008**

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

*Willi Z. Mat; [Signature]*

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

ATLANTA,                      OCTOBER                      08, 2008

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

APPLICATION NO.                      A09I0032

SHANE MARSTELLER V. TIGHTEND SPORTS BAR, INC.

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

70003

2007SCV326



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 08 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,            OCTOBER    03, 2008

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

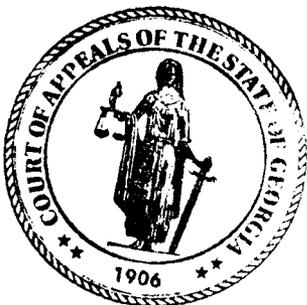
APPLICATION NO.            A09I0033

FROST SOIL CONSULTIN, INC., V. CHAD M. BLACKMON, ET AL

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

71003

04EV32



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 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.*

*Willi Z. Mat: [Signature]*

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

ATLANTA,                      OCTOBER      09, 2008

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

APPLICATION NO.            A09I0034  
PRO MARKETING, INC., V. TRADE AM INTERNATIONAL INC

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

92003

07A11223



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

**OCT 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 above written.*

*Clerk.*

*Will. L. Martinez*

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

ATLANTA,                      OCTOBER                      08, 2008

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

APPLICATION NO.                      A09I0035

MONICA WHITE V. THE STATE

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

94003

08C99610



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 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,                      OCTOBER    03, 2008

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

APPLICATION NO.            A09I0036

DANNY MITCHELL LOCKRIDGE ET AL V. DOROTHY H. 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 SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

99003

070592



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 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.*

*Willi L. Mat: [Signature]*

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

ATLANTA,                      OCTOBER      16, 2008

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

APPLICATION NO.            A09I0037  
GREEN GROWTH 1, LLC V. DAVEISHA JOHNSON ET AL

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

95004

STCV0800366



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 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.*

*Willie L. Martin*

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

ATLANTA,                      OCTOBER      22, 2008

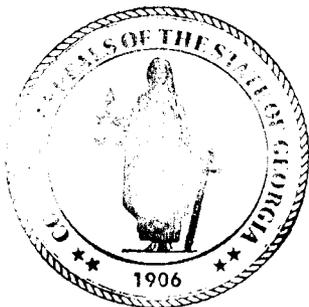
*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A09I0038  
WINTER CHASE CONDOMINIUM ASSOCIATION, INC. V.  
FRANK R. GIOLA ET AL

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

96004

CE0800949063



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 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.*

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

# Court of Appeals of the State of Georgia

ATLANTA,

OCT 16 2008

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

## **A09I0039. JORDAN JONES & GOULDING, INC. v. NEWELL RECYCLING OF ATLANTA, INC.**

This application for interlocutory review is GRANTED. Applicant Jordan Jones & Goulding, Inc. 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 appeal record transmitted to this Court.

The parties are directed to address in their appellate briefs the issue of whether this court has appellate jurisdiction over this appeal. In particular, the parties should address the issue of whether the certificate of immediate review is invalid because it was not signed by the assigned trial judge. See generally OCGA § 5-6-34 (b); *Freemon v. Dubroca*, 177 Ga. App. 745 (1) (341 SE2d 276) (1986); *Tingle v. Harvill*, 125 Ga. App. 312 (187 SE2d 536) (1972).

LC#  
04A08781

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



*Will. L. Martin*, Clerk.

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

ATLANTA,                      OCTOBER      22, 2008

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

APPLICATION NO.            A09I0040  
BLUE CROSS BLUE SHIELD OF GEORGIA, INC. V.  
MELANIE SUZANNE SHIRLEY

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

90004

07C13783



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 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,                      OCTOBER      20, 2008

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

APPLICATION NO.            A09I0041

CLIFTON DORTCH V. THE STATE

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

93004

08D2552



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 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,                      OCTOBER    22, 2008

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

APPLICATION NO.            A09I0042

RICHARD MELI, M.D., ET AL V. JERRY A. HICKS, EXECUTOR OF THE  
WILL OF BOBBY R. HICKS, DECEASED

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

91004

06A2526



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 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.*

*Willie L. Martin*

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

ATLANTA,                      OCTOBER      22, 2008

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

APPLICATION    NO.            A09I0043  
THE STATE V. GREG LEE HAESELER

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

97004

07T6428



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 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 above written.*

*Clerk.*

*Will. L. Martin*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **OCT 24 2008**

**A09I0044. WILLIAM MORROW v. THE STATE.**

William Morrow seeks interlocutory review of a September 15, 2008, order denying his motion to suppress. Although the trial court signed a certificate of immediate review on September 24, 2008, the clerk of court did not enter it until September 30, 2008, 15 days after entry of the order denying the motion to suppress.

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 therefore **DISMISSED**.

LC#  
08CR0300



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

*Willie L. Martin*, Clerk.

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

ATLANTA,                      OCTOBER      20, 2008

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

APPLICATION NO.            A09I0045  
IN RE: ESTATE OF THOMAS H. FRIER, JR.

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

71004

2006S030416



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 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.*

*Will. L. Martin*

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

ATLANTA,                      OCTOBER      23, 2008

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

APPLICATION NO.            A09I0046  
POINT SATELLITE, LLC ET AL V. DAN MORRIS

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

92004

08CV0818



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

*Clerk.*

*Will. L. Martin*

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

ATLANTA,                      OCTOBER      20, 2008

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

APPLICATION NO.            A09I0047

REBECCA FUTCH FRIER V. RUSS FRIER, AS THE EXECUTOR OF  
THE ESTATE OF THOMAS H. FRIER, JR.

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

71005

2006S030416



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 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,

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

**A09I0048. BARTOW COUNTY, GEORGIA et al. v. HEATHER LITZENBERG.**

On September 16, 2008, the superior court entered an order denying Bartow County's motion for summary judgment. On September 24, the court timely entered a certificate of immediate review. Bartow County mailed its application for interlocutory review to this court, and it was timely received on October 6, as October 4 and 5 fell on Saturday and Sunday. See Court of Appeals Rule 4; OCGA § 1-3-1 (d) (3). The submission was not docketed on the date received, however, because it did not include the requisite filing fee. See OCGA § 5-6-4 ("The clerk is prohibited from receiving the application for appeal or the brief of the appellant unless the costs have been paid or a sufficient affidavit of indigence is filed and contained in the record."); see also Court of Appeals Rule 30 (c). The filing fee was received by this court, and the application was docketed, on October 7, 2008.

An application for interlocutory appeal is jurisdictionally proper only if it is filed with this court within ten days of the date a timely certificate of immediate review is entered in the court below. OCGA § 5-6-34 (b). Because Bartow County failed to effect the filing of its application for interlocutory appeal within the time required under OCGA § 5-6-34 (b), the application is DISMISSED as untimely.



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

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

APPLICATION    NO.            A09I0049

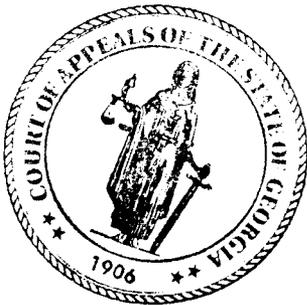
ROBERTO R. RAMOS-SILVA V. STATE FARM MUTUAL INS, CO.

AS SUBROGEE OF AND IN THE NAME OF MARY REDDY

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

99004

2006SV1763



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 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.*

*Willie L. Martin*

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

ATLANTA,                      OCTOBER    27, 2008

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

APPLICATION NO.            A09I0050  
JERRY RAY THOMPSON V. THE STATE

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

95005

07CR240



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 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 written.*

*Clerk.*  
*W. L. Martinez*

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

ATLANTA,                      OCTOBER      24, 2008

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

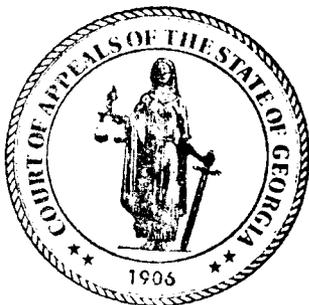
APPLICATION NO.            A09I0051

U.S. FOODSERVICE, INC., V. BARTOW COUNTY BANK

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

08CV2002



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 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,            OCTOBER    29, 2008

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

APPLICATION    NO.            A09I0052  
VALUES FINANCIAL NETWORK, INC., ( " VFH" ) , ET AL V. VALUES  
FINANCIAL NETWORK, INC., F/K/A MONEY AND VALUES, INC

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

98005

2008CV149866



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    **OCT 29 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,                      NOVEMBER 12, 2008

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

APPLICATION NO.            A09I0053

HOLLIS & HOLLIS DEVELOPMENT COMPANY, LLC ET AL V. SAGE-LEN  
PROPERTIES, LLC

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

90005

07CI1348



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 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.*

*Willie L. Martin*

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

ATLANTA,            OCTOBER    31, 2008

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

APPLICATION NO.        A09I0054

SHAWN WILLIAMS 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.

93005

1S07CR007

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 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.

*Will. L. Martin*



# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **NOV 07 2008**

**A09I0055. J. BRADFORD LEWIS ET AL. v. CONTINENTAL PRODUCTS,  
INC. ET AL.**

The superior court entered a declaratory judgment order on September 23, 2008. Certificates of immediate review of that order were timely entered on October 2, 2008 and October 3, 2008. The applicants mailed their submission to this court by overnight delivery service, and it was timely received on October 14, 2008, as October 12, 2008 was a Sunday and October 13, 2008 was a holiday. See Court of Appeals Rule 4; OCGA § 1-3-1 (d) (3). The submission was not docketed on the date received, however, because it did not include a copy of the order the applicants sought to appeal. Court of Appeals Rules 1 (c), 30 (b). The order was received by this court, and the application was docketed, on October 15, 2008.

An application for interlocutory appeal is jurisdictionally proper only if it is filed with this court within ten days of the date a timely certificate of immediate review is entered in the court below. OCGA § 5-6-34 (b). Since applicants failed to effect the filing of their application for interlocutory appeal within the time required under OCGA § 5-6-34 (b), the application is **DISMISSED** as untimely.

LC#  
08CI2231



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

**NOV 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.*

*Willie L. Martin*, Clerk.

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

ATLANTA,                    OCTOBER    27, 2008

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

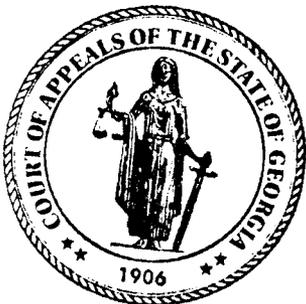
APPLICATION    NO.            A09I0056

OLD BUTCHER SHOP, INC., ET AL V. WANDA BROWNING 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.

97005

2007C330



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 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 written.*

*Clerk.*

*Will L. Martin*

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

ATLANTA, NOVEMBER 06, 2008

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

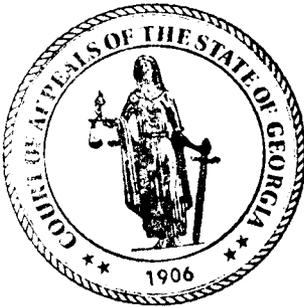
APPLICATION NO. A09I0057

JEAN SMITH CONRADE V. SUSAN KIMBERLY BACKUS REARDON

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

70005

CV050737



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 06 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, NOVEMBER 06, 2008

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

APPLICATION NO. A09I0058  
FRANK A. MAZZELLA, III V. LORRAINE RENZ

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

92005

06V10



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **NOV 06 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 "William L. Martinez".

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

ATLANTA,                      NOVEMBER 07, 2008

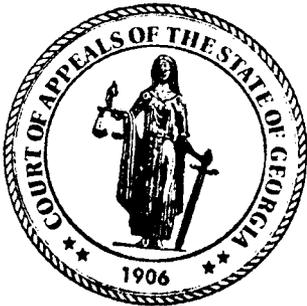
*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A09I0059  
SAMUEL SINGFIELD, III V. THE STATE

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

94005

2007RCCR0975



*Court of Appeals of the State of Georgia*

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

*Will L. Mack* <sup>Clerk.</sup> 

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

ATLANTA,            NOVEMBER 17, 2008

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

APPLICATION NO.        A09I0060

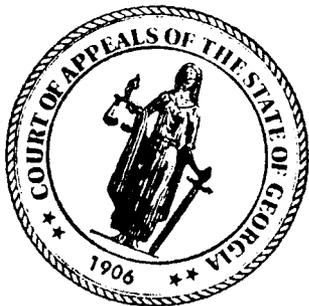
AMERICAN GENERAL LIFE AND ACCIDENT INSURANCE COMPANY

V. ALICE B. VANCE 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.

99005

2007V88966



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 17 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, NOVEMBER 10, 2008

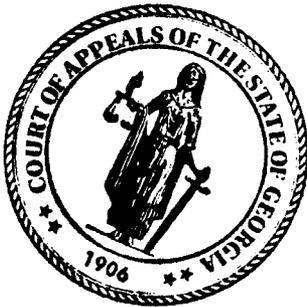
*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A09I0061  
DAVID PINTO ET AL V. MERLE BAKER ET AL

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

95006

06SV00319



*Court of Appeals of the State of Georgia*

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

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order* **NOV 06 2008**

**A09I0063. KEITH L. BROWN ET AL. v. DONALD B. RADER ET AL.**

Keith L. Brown and Angela L. Brown seek immediate review of an order granting partial summary judgment to Donald B. Rader and Christa C. Rader. “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). The Browns’ application for interlocutory appeal is therefore **GRANTED**.

The Browns 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#  
CV050640

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

*Willie L. Martin* , Clerk.



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

ATLANTA,            NOVEMBER 17, 2008

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

APPLICATION NO.        A09I0064  
COOSA VALLEY TECHNICAL COLLEGE ( "COOSA VALLEY" ) ET AL  
V. ROBERT PAUL WEST, 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.

90006

05CV37991JFL



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 17 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,            NOVEMBER 18, 2008

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

APPLICATION NO.        A09I0065  
HD SUPPLY, INC., ET AL V. HEATHER GARGER AS SURVIVING SPOUSE  
OF GEORGE GARGER ET AL

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

93006

2008EV003919



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 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.*

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

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

ATLANTA,                    DECEMBER 01, 2008

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

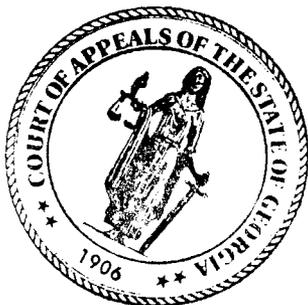
APPLICATION NO.            A09I0066

THE STATE V. TILENA WATSON

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

91006

07CR054



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 01 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. Martin*

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

ATLANTA,                      NOVEMBER 19, 2008

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

APPLICATION NO.            A09I0067  
PRECISION PLANNING, INC., ET AL V. RICHMARK COMMUNITIES, INC.,  
ET AL

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

97006

05C03008



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      **NOV 19 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,

*The Court of Appeals hereby passes the following order:* NOV 20 2008

**A09I0068. HEATHER COHEN v. DAVID COHEN.**

This application for interlocutory appeal is *GRANTED*. Applicant Heather Cohen 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 appeal record transmitted to this Court.

The parties are directed to address in their appellate briefs the issue of whether Heather Cohen properly filed an application for interlocutory appeal, whether she should have filed an application for discretionary appeal, or whether she was entitled to a direct appeal. See generally OCGA §§ 5-6-34 (a) (11), 5-6-35 (a) (2); see also *Rebich v. Miles*, 264 Ga. 467, 469 (448 SE2d 192) (1994).

LC#  
DR080643

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

*Willie L. Martin*, Clerk.



# Court of Appeals of the State of Georgia

ATLANTA,

NOV 26 2008

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

**A09I0069. BENJAMIN C. FREE v. LANKFORD & ASSOCIATES, INC.**

Benjamin C. Free seeks interlocutory review of an order entered October 8, 2008. The certificate of immediate review was entered October 23, 2008, 15 days after entry of the order.

