

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

ATLANTA,

SEPTEMBER 09, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0001

JAMES T. HARRINGTON ET AL V. THE STATE

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

95001

2009F027



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 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. Martinez

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

ATLANTA, SEPTEMBER 10, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0002

JOHN JOYNER, ADMINISTRATOR OF THE ESTATE OF STEPHENS IVY
BROWN V. TIFFANY HOPE MILLER ET AL

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

96001

07A64968



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 10 2009

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Clerk.

Willie L. Martin

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

ATLANTA, SEPTEMBER 09, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0003

DAVID BENNETT ET AL V. ROBERT E. RENTFROW

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

98001

08SV027



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP 09 2009

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Clerk.

Willie L. Martin

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

ATLANTA, SEPTEMBER 21, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0004
THE STATE V. ROBERT F. JACKSON

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

90001

2005CR820

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 21 2009

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Clerk.

Willi Z. Mat; [Signature]

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

ATLANTA, SEPTEMBER 08, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0005
COLUMBIA COUNTY ET AL V. JOHN J. BRANTON ET AL

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

91001

2008RCCV1046



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 08 2009

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Clerk.

Will L. Mat... [Signature]

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

ATLANTA, SEPTEMBER 10, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0006

ROBERT FOREMAN, ET AL V. MARION DAVIS, ET AL

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

71001

08V266



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 10 2009

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Clerk.

Willie L. Martin

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

ATLANTA, SEPTEMBER 22, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0007
THE STATE V. JAMES HOWARD ALLEN

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

93001

01SC14541



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta SEP 22 2009

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Clerk.

Will L. Martin

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

ATLANTA, SEPTEMBER 24, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0008
TRAVIS PENNINGTON V. THE STATE

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

92001

08CR493



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 24 2009

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Clerk.

Willie L. Martin

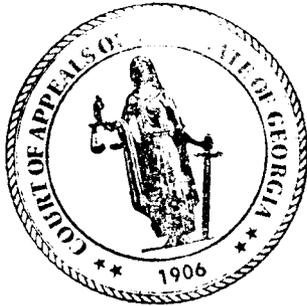
Court of Appeals of the State of Georgia

ATLANTA, September 22, 2009

The Court of Appeals hereby passes the following order:

A10I0009. MUSSMAN v. THE STATE.

Aron Matthew Mussman's application for interlocutory appeal is before this Court for consideration. Having considered the application, it is hereby GRANTED. The State's motions to supplement the record and to dismiss/deny the application for interlocutory appeal are moot.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP 22 2009

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Willie L. Martin, Clerk.

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

ATLANTA, SEPTEMBER 15, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0010
AMERICAN MODERN LIFE INSURANCE COMPANY V. JUANITA
COX

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

70001
062192



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **SEP 15 2009**

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Clerk.

Will L. Martinez

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

ATLANTA, SEPTEMBER 28, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0011
GITA MANDAL V. SHALADHAR SIKDHAR

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

99001

08CV7437



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **SEP 28 2009**

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Clerk.

Willie L. Martin

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

ATLANTA, SEPTEMBER 24, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0012
SOUTHWAY CRANE & RIGGING-ATLANTA, LLC., V. KTS, INC., D/B/A
KILMURRY TREE SERVICE

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

94001

05A2415



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 24 2009

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Clerk.

Will. L. Martin

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

ATLANTA, OCTOBER 07, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0013
SOUTHERN MUTUAL INSURANCE COMPANY V. ANDREW HUNT

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

95002
2008505



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

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Clerk.

Will L. Martinez

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

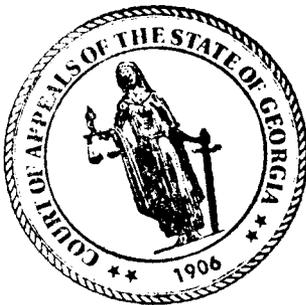
ATLANTA, SEPTEMBER 25, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0014
WELLS FARGO AUTO FINANCE, INC. V. GARY LEE WRIGHT

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

96002
0905134



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 25 2009

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Clerk.

Willie L. Martinez



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

ATLANTA, OCTOBER 01, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0015

STOCK BUILDING SUPPLY, INC., ET AL V. SHANNON DUNN, ET AL

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

98002

2006A10927



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

OCT 01 2009

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Clerk.

Will. L. Martin

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

ATLANTA, OCTOBER 07, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0016

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

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

90002

2009CV169856



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 07 2009

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Clerk.

Willie L. Martin

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

ATLANTA, SEPTEMBER 30, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0017
SEYDINA OUSMANE DIALLO V. THE STATE

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

91002
092515



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 30 2009

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Clerk.

Will. L. Martin

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

ATLANTA, SEPTEMBER 29, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0018
COURTNEY HARRIS V. PAMELA GORDON ET AL

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

71002

2007CV131053



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

SEP 29 2009

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Clerk.

Willie L. Martinez

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

ATLANTA, OCTOBER 01, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0019

JAMES MASON V. THE STATE

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

93002

09SC80196



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT 01 2009

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Clerk.

Will L. Martin

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

ATLANTA, OCTOBER 02, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0020

JOHN WALTER KILGORE, IV., V. GRANT ALEXANDER STEWART

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

92002

09C05262

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT -2 2009

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Clerk.

Willi Z. Mant; [Signature]

Court of Appeals of the State of Georgia

ATLANTA, October 5, 2009

The Court of Appeals hereby passes the following order:

A10I0021. WILLIAM GERALD CRIDDLE v. THE STATE.

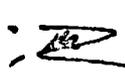
William Gerard Criddle filed this application for interlocutory appeal of the denial of his motion to suppress. After denying the motion to suppress on August 18, 2009, the superior court entered a certificate of immediate review on August 24, 2009. Under OCGA § 5-6-34 (b), an application for interlocutory appeal is valid only if filed within 10 days of the date a timely certificate of immediate review is entered in the court below. *Genter v. State*, 218 Ga. App. 311 (460 SE2d 879) (1995). Criddle filed his application on September 10, 2009,¹ 17 days after the entry of the certificate of immediate review. The application is thus untimely, and this Court lacks jurisdiction to consider it. Therefore, this application for interlocutory appeal is hereby **DISMISSED**.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT -5 2009

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the minutes of the Court of Appeals of Georgia.*

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Willi Z. Mart ; 

, Clerk.

¹Criddle's original submission was not accepted for filing because it lacked a filing fee or sufficient pauper's affidavit as required by OCGA § 5-6-4 and Court of Appeals Rules 5, 31 (d).

Court of Appeals of the State of Georgia

ATLANTA, *JLD*

The Court of Appeals hereby passes the following order:

PROPOSED ORDER (A10I0021.97) September 22, 2009 (by DERRICO)	
AGREE	DISAGREE
<i>[Signature]</i>	

A10I0021. WILLIAM GERALD CRIDDLE v. THE STATE.

William Gerard Criddle filed this application for interlocutory appeal of the denial of his motion to suppress. After denying the motion to suppress on August 18, 2009, the superior court entered a certificate of immediate review on August 24, 2009. Under OCGA § 5-6-34 (b), an application for interlocutory appeal is valid only if filed within 10 days of the date a timely certificate of immediate review is entered in the court below. *Genter v. State*, 218 Ga. App. 311 (460 SE2d 879) (1995). Criddle filed his application on September 10, 2009,¹ 17 days after the entry of the certificate of immediate review. The application is thus untimely, and this Court lacks jurisdiction to consider it. Therefore, this application for interlocutory appeal is hereby ***DISMISSED***.

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

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, Clerk.

¹Criddle's original submission was not accepted for filing because it lacked a filing fee or sufficient pauper's affidavit as required by OCGA § 5-6-4 and Court of Appeals Rules 5, 31 (d).

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

ATLANTA, SEPTEMBER 29, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0022
IN THE INTEREST OF: K. L. , A CHILD

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

70002

09JV1315



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 29 2009

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Clerk.

Will L. Martin

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

ATLANTA, OCTOBER 01, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0023
PLATINUM LAND INVESTMENTS, INC., ET AL V. DIVERSIFIED
EXECUTIVE JONES BRIDGE, LLC., ET AL

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

99002

2009CV163917



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 01 2009

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Clerk.

Will. L. Martin

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

ATLANTA, SEPTEMBER 30, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0024
KEN'S SUPERMARKETS INC., V. CHRISTOPHER SARVIS

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

94002
065SV45



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **SEP 30 2009**

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Clerk.

Will. L. Martinez

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

ATLANTA, OCTOBER 07, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0025
LEONEL A. DOMINGUEZ V. THE STATE

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

95003
09CR83



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

OCT 07 2009

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Clerk.

Will L. McIntosh

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

ATLANTA, OCTOBER 07, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0026

AQUATECH CORPORATION V. MID-STATE POOLS & SPAS, INC., ET AL

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

96003

2007CV0152



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

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Clerk.

Will L. Martin

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

ATLANTA, SEPTEMBER 30, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0027
CAVALIER CONVENIENCE, INC., V. CHRISTOPHER SARVIS

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

94003
065SV45



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 30 2009

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Clerk.

Willie L. Martinez

Court of Appeals of the State of Georgia

ATLANTA, October 1, 2009

The Court of Appeals hereby passes the following order:

A10I0028. Carefree Lifestyles, Inc. v. Torchia.

Carefree Lifestyles, Inc. ("Carefree") seeks interlocutory review of the trial court's order denying its motion to dismiss. The trial court issued a timely certificate of immediate review on September 1, 2009, and Carefree submitted its interlocutory application to this Court on September 10, 2009. Carefree's submission, however, was not docketed on September 10, 2009, because it did not contain a copy of the certificate of immediate review, as required. See Court of Appeals Rules 1 (c), 30 (b). Carefree filed a copy of the certificate of immediate review on September 14, 2009, and the application was docketed as of that date.

An application for interlocutory appeal must be filed with this Court within ten days of the date a timely certificate of immediate review is entered in the court below. See OCGA § 5-6-34 (b). In this case, Carefree did not effect the filing of its application until September 14, 2009, thirteen days after the trial court issued the certificate. Accordingly, we lack jurisdiction over the application, which is hereby **DISMISSED** as untimely.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 01 2009

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Willie L. Martin, Clerk.

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

ATLANTA, OCTOBER 07, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0029
LAURA C. LOWRY V. BEN COCHRAN

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

90003
07CV3792

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

OCT 07 2009

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Clerk.



Will. L. Martinez

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

ATLANTA, OCTOBER 08, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0030
LEE NEWTON EVANS V. JENNIFER G. BOSTICK ET AL

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

91003

08SC2066



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

OCT 08 2009

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Clerk.

Will. L. Martin

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

ATLANTA, OCTOBER 08, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0031

LEE NEWTON EVANS V. JENNIFER BOSTICK ET AL

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

91004

08SC2066



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 08 2009

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Clerk.

Willie L. Martin

Court of Appeals of the State of Georgia

ATLANTA, September 24, 2009

The Court of Appeals hereby passes the following order:

**A10I0032. DUBARTON ENTERPRISES, LLC v. APPALACHIAN
COMMUNITY BANK.**

Dubarton Enterprises, LLC, has filed an application for interlocutory appeal seeking review of the trial court's order denying its motion for an interlocutory injunction. 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 Dubarton Enterprises has not filed a notice of appeal; therefore, its application is hereby GRANTED. Dubarton Enterprises shall have ten days from the date of this order to file a notice of appeal in the superior court. The clerk of the superior court is directed to include a copy of this order in the record transmitted to this Court.



Court of Appeals of the State of Georgia

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

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Willie L. Martin, Clerk.

Court of Appeals of the State of Georgia

ATLANTA,

October 1, 2009

The Court of Appeals hereby passes the following order:

A10I0033. Harrell v. Harmon.

Melton Harrell seeks interlocutory review of the trial court's July 9, 2009 order denying his motion to dismiss this action. Although the trial court granted Harrell a certificate of immediate review, it did not issue the certificate until July 23, 2009, 14 days after entry of the order.

Under OCGA § 5-6-34 (b), a party may request interlocutory review only if the trial court certifies within ten days of entry of the order at issue 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 to appeal. See OCGA § 5-6-34 (b); *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973); *Van Schallern v. Stanco*, 130 Ga. App. 687 (204 SE2d 317) (1974) (“[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.”).

The trial court did not enter its certificate of immediate review within ten days of the order denying Harrell's motion to dismiss. Accordingly, we lack jurisdiction to consider this application for interlocutory appeal, which is hereby DISMISSED.



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

OCT 01 2009

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Willie L. Martin, Clerk.

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

ATLANTA, OCTOBER 13, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0034

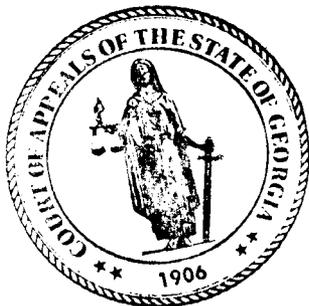
JAMES L. MILLER ET AL V. VORTEX MANUFACTURING GROUP, INC.,

ET AL

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

92003

09A01860



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta OCT 13 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, October 22, 2009

The Court of Appeals hereby passes the following order:

A10I0035. NESTOR v. WM SPECIALTY MORTGAGE LLC.

A10I0038. AMERIQUEST MORTGAGE COMPANY v. DENNEY ET AL.

Eleanor R. Nestor, as trustee for the A. A. Nestor Trust, and Ameriquest Mortgage Company filed these applications for interlocutory appeal to challenge a superior court order denying their motions for summary judgment.

The trial court entered the order denying both Nestor's and Ameriquest's motions for summary judgment on September 9, 2009. On September 15, the court entered a certificate of immediate review. It also entered an order substituting WM Specialty Mortgage, LLC for Ameriquest as the plaintiff and real party in interest.

"It is well settled that only a party to the case can appeal from a judgment, or one who has sought to become a party as by way of intervention and has been denied the right to do so."¹ Because WM Specialty Mortgage has been substituted for Ameriquest as plaintiff, Ameriquest is no longer a party to the case. Ameriquest, therefore, lacks standing to pursue Application No. A10I0038, which is hereby **DISMISSED**. Upon consideration of Application No. A10I0035, the application is hereby **DENIED**.

¹(Citation and punctuation omitted.) *Degussa Wall Sys. v. Sharp*, 286 Ga. App. 349, 350 (648 SE2d 687) (2007). See also OCGA § 5-6-33.



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

OCT 22 2009

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Willie L. Martin, Clerk.

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

ATLANTA, OCTOBER 08, 2009

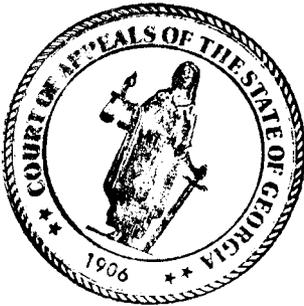
The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0036
NORMAN P. JOHNSON ET AL V. LAURA C. LOWRY 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.

90004

07CV3792



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT 08 2009

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Clerk.

Willie L. Martinez

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

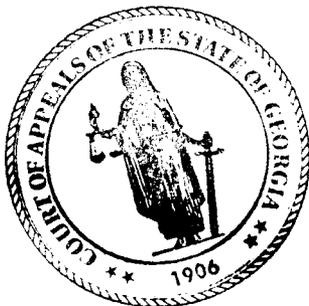
ATLANTA, OCTOBER 07, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0037
CITY OF EUHARLEE, ET AL V. LAURA C. LOWRY 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.

90005
07CV3792



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

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hereto affixed the day and year last above written.*

Clerk.

Will L. Mat...

Court of Appeals of the State of Georgia

ATLANTA, October 22, 2009

The Court of Appeals hereby passes the following order:

A10I0035. NESTOR v. WM SPECIALTY MORTGAGE LLC.

A10I0038. AMERIQUEST MORTGAGE COMPANY v. DENNEY ET AL.

Eleanor R. Nestor, as trustee for the A. A. Nestor Trust, and Ameriquest Mortgage Company filed these applications for interlocutory appeal to challenge a superior court order denying their motions for summary judgment.

The trial court entered the order denying both Nestor's and Ameriquest's motions for summary judgment on September 9, 2009. On September 15, the court entered a certificate of immediate review. It also entered an order substituting WM Specialty Mortgage, LLC for Ameriquest as the plaintiff and real party in interest.

"It is well settled that only a party to the case can appeal from a judgment, or one who has sought to become a party as by way of intervention and has been denied the right to do so."¹ Because WM Specialty Mortgage has been substituted for Ameriquest as plaintiff, Ameriquest is no longer a party to the case. Ameriquest, therefore, lacks standing to pursue Application No. A10I0038, which is hereby **DISMISSED**. Upon consideration of Application No. A10I0035, the application is hereby **DENIED**.

¹(Citation and punctuation omitted.) *Degussa Wall Sys. v. Sharp*, 286 Ga. App. 349, 350 (648 SE2d 687) (2007). See also OCGA § 5-6-33.



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

OCT 22 2009

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Willie L. Martin, Clerk.

