

CLERK'S OFFICE
SUPREME COURT of GEORGIA
244 Washington Street, Room 572
Atlanta, Georgia 30334
(404) 656-3470

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

Docketing Date: September 29, 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 **S11C0189**.

EVANDER HOLYFIELD, JR., et al. v. JAMES & JACKSON, LLC., et al.

Clerk, Supreme Court of Georgia

OCT - 1 2010

Case No. A1110001

Court of Appeals of Georgia

Notice of Petition for Certiorari filed in office

Clerk, Court of Appeals of Georgia

SUPREME COURT OF GEORGIA

Remittitur, Case No. S11C0189

Atlanta, January 26, 2011

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

EVANDER HOLYFIELD, JR., et al. v. JAMES & JACKSON, LLC., et al.

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filed to review the judgment of the Court of Appeals in this case, it is ordered that the writ be hereby allowed withdrawn.

All the Justices concur.

Court of Appeals Case No.

A11H0001

2011 FEB 14 11 38 59
Clerk's Office
Supreme Court of Georgia

SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta February 11, 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. Fiebume, Deputy Clerk

Court of Appeals of the State of Georgia

ATLANTA, August 27, 2010

The Court of Appeals hereby passes the following order:

A11I0002. SCARBOROUGH ET AL. v. HUNTER ET AL.

The Stephens County Board of Commissioners and its members seek to appeal the entry of a temporary restraining order in this action for inverse condemnation, damages, and mandamus relief. The Supreme Court has exclusive appellate jurisdiction over all cases involving extraordinary remedies, including mandamus. See Ga. Const. of 1983, Art. VI, Sec. VI, Par. III (5). Because this application involves the viability of the extraordinary remedies sought in the underlying case, it appears that this court is without appellate jurisdiction to give meaningful consideration to all of the applicants' claims of error. Accordingly, in deference to the Supreme Court's jurisdiction, this application is hereby **TRANSFERRED** to the Supreme Court for disposition.



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.*

Hally F. O. Spawort , Clerk.

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

ATLANTA, SEPTEMBER 07, 2010

The Court of Appeals hereby passes the following order:

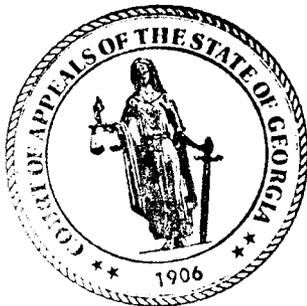
APPLICATION NO. A1110003

BRENDA M. HUDSON V. RICKY L. GODOWNS ET AL

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

71001

10CV00087



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

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:

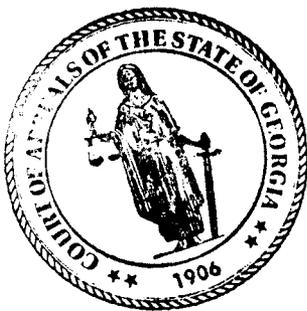
APPLICATION NO. A1110004

RICKY JOHNSON V. THE STATE

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

70001

08CR0669



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 above written.*

Clerk.

Hally K. O. Spawson

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

ATLANTA, SEPTEMBER 15, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0005

IN RE: ESTATE OF ERIC MICHAEL SHACKELFORD, DECEASED

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

92001

10CV059



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 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.

Hally K. O. Spencer

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

ATLANTA, SEPTEMBER 01, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0006
CITY OF MOULTRIE, GEORGIA V. BOBBY PRICE ET AL

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

94001
08SC1930



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta ~~SEP~~ - 1 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.

Hally K. O. Spencer

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

ATLANTA, SEPTEMBER 15, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0007
STOKES CONTRACTING, INC., F/K/A STOKES TEMPORARY
SERVICES, INC., ET AL V. PAUL SECKINGER

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

91001

STCV0805265



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 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.

Hally K. O. Sparrow

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

ATLANTA, SEPTEMBER 10, 2010

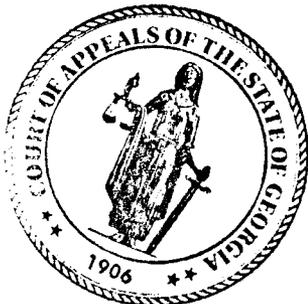
The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0008
FRED'S STORES OF TENNESSEE, INC., V. LEON R. FAUST

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

95001

09MV310



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 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 K. O. Sparrow

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

ATLANTA, SEPTEMBER 15, 2010

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

ATLANTA, SEPTEMBER 10, 2010

The Court of Appeals hereby passes the following order:

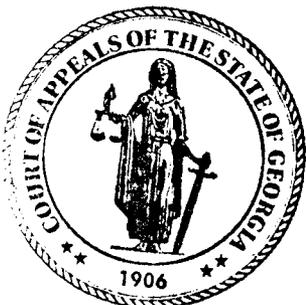
APPLICATION NO. A11I0001

EVANDER HOLYFIELD, JR., ET AL V. JAMES & JACKSON, LLC., ET AL

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

90001

2006CV124372



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

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

ATLANTA, OCTOBER 28, 2010

The Court of Appeals passed the following order

Case No. A1110009

SAVANNAH FOODS AND INDUSTRIES, INC., ET AL V. WALTER B.
MAXWELL

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



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

Hally K. O. Spaw

SUPREME COURT OF GEORGIA

Remittitur, Case No. S11C0438

Atlanta, April 18, 2011

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

SAVANNAH FOODS AND INDUSTRIES, INC., et al. v. WALTER B. MAXWELL

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.
A11I0009

RECEIVED IN OFFICE
2011 MAY -6 AM 11: 27
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta May 05, 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

SUPREME COURT OF GEORGIA

Remittitur, Case No. S11C0438

Atlanta, April 18, 2011

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

SAVANNAH FOODS AND INDUSTRIES, INC., et al. v. WALTER B. MAXWELL

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.
A11I0009

RECEIVED IN OFFICE
2011 MAY 12 AM 11:57
CLERK OF COURT ADMINISTRATOR
COURT OF APPEALS OF GA

SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta May 05, 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, SEPTEMBER 09, 2010

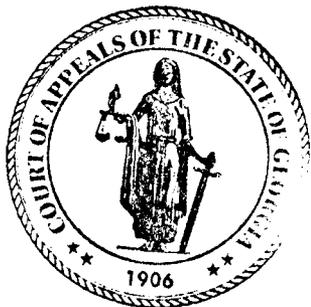
The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0010
RODRICK GARTRELL V. THE STATE

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

98001

08ER279



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

SEP - 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.

Hally K. O. Sparrow

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

ATLANTA, SEPTEMBER 17, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0011
CHRISTOPHER TIEGREEN 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.

97001

SU09CR1740



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP 17 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, SEPTEMBER 22, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0012

EQUITY ONE, INC., ET AL V. SHANNON WILLIAMS

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

96001

2009CV167569



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 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.
Hally K. O. Spawort

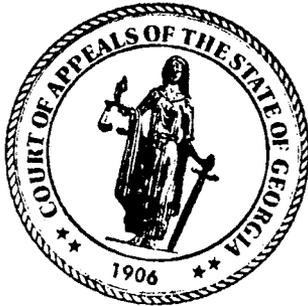
Court of Appeals of the State of Georgia

ATLANTA, August 30, 2010

A11I0013. MANJIRI KARLE v. EURIS BELLE ET AL .

The Honorable Court of Appeals hereby passes the following order:

It appearing the DISCRETIONARY application A11D0025 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 A11I0013 as stated above.



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

A handwritten signature in cursive script, appearing to read "Holly H. A. Spencer".

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

ATLANTA, SEPTEMBER 21, 2010

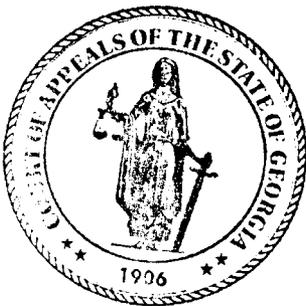
The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0013
MANJIRI KARLE V. EURIS BELLE 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.

90002

2008EV006041



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP 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.
Hally K. O. Sparrow

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

ATLANTA, SEPTEMBER 15, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0014
TERI JEAN MARTIN V. THE STATE

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

93002

10SR00640



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP 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.

Hally K. O. Spawr

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

ATLANTA, SEPTEMBER 22, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0015
RONALD B. SHELLEY V. THE STATE

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

71002

10ST0257



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 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.

Hally K. O. Sparrow

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

ATLANTA, SEPTEMBER 17, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0016

MEADOWS REGIONAL MEDICAL V. GLORIA BOOKER ET AL

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

70002

003CV157



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 17 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 F. O. Sparrow

Court of Appeals of the State of Georgia

ATLANTA, September 29, 2010

The Court of Appeals hereby passes the following order:

A11I0017. Villanueva et al. v. First American Title Insurance Company.

Derick C. Villanueva and the Villanueva Law Firm seek interlocutory review of the trial court's order granting partial summary judgment to plaintiff First American Title Insurance Company. 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

SEP 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.*

Hally K. O. Spencer, Clerk.

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

ATLANTA, SEPTEMBER 15, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0018
KEVIN WHEELER JOHNSON V. THE STATE

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

94002

06B05125



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 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.

Holly K. O. Sparrow

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

ATLANTA, OCTOBER 06, 2010

The Court of Appeals passed the following order

Case No. A1110018

KEVIN WHEELER JOHNSON 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 OCT 06, 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

CLERK'S OFFICE
SUPREME COURT of GEORGIA
244 Washington Street, Room 572
Atlanta, Georgia 30334
(404) 656-3470

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

Docketing Date: October 26, 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 **S11C0368**.

KEVIN WHEELER JOHNSON v. THE STATE

Clerk, Supreme Court of Georgia

NOV - 3 2010

Case No. A11I0018

Court of Appeals of Georgia

Notice of Petition for Certiorari filed in office

Clerk, Court of Appeals of Georgia

SUPREME COURT OF GEORGIA

Remittitur, Case No. S11C0368

Atlanta, November 15, 2010

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

KEVIN WHEELER JOHNSON 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 allowed withdrawn.

All the Justices concur.

Court of Appeals Case No.
A1110018

DEC - 9 2010



SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta December 07, 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. Fishburne, Deputy Clerk



SUPREME COURT OF GEORGIA
Case No. S11C0368

Atlanta, November 15, 2010

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed.

KEVIN WHEELER JOHNSON v. THE STATE

**On motion it is ordered that counsel for the petitioner be allowed to
withdraw this petition for certiorari.**

SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta

I certify that the above is a true extract from
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.

Theresa A. Bama, Clerk

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

ATLANTA, SEPTEMBER 17, 2010

The Court of Appeals hereby passes the following order:

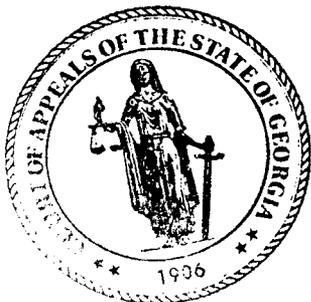
APPLICATION NO. A1110019

MCKEE FOODS CORPORATION V. JERRY R. LAWRENCE 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.

91002

2009CV0211



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 17 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 17, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0020
MICHAEL WILLIAMS V. GLORIA BOOKER

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

70003

003CV157



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP 17 2010

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

Clerk.

Hally K. O. Sparrow

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

ATLANTA, SEPTEMBER 27, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0021

CHIMAN L. RAI V. BENNETT WALTER REID, JR., AS ADMINISTRATOR
OF THE ESTATE OF SPARKLE MICHELLE REID-RAI ET AT

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

95002

2008CV157115



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

A handwritten signature in black ink, which appears to read "Holly K. O. Spencer". The signature is written in a cursive, flowing style.

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

ATLANTA, SEPTEMBER 30, 2010

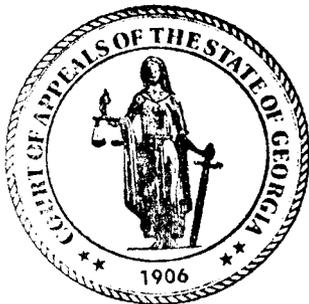
The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0022
RIVERSTONE VILLAGE, LLC V. DAVID MCCLURE D/B/A
MCCLURE CONTRACTING

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

99002

08CV1781



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 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.

Holly K. O. Lawrence

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

ATLANTA, SEPTEMBER 22, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0023
SONCEL, INC., V. TIMOTHY E. GILBERT ET AL

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

98002

03V0339



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 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 above written.*

Clerk.

Hally K. O. Spawr

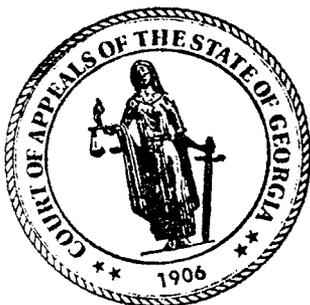
Court of Appeals of the State of Georgia

ATLANTA, SEPTEMBER 07, 2010.

A11I0023.SONCEL, INC., v. TIMOTHY E. GILBERT ET AL .

The Honorable Court of Appeals hereby passes the following order:

It appearing the DISCRETIONARY application A11D0035 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 A11I0023 as stated above.



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

Hally K. O. Spaw

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

ATLANTA, SEPTEMBER 30, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0024
CHRIS MCCURRY V. DAVID MCCLURE D/B/A MCCLURE
CONTRACTING

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

99003

08CV1781



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP 30 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.

Hally K. O. Spaw

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

ATLANTA, SEPTEMBER 27, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110025
SATILLA COMMUNITY SERVICES V. AMY SCHLENDER

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

97002

S10V334



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP 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.

Holly K. O. Spencer

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

ATLANTA, SEPTEMBER 23, 2010

The Court of Appeals hereby passes the following order:

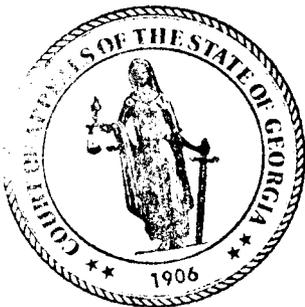
APPLICATION NO. A11I0026

CHAD J. ROSENBERG ET AL V. GLOBAL LINK LOGISTICS, INC.

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

96002

2010CV180095



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP 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.

Hally K. O. Spaw

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

ATLANTA, SEPTEMBER 29, 2010

The Court of Appeals hereby passes the following order:

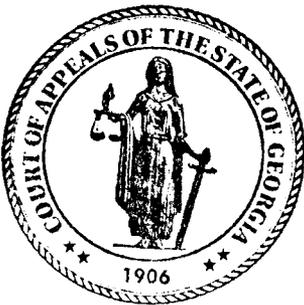
APPLICATION NO. A1110027

JOHN BENATOR ET AL V. CITY OF ATLANTA, GEORGIA ET AL

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

90003

2009CV167452



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP 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.
Hally K. O. Sparrow

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

ATLANTA, SEPTEMBER 22, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0028

HENRY S. JORDAN, JR., ET AL V. FELTON S. WALKER

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

93003

08CV11649



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP 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 above written.*

Clerk.

Hally K. O. Sparrow

CLERK'S OFFICE
SUPREME COURT of GEORGIA
244 Washington Street, Room 572
Atlanta, Georgia 30334
(404) 656-3470

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

Docketing Date: October 12, 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 **S11C0259**.

HENRY S. JORDAN, JR., et al. v. FELTON S. WALKER

Clerk, Supreme Court of Georgia

OCT 13 2010

OCT 13 2010

Case No. A11I0028

Court of Appeals of Georgia

Notice of Petition for Certiorari filed in office

Clerk, Court of Appeals of Georgia

SUPREME COURT OF GEORGIA

Remittitur, Case No. S11C0259

Atlanta, April 26, 2011

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

HENRY S. JORDAN, JR. v. FELTON S. WALKER

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.

MAY 13 2011

Court of Appeals Case No.

A11I0028

RECEIVED IN OFFICE
2011 MAY 13 AM 10:10
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta May 12, 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, September 14, 2010

The Court of Appeals hereby passes the following order:

A11I0029. HAMLIN v. BOWERS, et al.

Tom Hamlin has filed an application for interlocutory appeal from the trial court's order granting partial summary judgment to defendant Donnie Bowers d/b/a Donnie L. Bowers & Associates. The grant of a motion for partial summary judgment may be appealed directly. See 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 Hamlin 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 SEP 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.*

Hally K. O. Spaw, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, September 15, 2010

The Court of Appeals hereby passes the following order:

A11I0030. Stewart v. Winemiller.

Heather Stewart gave birth to a son out-of-wedlock in January 2003. Three years later, the trial court entered a consent order finding Timothy Winemiller to be the child's biological father and granting Winemiller unsupervised visitation. Stewart subsequently petitioned to vacate the legitimation finding and to suspend Winemiller's visitation rights. Following a hearing, the trial court entered a temporary order refusing to set aside the legitimation. The court also awarded Stewart primary physical custody over the child and granted Winemiller supervised visitation, pending an investigation by a guardian ad litem. Within ten days of the order, the trial court issued a certificate of immediate review, and this application for interlocutory appeal followed.

Pursuant to OCGA § 5-6-34 (a) (11), "[a]ll judgments or orders in child custody cases including . . . awarding or refusing to change child custody" are directly appealable. A party seeking to appeal any order in a child custody case – even a non-final order – may file a direct appeal. 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 to a child is an issue."). Accordingly, because the order Stewart seeks to challenge impacts visitation, it 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). Stewart’s application for interlocutory appeal is therefore GRANTED. She shall have ten days from the date of this order to file a notice of appeal in the superior court. If, however, Stewart has already filed a notice of appeal, she need not file a second notice. The clerk of the superior court is directed to include a copy of this order in the records transmitted to the Court of Appeals.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta SEP 15 2010

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Hally H. O. Lanoat , Clerk.

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

ATLANTA, SEPTEMBER 22, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0031

CITY OF KINGSLAND, GEORGIA ET AL V. TIMOTHY E. GILBERT ET AL

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

98003

03V0339



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 22 2010

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Clerk.

Hally K. O. Spawor

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

ATLANTA, SEPTEMBER 29, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0032

CITY OF ATLANTA, GEORGIA V. JOHN BENATOR 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

2009CV167452

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 29 2010



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hereto affixed the day and year last above written.*

Clerk.
Hally K. O. Lawrence

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

ATLANTA, OCTOBER 01, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0033
J.R.R. MANAGEMENT COMPANY V. TED VICK

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

94003
71635



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

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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.
Hally K. O. Sparrow

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

ATLANTA, SEPTEMBER 29, 2010

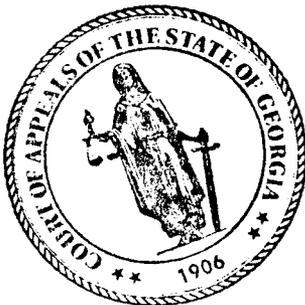
The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0034
METALS & MATERIALS ENGINEERS, LLC ("MME") V. CITY OF ATLANTA,
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.

90005

2009CV167452



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 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.

A handwritten signature in black ink, appearing to read "Holly K. O. Spencer". The signature is written in a cursive, flowing style.

Court of Appeals of the State of Georgia

ATLANTA, October 1, 2010

The Court of Appeals hereby passes the following order:

A11I0035. K & V Meter Automation, LLC et al. v. John Benator et al.

K & V Meter Automation, LLC and Khafra Operations, LLC seek immediate review of the trial court's order denying their motion to dismiss cross claims filed against them. Applicants obtained a certificate of immediate review on August 25, 2010. Fourteen days later, on September 8, 2010, they filed this application.