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, the respondent’s motion to dismiss is **GRANTED**, and this application is **DISMISSED**.



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

NOV 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.*

*Willie L. Martin* Clerk.

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

ATLANTA,            DECEMBER 01, 2008

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

APPLICATION NO.        A09I0070  
LEXINGTON INSURANCE COMPANY V. COLONY REGENCY PARTNERS,  
LTD.

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

92006

2007CV13740

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 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 above written.*

Clerk.

*Will. L. Martinez*



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

ATLANTA,                      NOVEMBER 25, 2008

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

APPLICATION NO.            A09I0071  
SENTRY INSURANCE A/S/O OF WARREN RUTLEDGE ET AL  
V. GWINNETT ROOFING, INC

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

94006

08C07483



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

**NOV 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 above written.*

*Clerk.*

*Will L. Martin*

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

ATLANTA,            DECEMBER 02, 2008

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

APPLICATION NO.        A09I0072  
GEORGIA INTERLOCAL RISK MANAGEMENT AGENCY V. CITY OF  
CENTERVILLE, GEORGIA 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.

99006

07V87537



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

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

ATLANTA, NOVEMBER 25, 2008

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

APPLICATION NO. A09I0073  
ORDER HOMES, LLC ET AL V. ALLEN IVERSON 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

2007CV140688



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 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,

DEC 01 2008

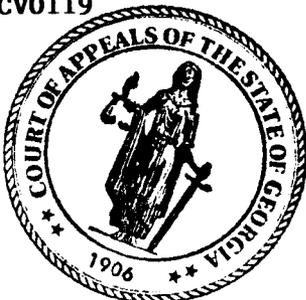
*The Court of Appeals hereby passes the following order:*

**A09I0074. JIMMIE ANN P. WARD v. RICHARD E. TOOLE.**

Jimmie Ann P. Ward seeks interlocutory review of an order entered October 24, 2008. The certificate of immediate review was entered November 4, 2008, eleven days after entry of the order.

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, the respondent’s motion to dismiss is *GRANTED*, and this application is *DISMISSED*.

LC#  
2008CV0119



*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*      DEC 01 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,            DECEMBER 01, 2008

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

APPLICATION NO.        A09I0075  
LEROY LAMONS, JR., V. THE STATE

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

98007  
081714



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

**DEC 01 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. Matz*

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

ATLANTA,            DECEMBER 10, 2008

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

APPLICATION NO.        A09I0076

XL SPECIALTY INSURANCE CO., ET AL V. JRT GROUP, LLC

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

90007

2007EV002416



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 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. Martin*

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

ATLANTA,            DECEMBER 02, 2008

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

APPLICATION NO.        A09I0077

GARY PIPER ET AL V. PRITCHARD INDUSTRIES (SOUTHEAST), INC.

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

93007

2008EV003414



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

**DEC 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 above written.*

*Clerk.*

*Willie L. Martin*

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

ATLANTA,            DECEMBER 10, 2008

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

APPLICATION    NO.            A09I0078

ROBERT JEFF GEORGE ET AL V. HARDIN CONSTRUCTION COMPANY, LLC

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

91007

2007CV131241



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 10 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,                    NOVEMBER 25, 2008

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

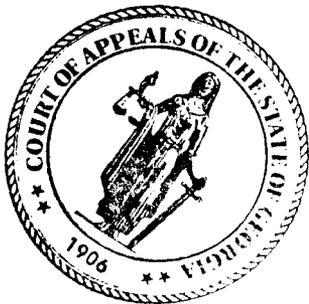
APPLICATION NO.            A09I0079

ATLANTIC TOWN CENTER, L.L.C., ET AL V. VRATSINAS CONSTRUCTION  
COMPANY

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

97007

2008CV151408



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 25 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. Martinez*

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

ATLANTA,                    DECEMBER 11, 2008

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

APPLICATION NO.            A09I0080

W.S. WALL, INC., A/K/A WALL'S IGA FOODLINER V. JEANNE H. HOWARD  
ET AL

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

70007

0621



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    **DEC 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,                      DECEMBER 12, 2008

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

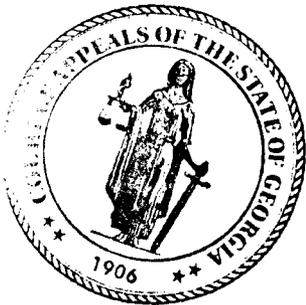
APPLICATION NO.            A09I0081

BART BUTLER, ET AL V. RANDALL OLAN DAWKINS

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

71007

07CV690



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 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.*

*Will. L. Mat...*

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

ATLANTA,            DECEMBER 11, 2008

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

APPLICATION NO.        A09I0083  
CHRISTOPHER BOWEN ET AL V. THE STATE

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

94007  
08CR132



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

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **DEC 1 1 2008**

**A09I0084. GREENMAN TECHNOLOGIES, INC. v. PERSONNEL OPTIONS, INC.**

GreenMan Technologies, Inc. filed this application for interlocutory appeal seeking review of the trial court's order denying its motion to dismiss, or in the alternative, for summary judgment. The order was entered on October 31, 2008, and the certificate of immediate review was entered 18 days later, on November 18, 2008.

Under 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 be effective November 10, 2008." However, 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. Due to the untimely filing of the certificate of immediate review, this Court lacks jurisdiction to consider the application, which is therefore *DISMISSED*.

LC#  
05EV000216



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

**DEC 11 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,            DECEMBER 17, 2008

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

APPLICATION NO.        A09I0085

YAMAHA MOTOR CORPORATION, U.S.A., ET AL V. ADAM GAIA ET AL

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

95008

08C04309



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 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,                    DECEMBER 11, 2008

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

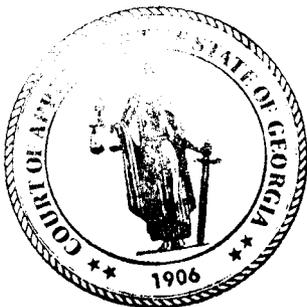
APPLICATION NO.            A09I0086

FALCON DAVIS V. THE STATE

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

96008

2008RCCR218



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 11 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,            DECEMBER 24, 2008

*The Court of Appeals passed the following order*

Case No. A09I0087

JENNIFER LYNN GATES V. BYRON FRANKLIN DEAN  
RE: JASPER DAKOTA DEAN

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

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    DEC 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:---*

*Willi Z. Mart; [Signature]*

# Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **DEC 16 2008**

**A09I0088. JERRY POOLE v. KRAFT FOODS/NABISCO et al.**

Jerry Poole has filed an application for interlocutory review of the trial court's order denying his motion to dismiss. The order was entered on November 8, 2008. The court signed a certificate of immediate review on November 13, 2008, but the certificate was not filed until November 21, 2008. 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 is therefore without jurisdiction to consider the application which is accordingly *DISMISSED*.

LC#  
2008SUCV143



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

**DEC 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.

*Willie L. Mantel Clark*

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

ATLANTA,                      DECEMBER 18, 2008

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

APPLICATION NO.            A09I0089

THE STANDARD FIRE INSURANCE COMPANY V. JEFFREY AVILES ET AL

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

93008

08A00389

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 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.*



*Willi Z. Mart...*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **DEC 11 2008**

**A09I0090. CITY OF SANDY SPRINGS, GEORGIA v. RONNIE KAPLAN et al.**

Ronnie and Richard Kaplan claim that the City of Sandy Springs is responsible for maintaining a 36" drainage pipe that runs under the driveway of their home. The Kaplans sued the City for damages, injunctive relief, and a writ of mandamus compelling the City to make immediate repairs to the pipe. After the trial court denied the City's motion for summary judgment, the City filed an application for interlocutory review in this Court. However, "cases involving the grant or denial of mandamus are within the exclusive jurisdiction of [the Supreme Court] without regard to the underlying subject matter or the legal issues raised." *Mid-Georgia Environmental Mgt. Group, L.L.P. v. Meriwether County*, 277 Ga. 670, 671 (1) (594 SE2d 344) (2004). Accordingly, this application is hereby TRANSFERRED to the Supreme Court.

LC#  
2007CV133470



*Court of Appeals of the State of Georgia*

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

*Willie L. Martin*, Clerk.

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

ATLANTA,            DECEMBER 11, 2008

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

APPLICATION NO.        A09I0091

SAVANNAH INVESTORS-H V. CHATHAM COUNTY BOARD OF TAX  
ASSESSORS

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

97008

CV041497



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 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. Martin*

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

ATLANTA,            DECEMBER 17, 2008

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

APPLICATION NO.        A09I0092

XL SPECIALTY INSURANCE CO., ET AL V. JRT GROUP, LLC

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

90009

2007EV002416



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

**DEC 17 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,

The Court of Appeals hereby passes the following order: **DEC 11 2008**

**A09I0087. JENNIFER LYNN GATES v. BYRON FRANKLIN DEAN.**

Jennifer Lynn Gates seeks interlocutory review of an order entered October 17, 2008. The certificate of immediate review was entered November 14, 2008, 28 days after entry of the order.

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 is therefore without jurisdiction to consider the application which is accordingly *DISMISSED*.

LC#  
07CV03025



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **DEC 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.

*Willie L. Martin*, Clerk.

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

ATLANTA,            DECEMBER 16, 2008

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

APPLICATION NO.        A09I0093  
GEICO GENERAL INSURANCE COMPANY V. DOUGLAS M. 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.

70008

2007CV0658



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 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.*  
*Willie L. Martin*

# Court of Appeals of the State of Georgia

ATLANTA,      **DEC 19 2008**

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

**A09I0094. FRANK W. DISHAROOM v. THE STATE.**

Frank W. Disharoom seeks interlocutory review of an order entered November 12, 2008. The certificate of immediate review was entered November 25, 2008, 13 days after entry of the order. 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 is therefore without jurisdiction to consider the application which is accordingly **DISMISSED**.



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

**DEC 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.*

*Willi Z. Mantz*

, Clerk.

LC NUMBER: 08CR00048

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

ATLANTA,                      DECEMBER 19, 2008

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

APPLICATION NO.            A09I0095  
BANKS-JACKSON-COMMERCE HOSPITAL AND NURSING HOME  
AUTHORITY, D/B/A BJC MEDICAL CENTER ("BJC") V. STEPHANIE  
FLOYD, 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.

92008

08SV358



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 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.*

*Will L. Martin*

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

ATLANTA,            DECEMBER 17, 2008

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

APPLICATION NO.        A09I0096

ATLANTA BAY BREEZE, INC. V. ELEANOR MARTIN ET AL

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

94008

2007B4827



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 17 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,            DECEMBER 29, 2008

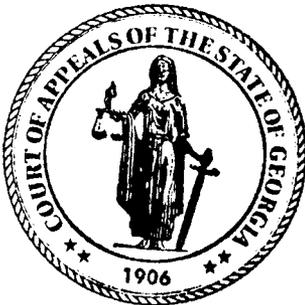
*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A09I0097  
JONATHAN LEROUX 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.

99008

ST08CR3100



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 29 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,            DECEMBER 24, 2008

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

APPLICATION NO.        A09I0098  
WARREN BLAKE HOOD V. THE STATE

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

95009

2008D3441



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 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**

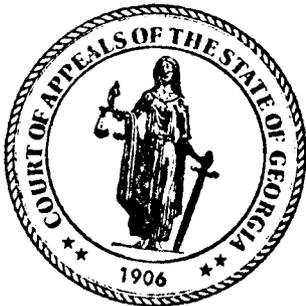
ATLANTA,                    DECEMBER 30, 2008

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

APPLICATION NO.            A09I0099  
NORTH AMERICAN METAL COMPANY, LLC  
V. ANTI-LANDFILL CORPORATION, INC

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

96009  
07V0353



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 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.*

*Willie L. Martinez*

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

ATLANTA,                      DECEMBER 18, 2008

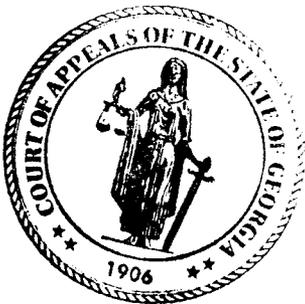
*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A09I0100  
KMART CORPORATION V. BARBARA J. MOORE

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

98009

07V1583



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 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 Z. Mant*

# Court of Appeals of the State of Georgia

ATLANTA, DEC 23 2008

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

## **A09I0101. OCCIDENTAL FIRE AND CASUALTY COMPANY OF NORTH CAROLINA, INC. v. MARK JOHNSON ET AL.**

On November 21, 2008, the trial court denied Occidental Fire and Casualty Company of North Carolina, Inc.'s motion for summary judgment. The trial court entered a certificate of immediate review November 25, 2008. Occidental attempted to file an application for interlocutory appeal on December 5, 2008. The application was not accepted for filing on the date received, however, because neither the application nor the certificate of service was signed by an attorney admitted to practice in this Court. See OCGA § 15-19-1; Court of Appeals Rules 1 (a) & (c), 9 (a). Occidental submitted an amended certificate of service, signed by an attorney admitted to practice in this Court, on December 8, 2008, and the application was filed as of that date.

An application for interlocutory appeal is jurisdictionally proper only if it is filed with this court within ten days of the date a timely certificate of immediate review is entered in the court below. OCGA § 5-6-34 (b); Court of Appeals Rule 32 (a). Since Occidental failed to effect the filing of its application for interlocutory appeal within the time required, the application is **DISMISSED** as untimely.



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

**DEC 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.*

LC Number 06A56191

*Willi Z. Matz*, Clerk.

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

ATLANTA,                      JANUARY      02, 2009

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

APPLICATION NO.            A09I0102

THEO MANN AS TRUSTEE OF THE BANKRUPTCY ESTATE OF GINA  
DARLENE PARKER V. SELES HARDAWAY 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.

91009

06SV844



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 02 2009**

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

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

*Clerk.*

*Will. L. Martin*

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

ATLANTA,            JANUARY    06, 2009

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

APPLICATION NO.        A09I0103  
SHERIFF MYRON FREEMAN ET AL V. CANDEE WILHELM, AS  
SURVIVING SPOUSE OF DAVID WILHELM, ET AL

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

97009

06A45846



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 06 2009**

*I certify that the above is a true extract from  
the minutes of the 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:* **DEC 19 2008**

A09I0104. MACK BUTLER v. THE STATE

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

70-009

08C99305



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

**DEC 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.*

*Willie L. Martin* Clerk.

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

ATLANTA,            JANUARY    09, 2009

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

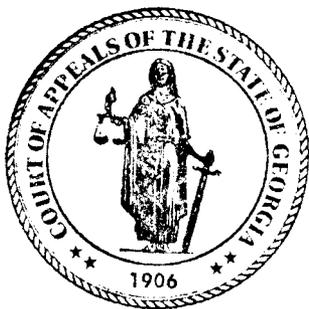
APPLICATION    NO.            A09I0105

IRMA DE LA ROSA ET AL V. PEACHTREE - TSG ASSOCIATES,  
LLC ET AL

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

71009

2007CV135445



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 09 2009**

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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, JAN 08 2009

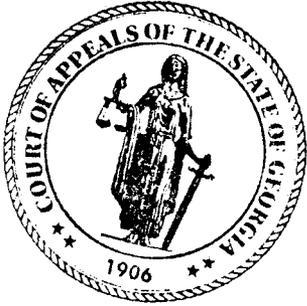
*The Court of Appeals hereby passes the following order:*

**A09I0106. JOHN LIGHTNER et al. v. MID SOUTH FEEDS, INC. et al.**

John Lightner, individually and d/b/a Lightner Farms, has filed an application for interlocutory review of the trial court's order denying his motion for partial summary judgment. The order was entered on November 25, 2008. The court signed a certificate of immediate review on December 3, 2008, but the certificate was not filed until December 11, 2008 – 16 days after entry of the order sought to be appealed.