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

ATLANTA, OCTOBER 16, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0039
WILLIE LEE DEEVER V. AARON RUTLEDGE

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

70003

08SCA2528



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

OCT 16 2009

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Willie L. Martin

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

ATLANTA, OCTOBER 14, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0040
GLYNN-BRUNSWICK MEMORIAL HOSPITAL AUTHORITY D/B/A
SOUTHEAST GEORGIA HEALTH SYSTEM V. JEAN BENTON

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

99003

CV20081074



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 14 2009

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Clerk.

Will L. Martin

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

ATLANTA, OCTOBER 26, 2009

The Court of Appeals hereby passes the following order:

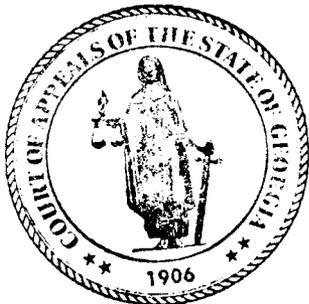
APPLICATION NO. A10I0041

CHARLES THOMAS SMITH V. THE STATE

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

95004

09B1386



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 26 2009

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Clerk.

Will L. Martin

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

ATLANTA, OCTOBER 15, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0042

UNITED PARCEL SERVICE, INC., (UPS) V. MICHAEL T. SMITH, AS CONSERVATOR
FOR HEIDY RIVERA, SURVIVING MINOR CHILD OF CHRISTINA RIVERA-MORALES,
DECEASED ET AL

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

96004

09C09810



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 15 2009

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Clerk.

Willie L. Martin

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

ATLANTA, OCTOBER 20, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0043
NATHAN BAXTER ET AL V. FAIRFIELD FINANCIAL SERVICES, 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.

98004

08C01459



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT 20 2009

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Will L. Mat...

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

ATLANTA, OCTOBER 20, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0044

FAIRFIELD FINANCIAL SERVICES, INC., ET AL V. NATHAN BAXTER, ET AL

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

98005

08C01459



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 20 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.

Willie L. Martin

90-0

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

ATLANTA, OCTOBER 07, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0045
BEN COCHRAN V. LAURA C. LOWRY

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this 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
07CV3792

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 07 2009



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Clerk.

Willi L. Martin

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

ATLANTA, OCTOBER 23, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0046
KENNETH W. COOK V. NC TWO, L. P.

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

71004
SU09CV0850



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

OCT 23 2009
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Clerk.

Willie L. Martin

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

ATLANTA, NOVEMBER 04, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0047
RETENTION ALTERNATIVES, LTD., V. STACY HAYWARD

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

93004

2006EV001202



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 04 2009

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Clerk.

Willie L. Martin

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

ATLANTA, OCTOBER 28, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0048
FRANK A. MAZZELLA, III V. LORRAINE RENZ

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

92004

06V10



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 28 2009

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Willie L. Martin

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

ATLANTA, OCTOBER 23, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0049
AMWARE LOGISTICS SERVICES, INC., V. DAVID MOLINSKI

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

70004

2008CV147511



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 23 2009

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Clerk.

Will. L. Martin

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

ATLANTA, OCTOBER 26, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0050
WESTSIDE BUILDERS & DEVELOPERS, LLC ET AL V. MARTY
NIXON

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

99004

06V00308



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **OCT 26 2009**

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Clerk.

Will L. Martin

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

ATLANTA, JANUARY 13, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0051

JOE MACBETH 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.

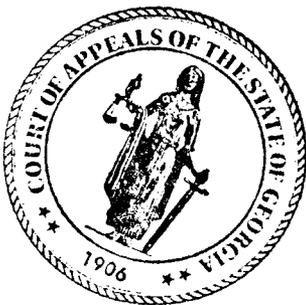
94004

09STSR2235

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 13 2010



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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, October 21, 2009

The Court of Appeals hereby passes the following order:

A10I0052. WESTLEE SMITH v. THE STATE.

Westlee Smith filed this interlocutory application from an order that denied his motion for discharge and acquittal on speedy trial grounds and his motion to transfer his prosecution to juvenile court.

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). 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. *Southeast Ceramics, Inc. v. Klem*, 246 Ga. 294, 295 (1) (271 SE2d 199) (1980). Rather, all of the rulings in the trial court's order may be addressed as a matter of right on direct appeal. OCGA § 5-6-34 (d).

Because the trial court's order is directly appealable, we hereby **GRANT** Smith's application for appeal as required by *Spivey v. Hembree*, 268 Ga. App. 485,

486 n.1 (602 SE2d 246) (2004).¹ Smith 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 OCT 21 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.*

Willie L. Mantz ; 

, Clerk.

¹ We observe that although Smith refers to a notice of appeal in his application, it is not clear whether or not he has already filed a notice of appeal in the trial court. If he has a pending direct appeal, then this application is superfluous.

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

ATLANTA, NOVEMBER 04, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0053
STATE OF GEORGIA, DEPARTMENT OF JUVENILE JUSTICE
V. JAMES RONALD PAYTON ET AL

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

96005

2005V0091



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 04 2009

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Clerk.

Will L. Martin

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

ATLANTA, NOVEMBER 13, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0055
PASCHAL'S RESTAURANTS, LLC, ET AL V. EDWARD LEE
STANDFORD ET AL

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

71005

007EV002363



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 13 2009

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Clerk.

Will L. Martin

Court of Appeals of the State of Georgia

ATLANTA, October 23, 2009

The Court of Appeals hereby passes the following order:

A10I0056. VFH CAPTIVE INSURANCE CO. v. PLEITEZ.

VFH Captive Insurance Company filed a timely application for interlocutory appeal from an order granting Rigoberto Pleitez partial summary judgment and denying VFH's motion for summary judgment. 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 hereby **GRANTED**.

VFH 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.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 23 2009

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W. L. Martin, Clerk.

Court of Appeals of the State of Georgia

November 3, 2009

ATLANTA,

The Court of Appeals hereby passes the following order:

A10I0057. AELERA CORPORATION et al. v. GIOMBETTI.

Aelera Corporation, Aelera Group, Inc., Aelera Resources Corporation, and Dustin Crane (collectively, "Aelera") filed this application for interlocutory appeal, seeking interlocutory review of an order of the superior court denying in part Aelera's motion for partial summary judgment and granting partial summary judgment to Giombetti. Although Aelera filed a notice of direct appeal from the grant of partial summary judgment, Aelera filed a separate application to address portions of the trial court's order in which that court denied summary judgment.

As recognized by Aelera, the grant of partial summary judgment as to one or more but fewer than all the claims or parties may be directly appealed. See OCGA § 9-11-56 (h); *Olympic Dev. Group, Inc. v. American Druggists' Ins. Co.*, 175 Ga. App. 425 (1) (333 SE2d 622) (1985). Accordingly, the order in this case is subject to direct appeal. Moreover, all rulings within that order and any other non-final rulings entered in the case may also be raised as part of such a direct appeal. See OCGA § 5-6-34 (d); *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). Here, however, Aelera asserts in its application that it filed such notice of appeal. This application is thus superfluous and is DISMISSED.



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

NOV 03 2009

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

Court of Appeals of the State of Georgia

ATLANTA, December 3, 2009

The Court of Appeals hereby passes the following order:

A10I0058. Ambati v. Atherton et al.

The Respondents in the above referenced matter have requested that we reconsider our November 6, 2009 order, in which we granted Balamurali Ambati's application for interlocutory appeal pursuant to *Spivey v. Hembree*, 266 Ga. App. 485, 486 n.1 (602 SE2d 246) (2004). The Respondents' motion for reconsideration is hereby GRANTED, and our November 6, 2009 order is VACATED. Upon further consideration, Ambati's application for interlocutory review is GRANTED. Ambati shall have ten (10) days from the date of this order in which to file a notice of appeal. If, however, he has already filed a notice of appeal, he need not file a second notice. The clerk of the superior court is directed to include a copy of this order in the appeal record transmitted to this Court.



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

DEC 03 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.*

Willie L. Martinez, Clerk.

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

ATLANTA, NOVEMBER 12, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0059

HENRY COUNTY, GEORGIA ET AL V. MICHAEL D. SPINA 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.

70005

08SV2639BWS



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 12 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, NOVEMBER 13, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0060
JOE A. ROWLAND V. APRIL WILLIAMS ET AL

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

99005

09CV1712



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 13 2009

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Clerk.

Will. L. Mat... [Signature]

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

ATLANTA, NOVEMBER 17, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0061
JEFFREY GUNDERSON V. KATHY TURNER

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

94005

CV20080805



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 17 2009

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Clerk.

Will L. Martinez

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

ATLANTA, NOVEMBER 19, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0062

ROBERTA GAIL TINKER, EXECUTRIX OF THE ESTATE OF CHARLES
B. TINKER ET AL V. BILLY JOE ANDERSON, ADMINISTRATOR OF
THE ESTATE OF JOSHUA ANDERSON, ET AL

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

95006

05EV00068



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **NOV 19 2009**

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Clerk. —

Willie L. Martin

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

ATLANTA, NOVEMBER 19, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0063

ATLANTA GAS LIGHT COMPANY, ET AL V. JASON HUNTER

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

95007

05EV000067



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 19 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.

Willie L. Mat... [Signature]

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

ATLANTA, NOVEMBER 23, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0064
R & R INSULATION SERVICES, INC., V. ROYAL INDEMNITY COMPANY,
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.

96006

2006CV114405



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 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, NOVEMBER 23, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0065
R & R INSULATION SERVICES, INC., CRANE COMPANY ET AL V.
ROYAL INDEMNITY COMPANY 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.

96007

2006CV114405



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 23 2009

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

Clerk.

Will L. Martin

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

ATLANTA, NOVEMBER 19, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0066

GREGG IVEY ("IVEY") V. BANK OF NORTH GEORGIA

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

98006

2009CV167392



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 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.

W. L. Martinez

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

ATLANTA, NOVEMBER 19, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0067

GREGG IVEY ("IVEY") V. BANK OF NORTH GEORGIA

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

98007

2009CV167397



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

NOV 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.

Willie L. Mat... [Signature]

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

ATLANTA, NOVEMBER 19, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0068

ROBERT A. SCHLAMPP V. ALPHARETTA SPINE AND PHYSICAL
MEDICINE, L. L. C., 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.

91006

05CV1060



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 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. Martinez

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

ATLANTA, DECEMBER 01, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0069
NATIONAL FIRE INSURANCE COMPANY OF HARTFORD V.
CHEROKEE COUNTY BOARD OF COMMISSIONERS

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

71006

05CV2708

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **DEC - 1 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.

Willi Z. Mat; [Signature]

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

ATLANTA, NOVEMBER 23, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0070
CRANE COMPANY V. ROYAL INDEMNITY COMPANY ET AL

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

96008

2006CV114405



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 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
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Clerk.

Willie L. Martin

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

ATLANTA, NOVEMBER 23, 2009

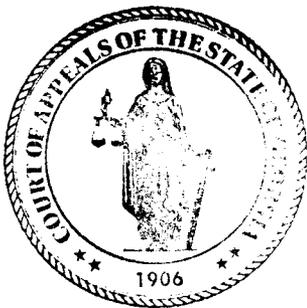
The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0071
ATLANTA COMMERCIAL TIRE, INC., ET AL V. WILLIAM MICHAEL
WHITFIELD

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

93006

2007CV05208



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 23 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, DECEMBER 03, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0072
WILLIAM GERALD CRIDDLE V. THE STATE

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

92006

2009STM628



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 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, DECEMBER 01, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0073
JAMES R. PAXTON ET AL V. CITIZENS BANK AND TRUST OF
WEST GEORGIA

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

97006
08CV02911

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC - 1 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.

Willi Z. Mant

Court of Appeals of the State of Georgia

ATLANTA, December 2, 2009

The Court of Appeals hereby passes the following order:

A10I0074. KENNETH B. QUARTERMAN v. ALAN QUARTERMAN.

Kenneth B. Quarterman seeks interlocutory review of the probate court's order denying his motion to remove Alan Quarterman as executor of their mother's estate. Orders granting or denying motions to remove 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*.

Kenneth Quarterman shall have ten days from the date of this order to file a notice of appeal in the probate court, provided that he 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

DEC 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.*

Will L. McIntosh, Clerk.

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

ATLANTA, DECEMBER 02, 2009

The Court of Appeals hereby passes the following order:

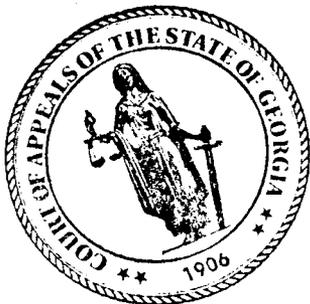
APPLICATION NO. A10I0075

TOM L. GIBSON ET AL V. RICHARD I. PHILLIPS

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

99006

09CV00310JFL



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **DEC 02 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, DECEMBER 10, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0076
DEVON DOUGLAS BRANDON V. THE STATE

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

94006

2009D03397



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

DEC 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, December 2, 2009

The Court of Appeals hereby passes the following order:

A10I0077. Dixon v. Eichholz.

On July 14, 2009, Richard M. Eichholz served Merritt W. Dixon with a demand to arbitrate a dispute over a guaranty agreement. Objecting to the demand, Dixon filed a civil action in the Superior Court of Chatham County to stay the arbitration. Thereafter, Eichholz moved the trial court to compel arbitration. On October 23, 2009, the trial court granted Eichholz's motion to compel, denied Dixon's motion to stay, and ordered the parties to arbitration. Dixon now seeks interlocutory review of that ruling.

Orders compelling arbitration are often interlocutory. See *Goshayeshi v. Mehrabian*, 232 Ga. App. 81, 82 (501 SE2d 265) (1998); *Pace Construction Corp. v. Northpark Associations, L. P.*, 215 Ga. App. 438, 439 (450 SE2d 828) (1994). But if nothing remains for the trial court's consideration, this type of ruling is final and directly appealable. See *Torres v. Piedmont Builders.*, Ga. App. (1) (Case No. A09A1241, decided Nov. 10, 2009); *Cypress Communications Inc. v. Zacharias*, 291 Ga. App. 790, 792 (1) (662 SE2d 857) (2008). In other words, a judgment may be appealed directly "where the case is no longer pending in the court below." *Id.*

The materials submitted with Dixon's application demonstrate that nothing remains for resolution by the trial court. No underlying action regarding the guaranty is pending below. The only issue presented to the trial court was whether arbitration should be stayed or compelled. Having resolved that issue, the trial court entered its final ruling on the matter. The October 23, 2009 order, therefore, is directly appealable and not subject to the interlocutory review procedures in OCGA § 5-6-34 (b). See *Torres*, *supra*; *Cypress Communications*, *supra* at 792-793.

“This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicants have not otherwise filed a notice of appeal.” *Spivey v. Hembree*, 268 Ga. App. 485, 486 n.1 (602 SE2d 246) (2004). Because the trial court’s October 23, 2009 order is properly viewed as a final judgment, Dixon’s interlocutory application is hereby GRANTED. Dixon shall have ten days from the date of this order to file a notice of appeal in the trial court. If, however, he has already filed a notice of appeal, he need not file a second notice. The clerk of the trial court is DIRECTED to include a copy of this order in the record transmitted to the Court of Appeals.



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

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

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

Will L. Martin, Clerk.

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

ATLANTA, DECEMBER 02, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0078
KENNETH B. QUARTERMAN V. ALAN QUARTERMAN

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

70007

Q107



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

DEC 02 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 15, 2010

The Court of Appeals passed the following order

Case No. A10I0078

KENNETH B. QUARTERMAN V. ALAN QUARTERMAN

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 JAN 15, 2010*

*I certify that the above is a true extract from
the minutes of the 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 10, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0079

DEMOND MCCORD V. THE STATE

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

91007

08SC63968



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 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.

Will L. Martin

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

ATLANTA, DECEMBER 03, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0080
TERRY STEPHENSON V. JACK GALARDI 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.

71007
08C07566



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta DEC 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. Martinez

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

ATLANTA, DECEMBER 11, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0081
ROBERT ALLEN BALDWIN V. JOHN Q. ADAMS

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

93007

2008A17339

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 11 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, DECEMBER 10, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0082
EDGARDO ACOSTA RAMOS V. THE STATE

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

92007

09CR00119



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 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 above written.*

... Clerk.

Will. L. Martin

CLERK'S OFFICE

SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

(404) 656-3470

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

Docketing Date: December 30, 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 **S10C0653**

EDGARDO ACOSTA RAMOS v. THE STATE

Clerk, Supreme Court of Georgia

Case No. A10I0082

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

JAN 01 2010

Clerk, Court of Appeals of Georgia

SUPREME COURT OF GEORGIA

Remittitur, Case No. S10C0653

Atlanta, April 19, 2010

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

EDGARDO ACOSTA RAMOS v. THE STATE

Upon consideration of the petition for certiorari filed to review the judgment of the Court of Appeals in this case, it is ordered that the writ be hereby denied.

All the Justices concur.

Lower Court Case No.

09CR00119

Court of Appeals Case No.

A10I0082

RECEIVED
APR 20 2010
CLERK'S OFFICE
SUPREME COURT OF GEORGIA

SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta May 12, 2010

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

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

Pamela M. Smith, Deputy Clerk

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

ATLANTA, DECEMBER 16, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0083
LATORIA NEWSOME V. JIM JOHNSON

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this 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
SU08CV3627

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

DEC 16 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. Mat. Jr.