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. Because of an intervening weekend and the Labor Day holiday, this application was due no later than September 7, 2010. Applicants failed to meet this deadline.¹ Accordingly, we cannot consider their application, which is hereby DISMISSED as untimely.



Court of Appeals of the State of Georgia - 1 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.*

Hally F. O. Spawort , Clerk.

¹ Although applicants brought their application to the Court on September 7, we could not accept it for filing that day because it did not contain a complete copy of the order that applicants sought to appeal. See Court of Appeals Rule 30 (b).

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

ATLANTA, OCTOBER 07, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0036

ACCOR NORTH AMERICA, INC., ET AL V. JEFFREY HOWARD TODD ET AL

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

91003

2009EV006935



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT -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
Holly K. O. Spencer*

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

ATLANTA, OCTOBER 01, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0037

THOMAS ROY HOLBIRD, JR., ET AL V. JERRY HAMEL, ET AL

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

95003

09CV4098



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **OCT - 1 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. Spawor

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

ATLANTA, OCTOBER 07, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0038

SANDI SIMPSON ET AL V. JIMMIE J. SELPH ET AL

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

97003

05CV30235

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta OCT -7 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, October 7, 2010

The Court of Appeals hereby passes the following order:

A11I0039. Edward Hatcher v. The State.

Edward Hatcher seeks immediate review of the trial court's denial of his motion to suppress. The State has moved to dismiss the application on the ground that the certificate of immediate review is invalid because it was entered before the order denying the motion to suppress. It appears from the language of the certificate that the trial court believed that it had already denied Hatcher's motion. Under these circumstances, "[t]he modern trend is toward relaxation of hypertechnical constructions which prevent appellate courts from reaching the merits of an appeal when notice came too early rather than too late." (Punctuation and citation omitted.) *Murray v. Reese*, 210 Ga. App. 352, 353 (1) (436 SE2d 79) (1993). Accordingly, the premature certificate of immediate review is not invalid. The State's motion to dismiss this application is DENIED.

Upon review of the merits of the application, however, it also is DENIED.



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

OCT - 7 2010

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the minutes of the Court of Appeals of Georgia.*

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Hally K. O. Spawor

, Clerk.

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

ATLANTA, OCTOBER 07, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110040
SANDI SIMPSON V. JIMMIE J. SELPH ET AL

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

97004

05CV30235



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT -7 2010

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Clerk.

Hally K. O. Spaw

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

ATLANTA, OCTOBER 04, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0041

EDWARD E. DUNSON V. THE STATE

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

93004

CR1000406063



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT - 4 2010

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Hally K. O. Spawort

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

ATLANTA, NOVEMBER 10, 2010

The Court of Appeals passed the following order

Case No. A11I0042

DEHCO, INC., V. CITY OF MARIETTA, GEORGIA

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



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

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

ATLANTA, OCTOBER 13, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0042
DEHCO, INC., V. CITY OF MARIETTA, GEORGIA

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

71004

101371840



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT 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.

Hally K. O. Spawr

Court of Appeals of the State of Georgia

ATLANTA, OCT 14 2010

The Court of Appeals hereby passes the following order:

A11I0043. The Landings Association v. Campbell.

The Landings Association has filed an application for interlocutory appeal in this Court, seeking to challenge three orders entered by the trial court. The trial court's rulings, however, implicate title to certain property. And pursuant to Ga. Const. 1983, Art. VI, Sec. VI, Par. III (1), the Supreme Court has appellate jurisdiction over cases involving title to land. Accordingly, this application is hereby TRANSFERRED to the Supreme Court for disposition.



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

Hally K. O. Spaw, Clerk.

LC# CV071755

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

ATLANTA, OCTOBER 14, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0044
CHEROKEE COUNTY BOARD OF COMMISSIONERS ET AL V.
COLLABORATIVE DESIGN GROUP LTD., ET AL

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

92004

05CV2708



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT 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.

A handwritten signature in cursive script, reading "Holly K. O. Spawr".

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

ATLANTA, OCTOBER 01, 2010

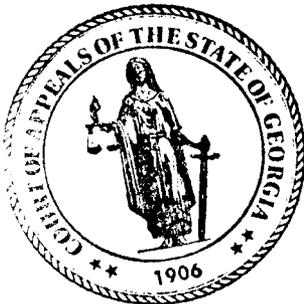
The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0045
ERIC TROY COLEMAN V. LISA R. DRAKE ET AL

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

94004

05VS077659



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT - 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.

Hally K. O. Spawort

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

ATLANTA, OCTOBER 06, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0046
CITY OF ASHBURN V. IVIE MINI WAREHOUSES, 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.

91004
2008CV0070



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT - 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
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Clerk
Hally H. O. Spawr

FILED IN OFFICE

SEP 21 2010

CLERK, COURT OF
APPEALS OF GEORGIA



SUPREME COURT OF GEORGIA

Case No. S10I1793

A11E0047

Atlanta August 30, 2010

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed.

PHYLLIS ANNE KITCHINGS v. E. J. VANN IV et al.

Because this Court has held that "the enumeration as error on appeal of the trial court's ruling on" an equitable defense such as laches does not convert "a case into one that falls within its equity jurisdiction," Redfearn v. Huntcliff Homes Assn, 271 Ga. 745, 748 (524 SE2d 464) (1999), this case does not come within our equity jurisdiction by virtue of the laches issue raised by Kitchings. Because it appears that no other issue raised by Kitchings places the case within our jurisdiction, the case is transferred to the Court of Appeals.

All the Justices concur, except Hunstein, C.J., Carley, P.J., and Melton, J., who dissent.

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

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

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

 Lynn M. Stinchcomb, Chief Deputy Clerk

Court of Appeals of the State of Georgia

ATLANTA, OCT 13 2010

The Court of Appeals hereby passes the following order:

A11I0047. KITCHINGS v. VANN et al.

Phyllis Anne Kitchings sued E. J. Vann, IV and numerous other defendants for breach of fiduciary duty, breach of a trust agreement, fraud, and cancellation of certain deeds. On July 1, 2010, the trial court granted Vann's motion to dismiss. In a separate order entered that same day, the trial court awarded summary judgment to two other defendants.

Kitchings filed the instant application for interlocutory review in the Supreme Court, seeking permission to appeal the order dismissing Vann. She also filed a notice of direct appeal to the Supreme Court, through which she challenges the order granting summary judgment to the other defendants. The Supreme Court subsequently transferred both matters to this Court. On September 21, 2010, we docketed the interlocutory application as Case No. A11I0047. We docketed the direct appeal as Case No. A11A0323 on October 12, 2010.

After reviewing the two matters, we find the interlocutory application in Case No. A11I0047 superfluous. In her direct appeal (Case No. A11A0323), Kitchings can

challenge not only the summary judgment ruling, but also the interlocutory dismissal at issue in the application. See OCGA § 5-6-34 (d). Accordingly, the unnecessary interlocutory application is hereby DISMISSED as superfluous.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **OCT 13 2010**

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

Hally H. O. Spawr , Clerk.

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

ATLANTA, OCTOBER 22, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110048
THE GAP, INC V. LAURA CLEMENT ET AL

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

99004

2008EV006133



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

OCT 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.

Hally K. O. Sparrow

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

ATLANTA, OCTOBER 18, 2010

The Court of Appeals hereby passes the following order:

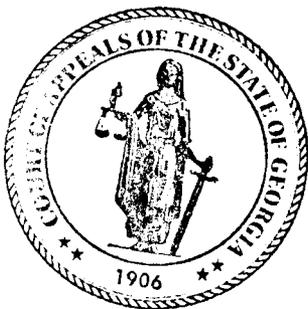
APPLICATION NO. A1110049

ARBY'S RESTAURANT GROUP, INC., ET AL V. ELIZABETH H. TURNER

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

98004

08SV076



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT 18 2010

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

Clerk.

Hally K. O. Sparrow

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

ATLANTA, OCTOBER 21, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110050
CITY OF CANTON, GEORGIA ET AL V. WALKERS MILL, LLC

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

96004

09CV2231



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT 21 2010

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, OCTOBER 22, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0051
CHEROKEE COUNTY BOARD OF COMMISSIONERS ET AL V.
OFFICE OF JACK PYBURN ARCHITECT, INC.

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

92005

05CV2708



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta OCT 22 2010*

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Clerk.

Hally F. O. Sparrow

Court of Appeals of the State of Georgia

ATLANTA, OCT 18 2010

The Court of Appeals hereby passes the following order:

A1110052. Hernandez v. The State.

Pedro Hernandez filed a timely application for interlocutory appeal challenging the trial court's order denying his Plea of Former Jeopardy. An interlocutory application, however, is not necessary here. The pretrial denial of a motion to dismiss 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). Accordingly, Hernandez's application is hereby GRANTED. Hernandez shall have ten days from the date of this order to file a notice of appeal in the trial court.¹ 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 OCT 18 2010

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LC# 10CR41

Hally F. O. Spencer, Clerk.

¹ If Hernandez has already filed a notice of appeal from the order, he need not file a second notice.

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

ATLANTA, OCTOBER 27, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0053
FOREST LABORATORIES, INC., ET AL V. TODD ANDIS

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

71005

2007CV788



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

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Clerk.

Hally K. O. Spencer

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

ATLANTA, OCTOBER 14, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0054

M.G. PATTON CONSTRUCTION COMPANY, ET AL V. CHEROKEE
COUNTY BOARD OF COMMISSIONERS

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

92006

05CV2708



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT 14 2010

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Clerk.

A handwritten signature in cursive script, reading "Holly K. O. Spawr".

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

ATLANTA, OCTOBER 22, 2010

The Court of Appeals hereby passes the following order:

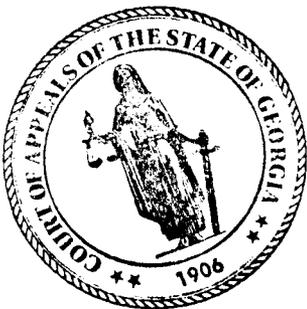
APPLICATION NO. A11I0055

ANDRE GORDON V. THE STATE

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

70005

109099944



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 22 2010

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Clerk.

Hally K. O. Sparrow

Court of Appeals of the State of Georgia

ATLANTA, OCT 20 2010

The Court of Appeals hereby passes the following order:

A11I0056. WEATHERS v. THE STATE.

Bennie Lee Weathers seeks interlocutory review of a September 10, 2010 order denying his plea in bar based upon the running of the statute of limitation. The certificate of immediate review, however, was not entered until 13 days later on September 23, 2010.

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.”).

Because the certificate of immediate review was not entered within ten days of the order denying Weather’s plea in bar, it is untimely. We thus lack jurisdiction, and this application is hereby DISMISSED.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT 20 2010

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Hally K. O. Spawor

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, OCT 22 2010

The Court of Appeals hereby passes the following order:

A11I0057. Barlow et al. v. Campbell et al.

William Barlow seeks interlocutory review of the trial court's September 17, 2010 order denying his motion for summary judgment. Although the trial court signed a certificate of immediate review on September 21, 2010, it did not file the certificate until September 29, 2010, 12 days after entry of the order denying 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 Barlow seeks to appeal. Accordingly, we lack jurisdiction to consider his application for interlocutory appeal, which is hereby DISMISSED.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta OCT 22 2010

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Hally K. O. Spawort , Clerk.

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

ATLANTA, OCTOBER 21, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110058
WEST MARINE PRODUCTS, INC., ET AL V. MELISSA BROWN

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

95005
2006RCCV204

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

OCT 21 2010

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Clerk.

Hally K. O. Spencer



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

ATLANTA, OCTOBER 22, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110059
SUNTRUST MORTGAGE, INC., ET AL V. ERIC WILHELM ET AL

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

99005

04A01770



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT 22 2010

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, OCTOBER 22, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110060

ROBERT C. CARTWRIGHT ET AL V. FUJI PHOTO FILM, USA, 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.

98005

03VS050443



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT 22 2010

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, OCTOBER 27, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0061
BOBBY TIDWELL ET AL V. HINTON & POWELL 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.

97005

01VS013302



Court of Appeals of the State of Georgia

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

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Clerk.

Hally H. A. Lewis

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

ATLANTA, OCTOBER 27, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0062
BENNIE D. HULLENDER 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.

96005

2010SUCR216



Court of Appeals of the State of Georgia

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

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Clerk.

Hally K. O. Spaw

Court of Appeals of the State of Georgia

ATLANTA, OCT 19 2010

The Court of Appeals hereby passes the following order:

A11I0063. COLUMBUS COMMUNITY SERVICES v. BRIDGES ET AL.

Columbus Community Services (“CCS”) seeks immediate review of an order entered July 27, 2010, denying its motion to dismiss. The trial court entered a certificate of immediate review on September 27, 2010, in which it observed that CCS did not receive a copy of the order denying the motion to dismiss until September 21, 2010.¹ This circumstance, however, does not extend the 10-day time period during which an interlocutory order may be certified for immediate review. OCGA § 5-6-34 (b); see generally *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973). CCS’s application is therefore untimely and is hereby **DISMISSED** for lack of jurisdiction.



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

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the minutes of the Court of Appeals of Georgia.*

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Hally A. O. Spawort, Clerk.

LC# SC09CV2879

¹If CCS’s right to apply for an appeal was frustrated due to clerical error in the trial court, its remedy is to petition the trial court to vacate and re-enter the order 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, NOVEMBER 08, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0064
AMICA MUTUAL INSURANCE COMPANY V. DONNA SPEER

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

71006
10C3876



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

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Clerk.

Hally K. O. Spencer

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

ATLANTA, OCTOBER 27, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0065

LISA A. IBOUHOUTEN V. SAMURAI BLUE CORPORATION D/B/A
SAMURAI BLUE JAPANESE GRILL AND SUSHI

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

70006

10A24969



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 27 2010

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Clerk.

Hally K. O. Spawar

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

ATLANTA, NOVEMBER 08, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0066
OPERATIONS MANAGEMENT INTERNATIONAL, INC. V.
RONALD H. DAVIS, ET AL

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

94006

05A01174



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV - 8 2010

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Clerk.

Hally K. O. Sparrow

Court of Appeals of the State of Georgia

ATLANTA, OCT 20 2010

The Court of Appeals hereby passes the following order:

**A11I0067. THE EICHHOLZ LAW FIRM, P.C. ET AL. v. TATE LAW GROUP,
LLC ET AL.**

The applicants filed a timely application for interlocutory appeal from an order that granted the respondents' motion for summary judgment in part. The grant of partial summary judgment is directly appealable. See OCGA § 9-11-56 (h); *Olympic Dev. Group, Inc. v. American Druggists' Ins. Co.*, 175 Ga. App. 425 (1) (333 SE2d 622) (1985). The trial court's order is thus subject to direct review. Furthermore, all rulings within that order and any other non-final rulings entered in the case may be raised as part of such 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 interlocutory application is hereby **GRANTED**. The applicants shall have ten days from the date of this order to file a notice of appeal in the trial court.¹ The clerk of the trial court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

LC# STCV1000473

¹If, however, the applicants have already filed a notice of appeal from this order, they need not file a second notice.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **OCT 20 2010**

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Hally H. O. Spawor , Clerk.

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

ATLANTA, OCTOBER 27, 2010

The Court of Appeals hereby passes the following order:

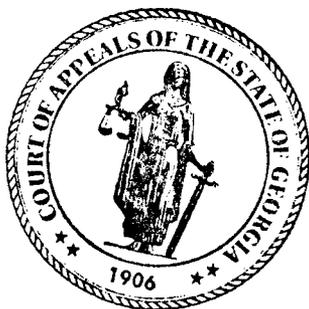
APPLICATION NO. A11I0068

JODY CHADWICK V. THE STATE

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

95006

2010CR74



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

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Clerk.

Holly K. O. Sparrow

Court of Appeals of the State of Georgia

ATLANTA, NOV 24 2010

The Court of Appeals hereby passes the following order:

A11I0069. McKinney et al. v. Tabor et al.

On October 29, 2010, we dismissed Robyn McKinney's application for interlocutory appeal for failure to satisfy the certificate of immediate review requirements in OCGA § 5-6-34 (b). McKinney has filed a motion for reconsideration, providing us with additional information regarding her certificate. Given this new information, we hereby GRANT McKinney's motion for reconsideration. The October 29, 2010 order dismissing her application is VACATED, and the application is REINSTATED. After full consideration of the merits of McKinney's application for interlocutory review, however, we hereby DENY the application.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, NOV 24 2010

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Hally K. O. Spawort, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, OCT 29 2010

The Court of Appeals hereby passes the following order:

A11I0069. McKinney et al v. Tabor et al.

John Tabor, Jana Tabor, and Insulated Wall Systems, Inc. sued Ron and Robyn McKinney for, among other things, defamation, libel, and slander. The McKinneys moved to dismiss the complaint pursuant to OCGA § 9-11-11.1, Georgia's anti-SLAPP statute. The trial court denied the motion to dismiss following an evidentiary hearing. Within ten days of that order, the McKinneys obtained a certificate of immediate review from a different trial judge. Robyn McKinney then filed this application for interlocutory appeal.

Pursuant to OCGA § 5-6-34 (b), a party may apply for interlocutory appellate review “[w]here the trial judge in rendering an order, decision, or judgment, not otherwise subject to direct appeal, certifies within ten days of entry thereof that the order, decision, or judgment is of such importance to the case that immediate review should be had.” The plain language of the statute requires that the same judge who entered the order in question certify it for immediate review. See *Mauer v. Parker Fibernet*, Ga. App. (Case No. A10A1496, decided Sept. 17, 2010). Although we have relaxed this rule where the evidence shows that the original trial judge was unavailable to certify the ruling for immediate appeal, Ms. McKinney has made no showing of unavailability here. See *id.*

Because the certificate of immediate review was not signed by the trial judge who issued the order denying the motion to dismiss, the certificate is invalid and does not satisfy the requirements of OCGA § 5-6-34 (b). Accordingly, we lack jurisdiction to consider Ms. McKinney's application, which is hereby DISMISSED. See *id.*



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, OCT 29 2010

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Hally H. O. Spawton , Clerk.

Court of Appeals of the State of Georgia

ATLANTA, NOV 24 2010

The Court of Appeals hereby passes the following order:

A11I0069. McKinney et al. v. Tabor et al.

On October 29, 2010, we dismissed Robyn McKinney's application for interlocutory appeal for failure to satisfy the certificate of immediate review requirements in OCGA § 5-6-34 (b). McKinney has filed a motion for reconsideration, providing us with additional information regarding her certificate. Given this new information, we hereby GRANT McKinney's motion for reconsideration. The October 29, 2010 order dismissing her application is VACATED, and the application is REINSTATED. After full consideration of the merits of McKinney's application for interlocutory review, however, we hereby DENY the application.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, NOV 24 2010

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Hally K. O. Sparrow, Clerk.

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

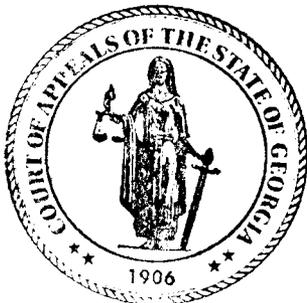
ATLANTA, NOVEMBER 05, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110070
SOLO CUP OPERATING CORPORATION ET AL V.
JULIA FREEMAN

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

98006
2007RCCV816



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

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Clerk.

Hally K. O. Spencer

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

ATLANTA, NOVEMBER 03, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110071

CITY OF SUMMERVILLE, GEORGIA V. MELINDA MARIE WALLIN

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

97006

2004CA29



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV - 3 2010

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Clerk.