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 is therefore without jurisdiction to consider the application, which is accordingly *DISMISSED*.

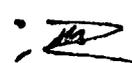


*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**JAN 08 2009**

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

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

*Willi Z. Mant* 

, Clerk.

# Court of Appeals of the State of Georgia

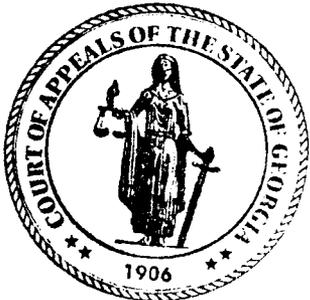
ATLANTA, DEC 24 2008

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

**A09I0107. MAXIE O. PRICE, JR. v. JUDITH A. JAMISON ET AL.**

Maxie O. Price, Jr. filed a timely application for interlocutory appeal from an order granting Judith A. Jamison summary judgment, denying Price's motion for summary judgment and dismissing Price's complaint against Jamison and Ramsey Agan. Apparently, certain third-party claims remain pending. The grant of summary judgment as to one or more but fewer than all 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 **GRANTED**.

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



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

DEC 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.*

LC Number 2005CV96332

*Willi Z. Mart*,

, Clerk.

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

ATLANTA,            JANUARY    08, 2009

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

APPLICATION NO.        A09I0108

AMBER ANDERSON V. THE STATE

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

99009

ST08CR1400

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 08 2009**



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

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* JAN 07 2009

**A09I0109. BRADLEY D. CONLON v. EMILY R. CONLON.**

Emily Conlon filed an action seeking to hold her ex-husband, Bradley Conlon, in contempt for allegedly failing to make certain mortgage and tax payments required by the parties' divorce decree. Bradley Conlon filed an answer and a demand for jury trial. The trial court entered an order holding that Bradley Conlon has no right to a jury trial in the contempt action. Bradley Conlon seeks immediate review of that order.

"[A]n appeal from the judgment in a contempt action seeking to enforce any portion of [a] divorce decree other than child custody is ancillary to divorce and alimony and falls within [the Supreme] Court's jurisdiction over 'divorce and alimony cases.' [Cits.]" *Rogers v. McGahee*, 278 Ga. 287, 288 (1) (602 SE2d 582) (2004). Accordingly, this application is TRANSFERRED to the Supreme Court for disposition.

LC#  
08CV04394



*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* JAN 07 2009

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

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

*Willie L. Martin*, Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order:

JAN 06 2009

## A09I0110. JOEL CONNER ET AL. v. NORMAN SOSEBEE FUNERAL HOME D/B/A SOSEBEE FUNERAL HOME.

Joel and Kim Conner filed a timely application for interlocutory appeal from an order granting summary judgment to Norman Sosebee Funeral Home, Inc. Apparently, the Conners' claims against another defendant remain pending. The grant of summary judgment as to one or more but fewer than all 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 **GRANTED**.

The Conners 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#  
07SC1478



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN 06 2009

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

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

*William L. Matz*, Clerk.

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

ATLANTA,            JANUARY    08, 2009

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

APPLICATION NO.            A09I0111

SUSAN J. TOMSIC V. MARRIOTT INTERNATIONAL, INC

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

98010

08A03504

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 08 2009**



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

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

ATLANTA,                    JANUARY     09, 2009

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

APPLICATION NO.            A09I0112

JOHN CUNNINGHAM V. WALTER R. GAGE, III 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.

90010

2007CV140240



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 09 2009**

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

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

*Clerk.*

*Will L. Martin*

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

ATLANTA,            JANUARY    14, 2009

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

APPLICATION    NO.            A09I0113

FULTON EMERGENCY PHYSICIANS LLC V. FRANK HOWARD ET AL

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

93010

05EV000217



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

**JAN 14 2009**

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

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

*Clerk.*

*Will. L. Martin*

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

ATLANTA,                    JANUARY    15, 2009

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

APPLICATION NO.            A09I0114  
GRADY M. VOLLENWEIDER V. MARGARET MOORE

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

91010  
07CV1335

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 15 2009**



*I certify that the above is a true extract from  
the minutes of the 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,            JANUARY    14, 2009

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

APPLICATION NO.        A09I0115  
SMITTY'S SUPPLY, INC., V. MICHAEL KINNETT, ET AL

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

97010

08CV032



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 14 2009**

*I certify that the above is a true extract from  
the minutes of the 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,                    JANUARY    15, 2009

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

APPLICATION NO.            A09I0116  
CENTERPOINT DIRECT, LLC V. WILHELM 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 STATE COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

70010  
08C13931



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 15 2009**

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

*William L. Martin*

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

ATLANTA,                    JANUARY    14, 2009

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

APPLICATION    NO.            A09I0117  
BROOKS AUTO PARTS COMPANY OF MCRAE-CLAXTON, INC.,  
V.   MICHAEL KINNETT ET AL

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

97011

08CV032



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 14 2009**

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*Clerk.*

*Willie L. Martin*

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

ATLANTA,                      JANUARY      20, 2009

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

APPLICATION NO.            A09I0118  
WHITLOCK AVENUE SHOPPING CENTER, LTD., ET AL V.  
JOHN P. GIFALDI

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

71010

07A16140



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 20 2009**

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

The Court of Appeals hereby passes the following order:

JAN 23 2009

**A09I0119. MOLLIE LENNARZ v. MURRAY S. MARSHALL et al.**

Murray S. Marshall and John Eugene Marshall, Jr. petitioned the probate court for an order removing Mollie Lennarz as the administrator of their deceased mother's estate and directing Lennarz to provide an accounting. The court granted the requested relief. Lennarz now seeks interlocutory review.

Under OCGA § 5-6-34 (a) (3), "[a]ll judgments or orders directing that an accounting be had" are directly appealable. Likewise, orders removing executors are directly appealable. See *In re Estate of Seig*, 277 Ga. App. 361 (626 SE2d 577) (2006); *In re Estate of Zeigler*, 259 Ga. App. 807 (578 SE2d 519) (2003). "This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicants have not otherwise filed a notice of appeal." *Spivey v. Hembree*, 268 Ga. App. 485, 486 n. 1 (602 SE2d 246) (2004). Accordingly, this application for appeal is *GRANTED*.

Lennarz shall have ten days from the date of this order to file a notice of appeal in the probate court, provided that she has not otherwise filed a timely notice of direct appeal. The clerk of the probate 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 23 2009

I certify that the above is a true extract from  
the minutes of 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,            JANUARY    14, 2009

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

APPLICATION NO.        A09I0120  
TRAMMELL S. KITCHENS V. HAROLD PAUL BRUSMAN 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.

94010

02VS039401



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 14 2009**

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

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

*Clerk.*

*Will. L. Martin*

# Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **JAN 27 2009**

**A09I0121. FAMILY CHRISTIAN STORES, INC. v. SCHNAKE.**

This premises liability action arises out of a fall sustained by plaintiff Mary Schnake while shopping in a store owned by defendant Family Christian Stores, Inc. Family Christian Stores moved for summary judgment, and a magistrate judge, sitting by designation, denied the motion. Within 10 days, a different judge signed a certificate of immediate review. Family Christian Stores now applies for interlocutory appeal of the order denying its motion for summary judgment. For the reasons that follow, the application must be dismissed.

OCGA § 5-6-34 (b) provides in relevant part:

Where *the trial judge* in rendering an order, decision, or judgment not otherwise subject to direct appeal . . . certifies within ten days of entry thereof that the order, decision or judgment is of such important to the case that immediate review should be had, the Supreme Court or the Court of Appeals may thereupon, in their respective discretions, permit an appeal to be taken from the order, decision, or judgment if application is made thereto within ten days after such certificate is granted.

(Emphasis supplied.) The plain language of the statute requires that the same trial judge who enters the order in question must certify it for immediate review. We have recognized a limited exception to this rule, however, in cases where evidence shows that the trial judge was unavailable to consider whether to sign a certificate of immediate review. See *Freemon v. Dubroca*, 177 Ga. App. 745 (1) (341 SE2d 276) (1986); *Tingle v. Harvill*, 125 Ga. App. 312, 317-318 (2) (187 SE2d 536) (1972).

Here, the certificate of immediate review was signed by a judge other than the

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

ATLANTA,                      JANUARY      21, 2009

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

APPLICATION NO.            A09I0122

AMERICA'S HOME PLACE, INC., ET AL V. DENNIS CASSIDY 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.

95011

05V598



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta,*

**JAN 21 2009**

*I certify that the above is a true extract from  
the minutes of the 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,                    JANUARY    13, 2009

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

APPLICATION    NO.            A09I0123  
PROFESSIONAL ENERGY MANAGEMENT, INC., V. TY NECAISE  
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.

96011

07CV1676



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 13 2009**

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

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

ATLANTA,                    JANUARY    20, 2009

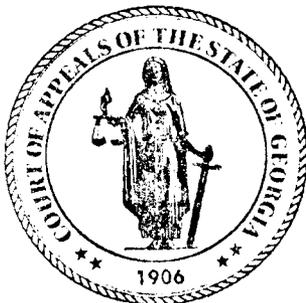
*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A09I0124  
SOL MELIA, SA (D/B/A SOL MELIA HOTELS & RESORTS)  
V. MATT BROWN 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.

98011

0813096



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 20 2009**

*I certify that the above is a true extract from  
the minutes of the 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,            JANUARY    20, 2009

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

APPLICATION NO.        A09I0125

SOL MELIA, SA (D/B/A SOL MELIA HOTEL & RESORTS) V. REINALDO  
GIL

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

98012

0813098

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 20 2009**

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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,                      JANUARY      20, 2009

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

APPLICATION NO.            A09I0126  
SOL MELIA, SA (D/B/A SOL MELIA HOTELS & RESORTS)  
V. MICHELLE SMAHA 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

0813166

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 20 2009**

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*Clerk.*

*Will. L. Martin*



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

ATLANTA,            JANUARY    27, 2009

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

APPLICATION NO.            A09I0127

HOWARD A. ROTTENBERG ET AL V. MARK S. ADAMS

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

90011

06A02659



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 27 2009**

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*Clerk.*

*Willie L. Martin*

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

ATLANTA,                      JANUARY      21, 2009

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

APPLICATION NO.            A09I0128

STEWART ENTERPRISES, INC., V. DONALD ANDERSON, ET AL

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

93011

07SV00282



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 21 2009**

*I certify that the above is a true extract from  
the minutes of the 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,            JANUARY    28, 2009

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

APPLICATION    NO.            A09I0129  
COTTON STATES MUTUAL INSURANCE COMPANY V. BETTY GAIL  
MCBURNETT ET AL

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

91011

06CV02929



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **JAN 28 2009**

*I certify that the above is a true extract from  
the minutes of the 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,                      FEBRUARY 03, 2009

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

APPLICATION NO.            A09I0130  
M.G. PATTON CONSTRUCTION COMPANY, INC., ET AL V.  
CHEROKEE COUNTY BOARD OF COMMISSIONERS

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

94011

2005CV2708



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

**FEB 03 2009**

*I certify that the above is a true extract from  
the minutes of the 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,                      FEBRUARY 03, 2009

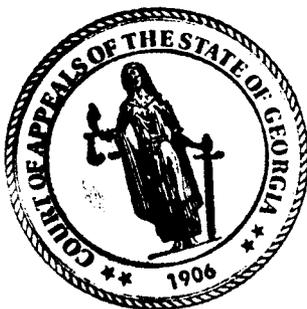
*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A09I0131  
PREMIER CONSTRUCTION SERVICES, INC., ET AL V. CHEROKEE  
COUNTY BOARD OF COMMISSIONERS

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

94012

2005CV2708



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 03 2009**

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*Clerk.*

*Will L. Martin*

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

ATLANTA,            JANUARY    27, 2009

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

APPLICATION NO.            A09I0132

WAYNE LONGE 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.

70011

08SC72279



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 27 2009**

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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,

*The Court of Appeals hereby passes the following order:* FEB 27 2009

**A09I0133. NEESMITH TIMBER COMPANY, INC. v. JARRIEL et al.**

Neesmith Timber Company, Inc. filed an application for interlocutory appeal from the trial court's order granting the defendant's motion for default judgment. Because a default judgment is directly appealable as a final judgment, we granted the application. Neesmith has since filed a motion for reconsideration asserting that the issue of damages remain pending below and thus the order was interlocutory.

"The law distinguishes between a default, which involves an interlocutory matter, and a default judgment, which represents final judicial action and the vesting of rights."<sup>1</sup> Here, although the trial court's order indicates default judgment was entered, it appears that it was only the entry of default. Thus, Neesmith is correct, and this matter was properly brought as an application for interlocutory appeal.

Accordingly, Neesmith's motion for reconsideration is hereby GRANTED, and this Court's order of January 29, 2009 granting the interlocutory appeal is VACATED. Upon review of the application for interlocutory appeal on its merits, the application is hereby DENIED.

---

<sup>1</sup> *Attridge v. Maines*, 174 Ga. App. 472, 473 (330 SE2d 409) (1985).



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 27 2009**

*I certify that the 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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*Willie L. Martin*, Clerk.

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

ATLANTA,                      FEBRUARY 10, 2009

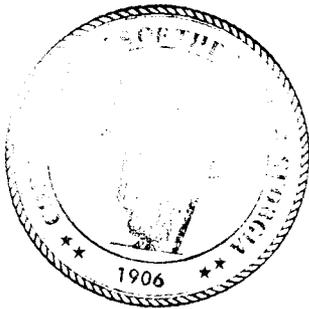
*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A09I0134  
CHRISTY B. LAWSON, AS EXECUTOR OF THE ESTATE OF SYBLE  
R. LAWSON, DECEASED V. DANNY DOY NEWTON

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

92011

1B06CV152



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

**FEB 10 2009**

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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,                      FEBRUARY 04, 2009

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

APPLICATION NO.            A09I0135  
OCCIDENTAL FIRE AND CASUALTY COMPANY OF NORTH CAROLINA,  
INC., ET AL V. MARK 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.