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

ATLANTA, DECEMBER 10, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0084
BUDDY'S TRAILER SALES OF ALBANY, INC. V. MIDDLE GEORGIA
WATER SYSTEMS, INC

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

99007

2008CV05086



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 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, DECEMBER 18, 2009

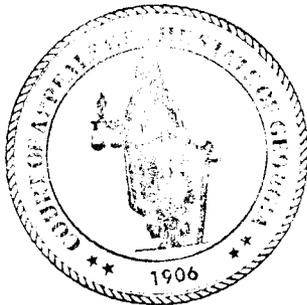
The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0085
AMANDA ROERINK V. STEVE RAGLAND

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

94007

STCV093216FO



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

DEC 18 2009

*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, DECEMBER 21, 2009

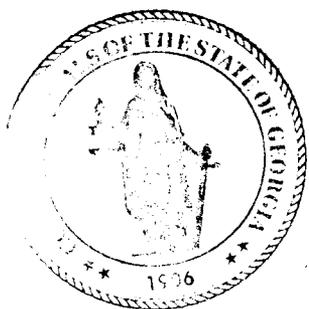
The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0086
GARLAND CALVIN WRIGHT ET AL V. APARTMENT INVESTMENT
AND MANAGEMENT CO., ET AL

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

95008

2007CV129722



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 21 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, DECEMBER 28, 2009

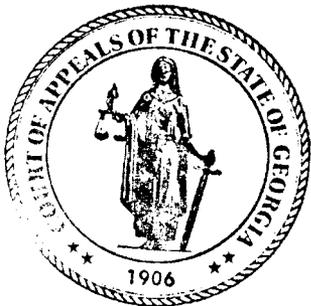
The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0087
WILLIAMS BROS. LUMBER COMPANY, LLC D/B/A HD SUPPLY
LUMBER & BUILDING MATERIALS 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 DENIED.

98008

2008EV003919



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 28 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**

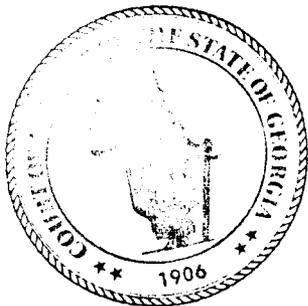
ATLANTA, DECEMBER 30, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0088
WILLIAM HENRY PETERSON V. THE STATE

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

90008
09CR78



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 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, DECEMBER 30, 2009

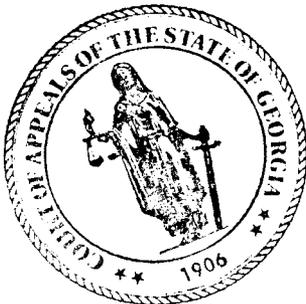
The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0089
VIRGIL CLARK OWENS V. THE STATE

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

91008

2008STCR1795



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 30 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, December 29, 2009

The Court of Appeals hereby passes the following order:

A10I0090. Sharp v. Thorn.

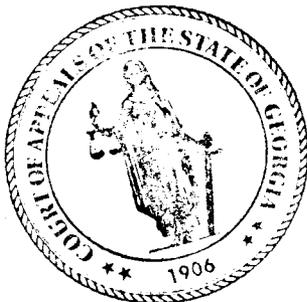
JoAnn Thorn petitioned the trial court for grant of a private way across Lenore Sharp's property. By order entered November 13, 2009, the trial court found that Thorn had made out a prima facie case of necessity. The trial court's order, however, did not resolve all issues below. In particular, it left open for future determination the amount of compensation Thorn would pay Sharp for the private way. Dissatisfied with the trial court's interlocutory ruling, Sharp obtained a certificate of immediate review on November 23, 2009. Eleven days later, on December 4, 2009, she filed an application for interlocutory appeal.

We lack jurisdiction. Pursuant to OCGA § 5-6-34 (b), an interlocutory application must be filed with this Court within ten days of the date a timely certificate of immediate review is entered below. Sharp failed to meet this ten-day deadline. Accordingly, we cannot consider her application, which is hereby DISMISSED as untimely.

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

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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, JANUARY 05, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0091
JUNE T. HARTZ V. JOSHUA SACKS

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

93008

09CV434



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

JAN 05 2010

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

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

Clerk.

Will L. Martin

CLERK'S OFFICE

SUPREME COURT of GEORGIA

244 Washington Street, Room 572
Atlanta, Georgia 30334

(404) 656-3470

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

Docketing Date: January 25, 2010

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 **S10C0775**

JUNE T. HARTZ v. JOSHUA SACKS

Clerk, Supreme Court of Georgia

Case No. A10I0091

Court of Appeals of Georgia

Notice of Petition for Certiorari

JAN 26 2010

filed in office

Clerk, Court of Appeals of Georgia

SUPREME COURT OF GEORGIA

Remittitur, Case No. S10C0775

Atlanta, November 01, 2010

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

JUNE T. HARTZ v. JOSHUA SACKS

Upon consideration of the petition for certiorari filed to review the judgment of the Court of Appeals in this case, it is ordered that the writ be hereby writ denied.

All the Justices concur.

Court of Appeals Case No.

A10I0091

NOV 18 2010

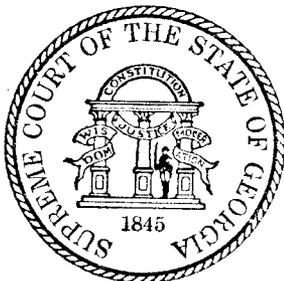
CLERK'S OFFICE
NOV 16 11:31
RECEIVED

SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta November 16, 2010

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

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



Pamela M. Smith, Deputy Clerk

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

ATLANTA, JANUARY 05, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0092
CADENCE BANK, NA, F/K/A SEASONS BANK V. KIMBERLY
SUE GRICE

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

92008

2007CV512



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 05 2010

*I certify that the above is a true extract from
the minutes of the 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 07, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0093
THE CITY OF RINCON, A MUNICIPAL CORPORATION V.
SEAN AND ASHLEIGH, INC., D/B/A I'LL BE YOUR BEST
FRIEND ACADEMY

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

97008

SU07CV445



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 07 2010

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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, JANUARY 05, 2010

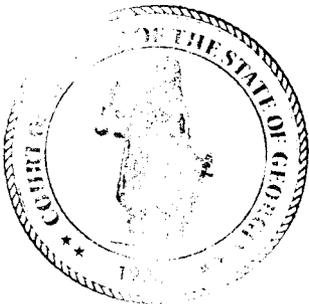
The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0094
OUIDA LEE NORTON V. BUDGET RENT A CAR SYSTEM, 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.

70008

STCV0805081



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 05 2010

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

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

ATLANTA, JANUARY 05, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0095

MARK RYAN BAKER V. ROBERT THOMAS LANKFORD, II., ET AL

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

99008

09CV13197



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **JAN 05 2010**

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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 31, 2009

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0096

VERNON WORTHY 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.

94008

09C20



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 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, JANUARY 14, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0097

JOHN BOUWSMA, ADMR., ET AL V. LUCILLE HANLEY SMITH, EXTRX

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

95009

09MV668



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 14 2010

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



SUPREME COURT OF GEORGIA

Case No. S10I0331

Atlanta December 2, 2009

A10I0097

RECEIVED IN OFFICE
2009 DEC 17 PM 3:09
CLERK'S OFFICE
COMMUNICATIONS SECTION

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

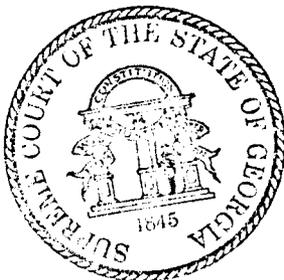
JOHN BOUWSMA, ADMR., et al. v. LUCILLE HANLEY SMITH, EXTRX.

From the Superior Court of Madison County.

In this application for interlocutory appeal, the applicants seek review of the superior court's order denying their motion to dismiss an appeal filed by the respondent following a probate court's decision to deny her petition to probate a 1975 will. Although applicants seek to invoke this Court's jurisdiction over "all cases involving wills," see Ga. Const. of 1983, Art. VI, Sec. VI, Para. III (3), this appeal does not fall within that jurisdiction because the main issue on appeal does not involve the validity or construction of the will. See In re Estate of Lott, 251 Ga. 461 (306 SE2d 920) (1983). Accordingly, this application hereby is transferred to the Court of Appeals.

All the Justices concur, except Carley, P.J., who dissents.

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta



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

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

Lynda M. Finckel Chief Deputy Clerk

Court of Appeals of the State of Georgia

ATLANTA, January 5, 2010

The Court of Appeals hereby passes the following order:

A10I0098. Jones v. The State.

Gabriel Jones filed an application for interlocutory review, seeking permission to appeal the denial of his motion for discharge and acquittal on speedy trial grounds. An interlocutory application, however, was not necessary here. As we have explained, a defendant “may directly appeal from the pre-trial denial of either a constitutional or statutory speedy trial claim.” *Mayfield v. State*, 264 Ga. App. 551, 554 (593 SE2d 851) (2003).

This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicant has not otherwise filed a notice of appeal. *Spivey v. Hembree*, 268 Ga. App. 485, 486 n.1 (602 SE2d 246) (2004). Accordingly, Jones’s application is hereby GRANTED. Jones shall have ten days from the date of this order to file a notice of appeal in the superior court.¹ The clerk of the superior court is DIRECTED to include a copy of this order in the record transmitted to the Court of Appeals.

¹ If Jones has already filed a notice of appeal below, he need not file a second notice.

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

JAN 05 2010

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

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



Will L. Martin, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, January 20, 2010

The Court of Appeals hereby passes the following order:

**A10I0099. AGNES COE et al. v. FULTON-DEKALB HOSPITAL
AUTHORITY et al.**

Applicants seek interlocutory review of the trial court's order granting respondents' objection to their notice of intent to introduce a medical narrative. However, applicants have not included a copy of the order they wish to appeal.¹ Court of Appeals Rule 30 (b) provides that applications for interlocutory appeal "shall contain a jurisdictional statement and have attached a stamped 'filed' copy of the trial court's order to be appealed . . ." (Emphasis supplied.) Without the order, we have no means of discerning whether interlocutory review is warranted. In light of applicants' failure to comply with Rule 30 (b), this application is hereby DISMISSED.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 20 2010

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the minutes of the Court of Appeals of Georgia.*

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

Willie L. Martinez, Clerk.

¹ Instead, applicants have included a copy of a different order denying respondents' motion for summary judgment.

Court of Appeals of the State of Georgia

ATLANTA, FEBRUARY 11, 2010

Honorable Court of Appeals hereby passes the following order:

A10I0099. AGNES COE ET AL v. FULTON-DEKALB HOSPITAL AUTHORITY
D/B/A GRADY HEALTH SYSTEM ET AL .

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

98-009

2007EV002581



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **FEB 11 2010**

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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, JANUARY 13, 2010

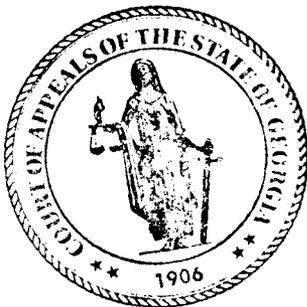
The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0100
JOSE RENDON PEREZ V. THE STATE

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

90009

09C16344



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 13 2010

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the minutes of the Court of Appeals of Georgia*

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

Clerk.

Will. L. Martinez

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

ATLANTA, JANUARY 13, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0101
SIMON G. MEHTSENTU V. THE STATE

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

90010

09C13465



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 13 2010

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

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

Clerk.

Will L. Martin

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

ATLANTA, JANUARY 13, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0102

LESTER BOOKER V. THE STATE

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

90011

09C16371



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 13 2010

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Willie L. Martin

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

ATLANTA, JANUARY 14, 2010

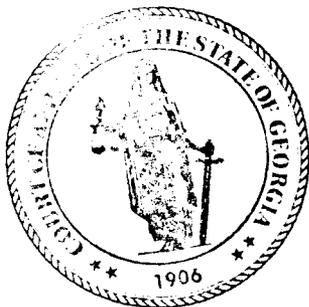
The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0103
COMMUNITY NEWSPAPER HOLDINGS, INC., D/B/A THE
TIFTON GAZETTE V. JAMES CHARLES STEPHENS

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

91009

2008CV1606



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 14 2010

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Willie L. Martin

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

ATLANTA, JANUARY 27, 2010

The Court of Appeals passed the following order

Case No. A10I0103

COMMUNITY NEWSPAPER HOLDINGS, INC., D/B/A THE
TIFTON GAZETTE V. JAMES CHARLES STEPHENS

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 JAN 27, 2010

*I certify that the above is a true extract from
the minutes of 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^{Clerk.} L. Martin

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

ATLANTA, JANUARY 19, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0104

JOE C. CLIFTON ET AL V. KRISTON M. SIMMONS

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

71009

09CV2275



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

JAN 19 2010

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the minutes of the Court of Appeals of Georgia*

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

Clerk.

Will. L. Martin

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

ATLANTA, JANUARY 20, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0105
THE SCRUGGS COMPANY V. BRENDA SMITH ET AL

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

93009

2009CV1162



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 20 2010

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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, JANUARY 13, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0106

BORAL BRICKS INC., ET AL V. RICHARD SABELLONA, III, AS
NATURAL CHILD OF DECEDENT RICHARD SABELLONA, 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.

92009

2008CV153050



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **JAN 13 2010**

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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, JANUARY 13, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0107
QUINTON DIXON V. THE STATE

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

97009

2008FE0205



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **JAN 13 2010**

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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, JANUARY 19, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0108
MADISON WALK, LLC ET AL V. SEARS, ROEBUCK AND CO.,
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.

70009

09CV9943



Court of Appeals of the State of Georgia

*Clerk's Office, Atlanta **JAN 19 2010***

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the minutes of the Court of Appeals of Georgia*

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

Clerk.

Will. L. Martinez

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

ATLANTA, JANUARY 20, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0109
RITTON MARITIME LIMITED PARTNERSHIP V. JAMES
E. BAILEY

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

99009

STCV0805492



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

JAN 20 2010

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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 28, 2020

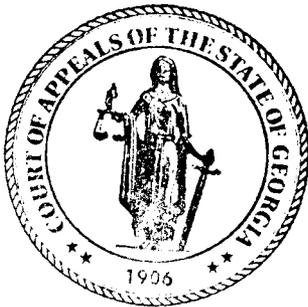
The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0110
AMERICAN INTERNATIONAL RECOVERY, INC., A DIVISION
OF AMERICAN INTERNATIONAL GROUP, INC., ET AL V. PAUL
SECKINGER

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

94009

ST09CV189



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

JAN 28 2010

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Clerk.

Willie L. Martin

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

ATLANTA, JANUARY 21, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0111
GERALD A. GOLDKLANG ET AL V. ONCOLOGY THERAPEUTICS
NETWORK JOINT VENTURE, L.P.

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

95010

2007CV139033



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 21 2010

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Willie L. Mat...

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

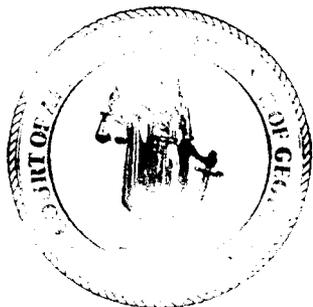
ATLANTA, FEBRUARY 16, 2010

The Court of Appeals passed the following order

Case No. A10I0111

GERALD A. GOLDKLANG ET AL V. ONCOLOGY THERAPEUTICS
NETWORK JOINT VENTURE, L.P.

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



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta FEB 16, 2010*

*I certify that the above is a true extract from
the minutes of the 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 19, 2010

The Court of Appeals hereby passes the following order:

A10I0112. Scott v. Waits et al.

Lillian and Charles Waits sued Donnie D. Scott, a School Resource Officer employed by the Bartow County School District, for damages allegedly sustained when Lillian Waits was injured on the property of Woodland High School. Scott moved for summary judgment, asserting that he was immune from suit under the doctrine of official immunity. The trial court denied the motion, and Scott filed this application for interlocutory appeal.

In *Board of Regents v. Canas*, 295 Ga. App. 505, 507 (1) (672 SE2d 471) (2009), we held that the collateral order doctrine¹ permits a direct appeal from an order “that denies a motion to dismiss, based on a conclusive determination that the State (or a state officer or employee) 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

¹ Under this doctrine, 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 and conclusively decides the issue on appeal. *Britt v. State*, 282 Ga. 746, 748 (1) (653 SE2d 713) (2007).

sovereign immunity, official immunity is “an entitlement not to stand trial rather than a mere defense to liability.” (Punctuation and footnote omitted.) *Cameron v. Lang*, 274 Ga. 122, 124 (1) (549 SE2d 341) (2001). The rationale of *Canas*, therefore, applies with equal force in the official immunity context. Simply put, an order conclusively holding that a defendant is not entitled to official immunity falls 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). Accordingly, Scott’s application for interlocutory appeal is hereby GRANTED. Scott shall have ten days from the date of this order to file a notice of appeal in the trial court.² The clerk of the trial court is directed to include a copy of this order in the record transmitted to this Court.



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

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

² If Scott has already filed a notice of appeal, he need not file a second notice.