Holly K. O. Spencer

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

ATLANTA, NOVEMBER 03, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110072
SILVER & FREEDMAN, APLC V. PALMETTO INDUSTRIAL
PROPERTIES LLC ET AL

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

96006

10EV010395



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV - 3 2010

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Clerk.

Hally K. O. Sparrow

Court of Appeals of the State of Georgia

ATLANTA, NOV 16 2010

The Court of Appeals hereby passes the following order:

A11I0073. Cronic, Inc. v. Harding et al.

Todd and Mandi Harding sued Cronic, Inc. (“Cronic”) for conversion and a declaratory judgment. Cronic moved for summary judgment, and the trial court denied the motion. Within ten days of that order, Cronic obtained a certificate of immediate review from a different trial judge. Cronic then filed this application for interlocutory appeal.

The Hardings have moved to dismiss the application, arguing that the certificate of immediate review is insufficient. We agree. Pursuant to OCGA § 5-6-34 (b), a party may apply for interlocutory appellate review “[w]here the trial judge in rendering an order, decision, or judgment, not otherwise subject to direct appeal, certifies within ten days of entry thereof that the order, decision, or judgment is of such importance to the case that immediate review should be had.” The plain language of the statute requires that the same judge who entered the order in question certify it for immediate review. See *Mauer v. Parker Fibernet*, Ga. App. (Case No. A10A1496, decided Sept. 17, 2010). Although we have relaxed this rule where the evidence shows that the original trial judge was unavailable to certify the ruling for immediate appeal, Cronic has made no showing of unavailability here. See *id.*

Because Cronic’s certificate of immediate review was not signed by the trial judge who issued the summary judgment order, the certificate is invalid and does not satisfy the requirements of OCGA § 5-6-34 (b). We thus lack jurisdiction to consider Cronic’s application. See *id.* Accordingly, the Hardings’ motion to dismiss is GRANTED, and this application is hereby DISMISSED.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, NOV 16 2010

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Hally K. O. Spawor , Clerk.

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

ATLANTA, NOVEMBER 18, 2010

The Court of Appeals hereby passes the following order:

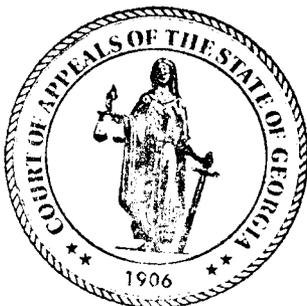
APPLICATION NO. A11I0074

MEGAN SCHOEFFLER ET AL V. CHRISTY H. LOFTIN, AS
ADMINISTRATRIX OF THE ESTATE OF JOSEPH K. LOFTIN,
DECEASED ET AL

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

93007

STCV0600633



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 18 2010

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, NOVEMBER 10, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0075
AMTRUST NORTH AMERICA, INC., V. JAMES SMITH

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

71007

09CVS0013



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV 10 2010

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*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, NOVEMBER 04, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A111I0076
CRAWFORD LEWIS 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.

70007

10CR2861



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV - 4 2010

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

*Clerk.
Holly K. O. Sparrow*

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

ATLANTA, NOVEMBER 03, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0077

RAUF K. TUNALI 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.

92007

105359



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **NOV - 3 2010**

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

Hally K. O. Sparrow

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

ATLANTA, NOVEMBER 19, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0078

QUENTIN MACK V. THE STATE

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

94007

10C26505



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 19 2010

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Clerk.

Hally K. O. Spawr

Court of Appeals of the State of Georgia

ATLANTA, NOV 10 2010

The Court of Appeals hereby passes the following order:

A11I0079. HEALTHCARE STAFFING, INC. ET AL. v. MILLER.

Paula Miller filed this action against Healthcare Staffing, Inc. and others for, among other things, negligent hiring and retention. Healthcare Staffing moved for summary judgment. The trial court denied the motion. Within ten days of that order, Healthcare Staffing obtained a certificate of immediate review from a different trial judge. Healthcare Staffing then filed this application for interlocutory appeal.

Pursuant to OCGA § 5-6-34 (b), a party may apply for interlocutory appellate review “[w]here the trial judge in rendering an order, decision, or judgment, not otherwise subject to direct appeal, certifies within ten days of entry thereof that the order, decision, or judgment is of such importance to the case that immediate review should be had.” The plain language of the statute requires that the same judge who entered the order in question certify it for immediate review. See *Mauer v. Parker Fibernet*, Ga. App. (Case No. A10A1496, decided Sept. 17, 2010). Although we have relaxed this rule where the evidence shows that the original trial judge was unavailable to certify the ruling for immediate appeal, Healthcare Staffing has made no showing of unavailability here. See *id.*

Because the certificate of immediate review was not signed by the trial judge who issued the order denying the motion for summary judgment, the certificate is invalid and does not satisfy the requirements of OCGA § 5-6-34 (b). Accordingly, we lack jurisdiction to consider Healthcare Staffing’s application, which is hereby **DISMISSED**. See *id.*



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, NOV 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.*

Hally H. O. Spawor , Clerk.

Court of Appeals of the State of Georgia

ATLANTA, NOV 18 2010

The Court of Appeals hereby passes the following order:

A11I0080. CARROLL EXTERMINATING COMPANY, INC. v. WHITE et al.

Carroll Exterminating Company, Inc. seeks interlocutory review of the trial court's October 25, 2010 nunc pro tunc order denying its motion for summary judgment. The trial court initially denied the motion by order entered October 4, 2010. Carroll Exterminating apparently failed to file a timely application from this ruling despite obtaining a certificate of immediate review. After the trial court entered its nunc pro tunc order, however, Carroll Exterminating obtained a second certificate of immediate review and filed this application for interlocutory appeal. Thereafter the trial court issued an order vacating its nunc pro tunc order, finding that its original October 4 order "is the proper order addressing disposition of [Carroll Exterminating's] Motion for Summary Judgment."

"A court's power to amend nunc pro tunc is the power to correct inadvertent errors or omissions in the record to reflect the truth of what happened." (Punctuation omitted.) *Citizens for Ethics in Government v. Atlanta Dev. Auth.*, 303 Ga. App. 724, 734 (2) (694 SE2d 680) (2010). A nunc pro tunc order generally does not extend the time for filing. See, e.g., *Veasley v. State*, 272 Ga. 837, 839 (537 SE2d 42) (2000) (nunc pro tunc entry does not extend time for filing notice of appeal).

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 for the 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.”). Here, it appears that the relevant date for calculating the timeliness of both the certificate of immediate review and the application for interlocutory appeal is October 4, 2010. Because Carroll Exterminating failed to file a timely application for interlocutory appeal from this order, we lack jurisdiction to consider the application, which is hereby DISMISSED.



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

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Hally F. O. Spawor , Clerk.

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

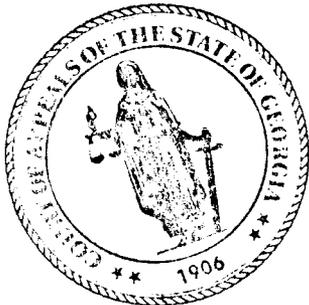
ATLANTA, NOVEMBER 10, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110081
WILLIAM MOORE V. MICHAEL D. BELOTE

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

99007
09V420



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

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Clerk.

Hally K. O. Sparrow

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

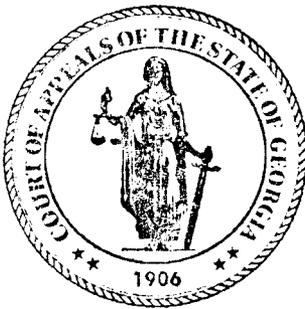
ATLANTA, NOVEMBER 18, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0082
JOSEPH WALTER LAMPERSKI V. THE STATE

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

98007
10M0610



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 18 2010

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, NOVEMBER 19, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110083

NORTHEAST GEORGIA HEALTH SYSTEM, INC., F/K/A NORTHEAST
GEORGIA HEALTH SERVICES, INC., V. HALL COUNTY BOARD OF TAX
ASSESSORS

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

97007

2009CV4619



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV 19 2010

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, NOVEMBER 18, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0084
CHRISTOPHER WESTENDICK V. THE STATE

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

96007

CR100380



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV 18 2010

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*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, NOV 16 2010

The Court of Appeals hereby passes the following order:

A11I0085. City of Atlanta v. Lockett.

Wendy Lockett sued the City of Atlanta for injuries she sustained when she was struck by a vehicle allegedly involved in a high-speed police chase. The City moved for summary judgment, asserting that it was immune from suit under the doctrine of sovereign immunity. The trial court found that sovereign immunity had been waived and denied the motion. The City then 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 doctrine 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.* An order conclusively holding that a defendant is not entitled to sovereign immunity, therefore, falls within the scope of the collateral order doctrine and may be appealed directly. See *id.*

“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 City’s interlocutory application is hereby GRANTED. The City shall have ten days from the date of this order to file a notice of appeal in the trial court. If, however, the City has already filed a notice of appeal from the order at issue, 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 this Court.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, NOV 16 2010

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Hally K. O. Spawort , Clerk.

Court of Appeals of the State of Georgia

ATLANTA, NOV 24 2010

The Court of Appeals hereby passes the following order:

A11I0086. Harold Lee Johnson, Jr. v. The State.

Harold Lee Johnson, Jr. seeks interlocutory review of an October 6, 2010 order denying his motion to suppress. The certificate of immediate review, however, was not entered until 14 days later, on October 20, 2010. 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). Because the trial court did not enter the certificate of immediate review within ten days of entry of the motion to suppress, we lack jurisdiction to consider this application, which is hereby DISMISSED.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV 24 2010

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*Witness my signature and the seal of said court
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Hally H. O. Spawoat , Clerk.

LC# 10CR00545

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

ATLANTA, NOVEMBER 23, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0087
LAWYERS TITLE INSURANCE CORPORATION V. THOMAS J.
GRIFFIN

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

71008

2007CV138457



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV 23 2010

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*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, NOVEMBER 19, 2010

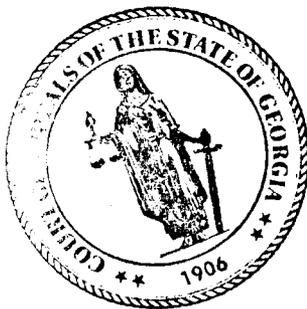
The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110088
GGNSC LAWRENCEVILLE, LLC D/B/A GOLDEN LIVINGCENTER-
MEDICAL ARTS V. LAURA V. NYBOM ET AL

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

70008

10C07738



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV 19 2010

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Clerk.

Hally K. O. Spencer

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order:

A11I0089. Robin Hart d/b/a Executive Transport v. Helena Lecount.

Robin Hart d/b/a Executive Transport has filed a motion to withdraw her application for interlocutory appeal in this matter. Hart's motion is hereby GRANTED, and her application is deemed WITHDRAWN.



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

NOV 24 2010

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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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Hally K. O. Spano, Clerk.

LC# STCV0805366

Court of Appeals of the State of Georgia

ATLANTA, NOV 23 2010

The Court of Appeals hereby passes the following order:

A11I0090. Sherry N. Sumner v. Marcus C. Batchelor.

Following their divorce in 2009, Sherry Sumner and Marcus Batchelor had legal joint custody of their minor children. In August 2010, the superior court entered an ex parte order granting Batchelor temporary legal and physical custody of the children. Sumner moved to dismiss or vacate the order on the grounds that the court had lacked jurisdiction to enter it. The court denied Sumner's motion, but certified the case for immediate review. This interlocutory application followed.

Pursuant to OCGA § 5-6-34 (a) (11), "[a]ll judgments or orders in child custody cases including . . . awarding or refusing to change child custody" are directly appealable. A party seeking to appeal any order in a child custody case – even a non-final order – may file a direct appeal. 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).

"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). Sumner's application for interlocutory appeal is therefore GRANTED. She shall have ten days from the date of this order to file a notice of appeal in the superior court. The clerk of the superior court is directed to include a copy of this order in the records transmitted to the Court of Appeals.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, **NOV 23 2010**

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the minutes of the Court of Appeals of Georgia.*

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Hally K. O. Spaw , Clerk.

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

ATLANTA, NOVEMBER 23, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110091
JASON MOORE 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.

91008
CR091316

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta NOV 23 2010



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hereto affixed the day and year last above written.*

Clerk.

A handwritten signature in cursive script, reading "Holly K. O. Spawr".

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

ATLANTA, NOVEMBER 23, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0092
CHRISTOPHER GUTHRIE V. THE STATE

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

95008

2010D02500



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

NOV 23 2010

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Clerk.

Hally H. O. Lawrence

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

ATLANTA, NOVEMBER 22, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110093
JIHAD KABIR NUNNALLY 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.

99008
10R283

Court of Appeals of the State of Georgia

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



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Clerk.

Hally K. O. Spawr

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

ATLANTA, NOVEMBER 23, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110094
GEORGIA TRANSMISSION CORPORATION V. NELLIE SUE
FLEEMAN WORLEY 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.

98008
08CV2424



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV 23 2010

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Clerk.

Hally K. O. Spencer

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

ATLANTA, DECEMBER 02, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110095
COLUMBUS MEDICAL SERVICES LLC, D/B/A COLUMBUS COMMUNITY
SERVICES V. MICHAEL F. BRIDGES ET AL

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

97008

SC09CV2879



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC -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
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Clerk.

Hally K. O. Spawr

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

ATLANTA, DECEMBER 02, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110096
JAMES STIEFEL V. JAMES BARNETT

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

96008

09CV02866

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

DEC -2 2010

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Clerk.



Hally K. O. Sparrow

Court of Appeals of the State of Georgia

ATLANTA, NOV 22 2010

The Court of Appeals hereby passes the following order:

A1110097. Yarbrough v. Holloway.

Jerry H. Holloway sued Scott Yarbrough, a police officer with the Moultrie Police Department, for damages allegedly sustained during a police-initiated traffic stop. Yarbrough moved for summary judgment, asserting, among other things, that he was immune from suit under the doctrine of official immunity. The trial court denied the motion, and Yarbrough 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 doctrine 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 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, Yarbrough’s application for interlocutory appeal is hereby GRANTED. Yarbrough shall have ten days from the date of this order to file a notice of appeal in the trial court.¹ 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, NOV 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.

Hally K. O. Spencer , Clerk.

¹ If Yarbrough has already filed a timely notice of appeal from the trial court’s order, he need not file a second notice.

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

ATLANTA, DECEMBER 06, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110098
UTILIQUEST, LLC., A/K/A STS, INC., V. BELLSOUTH
TELECOMMUNICATIONS, INC., D/B/A AT&T-GEORGIA,
ET AL

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

93009

09C02918



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC - 6 2010

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, NOVEMBER 23, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0099

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

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

71009

04110001



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 23 2010

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, NOVEMBER 23, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110100

WATTS & COLWELL BUILDERS, INC., V. CAROL MARTIN 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

2009CG1191



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 23 2010

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Clerk.

Hally K. O. Lawrence

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

ATLANTA, DECEMBER 03, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110101

RODMAN STRADER V. PALLADIAN ENTERPRISES, LLC ET AL

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

92009

2010A3593



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC -3 2010

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hereto affixed the day and year last above written.*

Clerk.

Hally K. O. Sparrow

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

ATLANTA, DECEMBER 09, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110102

HANSON AGGREGATES SOUTHEAST, INC., V. APAC MID-SOUTH, 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.

94009

2008CV153204

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC - 9 2010

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*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, DECEMBER 02, 2010

The Court of Appeals hereby passes the following order:

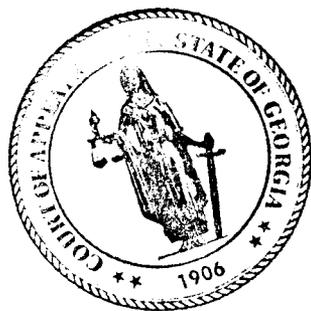
APPLICATION NO. A1110103

SIGNATURE BANK OF GEORGIA V. DEFOOR STATION, LLC., ET AL

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

91009

2010CV184053



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC -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. Spawr

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

ATLANTA, DECEMBER 03, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0104
MIGUEL ANGEL ROGUE V. THE STATE

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

95009

09B2702



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

DEC -3 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.

Holly K. O. Sparrow

Court of Appeals of the State of Georgia

ATLANTA, JAN - 5 2011

The Court of Appeals hereby passes the following order:

A1110105. JT Builders, Inc. v. Tyree et al.

Linda D. Tyree has filed a motion to dismiss this interlocutory application, asserting that it is moot. On December 15, 2010, however, we denied the application. Accordingly, the motion to dismiss is hereby **DISMISSED AS MOOT**.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, JAN - 5 2011

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

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

ATLANTA, DECEMBER 15, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110105

JT BUILDERS, INC., V. LINDA D. TYREE ET AL

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

99009

09CV1151



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta DEC 15 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.

Hally H. O. Spencer

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

ATLANTA, NOVEMBER 24, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0106
JUSTON COLE HARVEY ET AL V. THE STATE

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

98009

10CR183

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 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. Lawrence

Court of Appeals of the State of Georgia

ATLANTA, NOV 23 2010

The Court of Appeals hereby passes the following order:

A11I0107. VANN v. FINLEY ET AL.

The parents of Ryan Holt and Michelle Borrer filed this wrongful death action against multiple defendants, including Lewis A. Vann, an employee of Augusta-Richmond County. Vann moved for summary judgment, asserting, among other things, that he was immune from suit under the doctrines of sovereign and official immunity. The trial court denied the motion, and Vann 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, under the collateral order doctrine, a defendant may directly appeal an order denying a motion to dismiss based on a determination that the defendant is not immune from suit on the basis of sovereign immunity. Our decision hinged on the principle that “sovereign immunity is an immunity from suit, rather than a mere defense to liability, and is effectively lost if a case is erroneously permitted to go to trial.” (Citation omitted.) *Canas*, supra, at 507.

Official immunity protects public officers and employees from claims brought against them in their personal capacities when they are sued for discretionary acts taken within the scope of their employment and without actual intent to injure. *Wendelken v. JENK LLC*, 291 Ga. App. 30, 31 (1) (661 SE2d 152) (2008). Like sovereign immunity, official immunity is “an entitlement not to stand trial rather than a mere defense to liability.” (Punctuation and footnote omitted.) *Cameron v. Lang*, 274 Ga. 122, 124 (1) (549 SE2d 341) (2001). Consequently, under the collateral order doctrine, a defendant may directly appeal an order finding that he is not immune from

suit on the basis of official immunity.

“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, Vann’s application for interlocutory appeal is **GRANTED**. He shall have ten days from the date of this order to file a notice of appeal in the trial court.¹ 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, NOV 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.

Hally K. O. Spawort , Clerk.

¹If Vann has already filed a timely notice of appeal from the trial court’s order, he need not file a second notice.

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

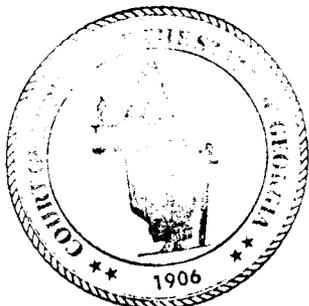
ATLANTA, DECEMBER 09, 2010

The Court of Appeals passed the following order

Case No. A11I0107

LEWIS VANN V. HELEN FINLEY 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 DEC 09, 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.