99011

06A56191



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 04 2009**

*I certify that the above is a true extract from  
the minutes of the 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,            FEBRUARY 04, 2009

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

APPLICATION NO.            A09I0136  
COMMUNITY NEWSPAPER HOLDINGS, INC., D/B/A THE UNION-  
RECORDER ET AL V. SHIRROD KING

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

95012

07CV41838



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    **FEB 04 2009**

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*Clerk.*

*Will. L. Martinez*

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

ATLANTA,                      FEBRUARY 17, 2009

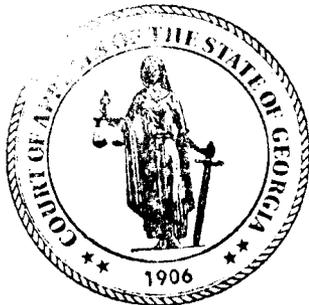
*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A09I0137  
BROWN INVESTMENT GROUP, LLC., V. THE MAYOR AND ALDERMEN  
OF THE CITY OF SAVANNAH, GEORGIA

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

96012

CV081332



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 17 2009**

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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. Mat...*

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

ATLANTA,            FEBRUARY 17, 2009

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

APPLICATION NO.            A09I0138

ROBERT CLOANINGER ET AL V. CITY OF ROSWELL ET AL

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

90012

2008CV156502



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 17 2009**

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*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,                      FEBRUARY 10, 2009

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

APPLICATION NO.            A09I0139  
DANNY DOY NEWTON V. CHRISTY B. LAWSON, AS EXECUTOR  
OF THE ESTATE OF SYBLE R. LAWSON, DECEASED

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

92012

1B06CV152



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 10 2009**

*I certify that the 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. Martinez*

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

ATLANTA,                      FEBRUARY 17, 2009

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

APPLICATION NO.            A09I0140

KAREN KELLY HARTLEY V. PAUL CAMPBELL 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

08S00168



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 17 2009**

*I certify that the 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,                      FEBRUARY 20, 2009

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

APPLICATION NO.            A09I0141  
NORTHSIDE HOSPITAL, INC., V. ROBERT LAMAR BROOKE,  
INDIVIDUALLY AND AS THE EXECUTOR OF THE ESTATE OF HIS  
WIFE, VIDA SUE BROOKE

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

91012

2008CV157190



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 20 2009**

*I certify that the above is a true extract from  
the minutes of the 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,                      FEBRUARY 24, 2009

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

APPLICATION NO.            A09I0142

BENECKI CUSTOM HOMES, LLC., V. ATLOON PROPERTIES, LLC

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

70012

2008CV153306



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      **FEB 24 2009**

*I certify that the above is a true extract from  
the minutes of the 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:** March 26, 2009

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 **S09C1110**

**BENECKI CUSTOM HOMES, LLC v. ATLOON PROPERTIES, LLC.**

Clerk, Supreme Court of Georgia

Case No. A09I0142

Court of Appeals of Georgia

Notice of Petition for Certiorari

MAR 30 2009

filed in office

Clerk, Court of Appeals of Georgia

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

ATLANTA,            FEBRUARY 26, 2009

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

APPLICATION NO.        A09I0143  
GRANT G. MORAIN ET AL V. MARK E. KNUITSEN ET AL

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

71012

06VS096336



*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*    **FEB 26 2009**

*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, March 5, 2009

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

**A09I0144. RAGSDALE v. KNUTSEN.**

Duncan Ragsdale filed an application for interlocutory appeal from the trial court's order denying his motion for summary judgment. Pursuant to OCGA § 5-6-34 (b), Ragsdale was required to attach a certificate of immediate review. The certificate attached by Ragsdale expressly applied only to his co-defendant, Grant Morain.<sup>1</sup> Given Ragsdale's failure to obtain a certificate of immediate review, his application for interlocutory appeal must be dismissed.<sup>2</sup>



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAR 05 2009**

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*William L. Martinez*, Clerk.

---

<sup>1</sup> We denied Morain's application for interlocutory review on its merits.

<sup>2</sup> See *In the Interest of H. E. M.*, 283 Ga. App. 354, 355 (641 SE2d 597) (2007).

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

ATLANTA,                      FEBRUARY 26, 2009

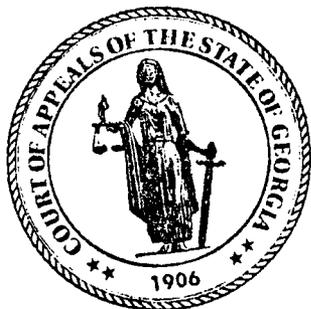
*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A09I0145  
SYNOVUS TRUST COMPANY, TRUSTEE FOR THE SAM D.  
WEIL TRUST V. STELLA W. BARR

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

97012

2006CV047



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

**FEB 26 2009**

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Clerk.

*Will L. Martin*

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

ATLANTA,                      FEBRUARY 18, 2009

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

APPLICATION NO.            A09I0146

LATHA E. ANDERSON V. ELBA EXPRESS PIPELINE

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

99012

081013



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 18 2009**

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*Clerk.*

*Willie L. Martin*

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

ATLANTA,                      FEBRUARY 18, 2009

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

APPLICATION NO.            A09I0147  
LINCOLN H. BOUNDS ET AL V. ELBA EXPRESS PIPELINE

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

99013

08CV0386



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 18 2009**

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*Clerk.*

*Will. L. Martin*

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

ATLANTA, MARCH 04, 2009

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

APPLICATION NO. A09I0148

MADHAV V. NAIK, ET AL V. LINDA GAIL BOOKER ET AL

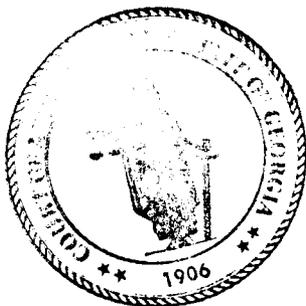
Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of STATE COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

95013

06CS442

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAR 04 2009**



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

*Clerk.*

*Willie L. Martinez*

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

ATLANTA, MARCH 02, 2009

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

APPLICATION NO. A09I0149

JENNIFER LYNN GATES V. BYRON FRANKLIN DEAN

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

96013

07CV03025



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 02 2009**

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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, MARCH 05, 2009

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

APPLICATION NO. A09I0150

WILLIAM E. BUCKNER ET AL V. BRIAN D. PIERCE, P.C.

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

90013

06A09591



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 05 2009**

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*Clerk.*

*Willi L. Martin*

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

ATLANTA, MARCH 05, 2009

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

APPLICATION NO. A09I0151  
JARED LANE JONES V. VICTOR L. BROWN

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

93013

07A08544



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 05 2009**

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*Clerk.*

*Will. L. Martin*

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

ATLANTA,                      FEBRUARY 26, 2009

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

APPLICATION NO.            A09I0152  
BENJAMIN NOSIRI ET AL V. DIANA HELM

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

91013

07EV002100



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 26 2009**

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hereto affixed the day and year last above written.*

*Clerk.*

*Willi L. Mat...*

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

ATLANTA, MARCH 09, 2009

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

APPLICATION NO. A09I0153  
RIGA MCIVER V. MICHAEL HARPER

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

94013

2008S06592



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 09 2009**

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*Clerk.*

*Will. L. Martinez*

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

ATLANTA, MARCH 16, 2009

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

APPLICATION NO. A09I0154

BRUNSON MCDEVITT COMPANY D/B/A MCDEVITT AIR V. EDWIN

BRONSTEIN ET AL

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

70013

STCV0703538



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 16 2009**

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

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

*Clerk.*

*Willi L. Mat: [Signature]*

March 5, 2009

# Court of Appeals of the State of Georgia

ATLANTA,

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

MAR 05 2009

## **A09I0155. EUGENE SETLOCK v. STEVEN SETLOCK.**

Eugene Setlock filed an action against Steven Setlock to quiet title and to obtain declaratory and injunctive relief and damages. Following the trial court's partial grant of Steven Setlock's motion to dismiss, Eugene Setlock seeks immediate review in this Court. However, jurisdiction over quiet title cases lies in the Supreme Court. See Ga. Const. of 1983, Art. VI, § VI, ¶ III (1) and (2); *Tharp v. Harpagon Co.*, 278 Ga. 654, 655 (1) (604 SE2d 156) (2004). Accordingly, this application is hereby TRANSFERRED to the Supreme Court for disposition.



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

MAR 05 2009

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*Will L. Martin*, Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order:

FEB 26 2009

**A09I0156. LOUISE ANN TAYLOR v. NICK MYLES TAYLOR.**

Louise Ann Taylor filed this interlocutory application seeking review of the denial of her motion for partial summary judgment. OCGA § 5-6-34 (b) permits such applications where the trial judge “certifies within ten days of entry” that the order, decision, or judgment sought to be appealed “is of such importance to the case that immediate review should be had. . . .” The certificate of immediate review need not conform to the exact language of OCGA § 5-6-34 (b). Substantial compliance with the statute is all that is required. *Clayton v. Edwards*, 225 Ga. App. 141, 144 (4) (483 SE2d 111) (1997).

This application does not contain a certificate of immediate review that is in substantial compliance with the statute. The order denying the motion for partial summary judgment includes a sentence stating “certificate of immediate review, in the above styled case, is hereby granted.” This does not amount to substantial compliance with the requirements of the statute. See *Hodge v. Dixon*, 119 Ga. App. 397 (167 SE2d 377) (1969) (Pannell, J., dissenting), cited with approval in *Bibb County v. McDaniel*, 127 Ga. App. 129 (1) (192 SE2d 544) (1972).

Due to the failure to comply with the interlocutory appeal procedure, this Court lacks jurisdiction to consider this application, which is therefore **DISMISSED**.



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

FEB 26 2009  
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hereto affixed the day and year last above written.

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

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

ATLANTA, MARCH 23, 2009

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

APPLICATION NO. A09I0157  
CYNTHIA S. WILLIAMSON V. CLINTON S. WILLIAMSON

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

95014

HS06CV205



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 23 2009**

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*Clerk.*

*Will. L. Martin*

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

ATLANTA, MARCH 11, 2009

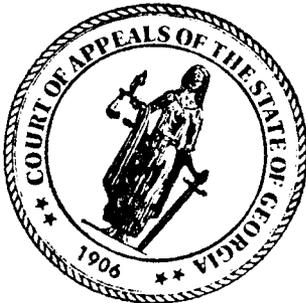
*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A09I0158  
LAIDLAW TRANSIT SERVICES, INC., ET AL V. VENUS YOUNG,  
AS NEXT FRIEND OF ROMONA W. YOUNG, A DISABLED ADULT

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

96014

STCV0402130



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAR 11 2009**

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*Clerk.*

*Will. L. Martin*

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

ATLANTA, MARCH 11, 2009

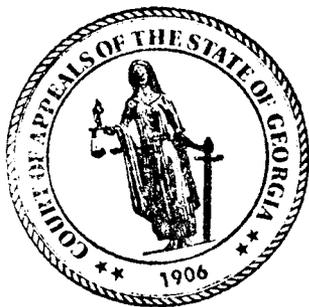
*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A09I0159  
OGLETHORPE POWER CORPORATION ET AL V. JAMES R. FORRISTER  
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.

98014

2007CV154



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 11 2009**

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*Clerk.*

*Willie L. Martin*

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

ATLANTA, MARCH 17, 2009

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

APPLICATION NO. A09I0160

STAR TRUCKING CO., INC., ET AL V. LEONARD E. WALLER, JR.

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

90014

2007CV141057



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 17 2009**

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*Clerk*  
*W. L. Martin*

# Court of Appeals of the State of Georgia

ATLANTA, March 25, 2009

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

## **A09I0161. VERNON JONES v. PAULINE HOLDER.**

Pauline Holder sued Vernon Jones, former CEO of DeKalb County, for assault and trespass. Jones moved for summary judgment, arguing – among other things – that he was shielded from suit by the doctrine of official immunity. The trial court denied Jones’s motion in part, ruling that official immunity did not apply. Jones now seeks immediate review.

In *Board of Regents v. Canas*, \_\_ Ga. App. \_\_ (Case No. A09A0411, decided January 12, 2009), we held that, under the collateral order doctrine,<sup>1</sup> a defendant may directly appeal an order denying a motion to dismiss based on a conclusive determination that the defendant is not immune from suit on the basis of sovereign immunity. Our decision hinged on the principle that “sovereign immunity is an immunity from suit, rather than a mere defense to liability, and is effectively lost if a case is erroneously permitted to go to trial.” (Citation omitted.) *Id.*

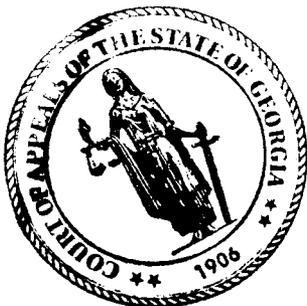
Official immunity protects public officers and employees from claims brought against them in their personal capacities when they are sued for discretionary acts taken within the scope of their employment and without actual intent to injure. *Wendelken v. JENK LLC.*, 291 Ga. App. 30, 31 (1) (661 SE2d 152) (2008). Like sovereign immunity, official immunity is “an entitlement not to stand trial rather than

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<sup>1</sup> That doctrine provides that an interlocutory order may be appealed directly if it (1) resolves an issue that is substantially separate from the basic issues to be decided at trial, (2) would result in the loss of an important right if review had to await final judgment, and (3) completely decides the issue on appeal. *Britt v. State*, 282 Ga. 746, 748 (1) (653 SE2d 713) (2007).

a mere defense to liability.” (Punctuation and footnote omitted.) *Cameron v. Lang*, 274 Ga. 122, 124 (1) (549 SE2d 341) (2001). Thus, the rationale of *Board of Regents v. Canas*, supra, applies with equal force here. Orders holding conclusively that official immunity does not apply also fall within the scope of the collateral order doctrine and may be appealed directly.

“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). Jones’s application for interlocutory appeal is therefore *GRANTED*. Jones 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*

**MAR 25 2009**

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*Will L. Martin*, Clerk.

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

ATLANTA, MARCH 11, 2009

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

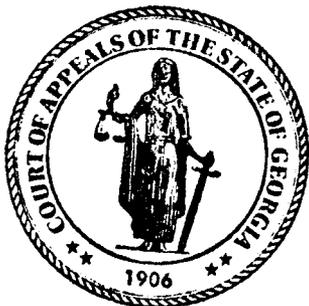
APPLICATION NO. A09I0162

DONNIE G. CAIN V. THE STATE

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

91014

08CR1266



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 11 2009**

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*Clerk.*

*Will. L. Martinez*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* FEB 27 2009

## **A09I0163. BAGNATO v. SOUTH GEORGIA HOSPITAL AUTHORITY.**

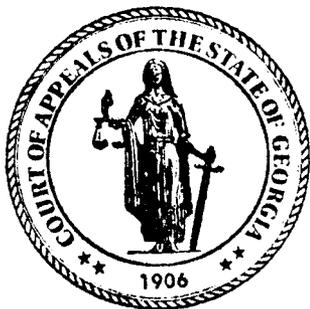
John Bagnato filed an application for interlocutory appeal, seeking to appeal an order granting partial summary judgment to South Georgia Hospital Authority. However, a trial court's order granting partial summary judgment as to fewer than all the claims may be directly appealed so long as the notice of appeal is timely filed.<sup>1</sup> Moreover, "[t]his 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."<sup>2</sup> Bagnato's application for interlocutory appeal is thus GRANTED.

Bagnato 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.

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<sup>1</sup> See OCGA § 9-11-56 (h); *Olympic Dev. Group v. American Druggists' Ins. Co.*, 175 Ga. App. 425 (1) (333 SE2d 622) (1985).

<sup>2</sup> *Spivey v. Hembree*, 268 Ga. App. 485, 486 n.1 (602 SE2d 246) (2004).



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 27 2009**

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*Willie L. Martin*, Clerk.

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

ATLANTA, MARCH 17, 2009

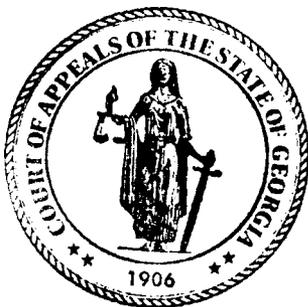
*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A09I0164  
RICHARD GLENDINNING V. REBECCA FRY

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

70014

STCV051206



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 17 2009**

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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: **MAR 06 2009**

**A09I0165. MARK FIELD v. MARY LOWERY.**

Mark Field seeks immediate review of an order granting partial summary judgment to Mary Lowery. "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). Field's application for interlocutory appeal is therefore **GRANTED**. Field 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#  
2005CV02483



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **MAR 06 2009**

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

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

ATLANTA, MARCH 18, 2009

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

APPLICATION NO. A09I0167  
THE STATE V. JOHNNY D. WARD

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

97014

049282934



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

**MAR 18 2009**

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*Clerk.*

*Will L. Martinez*

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

ATLANTA, MARCH 18, 2009

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

APPLICATION NO. A09I0168  
CANDACE E. RADER 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.

99014

08CR1279



*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **MAR 18 2009**

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*Clerk.*

*Willie L. Martin*

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

ATLANTA, MARCH 23, 2009

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

APPLICATION NO. A09I0169  
JOSEPH GREEN V. JOSEPH SHAW ET AL

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

95015

07S01470



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 23 2009**

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*Clerk.*

*Willie L. Martin*

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

ATLANTA, MARCH 18, 2009

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

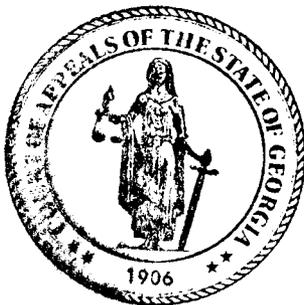
APPLICATION NO. A09I0170

VALERIE COOKE 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.