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

ATLANTA, JANUARY 28, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0113
CARL FORTSON ET AL V. ANDER TUCKER ET AL

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

98010
2007CV260



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

JAN 28 2010
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the minutes of the Court of Appeals of Georgia*

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

Clerk.

Will L. Martinez

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

ATLANTA, FEBRUARY 02, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0114
NGOC HAI LE V. NA'IM HARRIS A MINOR, BY AND
THROUGH HIS MOTHER AND NEXT FRIEND, TENE' GIBSON-
HARRIS

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

91010
I030920



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

FEB - 2 2010

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Will L. Martinez

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

ATLANTA, JANUARY 27, 2010

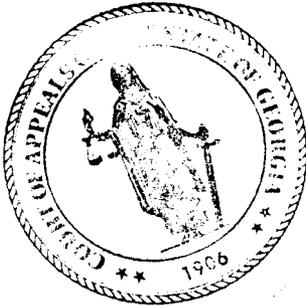
The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0115
JOE HIXON AND JOE HIXON D/B/A HIXON HEAT
AND AIR V. TEMPLE OF PRAISE

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

71010

2008SUCV783



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JAN 27 2010

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

Clerk.

Will. L. Martin

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

ATLANTA, JANUARY 29, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0116
CINDY BEVIS ET AL V. WELLSTAR HEALTH SYSTEM, INC.,
D/B/A WELLSTAR KENNESTONE HOSPITAL ET AL

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

93010

0917786

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

JAN 29 2010

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

Will. L. Martinez



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

ATLANTA, FEBRUARY 08, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0117
SPALDING GAS, INC., V. JOSEPH DEMARCO ET AL

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

92010
09V1053



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB - 8 2010

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Clerk.

Willie L. Martin

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

ATLANTA, FEBRUARY 11, 2010

The Court of Appeals passed the following order

Case No. A10I0118

EBIN BASHIRRUDIN V. THE STATE

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

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta FEB 11, 2010*



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Clerk.

Willie L. Martin

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

ATLANTA, FEBRUARY 11, 2010

The Court of Appeals passed the following order

Case No. A10I0118

EBIN BASHIRRUDIN V. THE STATE

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

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta FEB 11, 2010*



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hereto affixed the day and year last above written.*

Clerk.

Will L. Mat...

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

ATLANTA, JANUARY 28, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0119

WERNER ENTERPRISES, INC., ET AL V. ALICE W. LAMBDIN

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

08A6824



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN 28 2010

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Clerk.
Will. L. Martin

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

ATLANTA, FEBRUARY 03, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0120
RAUL PRADO 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.

99010

07B02936



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta FEB - 3 2010

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Clerk.

Willie L. Martin

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

ATLANTA, FEBRUARY 11, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0121
HALEY HAWKINS 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.

94010

2009CR452



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB 11 2010

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Clerk.

Will. L. Martin

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

ATLANTA, FEBRUARY 10, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0122
FRANCISCO GUTIERREZ 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.

95011

09CR509



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB 10 2010

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Clerk.

Willie L. Martinez

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

ATLANTA, February 10, 2010

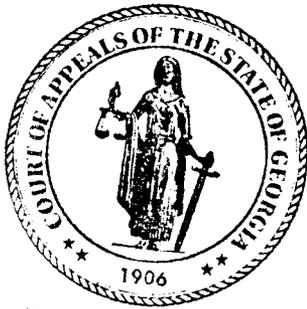
The Court of Appeals hereby passes the following order:

A10I0123. Almonte v. The State.

Julio Almonte seeks interlocutory review of the trial court's September 29, 2009 order denying his motion to suppress. Although the trial court granted Almonte a certificate of immediate review, it did not issue the certificate until January 22, 2010, 115 days after entry of the order.

Under OCGA § 5-6-34 (b), a party may request interlocutory review only if the trial court certifies within ten days of entry of the order at issue 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 judgment is final in order to appeal. See OCGA § 5-6-34 (b); *Turner v. Harper*, 231 Ga. 75, 176 (2003) (SE2d 748) (1973); *Van Schallern v. Stanco*, 130 Ga. App. 687 (204 Ga. 317) (1974) (“[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.”).

Because the trial court did not enter its certificate of immediate review within ten days of the order denying Almonte's motion to dismiss, we lack jurisdiction to consider this application for interlocutory appeal. Accordingly, this appeal is hereby DISMISSED.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **FEB 10 2010**

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the minutes of the Court of Appeals of Georgia.*

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

Will. L. Martin , Clerk.

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

ATLANTA, FEBRUARY 10, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0124
VINCENT D. SOWERBY ET AL V. MARSHA DOYAL

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

98011

20090138

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB 10 2010

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Clerk.

Will. L. Mant



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

ATLANTA, FEBRUARY 17, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0125

GWINNET COUNTY, GEORGIA V. 20 LOAF PARTNERS, LLC., ET AL

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

91011

08A05651



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB 17 2010

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Clerk.

Willie L. Martin

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

ATLANTA, FEBRUARY 10, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0126

CHARLES EARVIN V. THE STATE

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

71011

CR0900303



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

FEB 10 2010

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Clerk.

Will. L. Martin

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

ATLANTA, FEBRUARY 12, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0127
JOHN G. OUDIN V. LESLIE R. OUDIN

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

93011
0816824



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta FEB 12 2010

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Clerk.

Willie L. Martin

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

ATLANTA, FEBRUARY 12, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0128
TREVOR JACK GWIN V. THE STATE

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

92011

07B5092



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **FEB 12 2010**

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Clerk.

Willie L. Mantz

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

ATLANTA, FEBRUARY 18, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0129

VERNON WORTHY 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.

97011

09C20



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB 18 2010

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Clerk.

Will L. Martin

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

ATLANTA, FEBRUARY 12, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0130
NEWTON'S CREST HOMEOWNERS ASSOCIATION ET AL V.
DONALD CAMP 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.

70011
06A2380



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB 12 2010

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Clerk.

Will. L. Martinez

Court of Appeals of the State of Georgia

ATLANTA, February 18, 2010

The Court of Appeals hereby passes the following order:

A10I0131. City of Atlanta, Georgia et al. v. Harbor Grove Apartments LLC.

 The City of Atlanta and Commissioner Robert J. Hunter (collectively, “the City”) filed a timely application for discretionary appeal from an order granting Harbor Grove Apartments LLC partial summary judgment and denying the City’s motion for summary judgment. The grant of a motion for partial summary judgment may be appealed directly. OCGA § 9-11-56 (h); see also *Whiddon v. Stargell*, 192 Ga. App. 826, 828 (386 SE2d 884) (1989). Accordingly, the order in this case is subject to direct appeal. Moreover, all rulings within that order and any other non-final rulings entered in the case may also be raised as part of such a direct appeal. See OCGA § 5-6-34 (d); *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 interlocutory appeal is hereby GRANTED, and the City shall have 10 days from the date of this order to file a notice of appeal with the superior court, if one has not already been filed. The superior court is instructed to include a copy of this order in the appellate record.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **FEB 18 2010**

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Willie L. Martin , Clerk.



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

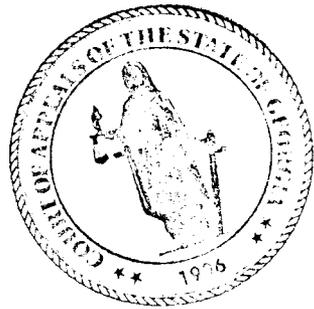
ATLANTA, FEBRUARY 11, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0132
MARTIN H. LARISCY, JR. V. NANCY M. ESCHETTE

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

94011
08SV74



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta* FEB 11 2010

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Clerk.

Will L. Martin



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

ATLANTA, FEBRUARY 17, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0133

JENNIFER C. WILLIAMS VS APRIL D. HINDMAN F/K/A APRIL 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.

95012

04A4331

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB 17 2010

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Clerk.

Willie L. Martin



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

ATLANTA, FEBRUARY 24, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0134

ATLANTIC SOUTHEAST AIRLINES, INC., ("ASA") ET AL V.

DELTA AIR LINES, INC., A DELAWARE CORPORATION

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

96012

2008CV145995



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta FEB 24 2010

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Clerk.

Will L. Martin

Court of Appeals of the State of Georgia

ATLANTA, February 26, 2010

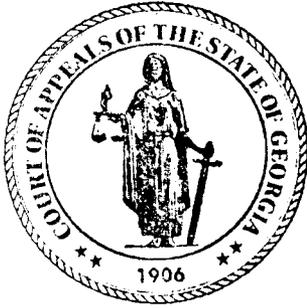
The Court of Appeals hereby passes the following order:

A10I0135. Elizabeth Redwine Garner v. Charles Davenport Redwine II et al.

In this trust matter, plaintiff Elizabeth Redwine Garner filed a timely application for interlocutory appeal from an order granting partial summary judgment to the defendants and denying her motion for partial summary judgment.¹ The grant of partial summary judgment may be directly appealed. See OCGA § 9-11-56 (h); *Olympic Dev. Group, Inc. v. American Druggists' Ins. Co.*, 175 Ga. App. 425 (1) (333 SE2d 622) (1985). "This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicants have not otherwise filed a notice of appeal." *Spivey v. Hembree*, 268 Ga. App. 485, 486 n. 1 (602 SE2d 246) (2004). Accordingly, this application for appeal is hereby GRANTED.

Garner shall have ten days from the date of this order to file a notice of appeal in the superior court, provided that she has not otherwise done so. The clerk of the superior court is directed to include a copy of this order in the record transmitted to this court.

¹ Garner filed the application in the Supreme Court, which transferred the matter to this Court.



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

FEB 26 2010

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Will. L. Martin, Clerk.

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

ATLANTA, MARCH 09, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0136

BRIAN L. SCHLEICHER ET AL V. ALLIANCE SHIPPERS, INC.

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

90012

06A08768



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR - 9 2010

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Clerk.

Willie L. Martin

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

ATLANTA, FEBRUARY 25, 2010

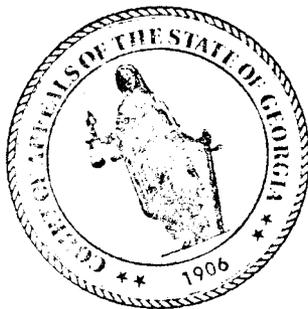
The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0137
EL TOREO, INC., V. GENE SHEARL ET AL

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

91012

2009SCV516



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB 25 2010

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Clerk.

Will L. Mat...

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

ATLANTA, MARCH 03, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0138
DOUBLE OVER TRANSPORT, INC., ET AL V. COURTNEE L.
WILLIAMS

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

71012

06S0842



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR - 3 2010

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Clerk.

Willie L. Martinez

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

ATLANTA, MARCH 08, 2010

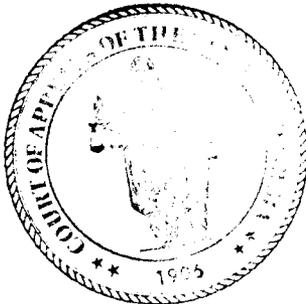
The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0139
GWENDOLYN J. JONES, ET AL V. THEODORE I. JOCKISCH,
ET AL

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

93012

2009CV163816



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

MAR - 8 2010

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Clerk.

Will. L. Martin

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

ATLANTA, MARCH 16, 2010

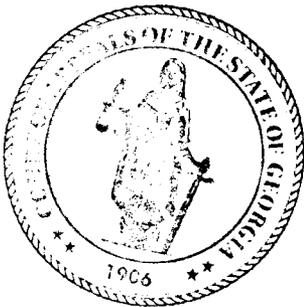
The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0140
MARGARET BOZGOZ ET AL V. BUILDERS TRANSPORTATION
COMPANY, LLC., ET AL

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

92012

2008EV004489



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta MAR 16 2010

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Clerk.

Willie L. Martin

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

ATLANTA, MARCH 11, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0141
THE STATE V. JEFFERY RYAN GRIFFIN

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

97012

08D06502S5



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

MAR 11 2010

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Clerk.

Will L. Martin

Court of Appeals of the State of Georgia

ATLANTA, February 24, 2010

The Court of Appeals hereby passes the following order:

A10I0142. KASZANS ET AL. v. EDGERLY.

Defendant Rosemary Kaszans filed this application for interlocutory appeal seeking review of the superior court's order granting summary judgment on the issue of liability to plaintiff Francina C. Edgerly. The order was entered on January 14, 2010 and the certificate of immediate review was entered 20 days later, on February 3, 2010.

Pursuant to OCGA § 5-6-34 (b), a certificate of immediate review "must be filed with the clerk of the trial court or 'entered' within the ten-day period in order to secure immediate review of a non-final judgment; and if the certificate is not entered within the ten-day period, then the party seeking review will merely have to await a final judgment in the case before he can seek a review of interlocutory judgments entered in the trial court." *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973).

Here, the 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 **FEB 24 2010**

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Will L. Martinez, Clerk.



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

ATLANTA, FEBRUARY 26, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0143

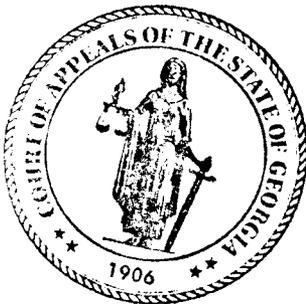
TONY KITCHENS ET AL V. MELVYN HARRIS ET AL

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

99012

09CV02105

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta FEB 26 2010



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Clerk.

Will. L. Martin

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

ATLANTA, MARCH 08, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0144
CURTIS U. GROVES 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.

94012
2009F073



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **MAR - 8 2010**

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Clerk.

Will. L. Martin

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

ATLANTA, MARCH 08, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0145
SIVICA HOMES-RIVERSTONE, LLC ET AL V. REGIONS BANK

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

95013

09A04289

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

MAR - 8 2010



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Clerk.

Will L. Mat... [Signature]

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **FEB 24 2010**

A10I0146. WHITE ET AL. v. GOLDENWOOD INTERNATIONAL ET AL.

Haward and Peggy White filed a timely application for interlocutory appeal from an order granting partial summary judgment to Goldenwood International, Ltd. and Wal-Mart Stores East, LP in the Whites' personal injury action. 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 hereby **GRANTED**.

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



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **FEB 24 2010**

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

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

Will. L. McIntosh Clerk.

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

ATLANTA, MARCH 09, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0147
GOSSETT OF GEORGIA, LLC, ET AL V. DEPARTMENT OF
TRANSPORTATION

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this 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

2007CV143774



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR - 9 2010

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

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

ATLANTA, MARCH 16, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0148
MICHAEL ROYE SAMPLE V. THE STATE

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

90013

08ST13722



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **MAR 16 2010**

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

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

Clerk.

Willie L. Martin

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

ATLANTA, MARCH 09, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0149

MICHAEL J. GOGER V. 66TH STREET PROPERTIES, LLC ET AL

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

91013

STCV0805033



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR - 9 2010

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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 09, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0150
FRED'S STORES OF TENNESSE, INC., V. BARBARA DAVENPORT

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

71013
09CV112



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR - 9 2010

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the minutes of the Court of Appeals of Georgia*

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

Clerk.

Willie L. Martin

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

ATLANTA, MARCH 10, 2010

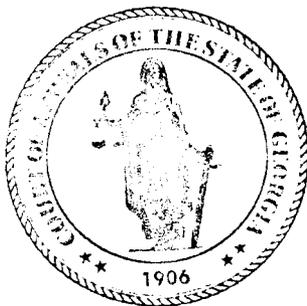
The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0151
DAMIAN RAMSEY 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.

93013
2009M122

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



MAR 10 2010

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the minutes of the Court of Appeals of Georgia*

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

Clerk.

Will L. Martin

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

ATLANTA, MARCH 16, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0152
LHR FARMS, INC., V. DARREN ALEXANDER, ET AL

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

92013

2008CV0577



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

MAR 16 2010

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

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

Clerk.

William L. Martinez

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

ATLANTA, MARCH 18, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0153
JEFFREY J. MAUER V. PARKER FIBERNET, LLC ETAL

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

97013

2010CA35



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 18 2010

*I certify that the above is a true extract from
the minutes of the 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 11, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0154

BANK OF NORTH GEORGIA ET AL V. STEVE CORDELL

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

70013

2008EV003882



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **MAR 11 2010**

*I certify that the above is a true extract from
the minutes of the 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 05, 2010

The Court of Appeals passed the following order

Case No. A10I0155

LISA MOSS V. TIMOTHY AITKIN 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 05, 2010*

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

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

Clerk.

Willie L. Martin

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

ATLANTA, MARCH 24, 2010

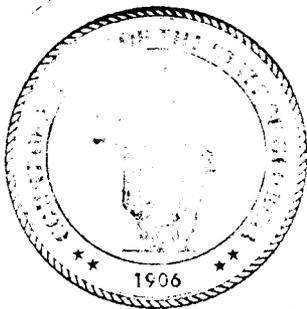
The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0156
HUMBERTO OCAMPO FLORES V. THE STATE

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

94013

08239



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

MAR 24 2010

*I certify that the above is a true extract from
the minutes of the 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 24, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0157
SEARS, ROEBUCK & CO., ET AL V. FRANCISCO TORRES

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

95014

2007A6911



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 24 2010

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the minutes of the Court of Appeals of Georgia*

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

Clerk.