Hally F. O. Sparrow

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

ATLANTA, DECEMBER 13, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0108
RICHARD J. REITTINGER ET AL V. RAJIV PANDYA

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

96009

2009CV171220



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 13 2010

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, DECEMBER 14, 2010

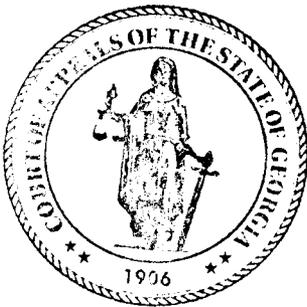
The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110109
ATLANTA NEPHROLOGY REFERRAL CENTER ET AL V. MAZEN A.
ABDALLA, M.D.

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

90010

10A04198



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta DEC 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.

Hally K. O. Spawor

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

ATLANTA, DECEMBER 27, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0110

FABTECH INDUSTRIES DBA FABTECH MOTORSPORT V. BARBARA LEDDON, AS
ADMINISTRATRIX OF THE ESTATE OF MELISSA LEDDON DECEASED, ET AL

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

93010

SU08CV1226

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 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.

Holly K. O. Sparks

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

ATLANTA, DECEMBER 27, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0111
VONKEISA CHYNUATTA BALDWIN V. THE STATE

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

71010
10CR69

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

DEC 27 2010

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Clerk.

Holly K. O. Spawr

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

ATLANTA, DECEMBER 10, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110112
TED BROCK D/B/A HOGARTHS LAWNMOWER SERVICE CENTER
BROCK'S OUTDOOR V. FRED L. HARRIS

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

70010

CE0900920063



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta DEC 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 K. O. Sparrow

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

ATLANTA, DECEMBER 16, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110113
HERNANDEZ PAINTING AND AUTOWORKS, INC., V. STATE FARM
MUTUAL AUTOMOBILE INSURANCE 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 STATE COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

92010
STCV0904806

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

Hally K. O. Sparrow

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

ATLANTA, JANUARY 04, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0114
KLM TRANSPORT LLC V. JOHN MORAN

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

94010

10A24132

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN 4 2011

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

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

ATLANTA, DECEMBER 21, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110115

SAINT JOSEPH'S HEALTH SYSTEM, INC., V. SUSAN KOLB, ET AL

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

91010

2007EV002963



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta DEC 21 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.

Hally K. O. Sparrow

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

ATLANTA, DECEMBER 22, 2010

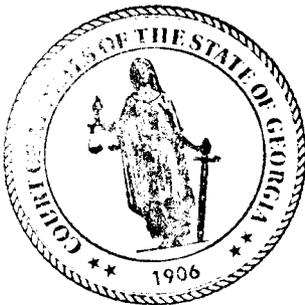
The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110116
ROY WENDELL DEEN, M.D., V. GLADYS POUNDS

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

95010
07CV41566

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta DEC 22 2010



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the minutes of the Court of Appeals of Georgia*

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Clerk.

Hally K. O. Spencer

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

ATLANTA, JANUARY 05, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0117
GEORGIA BANK & TRUST V. MOUNTAINBROOK PROPERTY
OWNERS ASSOCIATION, INC.

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

99010

09A07633



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN - 5 2011

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Clerk.
Hally K. O. Sparrow

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

ATLANTA, JANUARY 04, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0118

ROE SIDING, INC., V. LINDA D. TYREE ET AL

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

98010

2009CV1151

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 4 2011

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 Clerk.

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

ATLANTA, JANUARY 04, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0119
ROYAL E. FINK, JR., V. CHARLES W. SMITH

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

97010

09A01901

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN 4 2011

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

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Hally H. O. Spawar Clerk.

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

ATLANTA, JANUARY 05, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110120
JT BUILDERS, INC., V. LINDA D. TYREE ET AL

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

99011

09CV1151



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN - 5 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, JANUARY 05, 2011

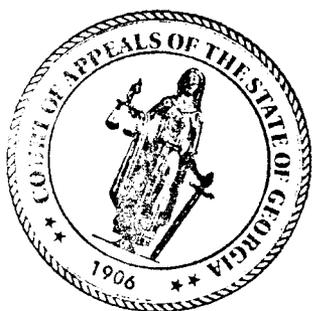
The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110121
MOUNTAINBROOK HOMEOWNERS ASSOCIATION, INC.,
V. GEORGIA BANK & TRUST

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

99012

09A07633



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN - 5 2011

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Clerk.

Hally K. O. Spencer

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

ATLANTA, DECEMBER 27, 2010

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0122
JOSEPH A. DUBE, SR., ET AL V. JENNIFER ROBINSON

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

96010
08CV2493

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

DEC 27 2010

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Clerk.

Hally K. O. Spawor

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

ATLANTA, JANUARY 05, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110123
JOYCE M. MATTHEWS ET AL V. DEMERE LANDING CONDOMINIUM
OWNERS ASSOCIATION, INC.

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

90011

CE1001009



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN - 5 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, JANUARY 13, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0124
RICHARD B. JONES V. MARLENE BUSH RANSON

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

93011

10A26797

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN 13 2011



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Clerk.

Hally K. O. Sparrow

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

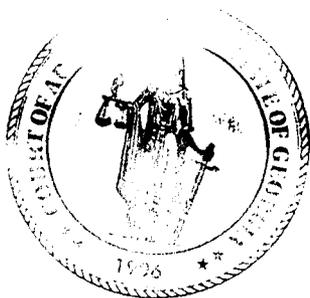
ATLANTA, FEBRUARY 03, 2011

The Court of Appeals passed the following order

Case No. A1110125

KENNETH B. QUARTERMAN V. JOHN M. CULLUM

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 03, 2011*

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, JANUARY 04, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0126

NANCY B. SHULL ET AL V. DANIEL MITCHELL ET AL

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

70011

STCV0800170

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN 4 2011

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Hally K. O. Spanow Clerk.

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

ATLANTA, JANUARY 05, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110127
TERRY ELIZABETH MAYBERRY V. THE STATE

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

92011

2010CR0060



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

JAN - 5 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, JANUARY 13, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110128

DOMINIC MOCERI III V. THE STATE

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

94011

SU08CR1832



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 13 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, JANUARY 06, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0129
JAMES ROBERT O'BERRY 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.

91011

08R187



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN - 6 2011

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Clerk.

Hally K. O. Spawort

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

ATLANTA, JANUARY 06, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0130

COMPREHENSIVE PAIN MANAGEMENT ET AL V. BARBARA BLAKELY

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

10CV03900

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN - 6 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, JANUARY 13, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0131
JEFFREY LEEK ET AL V. THE STATE

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

98011

10B01687



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 13 2011

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*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, JANUARY 19, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0132

HOLDER CONSTRUCTION GROUP, LLC V. DALE A. SHEFFIELD ET AL

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

97011

0815985

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN 19 2011



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Clerk.

Hally K. O. Sparrow

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

ATLANTA, JANUARY 19, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0132

HOLDER CONSTRUCTION GROUP, LLC V. DALE A. SHEFFIELD ET AL

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

97011

0815985

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN 19 2011



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Clerk.

Hally K. O. Sparrow

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

ATLANTA, JANUARY 19, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110133
GRADY MEMORIAL HOSPITAL CORPORATION ET AL V.
SAFU WASSIE

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

96011

2010CV184988



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 19 2011

*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.

Hally K. O. Sparrow

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

ATLANTA, JANUARY 19, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0134

JOHN BOWICK V. THE STATE

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

90012

10CR0862



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 19 2011

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

Clerk.

Hally K. O. Sparrow

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

ATLANTA, MARCH 14, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0167
MARK PETERSON V. MICHAEL E. REEVES 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.

97014

2007SUCV1715



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 14 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, MARCH 17, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110168
SUNTRUST MORTGAGE, INC., V. JONATHAN H. SMITH

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

96014

2009EV006476

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

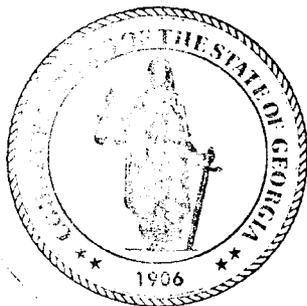
MAR 17 2011

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Clerk.

Hally K. O. Sparrow



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

ATLANTA, MARCH 17, 2011

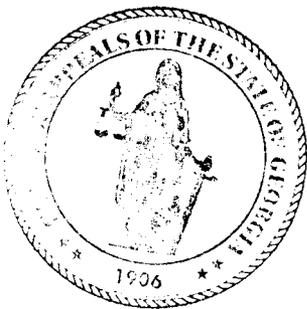
The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110169
SUNTRUST BANK V. JONATHAN H. SMITH

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

96015

2009EV006476



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

MAR 17 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, MARCH 14, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0170
HARRY M. STEPHENS ET AL V. DINAH DUNN

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

2009EV007021



Court of Appeals of the State of Georgia

Clerk's Office; Atlanta MAR 14 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, MARCH 15, 2011

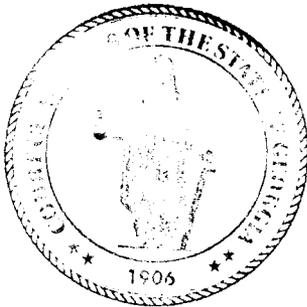
The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0171
TERRANCE OWENS V. THE STATE

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

93015

10DC89611



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

MAR 15 2011

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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, MARCH 10, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110172
GWINNETT COMMUNITY BANK V. RUBY LEE KIMBRO MATHIS,
AS EXECUTRIX OF THE ESTATE OF CLAUDY JOHN MATHIS

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

99015

09A05495



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

MAR 10 2011

*I certify that the 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.

Holly K. O. Sparrow

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

ATLANTA, MARCH 14, 2011

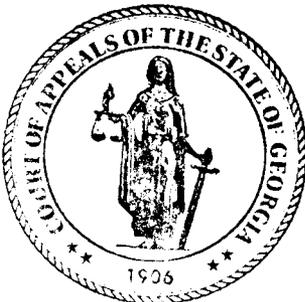
The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0173
VANRAN COMMUNICATIONS SERVICES, INC. V.
CHARLES M. VANDERFORD

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

71015

09A07562



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 14 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, MARCH 16, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0174
LUTHER W. ROYAL V. THE STATE

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

70015
2010R063

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR 16 2011



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*Clerk.
Hally K. O. Sparrow*

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

ATLANTA, MARCH 17, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110175

RYAN BABBITT 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.

92015

2008FE0535



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 17 2011

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Clerk.

Hally K. O. Spencer

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

ATLANTA, MARCH 16, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110176
GEORGE BEAVERS ET AL V. HARTWELL ENTERPRISES

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

94015

07STCV459



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

MAR 16 2011

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*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, MARCH 18, 2011

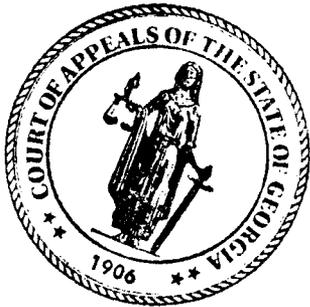
The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0177
THE HOSPITAL AUTHORITY OF LIBERTY COUNTY D/B/A
LIBERTY REGIONAL MEDICAL CENTER ET AL V. CRYSTAL
GAULDEN ET AL

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

91015

2010SV281



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 18 2011

*I certify that the above is a true extract from
the minutes of the 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, which appears to read "Holly H. Lawrence". The signature is written in a cursive style.

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

ATLANTA, MARCH 17, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110178
CAPITAL FINANCIAL CREDIT LLC V. MELISSA JACKSON

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

95015

09VS171266



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

MAR 17 2011

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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.

Hally K. O. Sparrow

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

ATLANTA, MARCH 16, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0179
JACOB THOMAS JORDAN V. PATSY JO BENNETT 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
CE0900832063

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

MAR 16 2011

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Clerk.

Hally K. O. Sparrow



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

ATLANTA, MARCH 23, 2011

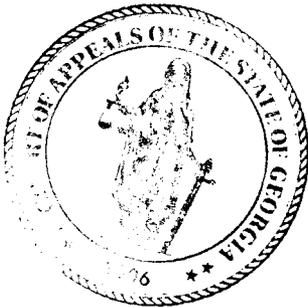
The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0180
JOHN ROLAND WATERS JR., D/B/A JEKYLL PHARMACY V.
CONSTANCE GIBSON

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

97015

CE1000099063



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

MAR 23 2011

*I certify that the above is a true extract from
the minutes of the 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, reading "Holly K. O. Spawr".

Court of Appeals of the State of Georgia

ATLANTA, MAR 14 2011

The Court of Appeals hereby passes the following order:

A11I0181. FOGLE v. THE BODY SHOP OF WAYCROSS, LLC.

Rick Fogle seeks interlocutory review of a February 9, 2011 order denying his motion for summary judgment. The certificate of immediate review, however, was not entered until 14 days later, on February 23, 2011. 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).

Here, although the trial court signed the certificate of immediate review on February 14, 2011, the relevant date for determining the timeliness of the certificate is the date it was entered. See *Van Schallern v. Stanco*, 130 Ga. App. 687 (204 SE2d 317) (1974) (“[A] certificate for the 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 the certificate of immediate review within ten days of entry of the order at issue, we lack jurisdiction to consider this application, which is hereby DISMISSED.

LC# 10V0887



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, MAR 14 2011

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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.*

Hally H. O. Spencer, Clerk.

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

ATLANTA, MARCH 21, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110182

JONES D. WEBB ET AL V. UNITED GENERAL TITLE INSURANCE CO.

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

93016

STCV1002959



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 21 2011

*I certify that the above is a true extract from
the minutes of the 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, MARCH 24, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110183
VRATSINAS CONSTRUCTION COMPANY V. VINCENT CHITWOOD
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.

71016
2009EV006903



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 24 2011

*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.

Hally K. O. Sparrow

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

ATLANTA, MARCH 17, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110184

WILLINGHAM LOAN & REALTY CO., ET AL V. ALISA WASHINGTON

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

70016

175884



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 17 2011

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Clerk.

Hally K. O. Sparrow

Court of Appeals of the State of Georgia

ATLANTA, MAR 30 2011

The Court of Appeals hereby passes the following order:

A11I0185. CRN HOMES INC et al v. SYNOVUS BANK.

CRN Homes Inc. and Carolyn Nichols filed a timely application for interlocutory appeal from an order granting partial summary judgment to Synovus Bank f/k/a Columbus Bank and Trust Company. The grant of partial summary judgment, however, is directly appealable. 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 interlocutory application is hereby GRANTED. The applicants shall have ten days from the date of this order to file a notice of appeal in the trial court.¹ The clerk of the trial court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

LC# 2010CV187684



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, MAR 30 2011

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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.*

Hally K. O. [Signature], Clerk.

¹ If the applicants have already filed a notice of appeal from the rulings at issue here, they need not file a second notice.

Court of Appeals of the State of Georgia

ATLANTA, MAR 25 2011

The Court of Appeals hereby passes the following order:

A11I0186. SHAWN D. JOHNSON V. THE STATE

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

LC # STSR20100041



Court of Appeals of the State of Georgia

Clerk's Office, MAR 25 2011

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Hally K. O. Sparrow, Clerk.

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

ATLANTA, MARCH 28, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0188

GORDON R. TEEL ET AL V. PAUL D. WILKERSON ET AL

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

95016

10EV010567



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR 28 2011

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the minutes of the Court of Appeals of Georgia*

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Hally K. O. Spencer Clerk.

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

ATLANTA, MARCH 29, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110189
FOOTHILLS PHARMACIES, INC., D/B/A MEDICAP PHARMACY
V. PAULINE POWERS

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

09FV1095



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR 29 2011

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*Clerk.
Holly K. O. Sparrow*

Court of Appeals of the State of Georgia

ATLANTA, MAR 24 2011

The Court of Appeals hereby passes the following order:

**A11H0187. BOARD OF COMMISSIONERS OF PUTNAM COUNTY,
GEORGIA et al v. BAREFOOT.**

Wendy Barefoot sued the Board of Commissioners of Putnam County, Georgia and Putnam County for injuries she sustained in an automobile accident allegedly caused, in part, by the negligent maintenance of the road upon which she was driving. The applicants moved for summary judgment on sovereign immunity grounds. The trial court found that sovereign immunity had been waived and denied the motion. The applicants then 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, under the collateral order doctrine, a defendant may directly appeal an order denying a motion to dismiss based on a conclusive determination that the defendant is not immune from suit on the basis of sovereign immunity. Our decision hinged on the principle that “sovereign immunity is an immunity from suit, rather than a mere defense to liability, and is effectively lost if a case is erroneously permitted to go to trial.” (Citation omitted.) *Canas*, supra, at 507.

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



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta,

MAR 24 2011

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

Hally H. O. Spencer , Clerk.

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

ATLANTA, MARCH 28, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0190
FINCHER ROAD INVESTMENTS, LLLP, ET AL V. THE
CITY OF CANTON, GEORGIA ET AL

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

98016

10CV2815



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR 28 2011

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Hally K. O. Sparrow Clerk.

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

ATLANTA, MARCH 29, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0191

RICHARD LIGHT ET AL V. CITY OF CANTON, GEORIGIA 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.

97016

10CV2817

Court of Appeals of the State of Georgia

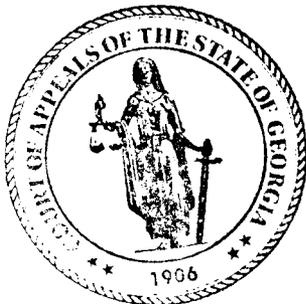
Clerk's Office, Atlanta

MAR 29 2011

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*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, APRIL 01, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110192

GLEN RICHARD WEBER ET AL V. CITY OF CANTON, GEORGIA ET AL

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

96016

10CV2814

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR - 1 2011



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Clerk.

Hally K. O. Sparrow

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

ATLANTA, APRIL 07, 2011

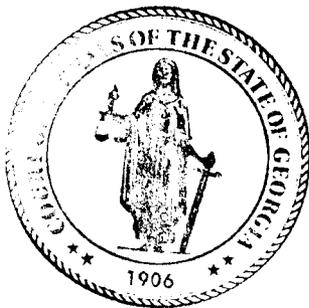
The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110193
DANIEL PAUL ROBINSON V. THE STATE

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

90017

2010SR2205



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **APR - 7 2011**

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hereto affixed the day and year last above written.*

Clerk.

Hally K. O. Spencer



SUPREME COURT OF GEORGIA

Case No. S1110768

Atlanta February 24, 2011
FILED IN OFFICE

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

DANIEL PAUL ROBINSON v. THE STATE

MAR 11 2011
CLERK, COURT OF APPEALS OF GEORGIA

RECEIVED IN OFFICE
2011 MAR 11 AM 11:45
CLERK/COURT ADMINISTRATION
COURT OF APPEALS OF GA.

From the State Court of Rockdale County.

Applicant filed this application for interlocutory appeal from the order denying his motion for reconsideration of the order denying his general and special demurrers, in which order the trial court ruled that OCGA § 40-6-180 is not unconstitutional. Applicant appeals to this Court under its constitutional question jurisdiction.

Applicant admits in his application, however, that this Court already has ruled on the statute's constitutionality, see Bilbrey v. State, 254 Ga. 629 (331 SE2d 551) (1985) (when read with other Code provisions, statute gives sufficient warning of what conduct is unlawful and thus meets the requirements of due process); Hardison v. Shepard, 246 Ga. 196 (269 SE2d 458) (1980) (statute not void for vagueness on its face). See also Blackwell v. State, 180 Ga. App. 253 (349 SE2d 13) (1986) (following Bilbrey; in Court of Appeals because already ruled on by Supreme Court). Applicant claims the rulings are erroneous and asks the Court to reverse them. But "[w]here a law has been held to be constitutional as against the same attack being made, the case requires merely an application of unquestioned and unambiguous constitutional provisions and jurisdiction of the appeal is in the Court of Appeals," Zepp v. Mayor & Council of City of Athens, 255 Ga. 449, 450 (2) (339 SE2d 576) (1986). Accordingly, the application hereby is transferred to the Court of Appeals.