99015

08CR1279



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 18 2009**

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*Clerk.*

*Will L. Martin*

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

ATLANTA, MARCH 23, 2009

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

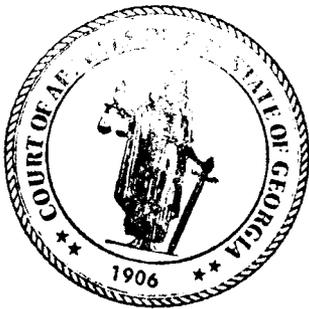
APPLICATION NO. A09I0172

DEKALB COUNTY, GEORGIA V. MICHELE VAN DER WESTHUIZEN  
ET AL

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

98015

07CV8934



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 23 2009**

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

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

*Clerk.*

*Will L. Martinez*

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

ATLANTA, MARCH 31, 2009

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

APPLICATION NO. A09I0173  
EUROTECH INVESTMENT CO., INC., ET AL V. FOOT PRINT  
INTERNATIONAL INC

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

90015

04CV0152



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 31 2009**

*I certify that the above is a true extract from  
the minutes of the 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 03, 2009

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

APPLICATION NO. A09I0174

WERNER ENTERPRISES, INC., ET AL V. JEFFERY T. STANTON, JR.,  
AS ADMINSITRATOR OF THE ESTATE OF CHARLES R. EVANS,  
DECEASED, ET AL

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

93015

2008V39963



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 03 2009**

*I certify that the above is a true extract from  
the minutes of the 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 03, 2009

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

APPLICATION NO. A09I0175

WERNER ENTERPRISES, INC., ET AL V. NATASHA PADGETT ET AL

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

93016

2008V39380

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 03 2009**



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

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

*Clerk.*

*Will L. Martin*

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

ATLANTA,            MARCH            25, 2009

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

APPLICATION NO.        A09I0176  
ELTON FELIX MANZIONE V. THE STATE

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

91015

SU08CR0921



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    **MAR 25 2009**

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

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

ATLANTA, MARCH 27, 2009

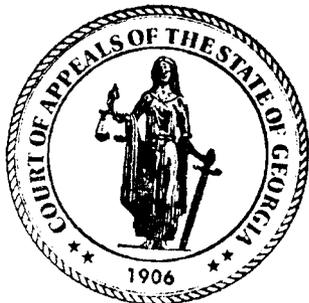
*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A09I0177  
DEBORAH EAVES ET AL V. EARTHLINK, 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.

94015

2005CV97274



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAR 27 2009**

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

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

*Clerk.*

*Will. L. Martin*

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

ATLANTA, APRIL 03, 2009

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

APPLICATION NO. A09I0178  
KATHERINE DIEHL ET AL V. RAYMOND C. ZEIGLER

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

70015

08CV3873



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

**APR 03 2009**

*I certify that the above is a true extract from  
the minutes of the 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 01, 2009

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

APPLICATION NO. A09I0179  
OLD REPUBLIC INSURANCE COMPANY V. JOSEPH VARGA

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

71015

A7727



*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **APR 01 2009**

*I certify that the above is a true extract from  
the minutes of the 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 08, 2009

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

APPLICATION NO. A09I0180

JESSE DOCKERY V. THE STATE

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

92015

08CR173



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **APR 08 2009**

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

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

*Clerk.*

*Will L. Martin*

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

ATLANTA, MARCH 30, 2009

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

APPLICATION NO. A09I0181  
JOHNSON CONTROLS, INC., V. MICHAEL MAYBAUM ET AL

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

97015

2007EV002273



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 30 2009**

*I certify that the above is a true extract from  
the minutes of the 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 01, 2009

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

APPLICATION NO. A09I0182  
TIA LEWIS V. GEORGIA POWER COMPANY

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

95016

04VS066155



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 01 2009**

*I certify that the above is a true extract from  
the minutes of the 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 07, 2009

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

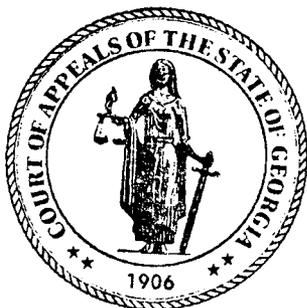
APPLICATION NO. A09I0183

BRANDON PICKLE V. M. FRANCIS STUBBS ET AL

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

96016

2005V584



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 07 2009**

*I certify that the above is a true extract from  
the minutes of the 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, APRIL 23, 2009

*The Court of Appeals passed the following order*

Case No. A09I0183

BRANDON PICKLE V. M. FRANCIS STUBBS 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 APR 23, 2009*

*I certify that the above is a true extract from  
the minutes of the 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 01, 2009

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

APPLICATION NO. A09I0184  
CITY OF CHICKAMAUGA V. VICKI S. HENTZ

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

98016  
07CV6722



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 01 2009**

*I certify that the above is a true extract from  
the minutes of the 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 7, 2009

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

## **A09I0185. TERRY LYNN MILLER v. THE STATE.**

Terry Lynn Miller filed an application for interlocutory review from the trial court's order denying his motion for county-paid transcripts to use in the pursuit of his motion for new trial in his probation revocation proceeding. 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 Court observes that the superior court denied Miller's request for a certificate of immediate review. The denial of an application for a certificate of immediate review is not an appealable judgment. *Price v. State*, 237 Ga. 352 (227 SE2d 368) (1976). It is true that the Supreme Court has crafted an exception to the certificate requirement but the exception applies only to certain limited circumstances. *Waldrip v. Head*, 272 Ga. 572, 575 (532 SE2d 380) (2000). This application 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).

Miller requests that the court grant the application, notwithstanding the lack of a certificate of immediate review, under the collateral order doctrine. 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, Miller’s failure to comply with the interlocutory appeal procedures of OCGA § 5-6-34 (b) deprives this court of jurisdiction to consider his application, which is accordingly **DISMISSED**.

We observe that should Miller eventually apply to appeal his probation revocation, see OCGA § 5-6-35 (a) (5), he can submit a substitute for the transcript. See *Harper v. Harper*, 259 Ga. 246 (378 SE2d 673) (1989).



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 07 2009

I certify that the above is a true extract from the minutes of 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 16, 2009

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

APPLICATION NO. A09I0186  
PASTOR MARK FOGARTY V. ANGELA DRIVER

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

91016

2007V146



*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **APR 16 2009**

*I certify that the above is a true extract from  
the minutes of the 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 08, 2009

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

APPLICATION NO. A09I0187

BAPTIST SPECIALTY PHYSICIANS, INC., ET AL V. CLARENCE MINTER,  
JR., AS SURVIVING SPOUSE OF RUTH ANNETTE MINTER, AND AS  
ADMINISTRATOR OF THE ESTATE OF RUTH ANNETTE MINTER

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

94016

06V1103



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 08 2009**

*I certify that the above is a true extract from  
the minutes of the 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 03, 2009

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

APPLICATION NO. A09I0188

CATHERINE LEMAY V. BRANDON TED BLOODWORTH

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

70016

08103463



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

**APR 03 2009**

*I certify that the above is a true extract from  
the minutes of the 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 20, 2009

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

APPLICATION NO. A09I0189  
ZANE ALEXANDER HOLDEN ET AL V. THE STATE

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

71016

2008SUCR868



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 20 2009**

*I certify that the above is a true extract from  
the minutes of the 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 17, 2009

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

APPLICATION NO. A09I0190  
GOLD CREEK, SL, LLC V. CITY OF DAWSONVILLE

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

92016

07CV244



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 17 2009**

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

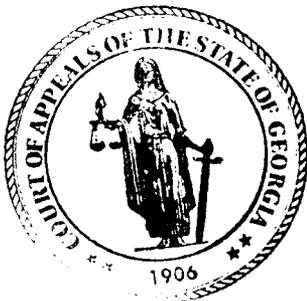
ATLANTA,

*The Court of Appeals hereby passes the following order:* **MAR 30 2009**

**A09I0191. JAMES PORTLOCK v. THE STATE.**

On February 24, 2009, the trial court granted the state's motion to disqualify Michael King from representing James Portlock in this action. The trial court entered a certificate of immediate review on March 4, 2009. Portlock attempted to file an application for interlocutory appeal on March 16, 2009. The application was not accepted for filing on the date received, however, because it did not include a stamped 'filed' copy of the court's order to be appealed or a stamped 'filed' copy of the certificate of immediate review. Court of Appeals Rule 30 (b). Portlock submitted the required documents on March 24, 2009, and the application was filed as of that date.

An application for interlocutory appeal is jurisdictionally proper only if it is filed with this court within ten days of the date a timely certificate of immediate review is entered in the court below. OCGA § 5-6-34 (b); Court of Appeals Rule 32 (a). Since Portlock failed to effect the filing of an application for interlocutory appeal within the time required, the application is **DISMISSED** as untimely.



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

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

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

*Willie L. Martin*, Clerk.

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

ATLANTA, APRIL 16, 2009

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

APPLICATION NO. A09I0192  
COOSAWATTEE RIVER RESORT ASSOCIATION, INC., V. THOMAS  
E. BRADLEY ET AL

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

99016

2006CV749



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **APR 16 2009**

*I certify that the above is a true extract from  
the minutes of the 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 16, 2009

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

APPLICATION NO. A09I0193  
CHICK-FIL-A, INC., V. CIDELIA DEAN HEAD

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

95017

2007EV001769



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 16 2009**

*I certify that the above is a true extract from  
the minutes of the 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 15, 2009

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

APPLICATION NO. A09I0194  
LUCAS GERROD COPELAND V. THE STATE

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

96017

08B2590



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

APR 15 2009

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

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

*Clerk*  
*William L. Martin*

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

ATLANTA, APRIL 21, 2009

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

APPLICATION NO. A09I0195  
VINCENT J. RAFTARY 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.

98017

2008SR0933



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 21 2009**

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

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

*Clerk.*

*Will. L. Mantz*

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

ATLANTA, APRIL 22, 2009

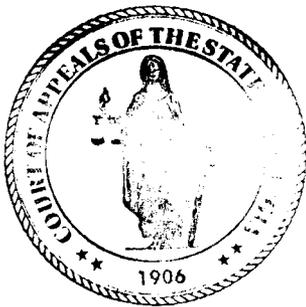
*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A09I0196  
KAREN HAGAN ET AL V. CHRISTOPHER F. BROGDEN

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

90017

01VS013432



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 22 2009**

*I certify that the above is a true extract from  
the minutes of the 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 29, 2009

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

APPLICATION NO. A09I0197  
GEORGIA POWER COMPANY V. COMCAST CABLE COMMUNICATIONS  
OF PENNSYLVANIA, INC., ET AL

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

93017

2006CV116060



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 29 2009**

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

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

*Clerk.*

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

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

ATLANTA, APRIL 22, 2009

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

APPLICATION NO. A09I0198

LANCE HAYMON V. THE STATE

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

91017

08CR211



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

**APR 22 2009**

*I certify that the above is a true extract from  
the minutes of the 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 14, 2009

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

APPLICATION NO. A09I0199  
CEDRICK JEFFERSON ET AL V. JOYCE WILLIAMS

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

94017

07103256



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 14 2009**

*I certify that the above is a true extract from  
the minutes of the 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 16, 2009

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

APPLICATION NO. A09I0200  
KARLA BALL ET AL V. CYNTHIA JONES, AS TEMPORARY ADMINISTRATOR  
OF THE ESTATE OF LOUISE NEDD 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

STCV0801235



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 16 2009**

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

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

*Clerk.*

*William L. Martin*

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

ATLANTA, APRIL 28, 2009

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

APPLICATION NO. A09I0201

JOHNNIE MAE BARRETT ET AL V. EQUITY LAND CORP., F/K/A  
EQUITY LAND GROUP, INC.

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

71017

2007CV129414



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 28 2009**

*I certify that the above is a true extract from  
the minutes of the 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 22, 2009

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

## **A09I0202. FULLER v. HEARTWOOD II, LLC.**

Wilbur Fuller filed an application for interlocutory appeal, seeking to challenge the trial court's denial of his motion for class certification. Pursuant to OCGA § 9-11-23 (g), "[a] court's order certifying a class or refusing to certify a class shall be appealable in the same manner as a final order to the appellate court which would otherwise have jurisdiction over the appeal from a final order in the action." Thus, the issue on appeal may be appealed directly.

"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."<sup>1</sup> Accordingly, this application for interlocutory appeal is hereby GRANTED. Fuller shall have ten days from the date of this order to file a notice of appeal in the superior court, provided that he has not otherwise filed a timely notice of direct appeal. The clerk of the superior court is directed to include a copy of this order in the record transmitted to this Court.



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* APR 22 2009

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

<sup>1</sup> *Spivey v. Hembree*, 268 Ga. App. 485, 486 n. 1 (602 SE2d 246) (2004).

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

ATLANTA, APRIL 24, 2009

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

APPLICATION NO. A09I0203  
FEDERAL EXPRESS CORPORATION ET AL V. TEARA DENISE CODY,  
AS ADMINISTRATRIX OF THE ESTATE OF EDWARD CODY, III, DECEASED

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

97017

08CV376



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **APR 24 2009**

*I certify that the above is a true extract from  
the minutes of the 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 29, 2009

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

APPLICATION NO. A09I0204

R. LARRY PHILLIPS CONSTRUCTION COMPANY, INC., V. MUSCOGEE  
GLASS, 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.

99017

SU08CV4634



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 29 2009**

*I certify that the above is a true extract from  
the minutes of the 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, 2009

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

APPLICATION NO. A09I0205  
ELLIE MCKENZIE ET AL V. CYNTHIA JONES, AS TEMPORARY  
ADMINISTRATOR OF THE ESTATE OF LOUISE NEDD 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.

70018

STCV0801235



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

**APR 22 2009**

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

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

ATLANTA, APRIL 29, 2009

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

APPLICATION NO. A09I0206  
CHESTER " JAY " ATCHLEY, III V. THE STATE

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

95018

08CR582



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

**APR 29 2009**

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

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

Clerk.

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

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

ATLANTA, MAY 06, 2009

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

APPLICATION NO. A09I0207

E. HILTON MORGAN V. LEANN K. HORTON, 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.

96018

03V332



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 06 2009**

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

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

Clerk.

*Will L. Martinez*

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

ATLANTA, MAY 04, 2009

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

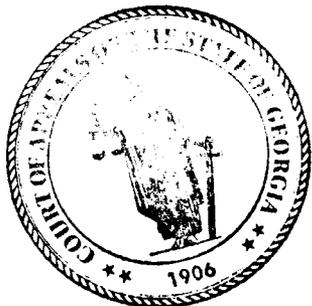
APPLICATION NO. A09I0208

JEROD JONES V. THE STATE

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

98018

B08CR0656



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 04 2009**

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

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

*Clerk.*

*Will L. Martin*

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

ATLANTA, MAY 01, 2009

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

APPLICATION NO. A09I0209  
KILMURRY TREE SERVICE V. SOUTHWAY CRANE & RIGGING

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

90018

20052415



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 01 2009**

*I certify that the above is a true extract from  
the minutes of the 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:* **MAY 01 2009**

**A09I0210. PAULA SUSAN PARRIS v. JERRY W. DOUTHIT.**

Paula Susan Parris filed this application from the order denying her motion to dismiss Jerry W. Douthit's action for modification of the alimony provision in the parties' final divorce decree. The Supreme Court has general appellate jurisdiction in divorce and alimony cases. Ga. Const. of 1983, Art. VI, § VI, Par. III (6). Parris's application is therefore **TRANSFERRED** to the Supreme Court for disposition.



*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **MAY 01 2009**

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

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

*Will L. Martin*, Clerk.