Will. L. Martinez

Court of Appeals of the State of Georgia

ATLANTA, March 8, 2010

The Court of Appeals hereby passes the following order:

A10I0158. ZINKHAN v. BRUCE ET AL.

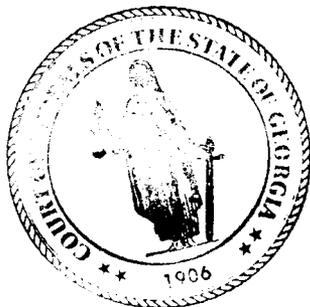
Frederick Christian Zinkhan, the paternal uncle of two children whose parents are deceased, filed this interlocutory application seeking to appeal the temporary order awarding joint legal custody of the children to their maternal aunt and uncle, Donna and Lawrence Bruce, and Zinkhan, and primary physical custody to the Bruces. The order also denied Zinkhan's motion to dismiss for lack of jurisdiction.

 Under OCGA § 5-6-34 (a) (11), “[a]ll judgments or orders in child custody cases including, but not limited to, awarding or refusing to change child custody . . .” are directly appealable.¹ Those seeking to appeal such orders are no longer required to comply with either the interlocutory appeal procedure of OCGA § 5-6-34 (b) or the discretionary appeal procedure of OCGA § 5-6-35 (a) (2). See *Taylor v. Curl*, 298 Ga. App. 45 (679 SE2d 80) (2009).

“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). Zinkhan's application for interlocutory appeal is therefore **GRANTED**. He shall have ten days from the date of this order to file a notice of appeal in the superior

 ¹The statute applies “to all child custody proceedings and modifications of child custody filed on or after January 1, 2008.” Ga. Laws 2007, p. 554, § 8.

court.² The clerk of the superior court is directed to include a copy of this order in the record transmitted to this Court.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR - 8 2010

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

²If Zinkhan has already filed a notice of appeal below, he need not file a second notice.

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

ATLANTA, MARCH 16, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0159

POLK COUNTY GEORGIA ET AL V. RAYMOND ELLINGTON 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

2008CV1152



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 16 2010

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the minutes of the Court of Appeals of Georgia*

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

Clerk.

Will. L. Martinez

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

ATLANTA, MARCH 29, 2010

The Court of Appeals hereby passes the following order:

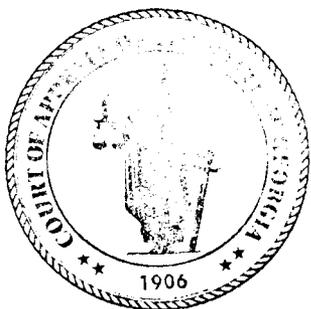
APPLICATION NO. A10I0160

CITY OF SUWANEE, GEORGIA V. NOTRE DAME ACADEMY, INC.

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

90014

08A04673



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

MAR 29 2010

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

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

Clerk.

Will L. Martin

Court of Appeals of the State of Georgia

ATLANTA March 22, 2010

The Court of Appeals hereby passes the following order:

A10I0161. Harry M. Lightfoot, Jr. v. Leon Z. Hollins et al.

The maternal grandparents of minor child J. L. filed a petition for grandparent visitation. The child's father, Harry M. Lightfoot, Jr., opposed the petition and moved for summary judgment. After the trial court denied the motion, Lightfoot filed this application for interlocutory appeal.

Under OCGA § 5-6-34 (a) (11), “[a]ll judgments or orders in child custody cases including, but not limited to, awarding or refusing to change child custody” are now directly appealable.¹ The effect of this broad language is that a party seeking to appeal any order in a child custody case – even a non-final order such as the one at issue here – is no longer required to comply with either the interlocutory appeal procedure of OCGA § 5-6-34 (b) or the discretionary appeal procedure of OCGA § 5-6-35 (a) (2). See *Cohen v. Cohen*, 300 Ga. App. 7, 8 (1) (684 SE2d 94) (2009); *Taylor v. Curl*, 298 Ga. App. 45 (679 SE2d 80) (2009). Under Georgia law, “[v]isitation is considered a custody issue.” *Daniels v. Barnes*, 289 Ga. App. 897, 899 n. 1 (658 SE2d 472) (2008); see also OCGA § 19-9-41 (4) (defining “child custody proceeding” as “a proceeding in which legal custody, physical custody, or visitation with respect to a child is in issue.”). Thus, the order that Lightfoot seeks to appeal is directly appealable.

“This Court will grant a timely application for interlocutory review if the order

¹ The statute applies “to all child custody proceedings and modifications of child custody filed on or after January 1, 2008.” Ga. Laws 2007, p. 554, § 8. The petition in this case was filed on November 2, 2009, and therefore comes within the ambit of the statute.

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). Lightfoot’s application for interlocutory appeal is therefore *GRANTED*. He shall have ten days from the date of this order to file a notice of appeal in the superior court. The clerk of the superior court is directed to include a copy of this order in the record transmitted to this Court.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 22 2010

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

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

Will. L. Martin, Clerk.

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

ATLANTA, MARCH 23, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0162
WILLIAMS MOSES V. THE STATE

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

71014

09SC86483



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

MAR 23 2010

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the minutes of the Court of Appeals of Georgia*

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

Clerk.

Will. L. Martin

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

ATLANTA, MARCH 25, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0163
CNL APF PARTNERS, LP ("CNL") ET AL V. DEPARTMENT OF
TRANSPORTATION

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

93014

2006RCCV211



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 25 2010

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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, MARCH 25, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0164
RCI REALTY, LLC ("RCI REALTY") ET AL V. DEPARTMENT OF
TRANSPORTATION

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

93015

2006RCCV211

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 25 2010

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Clerk.

Will L. Martinez



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

ATLANTA, MARCH 24, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0165
TONY YANCEY V. LELAND TIMOTHY WATKINS 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.

92014
09CV028



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 24 2010

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the minutes of the Court of Appeals of Georgia*

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

Clerk.

Willi L. Martinez

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

ATLANTA, MARCH 24, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0166
MILTON USSERY V. LELAND TIMOTHY WATKINS 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.

92015
09CV028

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta MAR 24 2010



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Clerk.

Will. L. Martin

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

ATLANTA, MARCH 30, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0167

B-T TWO, INC., D/B/A BUFFALO'S CAFE V. HUNTER R. BENNETT

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

97014

20081197



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 30 2010

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Will L. Martinez

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

ATLANTA, MARCH 23, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0168
KATHLEEN ADAMS, ET AL V. JOHN D. HARDIN, ET AL

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

70014

2008EV004235



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR 23 2010

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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, APRIL 05, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0169

AGNES COE, ET AL V. FULTON-DEKALB HOSPITAL AUTHORITY, ET AL

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

99014

2007EV002581



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR - 5 2010

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Will L. Martin

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

ATLANTA, MARCH 30, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0170

THE BOYS & GIRLS CLUB OF SOUTHEAST GEORGIA, INC., D/B/A
THE BOYS & GIRLS CLUB OF GLYNN COUNTY V. JOHN DOE, ET AL

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

94014

CV20080671



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

MAR 30 2010

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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, MARCH 25, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0171

INTERMEX WIRE TRANSFER, LLC ET AL V. NOEL GONZALEZ 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.

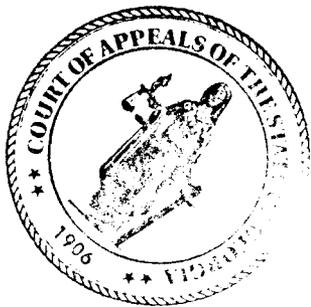
95015

2009CV176839

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 25 2010



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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 Clerk. Mant

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

ATLANTA, MARCH 23, 2010

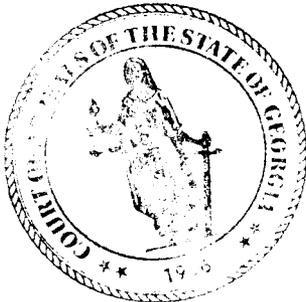
The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0172
JERRY L. PRICE 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.

96015

2009C80745



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 23 2010

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the minutes of the Court of Appeals of Georgia*

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

Clerk.

Will L. Martin

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

ATLANTA, MARCH 25, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0173
THE POTTER'S PROPERTIES, LLC., V. VIDALIA FEDERAL SAVINGS
BANK 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.

98015

09CV372



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta MAR 25 2010

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the minutes of the Court of Appeals of Georgia*

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

Clerk.

Willi L. Martin

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

ATLANTA, MARCH 29, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0174

FREDERICK J. HANNA & ASSOCIATES, PC V. MARI HOWARD

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

90015

09A8227



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR 29 2010

*I certify that the above is a true extract from
the minutes of the 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 12, 2010

A10I0175. H&R BLOCK, INC., ET AL v. PJ CANNON, ET AL .

The Honorable Court of Appeals hereby passes the following order:

It appearing the DISCRETIONARY application A10D0289 was incorrectly filed due to clerical error, it is hereby ordered that said application is hereby changed to an INTERLOCUTORY application with the case number A10I0175 as stated above.



*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.*

MAR 12 2010

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

Clerk.

Willie L. Martin

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

ATLANTA, APRIL 02, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0175

H&R BLOCK, INC., ET AL V. PJ CANNON, ET AL

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

91015

2007CV137010



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR - 2 2010

*I certify that the above is a true extract from
the minutes of the 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, 2010

The Court of Appeals hereby passes the following order:

A10I0176. PARKER v. THE STATE.

Antonio Erroll Parker seeks to appeal the order denying his motion to dismiss the indictment against him. Parker was charged with burglary, entering an auto, and theft by receiving stolen property. He was tried and a jury convicted him of all three counts. Parker filed a “motion for a new trial, or in the alternative, motion to dismiss.” The trial court granted Parker’s motion for new trial, finding that the burglary and theft by receiving counts were factually mutually exclusive. It denied his motion to dismiss.

Parker now seeks to appeal the denial of his motion to dismiss. According to Parker, the indictment charges him with committing burglary and entering an auto by entering a dwelling and a vehicle with the intent to commit felony theft. He asserts, however, that in his prior trial, the state failed to prove the value of the goods allegedly stolen and therefore failed to prove that the theft was felony theft. Parker thus argues that to allow the state to prove this omitted fact on retrial violates his right against double jeopardy.

The pretrial denial of a motion to dismiss an indictment on double jeopardy grounds is directly appealable. See *Patterson v. State*, 248 Ga. 875 (287 SE2d 7) (1982). “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). This application for interlocutory appeal is therefore **GRANTED**. Parker shall have ten days from the date of this order to file a notice of appeal in the superior

court.¹ The clerk of the superior court is directed to include a copy of this order in the record transmitted to this Court.



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

MAR 25 2010

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

¹If Parker has already filed a notice of appeal below, he need not file a second notice.

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

ATLANTA, APRIL 15, 2010

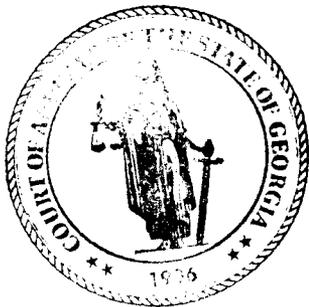
The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0177
HMI PROPERTY SOLUTIONS, INC., ET AL V. IBRAHIM
KURJAK ET AL

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

97015

2007CV003052



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 15 2010

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

MAR 30 2010

The Court of Appeals hereby passes the following order:

A10I0178. Bailey et al. v. Kunz et al.

Robert and Royce Kunz, the parents of seven-year-old L. J. B's biological father, petitioned for grandparent visitation after their son's parental rights were terminated and L. J. B. was adopted by her stepfather. The stepfather and L. J. B.'s mother moved to dismiss the petition, arguing that the Kunzes were no longer "grandparents" and lacked standing to seek visitation. The trial court denied the motion, but granted a certificate of immediate review, and the mother and stepfather filed this application for interlocutory appeal.

Under OCGA § 5-6-34 (a) (11), "[a]ll judgments or orders in child custody cases including, but not limited to, awarding or refusing to change child custody" are now directly appealable.¹ The effect of this broad language is that a party seeking to appeal any order in a child custody case – even a non-final order such as the one at issue here – is no longer required to comply with the interlocutory appeal procedure of OCGA § 5-6-34 (b) or the discretionary appeal procedure of OCGA § 5-6-35 (a) (2). See *Cohen v. Cohen*, 300 Ga. App. 7, 8 (1) (684 SE2d 94) (2009); *Taylor v. Curl*, 298 Ga. App. 45 (679 SE2d 80) (2009). Moreover, under Georgia law "[v]isitation is considered a custody issue." *Daniels v. Barnes*, 289 Ga. App. 897, 899 n. 1 (658 SE2d 472) (2008); see also OCGA § 19-9-41 (4) (defining "child custody proceeding" as "a proceeding in which legal custody, physical custody, or visitation with respect

¹ The statute applies "to all child custody proceedings and modifications of child custody filed on or after January 1, 2008." Ga. Laws 2007, p. 554, § 8. The Kunzes' petition for grandparent visitation was filed on October 22, 2009, and thus comes within the statute.

to a child is an issue.”). Thus, the order that the applicants seeks to challenge is directly appealable.

“This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicants have not otherwise filed a notice of appeal.” *Spivey v. Hembree*, 268 Ga. App. 485, 486 n. 1 (602 SE2d 246) (2004). This application for interlocutory appeal is therefore GRANTED. The applicants shall have ten days from the date of this order to file a notice of appeal in the superior court.² The clerk of the superior court is directed to include a copy of this order in the record transmitted to this Court.



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

MAR 30 2010

I certify that the above is a true extract from the minutes of 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. Mat; R, Clerk.

² If the applicants have already filed a notice of appeal in the superior court, they need not file a second notice.

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

ATLANTA, APRIL 12, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0179
ERNEST COMMUNICATIONS, INC., V. MARLIN G. WILLESEN D/B/A
2W COMMUNICATIONS

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

99015

08C14926



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 12 2010

*I certify that the above is a true extract from
the minutes of the 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 29, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0180

JOE PAUL STRICKLAND, ADMR., ET AL V. JERRY MCELREATH
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.

94015

09MV716



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR 29 2010

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

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

Clerk.

Willie L. Martinez

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

ATLANTA, MARCH 31, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0181
CARLTON MARTIN VOLZ, III., 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.

95016

2009CR1045



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 31 2010

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

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

Clerk.

Willie L. Martin

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

ATLANTA, MARCH 31, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0182
DAVID WAYNE DYE V. THE STATE

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

96016

09ER0062



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

MAR 31 2010

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

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

Clerk.

Will. L. Martin

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

ATLANTA, MAY 11, 2010

The Court of Appeals passed the following order

Case No. A10I0183

CHRISTOPHER ROACH V. THE STATE

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



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta MAY 11, 2010*

*I certify that the above is a true extract from
the minutes of the 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 06, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0184

DONNA CRUMLY HAMBY V. JAMES R. HAMBY ET AL

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

90016

2008CV3093



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR - 6 2010

*I certify that the above is a true extract from
the minutes of the 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 16, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0185
SAMUEL IVAN AMAYA-VASQUEZ V. THE STATE

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

91016

09D05458



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 16 2010

*I certify that the above is a true extract from
the minutes of the 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, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0186

GWINNETT COUNTY, GEORGIA V. CHARLES E. MARTIN ET AL

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

71016

08A09986

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR - 7 2010

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

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

Clerk.

Willie L. Martin



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

ATLANTA, APRIL 13, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0187
SUNDOWN SHOW AND PRODUCTIONS, INC., ET AL V.
PHYLLIS HALL

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

93016

CV0701882



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 13 2010

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

April 15, 2010

ATLANTA,

The Court of Appeals hereby passes the following order:

A10I0188. BELCHER v. THE STATE.

Michele Lynn Belcher seeks interlocutory review of a March 4, 2010 order denying her motion to suppress. Although the trial court signed a certificate of immediate review on March 12, 2010, it did not file the certificate until March 16, 2010, 12 days after entry of the order denying the motion to suppress.

Under OCGA § 5-6-34 (b), a party may request interlocutory review only if the trial court certifies within ten days of entry of the order at issue 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 to appeal. See OCGA § 5-6-34 (b); *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973); *Van Schallern v. Stanco*, 130 Ga. App. 687 (204 SE2d 317) (1974) (“[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.”).

The trial court did not enter its certificate of immediate review within ten days of the order denying Belcher's motion to suppress.¹ Accordingly, we lack jurisdiction to consider this application for interlocutory appeal, which is therefore **DISMISSED**.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 15 2010

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

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

W. E. Metzger , Clerk.

¹As the tenth day was Sunday, March 14, 2010, the certificate of immediate review had to be entered by Monday, March 15, 2010, the eleventh day. See OCGA § 1-3-1 (d) (3).

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

ATLANTA, APRIL 19, 2010

The Court of Appeals hereby passes the following order:

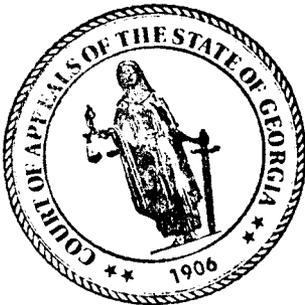
APPLICATION NO. A10I0189

CAROLYN L. MINCEY V. GEORGIA DEPARTMENT OF COMMUNITY
AFFAIRS

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

97016

08V0178



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta APR 19 2010

*I certify that the above is a true extract from
the minutes of the 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 15, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0190
MCKINLEY C. WILLIAMS ET AL V. TANYA RENITA GREEN

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

70016

2009EV008509



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 15 2010

*I certify that the above is a true extract from
the minutes of the 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 23, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0191
JOHN LEWIS RUPERT 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.