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

I hereby certify that the above is a true extract from
The minutes of the Supreme Court of Georgia.
Witness my signature and the seal of said court hereto
Affixed the day and year last above written.

Suzanne C. Pulston, Chief Deputy Clerk

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

ATLANTA, APRIL 11, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110194

COLIN INGERSOLL ET AL V. ALGEN DESIGN SERVICES, INC.

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

93017

10CV1199



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 11 2011

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

Court of Appeals of the State of Georgia

ATLANTA, APR - 5 2011

The Court of Appeals hereby passes the following order:

A11I0195. Suntrust Robinson-Humphrey, A Division of Suntrust Capital Markets, Inc. v. Morton P. Levine, as Trustee for the Estate of Flooring America, Inc. et al.

A11I0196. Morton P. Levine, as Trustee for the Estate of Flooring America v. Suntrust Robinson-Humphrey.

In this business litigation matter, Morton P. Levine, as trustee for the estate of Flooring America, filed an action against several defendants, including Suntrust Robinson-Humphrey. Pursuant to OCGA § 9-7-1 et seq., the trial court exercised its authority to appoint a special master for the purpose of managing all pretrial matters. The special master entered orders on numerous motions, including a grant of partial summary judgment. In an order dated February 24, 2011, the trial court entered an order affirming the special master's final order, which rendered the grant of partial summary judgment. Levine filed a timely application for interlocutory appeal, A11I0196, from this ruling of the trial court.

Under OCGA § 9-11-56 (h), the grant of partial summary judgment is subject to direct appeal. *Olympic Dev. Group v. American Druggists' Ins. Co.*, 175 Ga. App. 425 (1) (333 SE2d 622) (1985). The order Levine seeks to appeal is thus directly appealable and is not subject to the interlocutory appeal requirements. "This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicants have not otherwise filed a notice of appeal." *Spivey v. Hembree*, 268 Ga. App. 485, 602 SE2d 246 (2004). Accordingly, application A11I0196 is ordered GRANTED.

In interlocutory application A11I0195, Suntrust Robinson Humphrey appeals the same order denying its motion for summary judgment on several of Levine's

claims. This issue is properly before this Court by application for interlocutory appeal. However, because Suntrust Robinson-Humphrey seeks to appeal the same order in A11I0196, we hereby also GRANT application A11I0195 as a companion case to A11I0196.

The applicants shall have ten days from the date of this order to file notices of appeal with the trial court. The Clerk of the Superior Court of Fulton County is directed to include a copy of this order in the appeal record transmitted to this Court.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, APR - 5 2011

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Hally K. O. Spawort , Clerk.

Court of Appeals of the State of Georgia

ATLANTA, APR - 5 2011

The Court of Appeals hereby passes the following order:

A11I0195. Suntrust Robinson-Humphrey, A Division of Suntrust Capital Markets, Inc. v. Morton P. Levine, as Trustee for the Estate of Flooring America, Inc. et al.

A11I0196. Morton P. Levine, as Trustee for the Estate of Flooring America v. Suntrust Robinson-Humphrey.

In this business litigation matter, Morton P. Levine, as trustee for the estate of Flooring America, filed an action against several defendants, including Suntrust Robinson-Humphrey. Pursuant to OCGA § 9-7-1 et seq., the trial court exercised its authority to appoint a special master for the purpose of managing all pretrial matters. The special master entered orders on numerous motions, including a grant of partial summary judgment. In an order dated February 24, 2011, the trial court entered an order affirming the special master's final order, which rendered the grant of partial summary judgment. Levine filed a timely application for interlocutory appeal, A11I0196, from this ruling of the trial court.

Under OCGA § 9-11-56 (h), the grant of partial summary judgment is subject to direct appeal. *Olympic Dev. Group v. American Druggists' Ins. Co.*, 175 Ga. App. 425 (1) (333 SE2d 622) (1985). The order Levine seeks to appeal is thus directly appealable and is not subject to the interlocutory appeal requirements. "This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicants have not otherwise filed a notice of appeal." *Spivey v. Hembree*, 268 Ga. App. 485, 602 SE2d 246 (2004). Accordingly, application A11I0196 is ordered GRANTED.

In interlocutory application A11I0195, Suntrust Robinson Humphrey appeals the same order denying its motion for summary judgment on several of Levine's

claims. This issue is properly before this Court by application for interlocutory appeal. However, because Suntrust Robinson-Humphrey seeks to appeal the same order in A11I0196, we hereby also GRANT application A11I0195 as a companion case to A11I0196.

The applicants shall have ten days from the date of this order to file notices of appeal with the trial court. The Clerk of the Superior Court of Fulton County is directed to include a copy of this order in the appeal record transmitted to this Court.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, APR - 5 2011

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Holly K. O. Sparrow , Clerk.

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

ATLANTA, APRIL 15, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0197
JEREMY W. PORTER ET AL V. WEST HAMRYKA ET AL

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

70017

2009CV433



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 15 2011

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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. Spawort

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

ATLANTA, APRIL 06, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110198
TENDER LOVING HEALTH CARE SERVICES OF GEORGIA, LLC
D/B/A STAFF BUILDERS HOME HEALTH ET AL V. HOWARD S.
EHRlich 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.

92017

2010CV188852



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR - 6 2011

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Clerk.

Hally K. O. Sparrow



SUPREME COURT OF GEORGIA
Case No. S11I0806

Atlanta February 25, 2011

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

TENDER LOVING HEALTH CARE SERVICES OF GEORGIA, LLC et al.
v. HOWARD S. EHRLICH, ADMR. et al.

From the Superior Court of Fulton County.

Applicants filed this application for interlocutory appeal in this medical malpractice action seeking review of the trial court's orders denying their request for a qualified protective order and denying their alternative request to limit the respondents' counsel from conducting *ex parte* interviews of respondents' treating physician. Although applicants seek to invoke this Court's jurisdiction over constitutional questions, this appeal does not involve the "construction of a treaty or of the Constitution of the State of Georgia or of the United States" and does not draw into question "the constitutionality of a law, ordinance, or constitutional provision." See 1983 Ga. Const., Art. VI, Sec. VI, Par. II; McGill v. State, 209 Ga. 282 (71 SE2d 548) (1952); Zepp v. Mayor and Council of Athens, 255 Ga. 449 (339 SE2d 576) (1986). Instead, it involves the mere application, in a general sense, of unquestioned and unambiguous provisions of the Constitution to a given state of facts. Accordingly, subject matter jurisdiction over this appeal rests in the Court of Appeals, see, Pollard v. State, 229 Ga. 698 (194 SE2d 107) (1972); Robinson v. State, 209 Ga. 48, 49 (70 SE2d 514) (1952), and this application hereby is transferred to that court.

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.

Suzanne C. Fulton

CLERK OF COURT ADMINISTRATOR
COURT OF APPEALS OF GA.

Suzanne C. Fulton

2011 MAR 18 AM 11:28

RECEIVED IN OFFICE

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

ATLANTA, APRIL 12, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110199
OCONEE COUNTY, GEORGIA ET AL V. F.E. SIMS ENTERPRISES,
INC

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

94017

2009CV0150



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 12 2011

*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.

Hally K. O. Sparrow

Court of Appeals of the State of Georgia

ATLANTA, MAY 24 2011

The Court of Appeals hereby passes the following order:

A1110200. THOMAS v. CHUNG.

Upon consideration of the motion for reconsideration filed by Herbert Thomas in the above-styled application for interlocutory review, the motion for reconsideration is GRANTED, and the order dated April 5, 2011, dismissing Thomas's application is hereby VACATED, and the application is hereby REINSTATED.

The Court having considered Thomas's application on the merits, the same is hereby DENIED.



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta* MAY 24 2011

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

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, APR - 5 2011

The Court of Appeals hereby passes the following order:

A1110200. THOMAS v. CHUNG.

Keith Chung and K. C. Trucking, Inc. sued Herbert Thomas d/b/a Greystone Trucking. Thomas moved for summary judgment, which the trial court denied.¹ Thomas then obtained a certificate of immediate review from another judge and filed this application for interlocutory appeal. We lack jurisdiction.

Under OCGA § 5-6-34 (b), a party may apply for interlocutory appellate review “[w]here *the trial judge* in rendering an order, decision, or judgment not otherwise subject to direct appeal . . . certifies within ten days of entry thereof that the order, decision or judgment is of such important to the case that immediate review should be had . . .” (Emphasis supplied.) The plain language of the statute requires that the same judge who enters the order in question must certify it for immediate review.²

Because the certificate of immediate review submitted by Thomas is invalid, it does not confer jurisdiction upon this Court to consider this application for

¹ In the same order, the trial court also ruled on several other motions, including a motion to compel, a motion for protective order, and a motion for attorney fees.

² This court has recognized a limited exception to this rule where evidence shows that the trial judge was unavailable to consider whether to sign a certificate of immediate review. See *Freemon v. Dubroca*, 177 Ga. App. 745 (1) (341 SE2d 276) (1986); *Tingle v. Harvill*, 125 Ga. App. 312, 317-318 (2) (187 SE2d 536) (1972); see also *Thorpe v. Russell*, 274 Ga. 781 (559 SE2d 432) (2002). Thomas, however, has made no showing that the judge who denied his motion for summary judgment was unavailable.

interlocutory appeal. The application is therefore DISMISSED.



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

APR - 5 2011

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Hally K. O. Spawr , Clerk.

Court of Appeals of the State of Georgia

ATLANTA, JUN -2 2011

The Court of Appeals hereby passes the following order:

A11I0201. CITY OF DOUGLAS, GEORGIA v. STEVEN HUDSON

It appearing the style of the case in this interlocutory application was incorrect due to clerical error, it is hereby ordered that the style be corrected to City of Douglas, Georgia v. Steve Hudson and the order attached hereto be substituted for the order of this Court issued April 6, 2011. The Clerk is directed to correct the style of the case on the Court docket.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN -2 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, APRIL 06, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0201
CITY OF DOUGLAS, GEORGIA V. STEVEN HUDSON

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

95017

2008S03224

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR - 6 2011



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Clerk.

Hally K. O. Sparrow

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

ATLANTA, APRIL 12, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110202
KHAMONE LUANGKHOT 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.

99017
07B5105

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 12 2011



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Clerk.

Hally K. O. Sparrow

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

ATLANTA, APRIL 11, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0203
L-3 COMMUNICATIONS TITAN CORPORATION V. DAVID L.
PATRICK

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

98017

06V0502



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 11 2011

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Clerk.
Hally K. O. Sparrow

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

ATLANTA, APRIL 19, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110204
STEVEN ROWE 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.

97017

2010CR246



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta APR 19 2011*

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, MAY 02, 2011

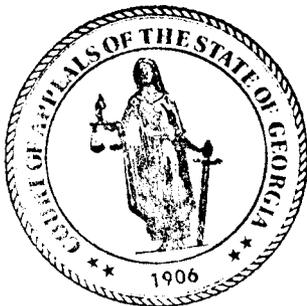
The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0205
KINDRED HEALTHCARE, INC. ET AL V. WILLIAM JETER 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.

96017

09CV06435



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY - 2 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, APRIL 12, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0206
SOUTHERN STATES COOPERATIVE INCORPORATED ET AL V.
RABBIT RIDGE FARMS, INC., ET AL

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

90018

10C14746



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta APR 12 2011*

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Clerk.

Hally K. O. Sparrow

Court of Appeals of the State of Georgia

ATLANTA, APR 20 2011

The Court of Appeals hereby passes the following order:

A1110207. Brantley Land & Timber, LLC v. W & D Investments, Inc.

W & D Investments, Inc. sued Brantley Land & Timber, LLC, and Brantley filed a counterclaim. Brantley moved for summary judgment on W & D's claims, and W & D moved for partial summary judgment on the counterclaim. The superior court denied Brantley's motion, but granted W & D's. Brantley now seeks immediate review of that order.

The grant of partial summary judgment may be directly appealed. See OCGA § 9-11-56 (h); see also *Whiddon v. Stargell*, 192 Ga. App. 826, 828 (386 SE2d 884) (1989). And in that direct appeal, this Court may also review "all judgments, rulings, or orders rendered in the case below which are raised on appeal and which may affect the proceedings below." OCGA § 5-6-34 (d). Because the order at issue is directly appealable and is not subject to the interlocutory appeal requirements, this application is hereby GRANTED. See *Spivey v. Hembree*, 268 Ga. App. 485, 602 SE2d 246 (2004). Brantley shall have ten days from the date of this order to file a notice of appeal with the superior court. The clerk of the superior court is directed to include a copy of this order in the appeal record transmitted to this Court.

LC# 10V013



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, APR 20 2011

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Hally K. O. Spawoat, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, APR - 5 2011

The Court of Appeals hereby passes the following order:

A1110208. Hawks Landing Development Company v. W & D Investments, Inc.

Hawks Landing Development Company filed this application for interlocutory appeal from the trial court's order denying its motion for summary judgment and granting W & D Investments, Inc.'s motion for partial summary judgment as to Hawks Landing Development Company's Amended Answer and Counterclaim, in which it asserted a claim of fraud and sought attorney fees under OCGA § 9-15-14.

Under OCGA § 9-11-56 (h), the grant of partial summary judgment on any issue or as to any party is reviewable by direct appeal. *Olympic Dev. Group v. American Druggists' Ins. Co.*, 175 Ga. App. 425 (1) (333 SE2d 622) (1985).

This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicant has not otherwise filed a timely notice of appeal. *Spivey v. Hembree*, 268 Ga. App. 485, 486, n.1 (602 SE2d 246) (2004). Accordingly, this interlocutory application is hereby GRANTED. The applicants shall have ten days from the date of this order to file a notice of appeal in the trial court. If the applicants have already filed a notice of appeal from the rulings at issue here, they 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 - 5 2011

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Hally K. O. Sparrow , Clerk.

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

ATLANTA, APRIL 12, 2011

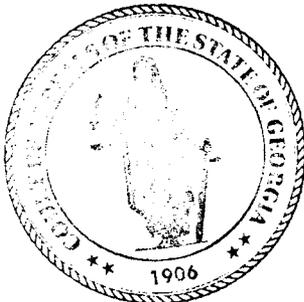
The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110209
DANIEL HENSON 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.

92018

SU10CR0439



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 12 2011
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Clerk.

Hally K. O. Sparrow

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

ATLANTA, APRIL 22, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110210
SHANNON CODY HUMPRIES V. THE STATE

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

94018

11R008



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 22 2011

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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, APRIL 26, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0211

AMBER HILBUN 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.

91018

2010FE0349



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta APR 26 2011

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

Holly K. O. Sparrow

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

ATLANTA, MAY 02, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0212
JERRY GILSTRAP V. THE STATE

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

95018

2011SUCR315



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

MAY - 2 2011

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Clerk.

Hally K. O. Spawor

99-018

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

ATLANTA, MAY 02, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0213
DWIGHT GIDDENS V. VICTOR MARQUEZ ET AL

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

99018

09C20098



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

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, MAY 02, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110214
CITY OF ATLANTA V. MISAEL REYES

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

98018

2008EV005955



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY - 2 2011

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*Clerk,
Hally K. O. Sparrow*

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

ATLANTA, APRIL 28, 2011

The Court of Appeals hereby passes the following order:

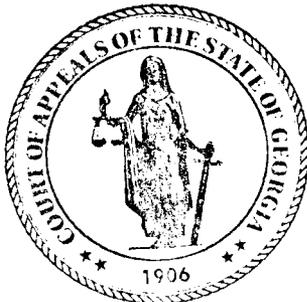
APPLICATION NO. A1110215
JOHN DOE V. CAROLYN ANN COKER

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

2010SUCV2018

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta APR 28 2011*



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

*Clerk,
Hally K. O. Sparrow*

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

ATLANTA, MAY 05, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0216
LOUISE MAUCHER V. WILTON CENTER, LLC

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

96018

10EV010049



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta MAY - 5 2011*

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, MAY 03, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110217
KENT D. PEDRICK ET AL V. LIBERTY PROPANE, INC

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

90019

09SV153



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY -3 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, MAY 02, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110218
GEORGIA XPRESS LUBES, INC., V. GLORIA DEASON

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

93019

2009EV007795



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta* **MAY -2 2011**

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, MAY 03, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0219
LITTLEFIELD CONSTRUCTION CO ET AL V. JERRY BOZEMAN

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

71019
S09V166



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **MAY - 3 2011**

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

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

ATLANTA, MAY 06, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0220
RINKER MATERIALS CORPORATION V. CASEY ROBERTS

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

70019

10CV53853



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY - 6 2011

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*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**

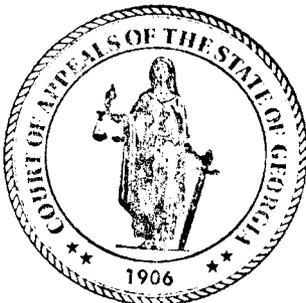
ATLANTA, MAY 04, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110221
CALVIN BRADY 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.

92019
10CR00005



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY - 4 2011

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Clerk...

Hally K. A. Sparrow

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

ATLANTA, MAY 12, 2011

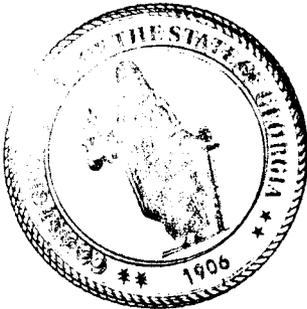
The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0222
PHOEBE PUTNEY MEMORIAL HOSPITAL, INC., V. LUCILLE SIMS
DANIELS, AS SURVIVING SPOUSE OF LEE ANDREW NATHANIEL
DANIELS, DECEASED

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

94019

09SCV0887



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

MAY 12 2011

*I certify that the 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, MAY 13, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0223

CLYDE HAYWARD CHAPMAN V. RELIFORD CLARK, JR., A/K/A
RELIFORD CLARK ET AL

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

91019

06CV692

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta MAY 13 2011



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Clerk.

Hally K. O. Sparrow

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

ATLANTA, MAY 25, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110224
LAUREL BAYE HEALTHCARE OF MACON, LLC V. BRANDY
W. NEUBAUER 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.

95019
071247



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta MAY 25 2011

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the minutes of the Court of Appeals of Georgia*

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Clerk.

A handwritten signature in black ink, reading "Holly K. O. Spawr". The signature is written in a cursive style.

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

ATLANTA, MAY 18, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0225
CBC NATIONAL BANK F/K/A FIRST NATIONAL BANK OF
NASSAU COUNTY V. HOUSTON & OGLETHORPE, LLC ET AL

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

99019

CV092343



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 18 2011

*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.

Hally K. O. Spencer

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

ATLANTA, MAY 17, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0226
ADVENTIST HEALTH SYSTEM GEORGIA, INC., D/B/A GORDON
HOSPITAL V. COLLEEN TATUM ET AL

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

98019

09CV55857

Court of Appeals of the State of Georgia

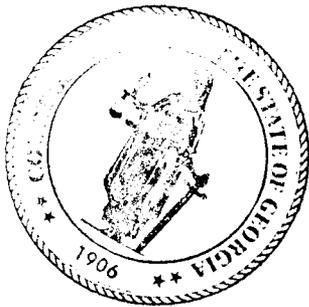
Clerk's Office, Atlanta

MAY 17 2011

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Clerk.