# Court of Appeals of the State of Georgia

ATLANTA, May 1, 2009

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

**A09I0211. LIZ v. THE STATE.**

Following the death of three-year-old Lauren Liz, Tyrell Robinson was charged with numerous offenses, including murder. Bielka Liz, who was indicted jointly with Robinson, was charged with two counts of cruelty to children. The co-defendants filed motions to sever their trials, which the trial court denied. Robinson filed an application for interlocutory appeal in the Supreme Court, which was granted and docketed as Case Number S09A0786. Liz has now filed an application for interlocutory appeal in this Court.

Liz's application for interlocutory appeal is inextricably entwined with that of her co-defendant. Moreover, this Court would be bound by the Supreme Court decision in Case Number S09A0786. Accordingly, in the interest of judicial economy and in aid of our appellate jurisdiction, this interlocutory application is hereby TRANSFERRED to the Supreme Court so that one authoritative determination can be made.



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 01 2009**

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

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

*Will. L. Martin*, Clerk.

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

ATLANTA, MAY 04, 2009

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

APPLICATION NO. A09I0212  
TONI CATRICE WEST V. THE STATE

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

94018

08CR1388



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAY 04 2009**

*I certify that the above is a true extract from  
the minutes of the 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 07, 2009

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

APPLICATION NO. A09I0213  
ROSITA WATTS ET AL V. MARK ELAM

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

71018

08CI3086



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 07 2009**

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

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

*Clerk.*

*Will. L. Martinez*

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

ATLANTA, MAY 06, 2009

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

APPLICATION NO. A09I0214  
USAA CASUALTY INSURANCE COMPANY V. BRIAN EMMETTE  
CHRISTOPHER PAWLIK

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

92018

07C11489



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 06 2009**

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

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

ATLANTA, MAY 18, 2009

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

APPLICATION NO. A09I0215

BRYAN VENTURES, INC., ET AL V. MARK J. GAINOR ET AL

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

90020

2008CV152463

*Court of Appeals of the State of Georgia*

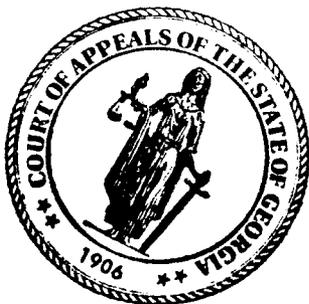
*Clerk's Office, Atlanta*

**MAY 18 2009**

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

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

ATLANTA, MAY 06, 2009

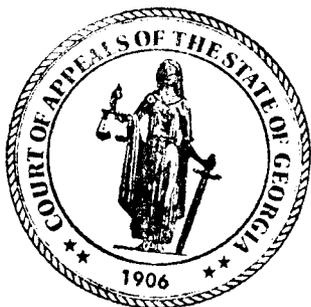
*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A09I0216  
JAMES ODOM ET AL V. THE STATE

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

99018

2008SUCR619



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

**MAY 06 2009**

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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, MAY 12, 2009

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

APPLICATION NO. A09I0217  
GMAC MORTGAGE, LLC V. SANDRA MURRAY

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

95019

2008CV151174



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 12 2009**

*I certify that the above is a true extract from  
the minutes of the 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, 2009

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

APPLICATION NO. A09I0218

ANTHONY HOLMES V. THE STATE

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

96019

2007FE0626



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 14 2009**

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

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

ATLANTA, MAY 06, 2009

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

APPLICATION NO. A09I0219  
MANUEL STEVEN FINCH 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.

98019

2007FE0482



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 06 2009**

*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.*

*W. Z. Mat*  
Clerk.

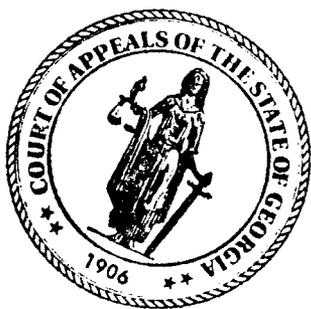
# Court of Appeals of the State of Georgia

ATLANTA, MAY 18 2009

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

**A09I0220. Stock Building Supply, Inc. et al. v. Dunn et al.**

On April 24, 2009, Stock Building Supply, Inc. ("Stock") filed an application for interlocutory appeal seeking immediate review of the trial court's order denying its motion for summary judgment. After filing its application, however, Stock filed a suggestion of bankruptcy with this Court, indicating that it petitioned for bankruptcy relief on May 6, 2009. Because the circumstances that existed at the time the trial court certified this matter for immediate review have changed, Stock's application for interlocutory appeal is hereby **DISMISSED** without prejudice. The trial court may, at its discretion, vacate and re-enter the summary judgment order at a later date and issue another certificate of immediate review to facilitate a subsequent application for interlocutory appeal.



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

**MAY 18 2009**

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

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

*Willi Z. Mart*

, Clerk.

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

ATLANTA, MAY 15, 2009

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

APPLICATION NO. A09I0221  
GREENTREE HEALTHCARE AFFILIATES, LLC V. FOWLER  
HEALTHCARE AFFILIATES, 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.

93019

0811007



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 15 2009**

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

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

ATLANTA, MAY 15, 2009

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

APPLICATION NO. A09I0222

CAPITAL CITY INSURANCE COMPANY ET AL V. CATHY SUGGS

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

91019

2007CV281



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 15 2009**

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

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

ATLANTA, MAY 27, 2009

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

APPLICATION NO. A09I0223  
VICKIE HANKLA, CNM ET AL V. ANITA 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.

94019

05CV2003



*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **MAY 27 2009**

*I certify that the above is a true extract from  
the minutes of the Court 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 29, 2009

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

APPLICATION NO. A09I0224

APPLEGATE INSULATION SYSTEMS OF GEORGIA, LLC V. JAMES K.  
MCCOURY, SR. ET AL

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

70019

07CV4277

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 29 2009**

*I certify that the above is a true extract from  
the minutes of the 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 21, 2009

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

APPLICATION NO. A09I0225  
FARMER'S DOLOMITE LIME COMPANY ET AL V. PATRICK  
E. STOKESBERRY

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

71019

07CV5753



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 21 2009**

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

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

*Clerk.*

*Will L. Martinez*

# Court of Appeals of the State of Georgia

ATLANTA, MAY 14 2009

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

## **A09I0226. JUDICIAL COUNCIL OF GEORGIA ET AL. v. BROWN & GALLO, LLC.**

Brown & Gallo, LLC filed this declaratory judgment action, seeking a declaration that a particular rule of the Board of Court Reporting of the Judicial Council of Georgia is invalid. The applicants moved to dismiss, arguing – among other things – that they were shielded from suit by the doctrine of sovereign immunity. The trial court denied the applicants’ motion, ruling in part that they had waived sovereign immunity. The respondents now seek immediate review.

In *Board of Regents v. Canas*, 295 Ga. App. 505, 507 (1) (672 SE2d 471) (2009), we held that, under the collateral order doctrine,<sup>1</sup> a defendant may directly appeal an order denying a motion to dismiss based on a conclusive determination that the defendant is not immune from suit on the basis of sovereign immunity. Compare *Turner v. Giles*, 264 Ga. 812 (450 SE2d 421) (1994).

Our decision hinged on the principle that “sovereign immunity is an immunity from suit, rather than a mere defense to liability, and is effectively lost if a case is erroneously permitted to go to trial.” (Citation omitted.) *Canas*, supra, at 507.

“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

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<sup>1</sup>That doctrine provides that an interlocutory order may be appealed directly if it (1) resolves an issue that is substantially separate from the basic issues to be decided at trial, (2) would result in the loss of an important right if review had to await final judgment, and (3) completely decides the issue on appeal. *Britt v. State*, 282 Ga. 746, 748 (1) (653 SE2d 713) (2007).

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 therefore **DISMISSED**.



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

**MAY 14 2009**

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

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

*Willie L. Mantz*, Clerk.

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

ATLANTA, MAY 28, 2009

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

APPLICATION NO. A09I0227

FAIRFIELD FINANCIAL SERVICES, INC. V. CHARLES C. DINSMORE

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

97018

07MV1142



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 28 2009**

*I certify that the above is a true extract from  
the minutes of the 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 28, 2009

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

**A09I0228. The Georgia State Licensing Board for Residential and General Contractors v. Allen et al.**

The Georgia State Licensing Board for Residential and General Contractors ("the Board") has moved to withdraw or dismiss its application for interlocutory appeal filed on May 4, 2009. The Board's motion is GRANTED, and the application is hereby deemed WITHDRAWN.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAY 28 2009**

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

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

*Will. L. Martinez*, Clerk.



**Court of Appeals**

**of the State of Georgia**

ATLANTA,

MAY

19, 2009

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

APPLICATION NO. A09I0229

LAJARVIS ARNOLD 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.

99019

SU08CR0768



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 19 2009**

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

21, 2009

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

APPLICATION NO. A09I0230

T. SCOTT MCGEE V. DONNA MELTON ET AL

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

95020

07CV810



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAY 21 2009**

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

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

Clerk.

*Willie L. Martin*

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

ATLANTA, JUNE 02, 2009

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

APPLICATION NO. A09I0231  
LINCO DEVELOPER, LLC. V. ARCTIC ENGINEERS AND CONSTRUCTORS,  
LLC ET AL

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

96020

2008CV148830



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JUN 02 2009

*I certify that the above is a true extract from  
the minutes of the 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 28, 2009

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

APPLICATION NO. A09I0232  
MARTIN'S RESTAURANT SYSTEMS INC. V. JEANNIE  
TERESE LANDERS

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

98020

2008A5215



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAY 28 2009**

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

Clerk.

*Willie L. Martin*

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

ATLANTA, MAY 28, 2009

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

APPLICATION NO. A09I0233  
CRUISE AMERICA, INC., ET AL V. JORG SCHATTE ET AL

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

93020

2006CV5124



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 28 2009**

*I certify that the above is a true extract from  
the minutes of the 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 22, 2009

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

## **A09I0234. LOUISE ANN TAYLOR v. NICK MYLES TAYLOR.**

Louise Ann Taylor filed a petition for divorce, and Nick Myles Taylor counterclaimed. The parties dispute whether a particular house is the separate property of Ms. Taylor, the separate property of Mr. Taylor, or a marital asset. Mr. Taylor's deceased mother, the former owner of the house, executed a deed conveying the house to herself and Ms. Taylor as joint tenants with the right of survivorship. Ms. Taylor claims title through this deed. Mr. Taylor contends that his mother suffered from Alzheimer's disease and was thus incompetent to execute the deed. He further contends that Ms. Taylor obtained the deed by fraud. He asserts that the house is his separate property because he is his mother's sole heir.

Ms. Taylor moved for summary judgment, seeking a declaration that the house is her separate property. The trial court denied the motion, and Ms. Taylor filed this application for interlocutory appeal.

Because we conclude that this is an action involving title to land within the Supreme Court's appellate jurisdiction, the application is **TRANSFERRED** to the Supreme Court for disposition. Ga. Const. of 1983, Art. VI, § VI, ¶ III (1).



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

**MAY 22 2009**

*I certify that the above is a true extract from  
the minutes of 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, JUNE 11, 2009

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

APPLICATION NO. A09I0235  
THE HOSPITAL AUTHORITY OF TIFT COUNTY D/B/A TIFT  
REGIONAL MEDICAL CENTER V. HOLLY STRIPLING

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

94020

2006CV9295



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 11 2009**

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

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

ATLANTA,

JUNE

04, 2009

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

APPLICATION NO. A09I0236  
WAFFLE HOUSE INC. V. JESSICA TIDWELL

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

70020

09CV00131



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 04 2009**  
*I certify that the above is a true extract from  
the minutes of the 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 04, 2009

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

APPLICATION NO. A09I0237  
INFINITY GENERAL INSURANCE COMPANY V. JASON LITTON

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

71020

2B08CV207



*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* JUN 04 2009

*I certify that the above is a true extract from  
the minutes of the 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 05, 2009

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

APPLICATION NO. A09I0238  
SOUTHLAND HOMES CORPORATION V. MOHAMAD MALAK

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

92020

07A11114



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

**JUN 05 2009**

*I certify that the above is a true extract from  
the minutes of the 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 04, 2009

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

APPLICATION NO. A09I0239  
JASON LITTON V. INFINITY GENERAL INSURANCE COMPANY

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

71021

2B08CV207



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

**JUN 04 2009**

*I certify that the above is a true extract from  
the minutes of the 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 11, 2009

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

**A09I0240. EATON et al. v. ATLANTA JET, INC.**

Mark Eaton et al. filed an application for interlocutory appeal from that portion of the trial court's order denying the applicants' motion for summary judgment. In the same order, the trial court granted in part a motion for summary judgment filed by Atlanta Jet, Inc. The applicants have filed a notice of appeal from this portion of the trial court's order.

Under OCGA § 9-11-56 (h), the grant of summary judgment on any issue or as to any party may be directly appealed. And when such a direct appeal is taken, there is no need to file an application for interlocutory appeal for other issues which, standing alone, would be subject to the interlocutory appeal procedure.<sup>1</sup> Rather, all of the rulings in the trial court's order granting partial summary judgment may be addressed as a matter of right on direct appeal.<sup>2</sup>

This Court will grant a timely application for interlocutory appeal if the order complained of is subject to direct appeal and the applicants have not already filed a timely notice of appeal.<sup>3</sup> Here, however, the applicants filed a timely notice of appeal and thus this application is unnecessary. Accordingly, this application for

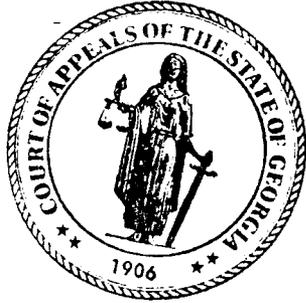
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<sup>1</sup> See *Southeast Ceramics, Inc. v. Klem*, 246 Ga. 294, 295 (1) (271 SE2d 199) (1980) "(when a direct appeal is taken, any other judgments, rulings or orders rendered in the case and which may affect the proceedings below may be raised on appeal and reviewed and determined by the appellate court.)".

<sup>2</sup> See *id.*

<sup>3</sup> See *Spivey v. Hembree*, 268 Ga. App. 485, 486 n.1 (602 SE2d 246) (2004).

interlocutory appeal is hereby DISMISSED.



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 11 2009**

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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, JUNE 11, 2009

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

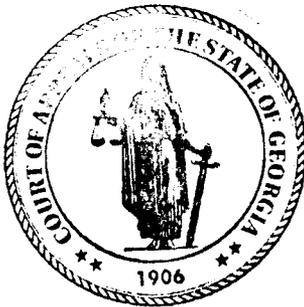
APPLICATION NO. A09I0241

PACE ELECTRICAL CONTRACTORS, INC., V. LUIS SANCHEZ

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

99020

STCV0804113



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 11 2009**

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*Clerk.*

*Will L. Martin*

# Court of Appeals of the State of Georgia

ATLANTA, June 4, 2009

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

## **A09I0242. PIKE COUNTY v. BEVERLY GISH ET AL.**

Beverly Gish sued Pike County for the wrongful death of her son, who committed suicide while in the custody of Pike County. Pike County moved for summary judgment, arguing – among other things – that it was shielded from suit by the doctrine of sovereign immunity. The trial court granted the motion in part and denied the motion in part, ruling that sovereign immunity did not bar the claim against the county. Pike County now seeks immediate review.<sup>1</sup>

In *Board of Regents v. Canas*, 295 Ga. App. 505, 507 (1) (672 SE2d 471) (2009), we held that, under the collateral order doctrine,<sup>2</sup> a defendant may directly appeal an order denying a motion to dismiss based on a conclusive determination that the defendant is not immune from suit on the basis of sovereign immunity. Compare *Turner v. Giles*, 264 Ga. 812 (450 SE2d 421) (1994). Our decision hinged on the principle that “sovereign immunity is an immunity from suit, rather than a mere defense to liability, and is effectively lost if a case is erroneously permitted to go to trial.” (Citation omitted.) *Canas*, supra, at 507.