99016

09CR186



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 23 2010

*I certify that the above is a true extract from
the minutes of the 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, 2010

The Court of Appeals hereby passes the following order:

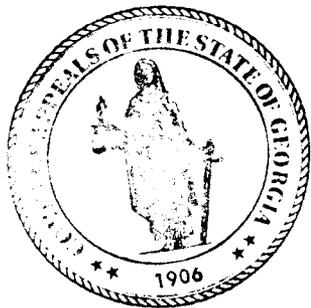
APPLICATION NO. A10I0192

IN RE: SHERIFF JOHN BOWENS

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

94016

10CV0038



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

APR 15 2010

*I certify that the above is a true extract from
the minutes of the 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 20, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0193

KUBOTA TRACTOR CORPORATION V. WILLIAM W. CARR ET AL

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

95017

08A03430



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 20 2010

*I certify that the above is a true extract from
the minutes of the 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, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0194

TERESA R. PHILLIPS V. J. PHILLIP WELCH, JR., ET AL

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

96017

04110001



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 20 2010

*I certify that the above is a true extract from
the minutes of the 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, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0195

THE STATE V. DAVID HARRIS

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

98017

1998R100



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 16 2010

*I certify that the above is a true extract from
the minutes of the 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 8, 2010

The Court of Appeals hereby passes the following order:

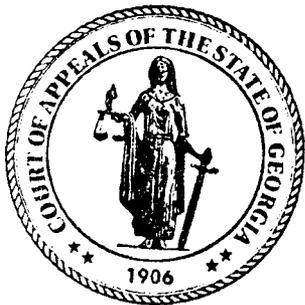
A10I0196. THE STATE v. SMITH.

A jury convicted Carl Smith of kidnaping, aggravated assault, and cruelty to children. After the trial court entered a judgment of conviction and sentence, Smith filed a "motion for reversal of conviction or new trial," challenging only the kidnaping conviction. The trial court granted Smith's motion, vacated his conviction and sentence for kidnaping, and directed a verdict of acquittal on that charge, finding that the evidence was insufficient to prove two essential elements of kidnaping. The State filed this application for interlocutory appeal to challenge the ruling.

The materials submitted with the State's application demonstrate that nothing remains for resolution by the trial court. The order therefore is not subject to the interlocutory review procedures in OCGA § 5-6-34. See also OCGA § 5-7-2. Instead, the State was entitled to file a direct appeal. OCGA § 5-7-1 (a) (7); compare *State v. Seignious*, 197 Ga. App. 766, 767 (399 SE2d 559) (1990) (holding State cannot appeal order granting directed verdict of acquittal entered after the jury had returned a verdict, but before the imposition of sentencing and entry of judgment on the verdict) and *State v. Canup*, 300 Ga. App. 678 (686 SE2d 275) (2009) (holding State can appeal order granting directed verdict of acquittal after the trial court had imposed sentencing and entered judgment of conviction).

"This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicants have not otherwise filed a notice of appeal." *Spivey v. Hembree*, 268 Ga. App. 485, 486 n.1 (602 SE2d 246) (2004). Accordingly, the State's interlocutory application is hereby **GRANTED**. The State shall have ten days from the date of this order to file a notice of appeal in the

trial court. If, however, the State has already filed a notice of appeal, it need not file a second notice. The clerk of the trial court is **DIRECTED** to include a copy of this order in the record transmitted to the Court of Appeals.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR - 8 2010

*I certify that the above is a true extract from
the minutes of 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, 2010

The Court of Appeals hereby passes the following order:

A10I0197. JACOBS v. THE STATE.

Lee Hunter Jacobs was arrested and charged with driving under the influence of alcohol. On March 8, 2010, the trial court denied Jacobs's motion to suppress. The trial court granted a certificate of immediate review on March 17, 2010. Jacobs submitted an application for interlocutory appeal on March 29, 2010, but the application was not docketed because it did not contain a copy of the order being appealed. See Georgia Court of Appeals Rule 30 (b). Jacobs filed this application, which does contain a copy of the order being appealed, on March 31, 2010.

We lack jurisdiction. Pursuant to OCGA § 5-6-34 (b), an interlocutory application must be filed with this Court within ten days of the date a timely certificate of immediate review is entered below. Jacobs failed to meet this ten-day deadline. Accordingly, we cannot consider the application, which is hereby **DISMISSED** as untimely.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 16 2010

*I certify that the above is a true extract from
the minutes of 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 19, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0198
GREENE COUNTY SCHOOL DISTRICT V. CIRCLE Y
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.

71017
09CV373

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

APR 19 2010

*I certify that the above is a true extract from
the minutes of the 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, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0199

DAVID WAMPLER V. THE STATE

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

93017

2010D00505



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

APR 22 2010

*I certify that the above is a true extract from
the minutes of the 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 16, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0200
PENTAGON PROPERTIES, INC., ET AL V. CHARLES WHEAT ET AL

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

92017

07CV00251



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

APR 16 2010

*I certify that the above is a true extract from
the minutes of the 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 19, 2010

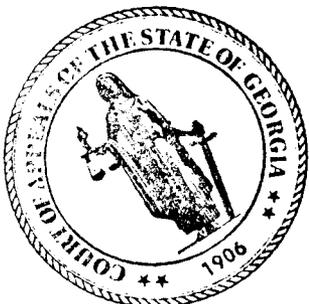
The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0201
MACIE SELF , CNM ET AL V. NICOLE BUTTACAVOLI 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.

97017

06CV1067



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 19 2010

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

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

Clerk.

Will. L. Martinez

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

ATLANTA, APRIL 23, 2010

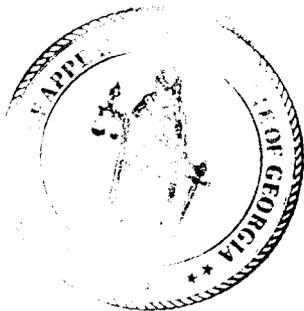
The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0202
BRYAN ROBINSON V. VANNTHEIRY SOCH

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

70017

2009CV167859



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 23 2010

*I certify that the above is a true extract from
the minutes of the 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 23, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0203
AMERICAN INTERCONTINENTAL UNIVERSITY, INC., ET AL
V. TAJUANSAR DIALLO 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

2008CV148209



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 23 2010

*I certify that the above is a true extract from
the minutes of the 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, MAY 05, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0204
BARRY A. BROWN CONSTRUCTION CO., INC., ET AL V.
UNITED COMMUNITY BANK

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

94017

CV092783



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta MAY - 5 2010*

*I certify that the above is a true extract from
the minutes of the 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, APRIL 28, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0205
THE CITY OF NAHUNTA V. ERIC EDENS

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

95018
09V027



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta APR 28 2010*

*I certify that the above is a true extract from
the minutes of the 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 28, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0206

THE LANDINGS ASSOCIATION, INC., V. RUSSELL WILLIAMS, ET AL

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

96018

STCV0804679



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 28 2010

*I certify that the above is a true extract from
the minutes of the 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, MAY 04, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0207
BY THE SEA PRODUCTS, LLC ET AL V. AUTOMATED
PACKAGING, LLC ET AL

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

98018

2009CV175283



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta MAY - 4 2010

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Will L. Martinez

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

ATLANTA, APRIL 29, 2010

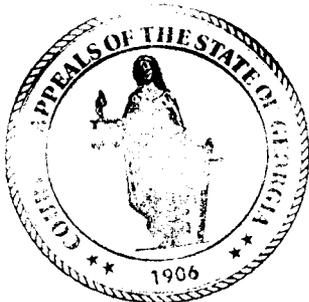
The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0208
AMERICAN NATIONAL HOLDING CORPORATION V. NCOM,
INC., F/K/A NEWCOM, INC., ET AL

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

90018

06A00403



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 29 2010

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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, APRIL 22, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0209
EFFINGHAM COUNTY, GEORGIA ET AL V. DEBORAH DIANE
RHODES

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

91018

ST08CV239



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **APR 22 2010**

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the minutes of the Court of Appeals of Georgia*

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

Clerk.

Will L. Martin

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

ATLANTA, APRIL 28, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0210
THE LANDINGS CLUB, INC. , V. RUSSELL WILLIAMS, ET AL

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

96019

STCV0804679



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta APR 28 2010

*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. Martinez

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

ATLANTA, MAY 07, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0211
ALFA INSURANCE CORPORATION V. FLOYD JONES

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

71018

09CV2623



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

MAY - 7 2010

*I certify that the above is a true extract from
the minutes of the 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, MAY 13, 2010

The Court of Appeals hereby passes the following order:

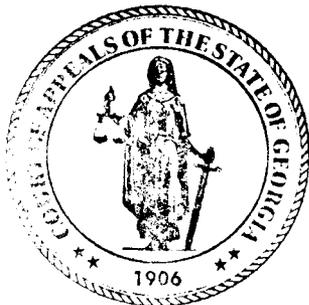
APPLICATION NO. A10I0212

MARK GRIFFIN V. THE STATE

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

93018

2009CR198



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 13 2010

*I certify that the above is a true extract from
the minutes of the 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 13, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0213
JUSTIN HUMMINGS V. THE STATE

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

93019

2009CR198



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 13 2010

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Clerk.

Willie L. Martin

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

ATLANTA, MAY 13, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0214
STATE AUTOMOBILE MUTUAL INSURANCE COMPANY V. ELIZABETH
ANN TODD 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.

92018

08CV41937



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **MAY 13 2010**

*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.

Willie L. Martin

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

ATLANTA, MAY 13, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0215
ALPHONSO JOHNSON, JR., V. THE STATE

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

97018
09CR456



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **MAY 13 2010**

*I certify that the above is a true extract from
the minutes of the 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 4, 2010

The Court of Appeals hereby passes the following order:

A10I0216. The State v. Gayle.

The State has filed an application for interlocutory appeal, seeking to challenge the trial court's order granting Keelin Gayle's motion to suppress. An interlocutory application, however, was not necessary here. The State may appeal directly from the grant of a motion to suppress evidence. OCGA § 5-7-1 (a) (4); OCGA § 5-7-2; *State v. Felton*, 297 Ga. App. 35, 36 n.1 (676 SE2d 434) (2009).

This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicant has not otherwise filed a notice of appeal. *Spivey v. Hembree*, 268 Ga. App. 485, 486 n.1 (602 SE2d 246) (2004). Accordingly, the State's application is hereby GRANTED. The State shall have ten days from the date of this order to file a notice of appeal in the superior court.¹ The clerk of the superior court is DIRECTED to include a copy of this order in the record transmitted to the Court of Appeals.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY - 4 2010

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

, Clerk.

¹ If the State has already filed a notice of appeal below, it need not file a second notice

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

ATLANTA, MAY 27, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0217
VALERO, LP ET AL V. MARY GRACE BRYANT 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.

99018

07CV47256

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 27 2010



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the minutes of the Court of Appeals of Georgia*

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

Clerk.

Will. L. Martinez

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

ATLANTA, MAY 21, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0218

STEVEN HAHN, ET AL V. BENJAMIN GREGORY MIDDLETON ET AL

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

94018

08V360

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **MAY 21 2010**

*I certify that the above is a true extract from
the minutes of the 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 27, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0219
DARION L. SIMMONS V. THE STATE

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

95019

CR0900566



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 27 2010

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the minutes of the Court of Appeals of Georgia*

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

Clerk.

Will L. Martinez

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

ATLANTA, MAY 18, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0220
JUSTIN W. CHANEY V. HARRISON & LYNAM, 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.

98019
2006CV121065

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **MAY 18 2010**



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

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

Clerk.

Will L. Martin

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

ATLANTA, MAY 28, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0221
LENA RYLEE SCOTT ET AL V. LONA LEE SCOTT

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

90019
2010CV181941

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **MAY 28 2010**

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

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

ATLANTA, MAY 26, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0222
WILLIAM JAMES RAY V. THE STATE

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

91019

M20090196



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

MAY 26 2010

*I certify that the above is a true extract from
the minutes of the 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 27, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0223
THE CITY OF COLLEGE PARK ET AL V. THE CITY OF ATLANTA

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

71019

2007CV140581



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 27 2010

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Clerk.

Will. L. Martin

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

ATLANTA, JUNE 02, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0224

GEORGIA MESSENGER SERVICE, INC., V. VERNETTA BRADLEY 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.

92019

2008EV004203



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN - 2 2010

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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, JUNE 03, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0225
RAMON RIVERA REYES V. THE STATE

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

97019

09901935



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

JUN -3 2010

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the minutes of the Court of Appeals of Georgia*

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

Clerk.

Will L. Martin

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

ATLANTA, MAY 26, 2010

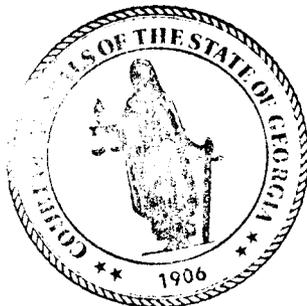
The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0226
TIMOTHY MINCEY V. SHERRI MILLER

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

70019

09A10148



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **MAY 26 2010**

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the minutes of the Court of Appeals of Georgia*

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

Clerk.

Will. L. Martin

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

ATLANTA, MAY 27, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0227
JAMES BRUNDIGE 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

SU09CR1658



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **MAY 27 2010**

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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, JUN 1 2010

The Court of Appeals hereby passes the following order:

A10I0228. Sheila Mauk v. Pioneer Ford Mercury et al.

Sheila Mauk filed this application for interlocutory appeal from the trial court's order granting partial summary judgment to two defendants in this case. An order granting partial summary judgment is directly appealable under OCGA § 9-11-56 (h). See *Olympic Dev. Group, Inc. v. American Druggists' Ins. Co.*, 175 Ga. App. 425 (1) (333 SE2d 622) (1985). "This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicants have not otherwise filed a notice of appeal." *Spivey v. Hembree*, 268 Ga. App. 485, 486 n. 1 (602 SE2d 246) (2004). Accordingly, this application for appeal is hereby GRANTED.

Mauk shall have ten days from the date of this order to file a notice of appeal in the state court, provided that she has not otherwise done so. The clerk of the state court is directed to include a copy of this order in the record transmitted to this Court.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JUN 1 2010

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hereto affixed the day and year last above written.*

Willi Z. Mat:R, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, MAY 25 2010

The Court of Appeals hereby passes the following order:

A10I0229. ALI v. BANK OF AMERICA.

In this dispossessory proceeding, Abdul Hakim Ali seeks to appeal orders requiring payment of rent into the registry of the court and transferring the case to the civil jury division. It does not appear, however, that a final judgment has been entered in this case. Therefore, Ali was required to follow the interlocutory appeal procedures in OCGA § 5-6-34 (b) and obtain a timely certificate of immediate review. His failure to do so deprives us of jurisdiction over this application, which is hereby *DISMISSED*. See *Scruggs v. Georgia Dept. of Human Resources*, 261 Ga. 587, 588 (1) (408 SE2d 103) (1991) (“The discretionary-application statute does not relieve [an] appellant who seeks review of an interlocutory order of the requirement of a certificate [of immediate review] from the trial judge.”); *Pace Constr. Corp. v. Northpark Assoc., L.P.*, 215 Ga. App. 438, 439-440 (450 SE2d 828) (1994).



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 25 2010

I certify that the above is a true extract from the minutes of 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. Z. Mat. JR., Clerk.

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

ATLANTA,

JUNE

04, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0230

MAXUM INDEMNITY COMPANY V. WM. PAGE & ASSOCIATES, 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.

96020

10CV00272JFL



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **JUN - 4 2010**

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Clerk.

Will. L. Martin

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

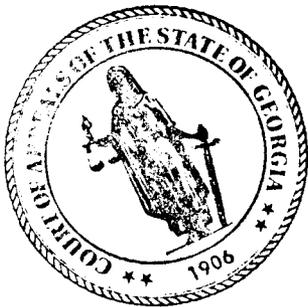
ATLANTA, MAY 27, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0231
GEORGE COSBY ET AL V. RICHARD LEWIS ET AL

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

98020
09CV164



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

MAY 27 2010

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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, June 8, 2010

The Court of Appeals hereby passes the following order:

A10I0232. BLUE v. THE STATE.

Chadrick Blue was arrested and charged with armed robbery, aggravated assault, and cruelty to animals, and he was held with the Laurens County Sheriff's Department. The trial court denied Blue's motion for pre-trial bond. On May 3, 2010, the trial court granted and filed a certificate of immediate review with respect to its order denying bond. Fourteen days later, on May 17, 2010, Blue filed an application for interlocutory appeal.

We lack jurisdiction. Pursuant to OCGA § 5-6-34 (b), an interlocutory application must be filed with this Court within ten days of the date a timely certificate of immediate review is entered below. Blue failed to meet this ten-day deadline. Accordingly, we cannot consider his application, which is hereby **DISMISSED** as untimely.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN - 8 2010

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hereto affixed the day and year last above written.*

Willi E. Mat:R, Clerk.