Hally K. O. Sparrow

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

ATLANTA, MAY 20, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0227
GREATER GEORGIA AMUSEMENTS, LLC 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.

97019

10CV8448



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 20 2011

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Clerk.
Hally K. O. Spawr

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

ATLANTA, MAY 26, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110228
SHARON ANDERSON V. CITY OF FORT OGLETHORPE

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

96019

2009SUCV158



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 26 2011

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Clerk.

Hally K. O. Sparrow



SUPREME COURT OF GEORGIA
Case No. S11I0920

FILED IN OFFICE

APR 28 2011

CLERK, COURT OF APPEALS

Atlanta April 12, 2011

RECEIVED IN OFFICE
2011 APR 28 AM 10:24
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

SHARON ANDERSON V. CITY OF FORT OGLETHORPE

From the Superior Court of Catoosa County.

Arguing that the City of Fort Oglethorpe violated its charter by installing a Cricket Pitch in an area known as the Polo Ground, Anderson sued, seeking removal of the pitch and an injunction on any future construction in the Polo Ground. The trial court denied Anderson's motion for summary judgment but certified its ruling for immediate review. Anderson filed her interlocutory application in this Court, seeking to invoke its jurisdiction over equity cases, as she sought to obtain affirmative equitable relief. Review of the trial court's order denying summary judgment concerns the availability of the equitable relief Anderson seeks, which is dependent on interpretation of the City's charter, and the application does not invoke this Court's jurisdiction over equity cases, see Redfean v. Huntcliff Homes Assn., Inc., 271 Ga. 745 (524 SE2d 464) (1999); Lee v. Green Land Co., Inc., 272 Ga. 107 (527 SE2d 204) (2000). Accordingly, this application is transferred to the Court of Appeals.

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

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

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

Sui C. Pulton, Chief Deputy Clerk

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

ATLANTA, MAY 19, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0229

ARTISTIC KITCHEN DESIGN, LLC ET AL V. TIMOTHY H. SAYERS

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.

90020

05CV085



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 19 2011

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, MAY 24, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110230

NEESMITH TIMBER COMPANY INC V. WILLIAM L. WILSON ET AL

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

93020

09CV218



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 24 2011

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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, MAY 25, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0231
JACOBY ENERGY DEVELOPMENT, INC., ET AL V.
MICHAEL EILLIS ET AL

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

71020

2008CV154224



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 25 2011

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Hally K. O. Sparrow

Court of Appeals of the State of Georgia

ATLANTA, MAY 24 2011

The Court of Appeals hereby passes the following order:

**A1110232. BRYAN K. HUNDLEY v. LISA TAYLOR-HUNDLEY (AKA
LISSIAH TAYLOR-HUNDLEY, AKA JEWEL TAYLOR)**

Bryan K. Hundley filed this application for interlocutory appeal from the trial court's order of April 8, 2011, denying his motion to recuse Judge Robert E. Flournoy, III. The trial court entered a certificate of immediate review on April 20, 2011, twelve days after entry of the order granting the motion to recuse.

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 Hundley seeks to appeal. Accordingly, we lack jurisdiction to consider this application for interlocutory appeal, which is therefore *DISMISSED*.

LC# 1013530



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, MAY 24 2011

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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.*

Hally K. O. Spawort, Clerk.

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

ATLANTA, JUNE 02, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110233
CHANTEL COLMER, D.C. ET AL V. TONYA ENGLISH
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.

92020

2009V0653



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN - 2 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, MAY 23, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0234
GWINNETT COUNTY, GEORGIA V. OLD PEACHTREE 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.

94020

08A03939

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 23 2011

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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, MAY 23, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0235

OLD PEACHTREE PARTNERS, LLC., V. GWINNETT COUNTY, 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.

94021

08A03939



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 23 2011

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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.

Hally K. O. Sparrow

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

ATLANTA, JUNE 01, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0236
DIXIE ROADBUILDERS, INC., ET AL V. SHEKENNY A. SALLET
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.

91020

S07V119



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN - 1 2011

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, MAY 27, 2011

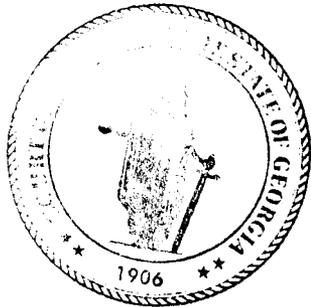
The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110237
HUEY P. BLAKE ET AL V. DEUTSCHE BANK, AG, D/B/A
DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE
FOR THE CERTIFICATE HOLDERS OF CARRINGTON MORTGAGE LOAN TRUST

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

95020

10A09793



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 27 2011

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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*

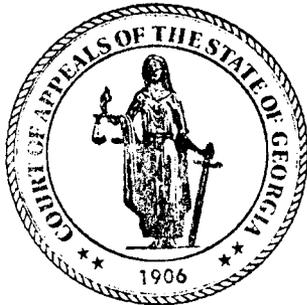
Court of Appeals of the State of Georgia

ATLANTA, MAY 06, 2011

A11I0237. HUEY P. BLAKE v. DEUTSCHE BANK

The Honorable Court of Appeals hereby passes the following order:

It appearing the DISCRETIONARY application A11D0371 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 A11I0237 as stated above.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta MAY - 6 2011
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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, JUNE 03, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0238
WAL-MART STORES, INC., V. FAWN L. CLARK, AS ADMINISTRATOR
OF THE ESTATE OF WESLEY PORTER CLARK, DECEASED, ET AL

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

99020

2010CV184717



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN - 3 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, JUNE 03, 2011

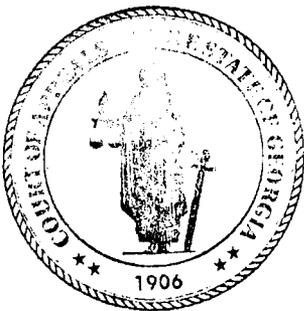
The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0239
GREAT CARMA, INC. V. FAWN L. CLARK, AS ADMINISTRATOR
OF THE ESTATE OF WESLEY PORTER CLARK, DECEASED, ET AL

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

99021

2010CV184717



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN - 3 2011

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hereto affixed the day and year last above written.*

Clerk.

Hally K. O. Sparrow

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

ATLANTA, MAY 31, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110240

GEORGIA PORTS AUTHORITY ("GPA") V. CORRIE REWIS, ET AL

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

98020

STCV050908



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **MAY 31 2011**

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hereto affixed the day and year last above written.*

Clerk.

Hally K. O. Sparrow

Court of Appeals of the State of Georgia

ATLANTA,

MAY 17 2011

The Court of Appeals hereby passes the following order:

A11I0241. Chastain v. The State.

Olin Blake Chastain, Sr. seeks interlocutory review of the denial of his motion to dismiss on speedy trial grounds. However, 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). This Court will grant a timely application for interlocutory appeal if the order complained of is subject to direct appeal and the applicant has not already filed a timely notice of appeal. See *Spivey v. Hembree*, 268 Ga. App. 485, 486 n.1 (602 SE2d 246) (2004). Accordingly, Chastain's application is hereby GRANTED, and he 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.

LC# 11CR000033



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta,

MAY 17 2011

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

Holly K. O. Spencer, Clerk.

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

ATLANTA, JUNE 03, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0242
RAUL CANINO 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.

96020

08B5798



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN - 3 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, JUNE 07, 2011

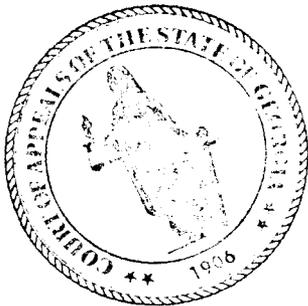
The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110243
JONATHAN SMITH ET AL V. FAIRLEY CISCO, 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.

90021

08V0302



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN - 7 2011

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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. Sparrow

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

ATLANTA, MAY 26, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0244
CARLA KNOX V. TIMOTHY M. HORNICK ET AL

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

93021

09FV1141



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

MAY 26 2011
*I certify that the above is a true extract from
the minutes of the 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, JUNE 13, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0245
TIFF GENERAL HOSPITAL V. WALTER A. CARVER ET AL

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

71021

5834

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

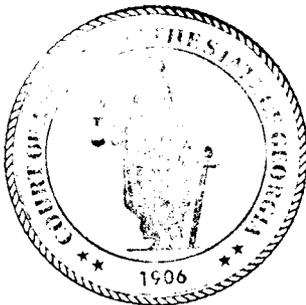
JUN 13 2011

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*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, JUNE 03, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0246

GLENN L. DEEVER V. GARY WAYNE COOPER ET AL

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

70021

2009CV546



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN - 3 2011

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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, JUNE 08, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110247
STATE FARM FIRE AND CASUALTY COMPANY V. STEVE
BAUMAN 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.

92021

2010CV186730

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN - 8 2011



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hereto affixed the day and year last above written.*

Clerk.

Hally H. O. Sparrow

Court of Appeals of the State of Georgia

ATLANTA, JUL 15 2011

The Court of Appeals hereby passes the following order:

A1110248. Conrad Jones v. The State.

Conrad Jones filed an application for interlocutory appeal seeking to the challenge Judge Samuel D. Ozburn's order denying his motion to suppress. We dismissed the application because Jones's certificate of immediate review had been signed by a different judge. Jones filed a motion for reconsideration, attaching an affidavit from Judge Ozburn indicating that the judge was out of town during the relevant time period and therefore directed the other judge to sign the certificate. Under these circumstances, Jones has shown that the certificate of immediate review was valid. See *Freemon v. Dubroca*, 177 Ga. App. 745 (1) (341 SE2d 276) (1986).

Jones's motion for reconsideration is therefore *GRANTED*; this Court's prior order dismissing the application is *VACATED*; and the application is *REINSTATED*. Upon full consideration of the merits of the application, the application is hereby *GRANTED*.

LC# 2010CR0899



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, JUL 15 2011

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

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

ATLANTA, JUNE 13, 2011

The Court of Appeals hereby passes the following order:

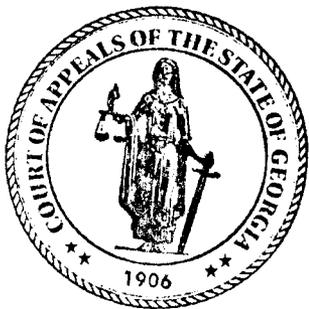
APPLICATION NO. A1110249

JOHN F. MCCOY, JR., ET AL V. WALTER A. CARVER ET AL

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

71022

5834



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 13 2011

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*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**

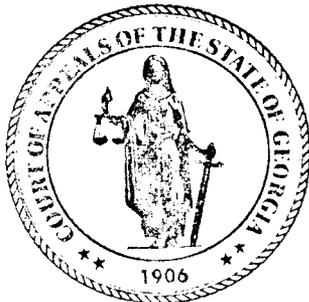
ATLANTA, MAY 31, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0250
THE BETHANY GROUP, LLC V. JANICE C. GROBMAN

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

95021
09C16204



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 31 2011

*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.

Holly K. O. Sparrow

Court of Appeals of the State of Georgia

ATLANTA, MAY 25 2011

The Court of Appeals hereby passes the following order:

A11D0395. GRAHAM et al v. COBB COUNTY, GEORGIA et al;
A11I0251. WASHBURN et al v. GRAHAM et al.

Justin Graham died after being jailed in Cobb County, and his family members, including his brother Jason Graham (collectively, “the plaintiffs”), filed a wrongful death suit against numerous defendants, including Cobb County, Sheriff Neil Warren, Wellstar Health System, Inc., Jill Washburn, and Karen Muirhead. Several defendants moved for summary judgment and, by order entered April 29, 2011, the trial court granted summary judgment to some, but not all, defendants. In Case Number A11D0395, the plaintiffs seeks discretionary review of the trial court’s order. In Case Number A11I0251, Washburn and Muirhead seek interlocutory review of the trial court’s denial of their motion for summary judgment on sovereign immunity grounds.

The grant of partial summary judgment may be directly appealed. See OCGA § 9-11-56 (h); see also *Whiddon v. Stargell*, 192 Ga. App. 826, 828 (386 SE2d 884) (1989). 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). Under OCGA § 5-6-35 (j), this court will grant an otherwise timely discretionary application if the lower court’s order is subject to direct appeal. Accordingly, the plaintiffs’ application in A11D0395 is hereby GRANTED. The plaintiffs shall have 10 days from the date of this order to file a notice of appeal with the superior court, if they have not already done so. The superior court is instructed to include a copy of this order in the appellate record.

As the plaintiffs have a right of direct appeal, Washburn and Muirhead 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). Furthermore, the denial of a motion for summary judgment on sovereign immunity grounds may be considered a collateral order, which may be directly appealed. See *Board of Regents v. Canas*, 295 Ga. App. 505, 507 (1) (672 SE2d 471) (2009). For these reasons, Washburn's and Muirhead's application for interlocutory appeal in A11I0251 is also GRANTED. Washburn and Muirhead shall have ten days from the date of this order to file a notice of appeal with the trial court or they may file a cross-appeal in accordance with OCGA § 5-6-38 (a). If Washburn and Muirhead have already filed a notice of appeal, they 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 this Court.

LC# 0812819, 08128134



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta,

MAY 25 2011

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

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

ATLANTA, JUNE 13, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110252
JENNIFER C. WRIGHT ET AL V. COLUMBUS REGIONAL HEALTHCARE
SYSTEM, INC., D/B/A "THE MEDICAL CENTER" ET AL

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

97021

SU07CV1171



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 13 2011

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*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, JUNE 08, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0253
ISAAC SALEUMSY 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.

96021

07B05105



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN - 8 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, JUNE 16, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110254
SANTISOUK PHOMMACHANH 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.

96022

09B04635



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN 16 2011

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

Hally K. O. Sparrow

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

ATLANTA, JUNE 14, 2011

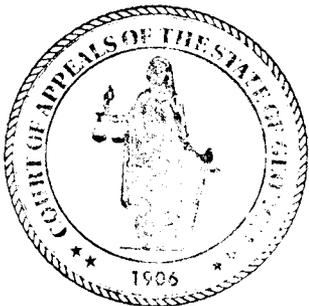
The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0255
NUROCK CONSTRUCTION, LLC V. WILLIAM O. RHODES
D/B/A PEACHSTATE PIPE CLEANING

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

90022

06EV000538



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 14 2011

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, JUNE 15, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0256

NATHAN SHRYOCK V. THE STATE

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

93022

10SC89956



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 15 2011

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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. Spawort

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

ATLANTA, JUNE 17, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110257
CHRISTOPHER LEE ALLEN V. THE STATE

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

70022

2010CR0108



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JUN 17 2011*

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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.*

Hally H. O. Lawson Clerk.

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

ATLANTA, JUNE 15, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110258
RODNEY ROSS HARVARD V. THE STATE

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

92022

M20110015



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JUN 15 2011

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Clerk.

Hally F. O. Sparrow

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

ATLANTA, JUNE 21, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110259

ANGELA JACKSON V. THE STATE

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

94022

NONE



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

JUN 21 2011
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the minutes of the Court of Appeals of Georgia*

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Clerk.

Hally K. O. Spencer

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

ATLANTA, JUNE 14, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0260
JONATHAN SMITH ET AL V. FAIRLEY CISCO ET AL

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

90023

08V0302



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN 14 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, JUNE 24, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110261

FRED'S STORES OF TENNESSEE INC., V. RUTH FREEMAN

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

91022

2010RCSC103



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JUN 24 2011

*I certify that the 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.

Holly K. O. Spencer

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

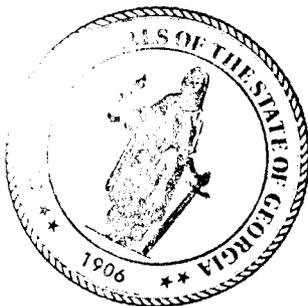
ATLANTA, JUNE 21, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110262
DAVID F. SIPPLE ET AL V. ADAM NEWMAN

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

95022
0702548



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JUN 21 2011

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

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Clerk.

Hally K. O. Spawor

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

ATLANTA, JUNE 21, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110263
DELTA COMMUNITY CREDIT UNION V. FIRST CENTER 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.

99022
1017119

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JUN 21 2011



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Clerk.

Hally K. O. Sparrow

Court of Appeals of the State of Georgia

ATLANTA, JUN 20 2011

The Court of Appeals hereby passes the following order:

A11I0264. KENDAL MOSES v. THE STATE.

Kendal Moses has filed a timely application for interlocutory appeal challenging the trial court's order denying his Plea of Former Jeopardy. An interlocutory application, however, is not necessary here. The pretrial denial of a motion to dismiss 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). Accordingly, Moses' application is hereby GRANTED. Moses shall have ten days from the date of this order to file a notice of appeal in the trial court.

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

LC# CR091387



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, JUN 20 2011

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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.*

Hally H. O. Spawcort, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, JUN 21 2011

The Court of Appeals hereby passes the following order:

A11I0265. Marcus Monroe Moring, Jr. v. Joe Denson.

Joe Denson sued Marcus Monroe Moring, Jr. for breach of a contract to purchase a home. The parties filed cross motions for summary judgment. The trial court entered an order granting Denson's motion, but denying Moring's. Moring then timely filed this application for interlocutory appeal.

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 that Moring 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). Accordingly, this application is hereby GRANTED. Moring shall have ten days from the date of this order to file a notice of appeal with the superior court, if he has not already done so. 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, JUN 21 2011

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

Hally K. O. Spawort, Clerk.

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

ATLANTA, JUNE 22, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0266

HIGHPOINT WEG LLC ET AL V. STATE BANK AND TRUST 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.

93023

2010CV190714

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JUN 22 2011*



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Clerk.

Hally K. O. Spencer

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

ATLANTA, JUNE 22, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110267
LAIBE CORPORATION V. GENERAL PUMP & WELL, 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.

71023
2008SV63

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JUN 22 2011



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Clerk.

Holly K. O. Spencer

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

ATLANTA, JUNE 22, 2011

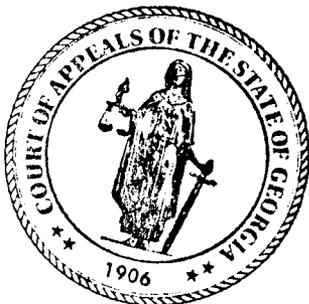
The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110268
COBB COUNTY, GEORGIA V. MORGAN ROBERTSON 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.

70023
1011608

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JUN 22 2011



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Clerk.

Hally K. O. Spawr

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

ATLANTA, JUNE 22, 2011

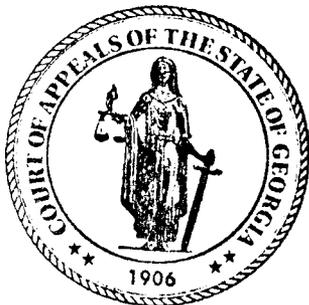
The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0269
RICARDO R. GRAVE DE PERALTA ET AL V. BLACKBERRY
MOUNTAIN ASSOCIATION, INC

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

92023

2009CV286



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 22 2011

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

Hally K. O. Spencer

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

ATLANTA, JUNE 28, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0270
OCONEE STATE BANK V. VICKY V. CAIN

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

94023

2010CV0202



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JUN 28 2011*

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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. Spano

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

ATLANTA, JUNE 24, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0271

MARK S. ALEXANDER ET AL V. ROBERT L. LAFONTAINE ET AL

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

91023

SU08CV2700



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 24 2011

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

JUN 21 2011

The Court of Appeals hereby passes the following order:

A11I0272. BROWN v. BROWN.