“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

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<sup>1</sup>Gish’s direct appeal from the order is pending as Case No. A09A1855.

<sup>2</sup>That doctrine provides that an interlocutory order may be appealed directly if (1) resolves an issue that is substantially separate from the basic issues to be decided at trial, (2) would result in the loss of an important right if review had to await final judgment, and (3) completely decides the issue on appeal. *Britt v. State*, 282 Ga. 746, 748 (1) (653 SE2d 713) (2007).

a notice of appeal.” *Spivey v. Hembree*, 268 Ga. App. 485, 486 n. 1 (602 SE2d 246) (2004). Pike County’s application for interlocutory appeal is therefore **GRANTED**. Pike County 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*

**JUN 04 2009**

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

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

*Will L. Martin*, Clerk.

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

ATLANTA, JUNE 10, 2009

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

APPLICATION NO. A09I0243  
MARY JOHNSON V. STEVE K. LEIBEL ET AL

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

95021  
2002VS034444

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 10 2009**

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the minutes of the Court of Appeals of Georgia*

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

*Clerk.*



*William L. ...*

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

ATLANTA, JULY 01, 2009

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

APPLICATION NO. A09I0244

PORTER KEADLE MOORE, LLP., V. WALBRIDGE ALDINGER COMPANY

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

96021

08EV004968



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 01 2009**

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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, JUNE 17, 2009

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

APPLICATION NO. A09I0245

WATFORD-SIMS, LLC D/B/A SONIC DRIVE-IN V. MICHAEL A. YORK

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

98021

08VS137614



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 17 2009**

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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, JUNE 16, 2009

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

APPLICATION NO. A09I0246  
JORGE ALBERTO VALLADARES V. THE STATE

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

90021

2009RCCR1683



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* JUN 16 2009

*I certify that the 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, JUNE 24, 2009

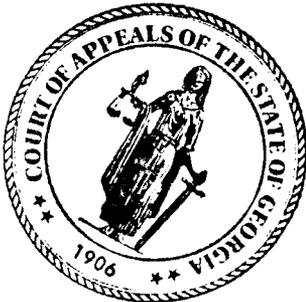
*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A09I0247  
ROGERS CONSTRUCTION CO., V. DAVID JAGIRDAR 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.

93021

08CV03810



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 24 2009**

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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, JUNE 17, 2009

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

APPLICATION NO. A09I0248  
GRADY ANDERSON, INDIVIDUALLY AND AS EXECUTOR OF  
THE ESTATE OF SARAH RUTH ANDERSON, DECEASED V.  
MOUNTAIN MANAGEMENT SERVICES, 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.

91021

04CV64273



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 17 2009**

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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, JUNE 24, 2009

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

APPLICATION NO. A09I0249  
QBE INSURANCE COMPANY (QBE) V. COUCH PIPELINE & GRADING, 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.

70021

06A05687



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* JUN 24 2009

*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, JUNE 24, 2009

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

APPLICATION NO. A09I0250

J.T. TURNER CONSTRUCTION COMPANY, INC., V. ORLANDO B.

SUMMEROUR 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.

99022

08SUCV1032



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 24 2009**

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*Clerk.*

*Willie L. Martin*

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

ATLANTA, JULY 01, 2009

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

APPLICATION NO. A09I0251  
WILLIAM M. FOSTER V. WILMINGTON PLANTATION OWNERS  
ASSOCIATION, 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.

97021  
CV081949

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta JUL -1 2009*

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

*Clerk.*

*Willi Z. Mart; [Signature]*

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

ATLANTA, JULY 08, 2009

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

APPLICATION NO. A09I0252  
WILLIAM M. FOSTER V. WILMINGTON PLANTATION OWNERS  
ASSOCIATION, 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.

97022

CV081950



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 08 2009**

*I certify that the above is a true extract from  
the minutes of the 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 24, 2009

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

APPLICATION NO. A09I0253  
CLAUDIA ROLAN ET AL V. HOWARD D. GLASS

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

07CV5222

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 24 2009**

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*Clerk.*

*Willie L. McIntosh*



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

ATLANTA, JULY 01, 2009

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

APPLICATION NO. A09I0254  
KI SOO SHIN V. ESTATE OF STACEY CAMACHO 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.

95022

07C10289

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta JUL -1 2009*

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

*Clerk.*

*Willi Z. Mart*

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

ATLANTA, JULY 09, 2009

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

APPLICATION NO. A09I0255

WILLIE C. SUBER V. THE STATE

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

96022

2009STSR0056



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 09 2009**

*I certify that the above is a true extract from  
the minutes of the 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 13, 2009

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

APPLICATION NO. A09I0256  
EMERSON B. COLEMAN, JR. V. JEANNETTE BRUNO

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

98022

2008V40898



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 13 2009**

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

*[Handwritten flourish]*

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

ATLANTA, JULY 14, 2009

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

APPLICATION NO. A09I0257  
FOOD LION, INC., V. CATHERINE SPANN

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

90022

STCV070140



*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta JUL 14 2009

*I certify that the above is a true extract from  
the minutes of the 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, 2009

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

**A09I0258. SASSAFRAS MOUNTAIN ESTATES PROPERTY OWNERS ASSOCIATION, INC. v. WALTER GOULD ET AL.**

**A09I0259. SASSAFRAS MOUNTAIN ESTATES PROPERTY OWNERS ASSOCIATION, INC. ET AL. v. CAROLYN R. HAWKINS ET AL.**

The applicants seek immediate review of orders granting partial summary judgment to the respondents. "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). The applications for interlocutory appeal are therefore **GRANTED**. The applicants shall have ten days from the date of this order to file notices of appeal in the superior court. The clerk of the superior court is directed to include a copy of this order in the records transmitted to this Court.



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 25 2009**

*I certify that the above is a true extract from the minutes of 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 25, 2009

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

**A09I0258. SASSAFRAS MOUNTAIN ESTATES PROPERTY OWNERS ASSOCIATION, INC. v. WALTER GOULD ET AL.**

**A09I0259. SASSAFRAS MOUNTAIN ESTATES PROPERTY OWNERS ASSOCIATION, INC. ET AL. v. CAROLYN R. HAWKINS ET AL.**

The applicants seek immediate review of orders granting partial summary judgment to the respondents. "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). The applications for interlocutory appeal are therefore **GRANTED**. The applicants shall have ten days from the date of this order to file notices of appeal in the superior court. The clerk of the superior court is directed to include a copy of this order in the records transmitted to this Court.



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 25 2009**

*I certify that the above is a true extract from the minutes of 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 9, 2009

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

## **A09I0260. UPPER OCONEE BASIN WATER AUTHORITY v. JACKSON COUNTY.**

Jackson County brought a declaratory judgment action against Upper Oconee Basin Water Authority (the “Authority”). The Authority moved to dismiss arguing, inter alia, that sovereign immunity barred such suit. The trial court denied the motion to dismiss. Jackson County then obtained a certificate of immediate review and filed this application for interlocutory appeal.

In *Board of Regents v. Canas*,<sup>1</sup> this Court held that a defendant is entitled to a direct appeal from an order denying a motion to dismiss on sovereign immunity grounds. Specifically, we found that such order was subject to the collateral order doctrine, which applies if the order being appealed: “(1) resolves an issue that is ‘substantially separate’ from the basic issues to be decided at trial, (2) would result in the loss of an important right if review had to await final judgment, and (3) completely and conclusively decides the issue on appeal such that nothing in the underlying action can affect it.”<sup>2</sup> Because sovereign immunity is not simply a defense to liability, but immunity from suit that would be lost in the event of a trial, we found it fell within the ambit of the collateral order doctrine.<sup>3</sup>

“This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicants have not otherwise filed

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<sup>1</sup> 295 Ga. App. 505, 507 (1) (672 SE2d 471) (2009).

<sup>2</sup> *Britt v. State*, 282 Ga. 746, 748 (1) (653 SE2d 713) (2007).

<sup>3</sup> See *Canas*, supra at 507.

a notice of appeal.”<sup>4</sup> The Authority’s application for interlocutory appeal is therefore GRANTED. The Authority shall have ten days from the date of this order to file a notice of appeal in the trial court. The clerk of that court is hereby directed to include a copy of this order in the record transmitted to this Court.



*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **JUL 09 2009**

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

---

<sup>4</sup> *Spivey v. Hembree*, 268 Ga. App. 485, 486 n.1 (602 SE2d 246) (2004).

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

ATLANTA, JULY 13, 2009

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

APPLICATION NO. A09I0261

GARY C. ARMS V. HEAVENER COMPANY MORTGAGE, LLC., ET AL

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

94022

CV082918



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 13 2009**

*I certify that the above is a true extract from  
the minutes of the 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 13, 2009

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

APPLICATION NO. A09I0262

CHARLES DUBEE V. HEAVENER COMPANY MORTGAGE, LLC., ET AL

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

94023

CV082922



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 13 2009**

*I certify that the above is a true extract from  
the minutes of the 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 13, 2009

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

APPLICATION NO. A09I0263

ANTHONY GIROUX ET AL V. HEAVENER COMPANY MORTGAGE, LLC.,  
ET AL

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

94024

CV082918



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 13 2009**

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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, JULY 13, 2009

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

APPLICATION NO. A09I0264

NATHAN GRAY V. HEAVENER COMPANY MORTGAGE, LLC., ET AL

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

94025

CV082919



*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* JUL 13 2009

*I certify that the above is a true extract from  
the minutes of the 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 13, 2009

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

APPLICATION NO. A09I0265

RENEE GRAY V. HEAVENER COMPANY MORTGAGE, LLC., ET AL

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

94026

CV082921



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 13 2009**

*I certify that the above is a true extract from  
the minutes of the 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 13, 2009

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

APPLICATION NO. A09I0266

STEPHANIE MILLER ET AL V. HEAVENER COMPANY MORTGAGE, LLC.,  
ET AL

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

94027

CV082937



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 13 2009**

*I certify that the above is a true extract from  
the minutes of the 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 13, 2009

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

APPLICATION NO. A09I0267

FRAN SIMPLIS V. HEAVENER COMPANY MORTGAGE, LLC., ET AL

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

94028

CV082920



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 13 2009**

*I certify that the above is a true extract from  
the minutes of the 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 13, 2009

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

APPLICATION NO. A09I0268  
DAVID SODERLIND V. HEAVENER COMPANY MORTGAGE, LLC.,  
ET AL

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

94029

CV082936



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 13 2009**

*I certify that the above is a true extract from  
the minutes of the 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 13, 2009

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

APPLICATION NO. A09I0269

WALTER SODERLIND V. HEAVENER COMPANY MORTGAGE, LLC.,  
ET AL

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

94030

CV082938



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

**JUL 13 2009**

*I certify that the above is a true extract from  
the minutes of the 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 14, 2009

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

APPLICATION NO. A09I0270  
JEFF CUTLER V. COX RADIO, 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.

70022

08VS134505



*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* JUL 14 2009

*I certify that the above is a true extract from  
the minutes of the 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 15, 2009

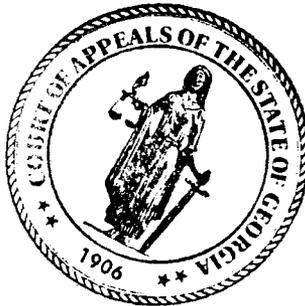
*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A09I0271  
ANTHONY WELLS V. THE STATE

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

71022

06SC44675



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 15 2009**

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

## **A09I0272. FURBISH v. FURBISH.**

Sandra Furbish filed suit against several defendants, including her step-son, alleging claims for fraud, breach of fiduciary duty, and conversion stemming from the handling of her deceased husband's estate. The step-son, Paul Furbish, moved for partial summary judgment, which the trial court granted. Sandra Furbish has filed an application for interlocutory appeal to challenge the trial court's ruling.

A trial court's grant of partial summary judgment may be appealed directly so long as the notice of appeal is filed within 30 days of entry of the trial court's order.<sup>1</sup> "This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicants have not otherwise filed a notice of appeal."<sup>2</sup> Accordingly, Sandra Furbish's application for interlocutory appeal is hereby GRANTED. She 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 records transmitted to this Court.



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* JUL 24 2009

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

---

<sup>1</sup> See OCGA § 9-11-56 (h); *Olympic Dev. Group v. American Druggists' Ins. Co.*, 175 Ga. App. 425 (1) (333 SE2d 622) (1985).

<sup>2</sup> *Spivey v. Hembree*, 268 Ga. App. 485, 486 n.1 (602 SE2d 246) (2004).

# Court of Appeals of the State of Georgia

ATLANTA,

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

**A09I0273. CHIQUITA GIFFORD v. THE STATE.**

Chiquita Gifford seeks interlocutory review of the denial of her motion for discharge and acquittal on speedy trial grounds. A defendant may directly appeal the pre-trial denial of a speedy trial claim. *Mayfield v. State*, 264 Ga. App. 551 (593 SE2d 851) (2003); *Callaway v. State*, 275 Ga. 332 (567 SE2d 13) (2002). Because the trial court's order is directly appealable, we hereby GRANT Gifford's application for appeal as required by *Spivey v. Hembree*, 268 Ga. App. 485, 486 n.1 (602 SE2d 246) (2004). Gifford shall have ten days from the date of this order to file a notice of appeal in the trial court. The clerk of that court is hereby directed to include a copy of this order in the record transmitted to this Court.

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

JUL 24 2009

*I certify that the above is a true extract from  
the minutes of 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, JULY 17, 2009

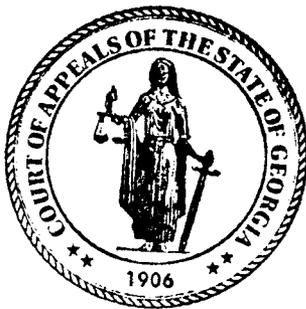
*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A09I0274  
MARK BERGESON ET AL V. DEBORAH SUBOH

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

95023

07A77585



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 17 2009**

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

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

*Clerk.*  
*Willie L. Martinez*

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

ATLANTA, JULY 20, 2009

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

APPLICATION NO. A09I0275

HAL WENAL V. INLAND WESTERN GAINESVILLE VILLAGE LLC

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

96023

08A10464



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 20 2009**

*I certify that the above is a true extract from  
the minutes of the 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 24, 2009

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

APPLICATION NO. A09I0276  
CATERPILLAR INDUSTRIAL, INC., D/B/A CAT LIFT TRUCKS, ET AL  
V. MILEY HUGHES, AS SURVIVING SPOUSE OF CALVIN HUGHES, DECEASED  
ET AL

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

98023

2007CV12774



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **JUL 24 2009**

*I certify that the above is a true extract from  
the minutes of the 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 22, 2009

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

APPLICATION NO. A09I0277  
ALLSTATE INSURANCE COMPANY V. PATRICK NEAL ET AL

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

90023

08CV2153



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 22 2009**

*I certify that the above is a true extract from  
the minutes of the 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 22, 2009

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

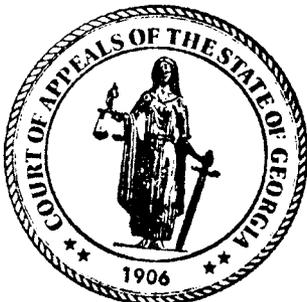
APPLICATION NO. A09I0278

GREGORY G. GOGGANS V. CATHY MCKINNON 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.

91023

2007S06553



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 22 2009**

*I certify that the above is a true extract from  
the minutes of the 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            04, 2009

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

APPLICATION NO.            A09I0279

THE STATE V. BOBBY LEE MORGAN

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

70023

06CR14364



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 04 2009**

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

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

ATLANTA, JULY 22, 2009

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

APPLICATION NO. A09I0280  
BRITTANY CAPRI MURRAY ET AL V. HIREN KUMAR RATILAL PATEL  
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.