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

ATLANTA, JUNE 11, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0233

GREGORY HARRIS V. THE STATE

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

91020

2010CR00140



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

JUN 11 2010

*I certify that the above is a true extract from
the minutes of the 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, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0234

KATHLEEN COE AS TEMPORARY ADMINISTRATOR OF THE ESTATE OF CHRISTOPHER
COE, DECEASED V. GRIFFIN CONTRACTING, ET AL

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

91021

STCV062773



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JUN 11 2010*

*I certify that the 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.

Willie L. Martinez

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

ATLANTA, JUNE 17, 2010

The Court of Appeals hereby passes the following order:

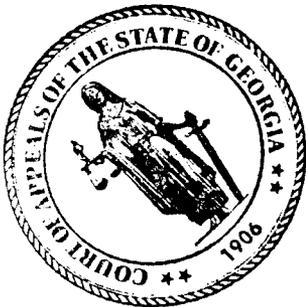
APPLICATION NO. A10I0235

DONNA ADEN V. MELISSA STAFFORD AND CONVERGE SOLUTIONS UNLIMITED, INC.

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

71020

091626440



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 17 2010

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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.*

W. L. Martin
Clerk.

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

ATLANTA, JUNE 17, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0236
LUTRENA HILL ET AL V. SUSAN WILLIAMSON ET AL

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

93020

09CV01588



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JUN 17 2010*

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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, JUNE 10, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0237
SANDRA K. BENSON V. ASSET ACCEPTANCE, LLC, AS
ASSIGNEE OF CITIBANK, U.S.A., N.A.

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

92020

07A64241



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 10 2010

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the minutes of the Court of Appeals of Georgia*

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

Clerk.

W. L. Martin

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

ATLANTA, JUNE 23, 2010

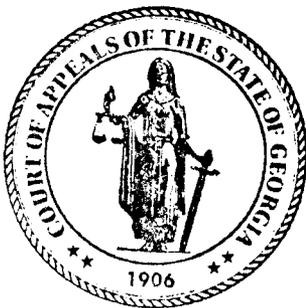
The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0238
NAUTIX LIFEGUARDS & MAINTENANCE, LLC V. OWEN S.
PEACOCK, ET AL

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

97020

10100054



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JUN 23 2010

*I certify that the above is a true extract from
the minutes of the 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, JUN 1 2010

The Court of Appeals hereby passes the following order:

A10I0239. NIMMAGADDA ET AL. v. SYMMETRIC SOLUTIONS, INC.

The applicants seek immediate review of the trial court's order granting summary judgment to Symmetric Solutions, Inc. on the applicants' claims. According to the applicants, the trial court has not ruled on Symmetric's motion for summary judgment on its counterclaims and third-party claims. "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 application for interlocutory appeal is therefore **GRANTED**. The applicants shall have ten days from the date of this order to file a notice of appeal in the superior court, if they have not already done so. 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 1 2010

I certify that the above is a true extract from the minutes of 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. Mat:R, Clerk.

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

ATLANTA, JUNE 22, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0240
THE SPORTS GRILL, A/K/A, WINSTON'S FOOD AND SPIRITS
V. TRIVIOLLA ROSS ERTURK ET AL

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

99020

2009A1617



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 22 2010

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

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

Clerk.

Will L. Mat... [Signature]

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

ATLANTA, JUNE 18, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0241

CLEVELAND G. MEREDITH ET AL V. MICHELLE THOMPSON ET AL

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

94020

2007CV134013



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **JUN 18 2010**

*I certify that the above is a true extract from
the minutes of the 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 28, 2010

The Court of Appeals hereby passes the following order:

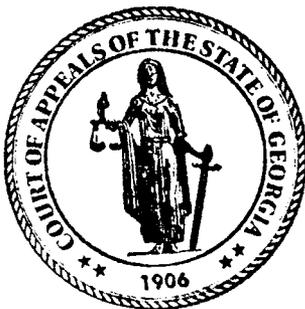
APPLICATION NO. A10I0242

QUINCY COBB V. THE STATE

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

95021

09CR2400



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

JUN 28 2010

*I certify that the above is a true extract from
the minutes of the 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 23, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0243
HALL COUNTY BOARD OF TAX ASSESSORS V. AVALON
HILLS PARTNERS, LLC ET AL

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

96021

09CV4614



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 23 2010

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

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

Clerk.

Willie L. Mat...

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

ATLANTA, JUNE 30, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0244
CHATHAM INVESTMENT FUND QP II, LLC ET AL V. BRANCH
BANKING AND TRUST COMPANY

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

98021

2006CV127255



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **JUN 30 2010**

*I certify that the above is a true extract from
the minutes of the 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 01, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0245

KEITH LOVETT V. THE STATE

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

90021

2010M015

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL - 1 2010



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

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

Clerk.

Willie L. Martin

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order:

JUN 23 2010

A10I0246. FOSTER v. THE STATE.

Foster filed this application for interlocutory review after the trial court denied his motion to dismiss indictment. The trial court's order denying Foster's motion to dismiss and the certificate of immediate review, which is included within the body of the order, were filed with the clerk on March 30, 2010. Although Foster contends in his application that the order and certificate of immediate review were issued on May 26, 2010, the material submitted with his application does not show this to be the case.

Under OCGA § 5-6-34 (b), an application for interlocutory appeal is valid only if filed within 10 days of the date a timely certificate of immediate review is entered in the court below. *Genter v. State*, 218 Ga. App. 311 (460 SE2d 879) (1995). Foster filed this application on June 4, 2010. The application is thus untimely, and this Court lacks jurisdiction to consider it. Therefore, this application for interlocutory appeal is hereby *DISMISSED*.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 23 2010

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

, Clerk.

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

ATLANTA, JUNE 25, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0247
BARTOW COUNTY BANK V. AUC, INC.

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

93021

10CV513

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JUN 25 2010*



*I certify that the above is a true extract from
the minutes of the 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 4, 2010

The Court of Appeals hereby passes the following order:

A10I0248. O'HARA et al. v. GILMORE.

Due to a clerical error, this Court's July 1, 2010 order granting the Appellants' application for Interlocutory Appeal was inadvertently sent to an incorrect address, and, as a consequence, it was untimely received. For that reason, we hereby VACATE that order and hereby reissue it, thus:

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



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **AUG - 4 2010**

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

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

Hally K. A. Lawrence, Clerk.

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

ATLANTA, JUNE 30, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0249
NORTH HUTCHINSON ISLAND GROUP, LLC ("NHIG") ET AL V.
BANK OF NORTH GEORGIA

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

97021

2008EV005698



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

JUN 30 2010

*I certify that the above is a true extract from
the minutes of the 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, June 29, 2010

The Court of Appeals hereby passes the following order:

A10I0250. Kenneth R. DeLoach et al. v. State Farm Mutual Automobile Insurance Co.

Kenneth R. DeLoach and the other plaintiffs in the action below have filed an application for interlocutory appeal from the trial court's order granting partial summary judgment to defendant State Farm Mutual Automobile Insurance Co. The grant of a motion for partial summary judgment may be appealed directly. OCGA § 9-11-56 (h); see also *Whiddon v. Stargell*, 192 Ga. App. 826, 828 (386 SE2d 884) (1989). Accordingly, the order in this case is subject to direct appeal.

“This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the 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 interlocutory appeal is hereby GRANTED, and the applicants shall have 10 days from the date of this order to file a notice of appeal with the superior court, if one has not already been filed. The superior court is instructed to include a copy of this order in the appellate record.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JUN 29 2010

*I certify that the above is a true extract from
the minutes of 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 E. Mat:R , Clerk.

Court of Appeals of the State of Georgia

ATLANTA, June 25, 2010

The Court of Appeals hereby passes the following order:

A10I0251. EFFINGHAM COUNTY BOARD OF COMMISSIONERS v. PARK WEST EFFINGHAM, L.P.

Park West Effingham, L.P. filed this declaratory judgment action against the Effingham County Board of Commissioners, seeking, among other things, a declaration that OCGA § 36-71-4 (d) prohibits the Board from enforcing an agreement that requires the pre-payment of impact fees. The parties agreed that the trial court should decide this issue on briefs, and the court held that the agreement violates the statute. The Board then filed this application for interlocutory appeal, apparently because the case remains pending below.

The court's order constitutes a declaratory judgment disposing of some but not all of the issues in this case. And, even though the case remains pending below, a declaratory judgment "[has] the force and effect of a final judgment or decree and [is] reviewable as such." OCGA § 9-4-2 (a); see *Sunstates Refrigerated Svcs. v. Griffin*, 215 Ga. App. 61, 62 (1) (449 SE2d 858) (1994). Therefore this order is subject to direct appeal. We will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicant has not otherwise filed a timely notice of appeal. *Spivey v. Hembree*, 268 Ga. App. 485, 486, n.1 (602 SE2d 246) (2004).

Accordingly, this application for appeal is **GRANTED**. The Board shall have ten days from the date of this order to file a notice of appeal in the superior court, if it has not already done so. 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 25 2010



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

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

Willi L. Mat:R , Clerk.

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

ATLANTA, JULY 01, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0252
CHRISTOPHER TAYLOR V. THE STATE

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

94021

2007FE0318

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JUL - 1 2010*



*I certify that the above is a true extract from
the minutes of the 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 08, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0253
FELIX PERRUCCI V. ANNIE JOYCE FOX ET AL

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

95022

08A18759



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL - 8 2010

*I certify that the above is a true extract from
the minutes of the 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 06, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0254
REPUBLIC WESTERN INSURANCE COMPANY V. GLYNN-BRUNSWICK
MEMORIAL HOSPITAL AUTHORITY TRADING AS, SOUTHEAST
GEORGIA HEALTH SYSTEM ET AL

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

96022

CE0701183063



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL - 6 2010

*I certify that the above is a true extract from
the minutes of the 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 08, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0255
PHOEBE PUTNEY MERMORIAL HOSPITAL INC. V. TERESA ANN LAMB,
AS THE ADMINISTRATRIX OF THE ESTATE OF EARL MICHAEL
HALL, DECEASED

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

98022

07SCV464



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

JUL - 8 2010

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

SUPREME COURT OF GEORGIA

Remittitur, Case No. S10C1876

Atlanta, January 13, 2011

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

PHOEBE PUTNEY MEMORIAL HOSPITAL, INC. v. TERESA ANN
LAMB, ADMINISTRATRIX

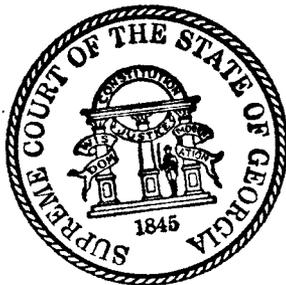
Upon consideration of the petition for certiorari filed to review the judgment of the Court of Appeals in this case, it is ordered that the writ be hereby writ denied.

All the Justices concur.

Court of Appeals Case No.

A10I0255

RECEIVED
2011 FEB -1 PM 5:24
CLERK OF SUPREME COURT
ATLANTA, GEORGIA



SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta January 31, 2011

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

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

Pamela M. Fishburne, Deputy Clerk

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

ATLANTA, JULY 15, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0256
DARWIN SELECT INSURANCE COMPANY V. CAPTIVE SERVICES,
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.

90022

09CV1079



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JUL 15 2010*

*I certify that the above is a true extract from
the minutes of the 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 6, 2010

The Court of Appeals hereby passes the following order:

A10I0257. HULETT v. HORNE ET AL.

Joey Hulett d/b/a Joey Hulett Custom Homes, LLC filed this application for interlocutory appeal from the trial court's June 1, 2010 order granting partial summary judgment to the defendants. Although the trial court signed a certificate of immediate review on June 10, 2010, it did not file the certificate until June 15, 2010, 14 days after entry of the order granting partial summary judgment.

Under OCGA § 5-6-34 (b), a party may request interlocutory review only if the trial court certifies within 10 days of entry of the order at issue that immediate review should be had. If the certificate of immediate review is not entered within that 10-day period, it is untimely, and the party seeking review must wait until the final judgment to appeal. See OCGA § 5-6-34 (b); *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973); *Van Schallern v. Stanco*, 130 Ga. App. 687 (204 SE2d 317) (1974) (“[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.”).

The trial court did not enter its certificate of immediate review within 10 days of the order Hulett seeks to appeal. Accordingly, we lack jurisdiction to consider this application for interlocutory appeal, which is therefore ***DISMISSED***.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL - 6 2010

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

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

Wili E. Mat:R , Clerk.

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

ATLANTA, JULY 14, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0258
EDWARD THOMAS D/B/A THOMAS TREE SERVICE V. ALICIA
PICKETT, AS SURVIVING SPOUSE OF DALLAS LANE PICKETT, DECEASED

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

71022

08V777



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL 14 2010

*I certify that the above is a true extract from
the minutes of the 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, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0259
GEORGIA FARM BUREAU MUTUAL INSURANCE COMPANY V.
RICKY NORTH 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.

93022

09CV00845



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **JUL 14 2010**

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the minutes of the Court of Appeals of Georgia*

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

Clerk.

Will. L. Martin

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

ATLANTA, JULY 15, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0260
CAPTIVE SERVICES, INC., V. DARWIN SELECT INSURANCE COMPANY

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

90023

09CV1079

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 15 2010



*I certify that the above is a true extract from
the minutes of the 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:
July 6, 2010

A10I0261. FULTON COUNTY, GEORGIA v. MCCURDY ET AL.

Fulton County, Georgia filed this application for interlocutory appeal from the trial court's May 7, 2010 order granting a motion to recuse all sitting Fulton County State and Superior Court judges from hearing this case. The trial court entered a certificate of immediate review on June 18, 2010, 42 days after entry of the order granting the motion to recuse.¹

Under OCGA § 5-6-34 (b), a party may request interlocutory review only if the trial court certifies within 10 days of entry of the order at issue that immediate review should be had. If the certificate of immediate review is not entered within that 10-day period, it is untimely, and the party seeking review must wait until the final judgment to appeal. See OCGA § 5-6-34 (b); *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973).

The trial court did not enter its certificate of immediate review within 10 days of the order Fulton County seeks to appeal. Accordingly, we lack jurisdiction to consider this application for interlocutory appeal, which is therefore **DISMISSED**.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL - 6 2010

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

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

W. Z. Motz, Clerk.

¹We observe that Fulton County asserts that the certificate of immediate review was originally entered on May 25, 2010, but that Fulton County never received it. Even if the certificate originally were entered on May 25, 2010, 18 days after entry of the order granting the motion to recuse, it was untimely. If Fulton County's appeal rights have been frustrated due to clerical error in the superior court, its remedy is to seek to have the order set aside and re-entered in the manner described in *Cambron v. Canal Ins. Co.*, 246 Ga. 147, 148-149 (1) (269 SE2d 426) (1980).

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

ATLANTA, JULY 23, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0262
ARIANNA COSBY V. VICTORIA ESPINOZA

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

97022

2008CV2196

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JUL 23 2010

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

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

ATLANTA, JULY 14, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0263
ASHLEY R. BLEVINS V. DEBORAH WAGES

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

70022

10SC0184



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 14 2010

*I certify that the above is a true extract from
the minutes of the 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 26, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0264

CLETIS HEARD V. THE STATE

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

99022

09SC86002

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL 26 2010

*I certify that the above is a true extract from
the minutes of the 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, JULY 08, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0265
CHRISTOPHER EDWARD PASS V. THE STATE

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

94022

2009CR001450



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

JUL - 8 2010

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the minutes of the Court of Appeals of Georgia*

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

Clerk.

Will. L. Martinez

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

ATLANTA, JULY 29, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0266
JONATHAN COOK V. THE STATE

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

95023

M20100065



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

JUL 29 2010

*I certify that the above is a true extract from
the minutes of the 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 26, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0267

DONALD KENNETH MURPHY ET AL V. TONIA KILPATRICK ET AL

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

96023

09EV006844



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JUL 26 2010*

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

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

ATLANTA, JULY 27, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0268

RAM PARTNERS, LLC ("RAM") ET AL V. OLATUNJI ADESANYA

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

98023

081702035



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL 27 2010

*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.

William L. Martin

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

ATLANTA, AUGUST 02, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0269
WILLIAM P. YELVERTON V. THE STATE

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

91023

10C20585



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **AUG - 2 2010**

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

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

Clerk.

Holly K. O. Spawr

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

ATLANTA, JULY 21, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1010270
BRUCE MCMILLIAN V. ROBBIE MCMILLIAN 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

2009CV1907



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 21 2010

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

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

ATLANTA, SEPTEMBER

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0271

DENE CHANNELL ET AL V. CHRIS HOUSTON, IN HIS CAPACITY
AS SHERIFF, GREENE COUNTY, GEORGIA

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

93023

10CV073



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 27 2010

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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.

Hally K. O. Spencer

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

ATLANTA, AUGUST 05, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0272
BERNARD WILLIAM GREEN V. THE STATE

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

92023

10CR0019



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **AUG - 5 2010**

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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.

Hally K. O. Spawar

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

ATLANTA, AUGUST 02, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0273

KUBOTA CORPORATION V. WILLIAM W. CARR 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.

97023

08A03430



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG - 2 2010

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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.