Thomas F. Brown II filed this application for interlocutory appeal from the trial court's order of May 13, 2011, ordering him to pay attorney fees in connection with a discovery dispute. The trial court entered a certificate of immediate review on May 24, 2011, eleven days after entry of the attorney fee order.

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). Here, the trial court did not enter its certificate of immediate review within 10 days of the order Brown seeks to appeal. Upon realizing that his application was untimely, Brown filed a motion to withdraw his application. The motion is hereby GRANTED.

LC# 09CV3458



Court of Appeals of the State of Georgia, JUN 21 2011
Clerk's Office, Atlanta,

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hereto affixed the day and year last above written.*

Hally K. O. Spawor, Clerk.

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

ATLANTA, JUNE 29, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110273
ONE GEORGIA BANK V. AVALON HOLDINGS, LLC., ET AL

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

99023

2009CV176138



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN 29 2011

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Clerk.

Hally K. O. Spencer

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

ATLANTA, JUNE 28, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110274
SOUTH POINT RETAIL PARTNERS LLC V. NORTH AMERICAN
PROPERTIES-ATLANTA, LTD

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

98023

2009CV177433



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 28 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, JUNE 30, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0275
ELDON KARL LENKER, ET AL V. G&G, LLC

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

97023

2010CV183579



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 30 2011

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hereto affixed the day and year last above written.*

Clerk.

Hally K. O. Sparrow

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

ATLANTA, JUNE 29, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110276
MATRIX DRILLING PRODUCTS COMPANY V. GENERAL PUMP
& WELL, INC

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

96023

2008STSV65



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 29 2011

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hereto affixed the day and year last above written.*

Clerk.

Hally K. O. Spawr

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

ATLANTA, JULY 06, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110277
LENOX HEIGHTS CONDOMINIUM ASSOCIATION, INC.,
V. CYNTHIA PARSON ET AL

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

90024

2009CV177589



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JUL - 6 2011*

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

Hally K. O. Sparrow

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

ATLANTA, JUNE 30, 2011

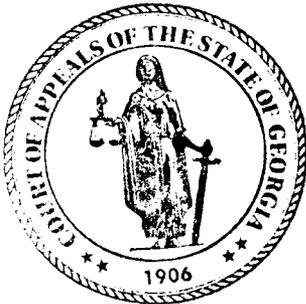
The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110278
THE PARK AVENUE BANK V. STEAMBOAT CITY DEVELOPMENT
COMPANY, L.P., ET AL

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

93024

2010CV1330



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JUN 30 2011

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

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

ATLANTA, JULY 06, 2011

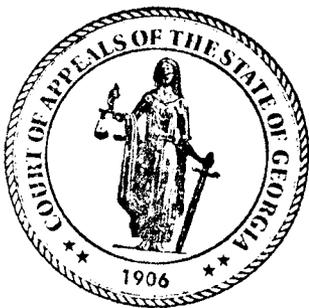
The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0279
INTERNATIONAL SECURITY MANAGEMENT GROUP, INC.,
ET AL V. CYNTHIA PARSON ET AL

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

90025

2009CV177589



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL - 6 2011

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

Hally K. O. Sparrow

Court of Appeals of the State of Georgia

ATLANTA,

JUL 12 2011

The Court of Appeals hereby passes the following order:

A11I0280. Ellery Steed v. Federal National Mortgage Association.

Ellery Steed seeks review of a May 23, 2011, State Court order denying his plea in abatement and staying his case. Steed sought a certificate of immediate review in accordance with OCGA § 5-6-34 (b), but the State Court denied his request. Despite his lack of certificate, Steed filed this application for interlocutory review. He requests that we address the merits of his appeal in accordance with *Waldrip v. State*, 272 Ga. 572 (532 SE2d 380) (2000).

A certificate of immediate review is a prerequisite to appellate review of a non-final order, and appellate courts generally will not review the trial court's decision to grant or refuse such certificate. *Scruggs v. Ga. Dep't of Human Res.*, 261 Ga. 587, 588 (1) (408 SE2d 103) (1991); *B & D Fabricators v. D. H. Blair Inv. Banking Corp.*, 220 Ga. App. 373, 375 (3) (469 SE2d 683) (1996). The Supreme Court has crafted a narrow exception to the certificate requirement, but this exception is limited to rare instances in which the issue presented is "of great concern, gravity, and importance to the public and no timely opportunity for appellate review" exists. See *Waldrip*, *supra* at 575 (1).

This appeal is not one of those rare cases in which ignoring the certificate requirement is warranted. Accordingly, we lack jurisdiction to consider this application, and it is hereby DISMISSED.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, JUL 12 2011

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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.*

Hally K. O. Spawort Clerk.

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

ATLANTA, JULY 06, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0281
CENTRAL OF GEORGIA RAILROAD COMPANY V. CAROL
PAGAN ET AL

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

70024

08CV49986



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL - 6 2011

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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. Spawr

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

ATLANTA, JULY 08, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0282
CHRISTOPHER LEWIS V. THE STATE

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

92024

2011RCCR35



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JUL - 8 2011*

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Clerk.

Holly K. O. Spawort

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

ATLANTA, JULY 13, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110283
SILPA CORPORATION V. EUGENE EVERETTE COLEMAN, JR

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

94024

09V0670



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 13 2011

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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 H. O. Sparrow

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

ATLANTA, JULY 15, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0284
WMT HOUSING, LLC ET AL V. GLENDALE SULLIVAN

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

91024
09V0966



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 15 2011

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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

The Court of Appeals hereby passes the following order: JUN 30 2011

A11I0285. DAVID P. McGAULEY et al. v. JEFF WITCHER.

A11I0286. JEFF WITCHER v. DAVID P. McGAULEY et al.

Jeff Witcher filed suit against David P. McGauley, M.D., and Alpharetta Family Practice, LLC, alleging, generally, that Dr. McGauley committed numerous torts against him by serving as his physician while simultaneously having an affair with his wife. The trial court dismissed several of Witcher's claims, and the defendants moved for summary judgment on the remaining claims. On May 31, 2011, the trial court granted the defendants' motion as to three of the claims, but denied it as to a breach of confidential relationship claim.

In application number A11I0286, Witcher seeks review of the May 31, 2011 order to the extent it granted summary judgment to the defendants. 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 Witcher 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 A11I0286 is hereby GRANTED. Witcher shall have ten days from the date of this order to file a notice of appeal with the trial court. The clerk of the State Court of Fulton County is directed to include a copy of this order in the appeal record transmitted to this Court.

In application number A1110285, the defendants seek review of the May 31, 2011, order to the extent it denied their motion for summary judgment as to the breach of fiduciary duty claim. Once Witcher files his direct appeal, however, these parties will have the right to cross-appeal. See *Ga. Dept. of Transp. v. Strickland*, 279 Ga. App. 753, 755-756 (3) (632 SE2d 416) (2006); OCGA § 5-6-38 (a). Accordingly, we need not address A1110285, and it is hereby DENIED.

Finally, Witcher has filed a Motion to File Documents Under Seal, seeking permission to file under seal Exhibit B to his Brief in Support of his Petition for Interlocutory Review. That motion is DENIED.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, JUN 30 2011

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Hally H. O. Spaw, Clerk.

Court of Appeals of the State of Georgia

The Court of Appeals hereby passes the following order:

JUN 30 2011

A11I0285. DAVID P. McGAULEY et al. v. JEFF WITCHER.
A11I0286. JEFF WITCHER v. DAVID P. McGAULEY et al.

Jeff Witcher filed suit against David P. McGauley, M.D., and Alpharetta Family Practice, LLC, alleging, generally, that Dr. McGauley committed numerous torts against him by serving as his physician while simultaneously having an affair with his wife. The trial court dismissed several of Witcher's claims, and the defendants moved for summary judgment on the remaining claims. On May 31, 2011, the trial court granted the defendants' motion as to three of the claims, but denied it as to a breach of confidential relationship claim.

In application number A11I0286, Witcher seeks review of the May 31, 2011 order to the extent it granted summary judgment to the defendants. 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 Witcher 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 A11I0286 is hereby GRANTED. Witcher shall have ten days from the date of this order to file a notice of appeal with the trial court. The clerk of the State Court of Fulton County is directed to include a copy of this order in the appeal record transmitted to this Court.

In application number A11I0285, the defendants seek review of the May 31, 2011, order to the extent it denied their motion for summary judgment as to the breach of fiduciary duty claim. Once Witcher files his direct appeal, however, these parties will have the right to cross-appeal. See *Ga. Dept. of Transp. v. Strickland*, 279 Ga. App. 753, 755-756 (3) (632 SE2d 416) (2006); OCGA § 5-6-38 (a). Accordingly, we need not address A11I0285, and it is hereby DENIED.

Finally, Witcher has filed a Motion to File Documents Under Seal, seeking permission to file under seal Exhibit B to his Brief in Support of his Petition for Interlocutory Review. That motion is DENIED.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, JUN 30 2011

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Hally F. O. Spaw, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, September 14, 2011

The Court of Appeals hereby passes the following order:

A11H0287. Investigative Consultants International, Inc. v. Mbaye Seck.

Investigative Consultants International, Inc. ("ICI") filed an application for interlocutory appeal seeking to challenge an order entered by Judge Michael D. Johnson denying ICI's motion to dismiss. We dismissed the application because ICI's certificate of immediate review had been signed by a different judge. ICI filed a motion for reconsideration, submitting evidence that Judge Johnson was not available to sign the certificate because he resigned shortly after denying the motion to dismiss. Under these circumstances, ICI has shown that its certificate of immediate review was valid. See *Freemon v. Dubroca*, 177 Ga. App. 745 (1) (341 SE2d 276) (1986).

ICI's motion for reconsideration is therefore *GRANTED*; this Court's prior order dismissing the application is *VACATED*; and the application is *REINSTATED*. Upon full consideration of the merits of the application, however, the application is hereby *DENIED*.



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

SEP 14 2011

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Hally K. O. Spaw, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, JUL 21 2011

The Court of Appeals hereby passes the following order:

A1110287. Investigative Consultants International, Inc. v. Mbaye Seck et al.

Fulton County Superior Court Judge Michael D. Johnson denied Investigative Consultants International, Inc.'s ("ICI") motion to dismiss or, in the alternative, for summary judgment. ICI then obtained a certificate of immediate review from a different judge and filed this application for interlocutory appeal. We lack jurisdiction.

Under OCGA § 5-6-34 (b), a party may apply for interlocutory appellate review "[w]here *the trial judge* in rendering an order, decision, or judgment not otherwise subject to direct appeal . . . certifies within ten days of entry thereof that the order, decision or judgment is of such important to the case that immediate review should be had . . ." (Emphasis supplied.) The plain language of the statute requires that the same judge who enters the order in question must certify it for immediate review. *Mauer v. Parker Fibernet, LLC*, 306 Ga. App. 160, 162 (701 SE2d 599) (2010).¹

Because the certificate of immediate review submitted by ICI is invalid, it does not confer jurisdiction upon this Court to consider this application for interlocutory appeal. The application is therefore DISMISSED.

¹ This court has recognized a limited exception to this rule where evidence shows that the trial judge was unavailable to execute the certificate. See *Freemon v. Dubroca*, 177 Ga. App. 745 (1) (341 SE2d 276) (1986); *Tingle v. Harvill*, 125 Ga. App. 312, 317-318 (2) (187 SE2d 536) (1972); see also *Thorpe v. Russell*, 274 Ga. 781 (559 SE2d 432) (2002). ICI, however, has made no showing that Judge Johnson was unavailable.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, JUL 21 2011

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Hally K. O. Spaw , Clerk.

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

ATLANTA, JULY 18, 2011

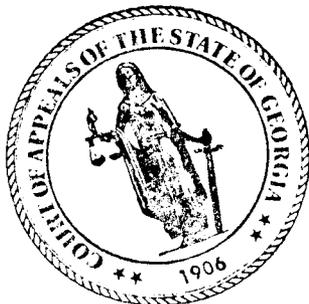
The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110288
FARMERS & MERCHANTS BANK V. BRIAN J. BREE 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

1B09CV1432



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JUL 18 2011*

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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, JULY 18, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110289
GMAC MORTGAGE, LLC V. BRIAN J. BREE 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.

98025

1B09CV1432

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL 18 2011



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the minutes of the Court of Appeals of Georgia*

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Clerk.

Hally H. O. Spencer

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

ATLANTA, JULY 18, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110290

BRIAN J. BREE ET AL V. GMAC MORTGAGE CORPORATION 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.

98026

1B09CV1432



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JUL 18 2011*

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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, JULY 25, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0291

LINDA ANN SMITH ET AL V. JACQUELINE HARRIS

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

97024

10CV1845



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 25 2011

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Clerk.

Hally K. O. Spencer

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

ATLANTA, JULY 21, 2011

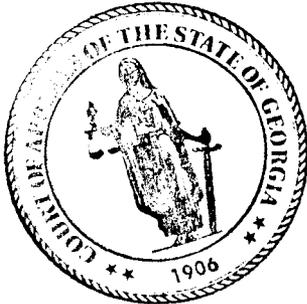
The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110292
TCC, INC., ET AL V. ABRAHAM QUESADA ET AL

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

96024

CV20100474



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 21 2011

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Clerk.

Hally K. O. Spawort

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

ATLANTA, JULY 20, 2011

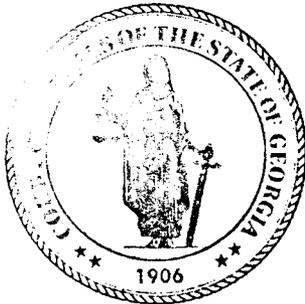
The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0293
MICHAEL DERNARD HARRIS V. THE STATE

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

93025

10CR1948



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JUL 20 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, AUGUST 01, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0294

GREG UNDERWOOD, ET AL V. BDI-LAGUNA, INC., ET AL

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

71025

04A07868



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG - 1 2011

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

Hally H. O. Sparrow

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

ATLANTA, AUGUST 01, 2011

The Court of Appeals hereby passes the following order:

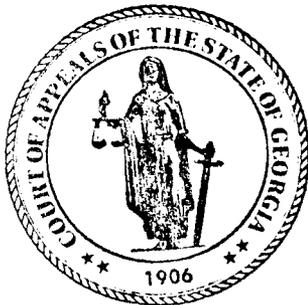
APPLICATION NO. A1110295

HENRY MEDICAL CENTER, INC V. EYVONNULETTA C. AUSTIN

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

70025

09CV3780



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG - 1 2011

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Clerk.

Holly K. O. Sparrow

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

ATLANTA, JULY 27, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0296
ATLANTA BREAD COMPANY INTERNATIONAL, INC., ET AL
V. KAREN STRIPLING

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

92025

2009EV006905

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL 27 2011



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Clerk.

Hally K. O. Sparrow

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

ATLANTA, OCTOBER 13, 2011

The Court of Appeals hereby passes the following order:

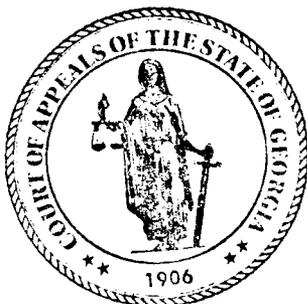
APPLICATION NO. A11I0297

CHARLES W. RUTTER, JR., V. STACY K. RUTTER

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

94025

10CV879



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta OCT 13 2011

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Clerk.
Hally K. O. Sparrow

Court of Appeals of the State of Georgia

ATLANTA, August 8, 2011

The Court of Appeals hereby passes the following order:

A11I0298. Harley Langdale, Jr., v. Langdale M. Nalley et al.

Trust beneficiaries filed this case against the former trustee, Harley Langdale, Jr. (“Harley”), alleging various claims of breach of fiduciary duty, breach of trust, fraud, and conspiracy. Harley sought summary judgment as to each of the claims, and the court partially granted and partially denied his motions. He now seeks interlocutory review of the order to the extent it denied him summary judgment.

The plaintiffs filed a response to Harley’s application, asserting that they have filed a direct appeal from the order to the extent it granted partial summary judgment. See OCGA § 9-11-56 (h). Under these circumstances, Harley has the right to cross-appeal from that order. See *Georgia Dept. of Transp. v. Strickland*, 279 Ga. App. 753, 755 (3) (632 SE2d 416) (2006); OCGA § 5-6-38 (a). As Harley has a right of appeal, this application is GRANTED. Harley shall have ten days from the date of this order to file a notice of appeal with the trial court or he may file a cross-appeal in accordance with OCGA § 5-6-38 (a). If Harley has already filed a notice of cross-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 this Court.

Harley has also moved to file under seal “Exhibit 6” to his application. That motion is also GRANTED.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta,

AUG - 8 2011

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

Hally K. O. Spawea , Clerk.

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

ATLANTA, JULY 27, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0299

JEWELL "JUDY" D. COX V. FRANK L. CONSTANTINO A/K/A

FRANK CONSTANTINO ET AL

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

99025

061625133



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL 27 2011

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

*Clerk
Hally K. O. Spencer*

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

ATLANTA, AUGUST 10, 2011

The Court of Appeals hereby passes the following order:

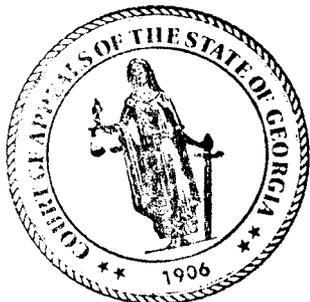
APPLICATION NO. A1110300

E. PAUL STANLEY ET AL V. AMY BROWN HARBST

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

97025

2009CV2875



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 10 2011

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

Hally K. O. Sparrow
Clerk

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

ATLANTA, AUGUST 10, 2011

The Court of Appeals hereby passes the following order:

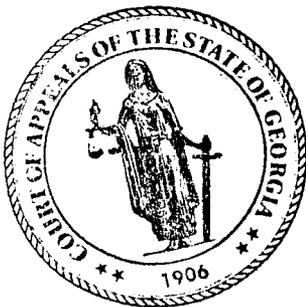
APPLICATION NO. A11I0300

E. PAUL STANLEY ET AL V. AMY BROWN HARBST

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

97025

2009CV2875



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG 10 2011

*I certify that the above is a true extract from
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Hally K. O. Sparrow
Clerk

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

ATLANTA, AUGUST 03, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110301

THE MEDICAL CENTER, INC., V. ARTHUR F. KNIGHT, JR., FOR
THE ESTATE OF BARBARA P. KNIGHT, 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.

96025

SU02CV409



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG -3 2011

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

90-026

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

ATLANTA, AUGUST 03, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110302
JAMES W. MARTIN 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.

90026

10CR0528



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **AUG - 3 2011**

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Clerk.

Hally K. O. Spencer

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

ATLANTA, AUGUST 04, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0303

IN THE INTEREST OF: L. D. B-P, A CHILD (MOTHER)

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

93026

11JV0083

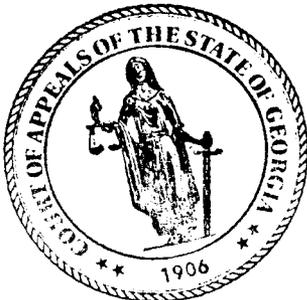
Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG - 4 2011

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Clerk.

Hally K. O. Spencer

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

ATLANTA, AUGUST 08, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0304
PAUL RANDALL HIBBARD V. THE STATE

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

71026

10CR0433



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **AUG - 8 2011**

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

CLERK'S OFFICE
SUPREME COURT of GEORGIA
244 Washington Street, Room 572
Atlanta, Georgia 30334
(404) 656-3470

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

Docketing Date: August 29, 2011

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 **S12C0006**.