71023

07CV2302



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 22 2009**

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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,            AUGUST            06, 2009

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

APPLICATION NO.            A09I0281  
GRAYROBINSON, P.A., ET AL V. STAN 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 SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

92023

1B08CV500



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    **AUG 06 2009**

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

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

*Clerk.*

*Will L. Martinez*

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

ATLANTA, AUGUST 04, 2009

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

APPLICATION NO. A09I0282  
CLAUDIS JACKSON V. THE STATE

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

97023

CR071923



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 04 2009**

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

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

*Clerk.*

*Will. L. Martinez*

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

ATLANTA,            AUGUST            06, 2009

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

APPLICATION NO.            A09I0283  
JOERN R. THORMAN ET AL V. JOHN E. JONES ET AL

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

99023

2008CV52140



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    **AUG 06 2009**

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

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

*Clerk.*

*Willie L. Martin*

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

ATLANTA, AUGUST 13, 2009

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

APPLICATION NO. A09I0284

JOSEPH E. CHEELEY, JR., V. BRENDA SANDERS, IN HER CAPACITY  
AS EXECUTRIX OF THE ESTATE OF BRENDA ROBERTS

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

95024

06A10284



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 13 2009**

*I certify that the above is a true extract from  
the minutes of the 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            06, 2009

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

APPLICATION NO.            A09I0285

QUENTIN FAMBRO V. THE STATE

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

96024

08SC67706



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 06 2009**

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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, AUGUST 10, 2009

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

APPLICATION NO. A09I0286  
GEORGIA TRANSMISSION CORPORATION ( " GTC" ) V.  
LL LAND INVESTMENTS, LLC ET AL

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

98024

08CV6966



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

**AUG 10 2009**

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

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

*Clerk.*

*Willie L. Martin*

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

ATLANTA, AUGUST 10, 2009

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

APPLICATION NO. A09I0287  
GEORGIA TRANSMISSION CORPORATION ( AN ELECTRIC  
MEMBERSHIP CORPORATION ) V. VERNON GROVE, LLC

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

98025

08CV6942



*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **AUG 10 2009**

*I certify that the above is a true extract from  
the minutes of the 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 28, 2009

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

**A09I0288. COFFMAN GRADING COMPANY, INC. et al. v. FORSYTH COUNTY et al.**

Coffman Grading Company, Inc. and Coffman Equipment Leasing, LLC, (the Coffman Entities) have filed an application for interlocutory appeal seeking review of the trial court's order denying their motion for an interlocutory injunction to prohibit Forsyth County and the Forsyth County Tax Commissioner from enforcing tax fi. fas. issued against them. The denial of a motion for interlocutory injunction is directly appealable under OCGA § 5-6-34 (a) (4). See *Haygood v. Tilley*, 295 Ga. App. 90 n. 1 (670 SE2d 800) (2008). This Court will grant a timely application for interlocutory appeal if the order is subject to direct appeal and the applicant has not otherwise filed a timely notice of appeal. *Spivey v. Hembree*, 268 Ga. App. 485, 486 n. 1 (602 SE2d 246) (2004). It appears that the Coffman Entities have not filed a notice of appeal; therefore, their application is GRANTED. The Coffman Entities 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

The Coffman Entities have also moved pursuant to OCGA § 9-11-62 (e) and Court of Appeals Rule 40 (b) for this Court to grant, during the pendency of any appeal taken pursuant to this order, the injunctive relief they sought in the interlocutory injunction denied by the trial court. The Coffman Entities show that, after the trial court denied the interlocutory injunction, the court also denied their request made pursuant to OCGA § 9-11-62 (c) for the court to grant the injunctive relief during the pendency of an appeal. In order to preserve contested issues from

becoming moot during an appeal, we exercise our authority pursuant to OCGA § 9-11-62 (e) and Rule 40 (b) to grant an injunction, effective during the pendency of any appeal taken pursuant to this order, which enjoins Forsyth County and the Forsyth County Tax Commissioner from collecting upon the subject tax fi. fas. issued against the Coffman Entities by levy, either directly or by proxy, upon the personal property of the Coffman Entities by seizing or selling said property. See *Citizens to Save Paulding County v. City of Atlanta*, 236 Ga. 125 (223 SE2d 101) (1976)



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

**JUL 28 2009**

*I certify that the above is a true extract from  
the minutes of 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 12, 2009

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

APPLICATION NO. A09I0289

MALL PROPERTIES OF GEORGIA, INC., ET AL V. BALDWIN PAVING  
COMPANY, INC

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

93024

08A2077



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

**AUG 12 2009**

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

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

*Clerk.*

*Willie L. Martin*

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

ATLANTA,            AUGUST            06, 2009

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

APPLICATION NO.            A09I0290

JERRY BRYSON V. THE STATE

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

91024

08M2389



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 06 2009**

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

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

*Clerk.*

*Willie L. Martin*

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

ATLANTA,            AUGUST            06, 2009

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

APPLICATION NO.            A09I0291  
IN THE INTEREST OF : A. P. S. , A MINOR

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

70024

02809J0192



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 06 2009**

*I certify that the above is a true extract from  
the minutes of the 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 11, 2009

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

APPLICATION NO. A09I0292  
STATE FARM FIRE AND CASUALTY COMPANY V. DAVID BYRD

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

71024  
0812253



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

**AUG 11 2009**

*I certify that the above is a true extract from  
the minutes of the 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,            AUGUST            20, 2009

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

APPLICATION NO.            A09I0293

NICOLAS KRAWIECKI ET AL V. WILLIAM B. LUCE ET AL

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

92024

01VS21935



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 20 2009**

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

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

*Clerk.*

*Will. L. Martinez*

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

ATLANTA, AUGUST 11, 2009

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

APPLICATION NO. A09I0294  
WILTON SHANE KEY V. THE STATE

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

97024

09CR134



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* AUG 11 2009

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

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

*Clerk.*

*Willie L. Martin*

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

ATLANTA, AUGUST 18, 2009

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

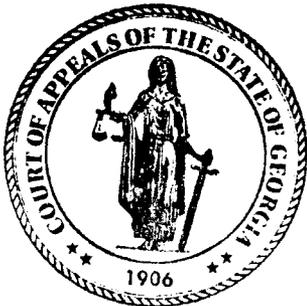
APPLICATION NO. A09I0295

ARCHER WESTERN CONTRACTORS, LTD., V. BALDWIN PAVING  
COMPANY, INC., ET AL

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

99024

08A10875



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

**AUG 18 2009**

*I certify that the above is a true extract from  
the minutes of the 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 19, 2009

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

APPLICATION NO. A09I0296  
RUSSEL BAKER V. WELLSTAR HEALTH SYSTEM, INC.,  
INDIVIDUALLY AND D/B/A WELLSTAR KENNESTONE HOSPITAL

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

96025

2009A5169



*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **AUG 19 2009**

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

Appeals  
of Georgia

ATLANTA, AUGUST 13, 2009

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

APPLICATION NO. A09I0297

LANDSOUTH CONSTRUCTION, LLC., V. LAKE SHADOW LIMITED, 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.

90024

70700



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 13 2009**

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

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

*Clerk.*

*Willie L. Martin*

# Court of Appeals of the State of Georgia

ATLANTA, August 6, 2009

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

**A09I0298. BARRS v. ACREE et al.**

Earl Barrs filed an application for interlocutory appeal seeking review of the trial court's order granting partial summary judgment to the defendants. "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."<sup>1</sup> Furthermore, "[t]his 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."<sup>2</sup> Accordingly, Barrs' application for interlocutory appeal is GRANTED. Barrs 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 records transmitted to this Court.



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **AUG 06 2009**

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

---

<sup>1</sup> *Olympic Dev. Group v. American Druggists' Ins. Co.*, 175 Ga. App. 425 (1) (333 SE2d 622) (1985); see also OCGA § 9-11-56 (h).

<sup>2</sup> *Spivey v. Hembree*, 268 Ga. App. 485, 486 n.1 (602 SE2d 246) (2004).

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

ATLANTA, AUGUST 26, 2009

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

APPLICATION NO. A09I0299

JAMIE RAY HUNSUCKER ET AL V. WANDA BELFORD, WIDOW OF  
RANDY BELFORD, DECEASED

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

93025

08SUCV824



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **AUG 26 2009**

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

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

*Clerk.*

*Willie L. Martin*

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

ATLANTA,            AUGUST            20, 2009

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

APPLICATION NO.            A09I0300

KIMBERLY TAYLOR V. THE STATE

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

91025

2008D09078



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 20 2009**

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

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

*Clerk.*

*Willie L. Martin*

# Court of Appeals of the State of Georgia

ATLANTA, August 18, 2009

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

## **A09I0301. GEORGIA DEPARTMENT OF REVENUE v. WILLIAM A. ROOF ET AL.**

The plaintiffs filed this class action seeking, among other things, a declaration that the service charges included in their natural gas bills are not subject to sales tax. The Georgia Department of Revenue moved to dismiss, contending that it is shielded from suit by the doctrine of sovereign immunity. The trial court denied the motion. The Department of Revenue now seeks immediate review.

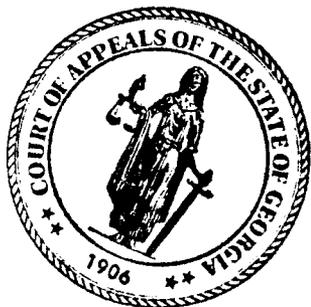
In *Board of Regents v. Canas*, 295 Ga. App. 505, 507 (1) (672 SE2d 471) (2009), we held that, under the collateral order doctrine,<sup>1</sup> a defendant may directly appeal an order denying a motion to dismiss based on a conclusive determination that the defendant is not immune from suit on the basis of sovereign immunity. Compare *Turner v. Giles*, 264 Ga. 812 (450 SE2d 421) (1994). Our decision hinged on the principle that “sovereign immunity is an immunity from suit, rather than a mere defense to liability, and is effectively lost if a case is erroneously permitted to go to trial.” (Citation omitted.) *Canas*, supra, at 507.

“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)

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<sup>1</sup>That doctrine provides that an interlocutory order may be appealed directly if it (1) resolves an issue that is substantially separate from the basic issues to be decided at trial, (2) would result in the loss of an important right if review had to await final judgment, and (3) completely decides the issue on appeal. *Britt v. State*, 282 Ga. 746, 748 (1) (653 SE2d 713) (2007).

(2004). In this case, however, the Department of Revenue states that it has filed a notice of appeal. Therefore, this application is superfluous and is hereby **DISMISSED**.



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **AUG 18 2009**

*I certify that the above is a true extract from the minutes of 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, AUGUST 27, 2009

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

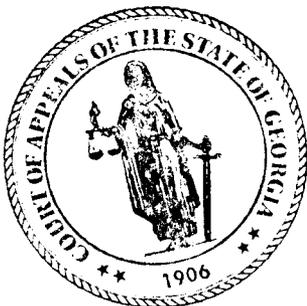
APPLICATION NO. A09I0302

BRAD HEADLEY V. PATSY YOUMANS, AS ADMINISTRATRIX OF  
THE ESTATE OF JEREMY ALAN POOL, DECEASED

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

71025

09CV23



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **AUG 27 2009**

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

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

*Clerk.*

*Willie L. Martin*

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

ATLANTA, AUGUST 27, 2009

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

APPLICATION NO. A09I0303

BRAD HEADLEY V. PATSY YOUMANS, AS ADMINISTRATRIX OF  
THE ESTATE OF JEREMY ALAN POOL, DECEASED

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

71026

09CV24



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 27 2009**

*I certify that the above is a true extract from  
the minutes of the 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            26, 2009

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

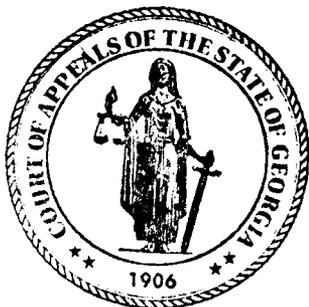
APPLICATION NO.            A09I0304

MARRIOTT INTERNATIONAL, INC., V. SUSAN J. TOMSIC

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

92025

08A03504



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 26 2009**

*I certify that the above is a true extract from  
the minutes of the 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 21, 2009

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

APPLICATION NO. A09I0305  
AMERICAN STATES INSURANCE COMPANY V. CHRIS O. FORRESTER  
ET AL

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

97025

2008CV1928



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 21 2009**

*I certify that the above is a true extract from  
the minutes of the 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 19, 2009

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

APPLICATION NO. A09I0306  
POPE LOGGING, INC., ET AL V. JOHN L. HOLMES, AS  
ADMINISTRATOR OF THE ESTATE OF VERSTRAL  
AUDMON ADAMS, DECEASED

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

99025

08CV001



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 19 2009**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Willie L. Martinez*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 31, 2009

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A09I0307

MARKETS AT SUGARLOAF, LLC V. SHEAR ENVY HAIR SALON, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

95026

08CV709



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 31 2009**

*I certify that the above is a true extract from  
the minutes of the 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 25, 2009

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A09I0308  
CHARLIE MOXLEY ET AL V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

96026

08CR411



*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **AUG 25 2009**

*I certify that the above is a true extract from  
the minutes of the 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            19, 2009

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A09I0309

JEFFERY JENKINS V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

98026

2007FE0700



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 19 2009**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will L. Mat... [Signature]*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 25, 2009

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A09I0310  
DYLAN HUNTER O'QUINN V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

90026

MZ0090169



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 25 2009**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Willie L. Martin*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      SEPTEMBER 08, 2009

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A09I0311  
TRAVIS GOWDY V. DESHANDA SCHLEY

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

93026

SU08CV5000



*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*    **SEP 08 2009**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Willie L. Martin*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 26, 2009

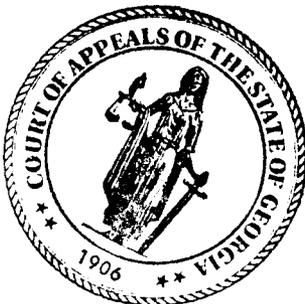
*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A09I0312  
METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY V. STEPHEN  
GERARD MALOOF, ADMINISTRATOR OF THE ESTATE OF LORRAINE  
MALOOF, DECEASED

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

91026

2008CV150660



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **AUG 26 2009**

*I certify that the above is a true extract from  
the minutes of the 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 27, 2009

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A09I0313  
FIRST SOUTHERN NATIONAL BANK AND TRUST, ET AL V. ALTAMAHA  
RIVERKEEPER, 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.

70026

2009CV167096



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 27 2009**

*I certify that the above is a true extract from  
the minutes of the 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 26, 2009

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A09I0314  
NATIONAL GUNITE & CONSTRUCTION CO., ET AL V. M & M OFFICE  
HOLDINGS, LLC

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

92026

07A02031



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **AUG 26 2009**

*I certify that the above is a true extract from  
the minutes of the 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 27, 2009

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A09I0315  
COASTAL MARSHLANDS PROTECTION COMMITTEE V. ALTAMAHA  
RIVERKEEPER, 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.

70027

2009CV167096



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 27 2009**

*I certify that the above is a true extract from  
the minutes of the 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            28, 2009

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A09I0316

BARBARA REDMON, ET AL V. JESSIE BURCH ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

97026

07V266



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 28 2009**

*I certify that the above is a true extract from  
the minutes of the 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 03, 2009

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A09I0317  
JOHN T. LONGINO V. BETTINA R. PETEREIT

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

99026  
07CI1801



*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta SEP 03 2009

*I certify that the above is a true extract from  
the minutes of the 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 02, 2009

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A09I0318  
DONALD SCHAFF ET AL V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

95027

2009CR109



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

SEP 02 2009

*I certify that the above is a true extract from  
the minutes of the 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. McIntosh*