Hally K. O. Sparrow

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

ATLANTA, AUGUST 05, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0274
TRANSPower, INC V. PERLIS TRUCK LEASING, LLC

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

70023

09V288



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG - 5 2010

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the minutes of the Court of Appeals of Georgia*

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

Clerk.

Holly K. O. Spencer

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

ATLANTA, AUGUST 03, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0275
MARCO FLOORING, INC V. YM DERAZI CUSTOM HOMES, LLC

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

99023

2010CV182765



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG - 3 2010

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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.

Hally K. O. Spencer

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

ATLANTA, AUGUST 27, 2010

The Court of Appeals passed the following order

Case No. A10I0276

JON A. GOTTLIEB, P.C. , ET AL V. DON MAYHEW, D/B/A/
TD2 & ASSOCIATES (F/K/A DDT SALES)

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

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG 27, 2010



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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.

Hally K. O. Spencer

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

ATLANTA, AUGUST 02, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0277
GERALD LAMB ET AL V. LIONEL GLENN ELLIS ET AL

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

95024

70052



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **AUG -2 2010**

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

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

Clerk.

Holly K. O. Spencer

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

ATLANTA, AUGUST 04, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0278
LOWNDES COUNTY BOARD OF TAX ASSESSORS V. CHRIST
THE KING EPISCOPAL CHURCH D/B/A HILDEGARD'S

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

96024

2009CV273



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

AUG - 4 2010

*I certify that the above is a true extract from
the minutes of the 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 "Holly K. O. Spencer".

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

ATLANTA, AUGUST 02, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0279

VANESSA CHANEY V. HARRISON & LYNAM, LLC, ET AL

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

98024

2008CV144798



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **ADG -2 2010**

*I certify that the above is a true extract from
the minutes of the 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 "Holly H. A. Lawrence".

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

ATLANTA, AUGUST 10, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0280

EDITH ABAM-SAMSOM V. DAVID LEE MCALISTER

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

90024

07SC0720



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 10 2010

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

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

Clerk.

Hally H. O. Sparrow

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

ATLANTA, AUGUST 18, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0281
LEONORA B. WELCH V. BUCKINGHAM SOUTH, LLC

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

91024

STCV0901521

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 18 2010

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

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

Clerk.



Hally K. O. Sparrow

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

ATLANTA, AUGUST 05, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0282

MARY LOUISE DANIELS V. J.H. HARVEY CO., LLC, D/B/A
HARVEY'S SUPERMARKET

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

71024

08C21442



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG - 5 2010

*I certify that the 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.

Hally K. O. Sparrow

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

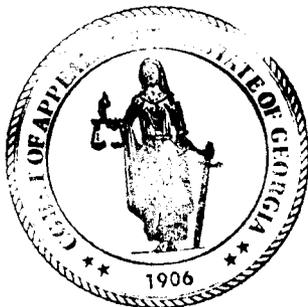
ATLANTA, AUGUST 24, 2010

The Court of Appeals passed the following order

Case No. A10I0282

MARY LOUISE DANIELS V. J.H. HARVEY CO., LLC, D/B/A
HARVEY'S SUPERMARKET

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



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta AUG 24, 2010*

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

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

Clerk.

Holly K. O. Spencer

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

ATLANTA, AUGUST 17, 2010

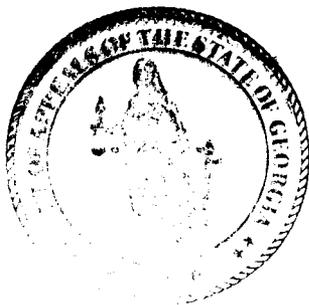
The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0283
SANDERSON FARMS, INC., V. JESSIE ATKINS

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

93024

08CV6660



Court of Appeals of the State of Georgia
AUG 17 2010
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.*

Clerk.

A handwritten signature in cursive script, reading "Holly K. O. Spencer".

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

ATLANTA, AUGUST 25, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0284
RBC CENTURA BANK, A/K/A RBC BANK (USA) V. TIMOTHY
L. MONTGOMERY 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.

92024

09C07465



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 25 2010

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

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

Clerk.

Hally K. O. Spencer

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

ATLANTA, AUGUST 25, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0285
CALLOWAY TITLE & ESCROW, LLC V. DOROTHY J. HUGGINS, AS
ADMINISTRATOR OF THE ESTATE OF VERNON H. POWELL, DECEASED

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

97024

0714487



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 25 2010

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

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

Clerk.

Hally H. O. Spawr

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

ATLANTA, AUGUST 12, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0286
CATHERINE LEWIS, SURVIVING SPOUSE OF GRANTLEY
LEWIS, DECEDENT, ET AL V. DEKALB MEDICAL CENTER, INC

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

70024

10EV009261



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta AUG 12 2010*

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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.

Hally K. O. Spencer

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

ATLANTA, AUGUST 17, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0287
EMPIRE ELECTRONICS CORPORATION V. GAJGI GOLAKIA

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

99024

09CV7251



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 17 2010

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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.

Hally K. O. Spencer

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

ATLANTA, AUGUST 25, 2010

The Court of Appeals hereby passes the following order:

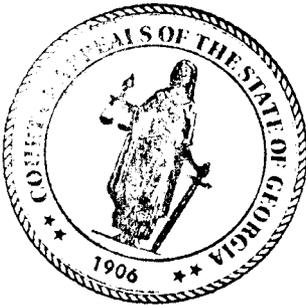
APPLICATION NO. A10I0288

T.C. LOGGING, INC V. KRISTINA SMITH ET AL

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

94024

2006V0107



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG 25 2010

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Holly K. O. Sparrow

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

ATLANTA, AUGUST 27, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0289
JAMES MILTON LEWIS, II V. THE STATE

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

95025

2010CR1106



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 27 2010

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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.

Holly H. Lawrence

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

ATLANTA, AUGUST 16, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0290

QUINTON BUTLER V. THE STATE

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

96025

2009FE0252



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 16 2010

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

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

Clerk.

Holly K. O. Spencer

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

ATLANTA, AUGUST 24, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0291
ATHENS-CLARKE COUNTY BOARD OF TAX ASSESSORS, ET AL
V. CHARLES W. PARROTT, JR., ET AL

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

98025

SU09CV3211



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG 24 2010

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

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

Clerk.

Hally K. O. Spaw

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

ATLANTA, AUGUST 27, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0292

WAYNE LONGE V. THE STATE

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

90025

08SC72279



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

AUG 27 2010

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

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

Clerk.

Hally K. O. Sparrow

Court of Appeals of the State of Georgia

ATLANTA, August 26, 2010

The Court of Appeals hereby passes the following order:

A10I0293. Columbia National Insurance Company v. Hall et al.

A10I0294. JNJ Foundation Specialists, Inc. v. D. R. Horton, Inc.

A10I0299. D. R. Horton, Inc. v. Brent Scarbrough & Company, Inc. et al.

Following a car accident near a construction site, driver Gary Hall filed suit against D. R. Horton, the developer at the site. D. R. Horton filed a third party complaint against its subcontractors, JNJ Foundation Specialists, Inc., and Brent Scarbrough & Company, Inc., and their respective insurers, Columbia National Insurance Company and Westfield Insurance Company. The parties filed multiple cross-motions for summary judgment. In a single order, the trial court granted D. R. Horton's motion for summary judgment on its claims against JNJ Foundation Specialists, Inc., but denied the remaining motions for summary judgment.

In application number A10I0294, JNJ Foundation Specialists, Inc., filed a timely application for interlocutory appeal, seeking review of the order to the extent it denied its motion for summary judgment and granted D. R. Horton's motion for summary judgment. Under OCGA § 9-11-56 (h), the grant of partial summary judgment is subject to direct appeal. *Olympic Dev. Group v. American Druggists' Ins. Co.*, 175 Ga. App. 425 (1) (333 SE2d 622) (1985). Thus, the order JNJ Foundation Specialists, Inc., seeks to appeal is directly appealable and is not subject to the interlocutory appeal requirements.

"This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicants have not otherwise filed a notice of appeal." *Spivey v. Hembree*, 268 Ga. App. 485, 486 n.1 (602 SE2d 246) (2004). It appears that no notice of appeal has been filed. Accordingly, application

A10I0294 is ordered GRANTED. JNJ Foundation Specialists, Inc., shall have ten days from the date of this order to file a notice of appeal with the trial court. The Clerk of the State Court of Gwinnett County is directed to include a copy of this order in the appeal record transmitted to this Court.

In applications A10I0293 and A10I0299, both Columbia National Insurance Company and D. R. Horton, Inc., have filed applications for interlocutory appeal seeking to challenge the trial court's denial of motions for summary judgment. Once JNJ Foundation Specialists, Inc., files its direct appeal, however, these parties will have the right to cross-appeal. See *Georgia Dept. of Transp. v. Strickland*, 279 Ga. App. 753, 755 (3) (632 SE2d 416) (2006); OCGA § 5-6-38 (a). Accordingly, we need not address A10I0293 and A10I0299, which are hereby DENIED.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta AUG 26 2010

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

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

Hally H. O. Spawor Clerk.

Court of Appeals of the State of Georgia

ATLANTA, August 26, 2010

The Court of Appeals hereby passes the following order:

A10I0293. Columbia National Insurance Company v. Hall et al.

A10I0294. JNJ Foundation Specialists, Inc. v. D. R. Horton, Inc.

A10I0299. D. R. Horton, Inc. v. Brent Scarbrough & Company, Inc. et al.

Following a car accident near a construction site, driver Gary Hall filed suit against D. R. Horton, the developer at the site. D. R. Horton filed a third party complaint against its subcontractors, JNJ Foundation Specialists, Inc., and Brent Scarbrough & Company, Inc., and their respective insurers, Columbia National Insurance Company and Westfield Insurance Company. The parties filed multiple cross-motions for summary judgment. In a single order, the trial court granted D. R. Horton's motion for summary judgment on its claims against JNJ Foundation Specialists, Inc., but denied the remaining motions for summary judgment.

In application number A10I0294, JNJ Foundation Specialists, Inc., filed a timely application for interlocutory appeal, seeking review of the order to the extent it denied its motion for summary judgment and granted D. R. Horton's motion for summary judgment. Under OCGA § 9-11-56 (h), the grant of partial summary judgment is subject to direct appeal. *Olympic Dev. Group v. American Druggists' Ins. Co.*, 175 Ga. App. 425 (1) (333 SE2d 622) (1985). Thus, the order JNJ Foundation Specialists, Inc., seeks to appeal is directly appealable and is not subject to the interlocutory appeal requirements.

"This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicants have not otherwise filed a notice of appeal." *Spivey v. Hembree*, 268 Ga. App. 485, 486 n.1 (602 SE2d 246) (2004). It appears that no notice of appeal has been filed. Accordingly, application

A10I0294 is ordered GRANTED. JNJ Foundation Specialists, Inc., shall have ten days from the date of this order to file a notice of appeal with the trial court. The Clerk of the State Court of Gwinnett County is directed to include a copy of this order in the appeal record transmitted to this Court.

In applications A10I0293 and A10I0299, both Columbia National Insurance Company and D. R. Horton, Inc., have filed applications for interlocutory appeal seeking to challenge the trial court's denial of motions for summary judgment. Once JNJ Foundation Specialists, Inc., files its direct appeal, however, these parties will have the right to cross-appeal. See *Georgia Dept. of Transp. v. Strickland*, 279 Ga. App. 753, 755 (3) (632 SE2d 416) (2006); OCGA § 5-6-38 (a). Accordingly, we need not address A10I0293 and A10I0299, which are hereby DENIED.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta AUG 26 2010

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

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

Holly H. O. Spencer Clerk.

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

ATLANTA, AUGUST 19, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0295

ELSIE C. ERWIN TRUST ET AL V. NAJJAR HOLDINGS, LLC ET AL

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

71025

2009CV173265



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG 19 2010

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

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

Clerk.

Hally K. O. Spencer

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

ATLANTA, AUGUST 27, 2010

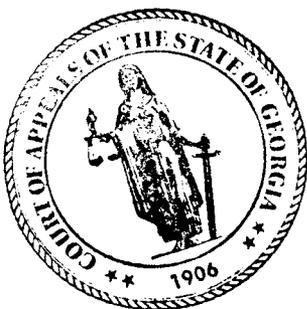
The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0296
IN THE INTEREST OF: C. D., A CHILD

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

93025

00510216



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 27 2010

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

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

Clerk.

Hally K. O. Spencer

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

ATLANTA, SEPTEMBER 02, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0297
W & S ENTERPRISES, INC D/B/A HUDDLE HOUSE ET AL
V. STANLEY BARFIELD

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

92025

2008V069



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP -2 2010

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

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

Clerk.

Hally K. O. Spencer

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

ATLANTA, AUGUST 27, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0298
SEYMOUR ELCETRICAL AND AIR CONDITIONING SERVICE, INC.,
V. WILLIE ED STATOM 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.

97025

09EV285



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG 27 2010

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Clerk.

Hally K. O. Spencer

Court of Appeals of the State of Georgia

ATLANTA, August 26, 2010

The Court of Appeals hereby passes the following order:

A10I0293. Columbia National Insurance Company v. Hall et al.

A10I0294. JNJ Foundation Specialists, Inc. v. D. R. Horton, Inc.

A10I0299. D. R. Horton, Inc. v. Brent Scarbrough & Company, Inc. et al.

Following a car accident near a construction site, driver Gary Hall filed suit against D. R. Horton, the developer at the site. D. R. Horton filed a third party complaint against its subcontractors, JNJ Foundation Specialists, Inc., and Brent Scarbrough & Company, Inc., and their respective insurers, Columbia National Insurance Company and Westfield Insurance Company. The parties filed multiple cross-motions for summary judgment. In a single order, the trial court granted D. R. Horton's motion for summary judgment on its claims against JNJ Foundation Specialists, Inc., but denied the remaining motions for summary judgment.

In application number A10I0294, JNJ Foundation Specialists, Inc., filed a timely application for interlocutory appeal, seeking review of the order to the extent it denied its motion for summary judgment and granted D. R. Horton's motion for summary judgment. Under OCGA § 9-11-56 (h), the grant of partial summary judgment is subject to direct appeal. *Olympic Dev. Group v. American Druggists' Ins. Co.*, 175 Ga. App. 425 (1) (333 SE2d 622) (1985). Thus, the order JNJ Foundation Specialists, Inc., seeks to appeal is directly appealable and is not subject to the interlocutory appeal requirements.

"This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicants have not otherwise filed a notice of appeal." *Spivey v. Hembree*, 268 Ga. App. 485, 486 n.1 (602 SE2d 246) (2004). It appears that no notice of appeal has been filed. Accordingly, application

A10I0294 is ordered GRANTED. JNJ Foundation Specialists, Inc., shall have ten days from the date of this order to file a notice of appeal with the trial court. The Clerk of the State Court of Gwinnett County is directed to include a copy of this order in the appeal record transmitted to this Court.

In applications A10I0293 and A10I0299, both Columbia National Insurance Company and D. R. Horton, Inc., have filed applications for interlocutory appeal seeking to challenge the trial court's denial of motions for summary judgment. Once JNJ Foundation Specialists, Inc., files its direct appeal, however, these parties will have the right to cross-appeal. See *Georgia Dept. of Transp. v. Strickland*, 279 Ga. App. 753, 755 (3) (632 SE2d 416) (2006); OCGA § 5-6-38 (a). Accordingly, we need not address A10I0293 and A10I0299, which are hereby DENIED.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta AUG 26 2010

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Hally F. O. Spawort , Clerk.

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

ATLANTA, AUGUST 27, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0300

W. MICHAEL CROWE ET AL V. ABF FREIGHT SYSTEMS, INC

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

70025

05A07165



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG 27 2010

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, SEPTEMBER 02, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0301
WALTHALL OIL CO., ET AL V. STANLEY BARFIELD

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

92026

2008V069



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP - 2 2010

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, AUGUST 30, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0302
FIRST MEDIA GROUP, INC., ET AL V. ANGELA CHILDERS ET AL

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

99025

09A7227



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

AUG 30 2010

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, SEPTEMBER 07, 2010

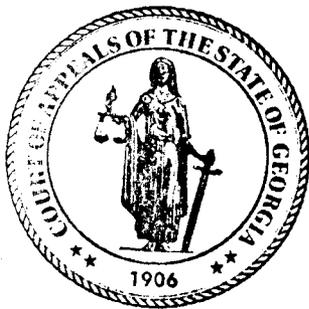
The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0303
VICTORY LANE FINANCIAL ELITE, LLC., ET AL V. DOMARK
INTERNATIONAL, INC., ET AL

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

94025

2009V381



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP - 7 2010

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Clerk.

Hally K. O. Spencer

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

ATLANTA, SEPTEMBER 07, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0304
FARMER INSURANCE EXCHANGE V. TERESA ESTES

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

95026

2009V00198



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP - 7 2010

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Clerk.

Holly K. O. Spawr

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

ATLANTA, SEPTEMBER 09, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A10I0305
DEXTER RENALD STODGHILL V. THE STATE

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

96026

2009SR317



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta SEP - 9 2010*

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hereto affixed the day and year last above written.*

*Clerk
Hally K. O. Sparrow*