PAUL RANDALL HIBBARD v. THE STATE

Clerk, Supreme Court of Georgia

AUG 30 2011

Case No. A11I0304

Court of Appeals of Georgia

Notice of Petition for Certiorari filed in office

Clerk, Court of Appeals of Georgia

SUPREME COURT OF GEORGIA

Remittitur, Case No. S12C0006

Atlanta, January 23, 2012

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

PAUL RANDALL HIBBARD 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 writ denied.

All the Justices concur, except Hunstein, C.J., Benham and Thompson, JJ., who dissent.

Court of Appeals Case No.

A1110304

RECEIVED IN OFFICE
2012 FEB - 8 PM 4: 20

SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta February 08, 2012

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.



Sia C. Britton, Chief Deputy Clerk

Court of Appeals
of the State of Georgia

ATLANTA, AUGUST 03, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0305

TERRY A. CONE V. ARTHUR F. KNIGHT, JR., FOR THE ESTATE
OF BARBARA P. KNIGHT 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.

96026

SU02CV409



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG - 3 2011

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hereto affixed the day and year last above written.*

Clerk.

Hally K. O. Sparrow

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

ATLANTA, AUGUST 03, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0306
EL RANCHERO MEXICAN RESTAURANT, NO. 10., INC., V.
ROSEMARY HINER

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

70026

10SC1618



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta AUG - 3 2011

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

Hally K. O. Sparrow

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

ATLANTA, JULY 27, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110307
THE STATE V. ANDREW P. MARCOTTE

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

92026

2011CR51



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL 27 2011

*I certify that the above is a true extract from
the minutes of the 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, reading "Holly K. O. Spawr". The signature is written in a cursive style with a large, prominent initial "H".

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

ATLANTA, AUGUST 05, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0308

MALL AT GWINNETT PLACE, LLC AS SUCCESSOR IN INTEREST TO
GWINNETT PLACE ASSOCIATES, L.P., V. CW SALES, 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.

94026

09SC2959



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 5 2011

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hereto affixed the day and year last above written.*

Holly K. O. Sparrow

Clerk.

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

ATLANTA, AUGUST 10, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110309
HOMER LEE JOHNSON, JR., V. SOUTHERN PAN SERVICES
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 STATE COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

91026

10A27710



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG 10 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, AUGUST 10, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110310

JAN KING, AS ADMINISTRATOR OF THE ESTATE OF

RANDALL KING, DECEASED V. SOUTHERN PAN SERVICES 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 STATE COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

91027

10A27705



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG 10 2011

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Clerk.

Hally K. O. Spawar

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

ATLANTA, AUGUST 10, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0311

OLVIN MARTINEZ V. SOUTHERN PAN SERVICES 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 STATE COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

91028

10A27706



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 10 2011

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Clerk.

Hally K. O. Spawr

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

ATLANTA, AUGUST 10, 2011

The Court of Appeals hereby passes the following order:

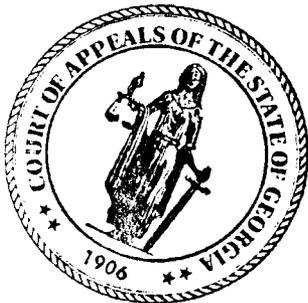
APPLICATION NO. A1110312

ENRIQUE SIERRA V. SOUTHERN PAN SERVICES 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 STATE COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

91029

10A27707



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG 10 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, AUGUST 10, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0313

SANTOS RAMIREZ V. SOUTHERN PAN SERVICES, 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 STATE COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

91030

10A27708

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG 10 2011



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*Witness my signature and the seal of said court
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*Clerk.
Hally K. O. Spawor*

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

ATLANTA, AUGUST 10, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0314

RYAN THORNHILL V. SOUTHERN PAN SERVICES, 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 STATE COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

91031

10A27709



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 10 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, AUGUST 16, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0315
MELISSA PATTERSON ADAMS V. DIRK S. ADAMS

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

95026

2011CV198275



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG 16 2011

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

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

ATLANTA, AUGUST 16, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0316

BEVERLY MILES V. STATE FARM FIRE & CASUALTY COMPANY

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

99026

10C03881



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG 16 2011

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

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

ATLANTA, AUGUST 10, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110317
CHOATE CONSTRUCTION COMPANY ET AL V. JAN KING, AS
ADMINISTRATOR OF THE ESTATE OF RANDALL L. KING,
DECEASED

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

91032

10A27705



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **AUG 10 2011**

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Clerk.

Hally K. O. Spawr

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

ATLANTA, AUGUST 10, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110318
CHOATE CONSTRUCTION COMPANY V. OLVIN MARTINEZ

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

91033

10A27706



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 10 2011

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Clerk.

Hally K. O. Spawr

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

ATLANTA, AUGUST 10, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110319
CHOATE CONSTRUCTION COMPANY V. ENRIQUE SIERRA

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

91034

10A27707



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 10 2011

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Clerk.

Hally K. O. Spawr

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

ATLANTA, AUGUST 10, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0320
CHOATE CONSTRUCTION COMPANY V. SANTOS RAMIREZ

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

91035

10A27708



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG 10 2011

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Clerk.

Hally K. O. Spencer

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

ATLANTA, AUGUST 10, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0321
CHOATE CONSTRUCTION COMPANY V. RYAN THORNHILL

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

91036

10A27709



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 10 2011

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Clerk.

Hally K. O. Spencer

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

ATLANTA, AUGUST 10, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110322

CHOATE CONSTRUCTION COMPANY V. HOMER LEE JOHNSON, JR.

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

91037

10A27710



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 10 2011

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Clerk.

Hally K. O. Spawort

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

ATLANTA, AUGUST 17, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0323

THE SCHUMACHER GROUP OF DELAWARE, INC., ET AL V. CRYSTAL
GAULDEN, ET AL

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

97026

2010SV281



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG 17 2011

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

Hally K. O. Spencer Clerk.

Court of Appeals of the State of Georgia

ATLANTA, August 11, 2011

The Court of Appeals hereby passes the following order:

A11I0324. James W. Harper, III et al. v. The State.

James W. Harper, III and his co-defendants seek interlocutory review of the trial court's orders denying their general and special demurrers and plea in bar. In the plea in bar, the defendants argued, among other things, that the indictment should be dismissed because the statute of limitations set forth in OCGA § 17-3-2.2 is unconstitutional. The trial court squarely addressed – and rejected – this argument. In this application, the defendants indicate their wish to raise the constitutionality argument on appeal.

The Supreme Court has exclusive appellate jurisdiction over all cases in which the constitutionality of a statute is called into question. See Ga. Const. Art. VI, Sec. VI, Par. II (1). “[I]n order to invoke that jurisdiction, the record must show that the trial court specifically passed on the constitutional issue.” *Fulton County v. Galberaith*, 282 Ga. 314, 315 (1) (647 SE2d 24) (2007). Because the application materials show that the trial court specifically addressed the constitutional issue, this application is hereby TRANSFERRED to the Supreme Court for disposition.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, AUG 11 2011

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

Holly K. O. Spawort, Clerk.

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

ATLANTA, AUGUST 11, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0325

BOWEN FAMILY HOLDINGS, INC., ET AL V. QUALITY PROPERTIES
ASSET MANAGEMENT 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.

93027

2011CV197279



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 11 2011

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Clerk.

Hally K. O. Spencer

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

ATLANTA, AUGUST 11, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0326
THE STATE V. KENNEDY ARMENDARIZ

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

71027

10CR256



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta AUG 11 2011*

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

Clerk.

Holly K. O. Sparrow

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

ATLANTA, AUGUST 10, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0327
CAMP CHEROKEE, INC., V. MARINA LANE, 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.

70027

08CV988



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 10 2011

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*Witness my signature and the seal of said court
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Clerk.
Holly K. O. Sparrow

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

ATLANTA, AUGUST 18, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0328

SANDRO ESPINOSA V. BRANCH BANKING & TRUST CO.

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

92027

2010CV191500



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG 18 2011

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

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

ATLANTA, AUGUST 10, 2011

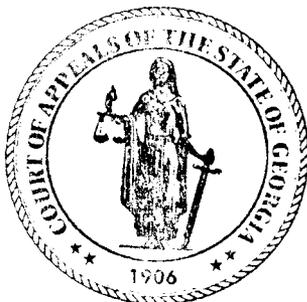
The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0329
MARINA LANE, LLC ET AL V. CAMP CHEROKEE, 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.

70028

08CV988



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

AUG 10 2011

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hereto affixed the day and year last above written.*

Clerk.

Hally K. O. Sparrow

Court of Appeals of the State of Georgia

ATLANTA, August 18, 2011

The Court of Appeals hereby passes the following order:

A11I0330. LAWRENCE H. DUNHAM v. WALLACE BRYANT DURHAM et al.

This action began when William E. Callaway, trustee of the Marjorie H. Dunham Trust, filed a petition for declaratory judgment in which he sought a declaration as to the rights of each of Dunham's children to receive a share of the trust estate, in light of the *in terroram* provision in the trust. Callaway alleged that one of more of the children may have forfeited all rights, title, and interest in the trust estate by participating in unsuccessful legal actions in violation of the *in terroram* provision of the trust. Appellant herein, Lawrence H. Durham, filed a counterclaim and cross-claim in response to the complaint. He then filed a motion for summary judgment on his counterclaim and cross-claim, in which he alleged that as the only child who did not violate the *in terroram* provision, he was the sole beneficiary of the trust estate. The trial court entered an order denying his motion, of which appellant seeks interlocutory review in the instant appeal.

Under Ga. Const. 1983, Art. VI, Sec. VI, Par. III, the Supreme Court has jurisdiction over all equity cases. "Equity cases' are those in which a substantive issue on appeal involves the legality or propriety of equitable relief sought in the superior court--- whether that relief was granted or denied." *Beauchamp v. Knight*, 261 Ga. 608, 609 (409 SE2d 208) (1991). In the instant case, the trustee sought a declaration for his guidance and protection, and the issues on appeal center on the propriety of that equitable relief. See *Barnes v. Nationsbank, N. A.*, 267 Ga. 234 (476 SE2d 563) (1996); compare *Warren v. Bd. of Regents of the University System of Georgia*, 272 Ga. 142, 144 (527 SE2d 563) (2000). Because this case appears to fall

within the Supreme Court's equity jurisdiction and the ultimate responsibility for construing the constitutional provision regarding appellate jurisdiction lies with the Supreme Court, see *Saxton v. Coastal Dialysis &c.*, 267 Ga. 177, 178 (476 SE2d 587) (1996), this appeal is hereby TRANSFERRED to the Supreme Court for disposition.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, AUG 18 2011

I certify that the above is a true extract from the minutes of 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 K. O. Spawort , Clerk.

Court of Appeals of the State of Georgia

ATLANTA, August 24, 2011

The Court of Appeals hereby passes the following order:

A11I0331. DONNIE R. GAY et al. v. B. H. TRANSFER COMPANY et al.

Donnie R. Gay et al., sued B. H. Transfer Company et al. By order entered July 28, 2011, the trial court granted B. H. Transfer Company's motion for partial summary judgment. The plaintiffs seek interlocutory review of that ruling.

The grant of partial summary judgment may be directly appealed. See OCGA § 9-11-56 (h); see also *Whiddon v. Stargell*, 192 Ga. App. 826, 828 (386 SE2d 884) (1989). Because the order at issue is directly appealable and is not subject to the interlocutory appeal requirements, this application is hereby GRANTED. See *Spivey v. Hembree*, 268 Ga. App. 485 (602 SE2d 246) (2004). Plaintiffs shall have ten days from the date of this order to file a notice of appeal with the superior court. 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, AUG 24 2011

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Holly K. O. Spawo, Clerk.

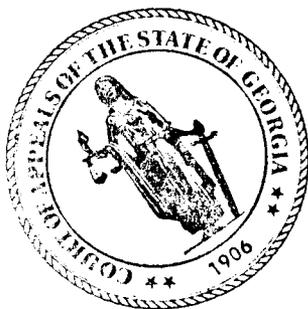
Court of Appeals of the State of Georgia

ATLANTA, AUGUST 24, 2011

The Court of Appeals hereby passes the following order:

**A11H0332. BOARD OF COMMISSIONERS OF PAULDING COUNTY,
GEORGIA ET AL. v. THAD MORRISON, III ET AL.**

It appearing the order of this Court issued AUGUST 23, 2011, is incorrect due to clerical error, it is hereby ordered that said order is VACATED and the order hereto be substituted for the original order.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **AUG 24 2011**

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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 24, 2011

The Court of Appeals hereby passes the following order:

A11I0332, A11I0333, A11D0509, A11D0510. Board of Commissioners of Paulding County, Georgia et al. v. Thad Morrison, III et al.

The Board of Commissioners of Paulding County, Georgia seeks to appeal orders in two related cases awarding attorney fees to Thad and Melissa Morrison. To that end, the Board has filed two applications for interlocutory appeal and two applications for discretionary appeal. Because the cases are still pending below, the Board was required to follow the interlocutory appeal procedure. See OCGA § 5-6-34 (b); *Thomas v. Douglas Co.*, 217 Ga. App. 520, 522 (1) (457 SE2d 835) (1995) (“Generally, an order is final and appealable when it leaves no issues remaining to be resolved, constitutes the court’s final ruling on the merits of the action, and leaves the parties with no further recourse in the trial court.”). The discretionary applications, A11D0509 and A11D0510, are therefore DISMISSED for lack of jurisdiction.

The interlocutory applications, A11I0332 and A11I0333, are hereby GRANTED. The Board shall have ten days from the date of this order to file notices of appeal in the superior court. If the Board has already filed such notices, it need not file them again. The clerk of the superior court is DIRECTED to include copies of this order in the records transmitted to the Court of Appeals.¹

¹ If the Board chooses to submit record appendices in accordance with Court of Appeals Rule 18 (a), the Board is responsible for including copies of this order with the appendices.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, AUG 24 2011

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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.*

Hally H. O. Sparrow , Clerk.

Court of Appeals of the State of Georgia

ATLANTA, AUGUST 24, 2011

The Court of Appeals hereby passes the following order:

**A11I0333. BOARD OF COMMISSIONERS OF PAULDING COUNTY,
GEORGIA ET AL. v. THAD MORRISON, III ET AL.**

It appearing the order of this Court issued AUGUST 23, 2011, is incorrect due to clerical error, it is hereby ordered that said order is VACATED and the order hereto be substituted for the original order.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG 24 2011

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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. Sparrow

Court of Appeals of the State of Georgia

ATLANTA, August 24, 2011

The Court of Appeals hereby passes the following order:

A11I0332, A11I0333, A11D0509, A11D0510. Board of Commissioners of Paulding County, Georgia et al. v. Thad Morrison, III et al.

The Board of Commissioners of Paulding County, Georgia seeks to appeal orders in two related cases awarding attorney fees to Thad and Melissa Morrison. To that end, the Board has filed two applications for interlocutory appeal and two applications for discretionary appeal. Because the cases are still pending below, the Board was required to follow the interlocutory appeal procedure. See OCGA § 5-6-34 (b); *Thomas v. Douglas Co.*, 217 Ga. App. 520, 522 (1) (457 SE2d 835) (1995) (“Generally, an order is final and appealable when it leaves no issues remaining to be resolved, constitutes the court’s final ruling on the merits of the action, and leaves the parties with no further recourse in the trial court.”). The discretionary applications, A11D0509 and A11D0510, are therefore DISMISSED for lack of jurisdiction.

The interlocutory applications, A11I0332 and A11I0333, are hereby GRANTED. The Board shall have ten days from the date of this order to file notices of appeal in the superior court. If the Board has already filed such notices, it need not file them again. The clerk of the superior court is DIRECTED to include copies of this order in the records transmitted to the Court of Appeals.¹

¹ If the Board chooses to submit record appendices in accordance with Court of Appeals Rule 18 (a), the Board is responsible for including copies of this order with the appendices.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, AUG 24 2011

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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.*

Hally K. O. Spaw , Clerk.

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

ATLANTA, AUGUST 26, 2011

The Court of Appeals hereby passes the following order:

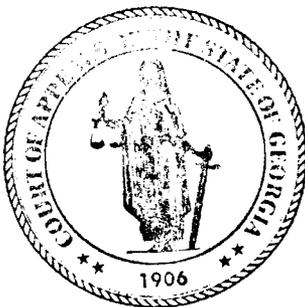
APPLICATION NO. A11I0334

BRANCH BANKING AND TRUST COMPANY V. CAROL SAWHILL
MCCANN, ET AL

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

98027

2009CA35020



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG 26 2011

*I certify that the above is a true extract from
the minutes of the 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 25, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0335
SANTOSH J. KOTHARI ET AL V. TASSEW TESFAYE 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.

97027

05CV684210



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG 25 2011

*I certify that the above is a true extract from
the minutes of the 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, SEPTEMBER 22, 2011

The Court of Appeals passed the following order

Case No. A11I0335

SANTOSH J. KOTHARI ET AL V. TASSEW TESFAYE ET AL

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

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP 22, 2011



*I certify that the 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, SEPTEMBER 01, 2011

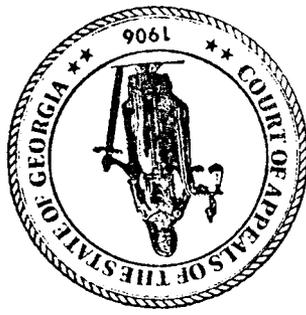
The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110336

BARRY GREEN V. JOHANNA FLANAGAN F/K/A JOHANNA BRUCE

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

96027
10SD2568



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta
SEP - 1 2011

I certify that the above is a true extract from
the minutes of 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. Kelly J. D. Spencer
Clerk.

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

ATLANTA, SEPTEMBER 22, 2011

The Court of Appeals passed the following order

Case No. A1110335

SANTOSH J. KOTHARI ET AL V. TASSEW TESFAYE ET AL

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

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP 22, 2011



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Clerk.

Hally K. O. Sparrow

Case Management

- General Docket
- Lower Court
- Party/Attorney
- Filings
- Judgment
- Certiorari
- Remittitur
- Notes
- Case History

Edit **Filings and Actions** **Transfers** **Mailing Labels**

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Case Style	SANTOSH J. KOTHARI et al v. TASSEW TEFAYE et al		
Short Style	SANTOSH KOTHARI, ET V. TASSEW TEFAYE, ET AL		
Case Number	A1110335		
Assigned Judge:	P. J. Sara L. Doyle	Assigned Division:	3
Short Number:	97-027	Assignment Type:	System
Panel:	J. M. Yvette Miller, P. J. John J. Ellington, P. J. Sara L. Doyle		
Opinion Status:	None		
Docket Date:	08/04/2011	Term:	S11
Docket Calendar:	1111	Status:	F
Notes:	Yes		

Judgment	INTERLOCUTORY APPLICATION GRANTED - 02-100		
Disposition Date	08/25/2011		
Number of Pages	0		\$0.00
Writing Judge	BLANK BLANK BLANK		
Judgment Line	<input type="text"/>		

Vote Line	<input type="text"/>		
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Citation	<input type="text"/>		
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- Per Curiam
- Do Not Publish
- Rule 36

[View Opinion](#)

P. J. Sara L. Doyle	<input type="text" value="Concur"/>
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**Court of Appeals
of the State of Georgia**

ATLANTA, SEPTEMBER 01, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0337

MEGHAN L. BUSBY ET AL V. LAURA L. COLLINS

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

90028

09V575



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP - 1 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA,

SEPTEMBER 01, 2011

The Court of Appeals hereby passes the following order:

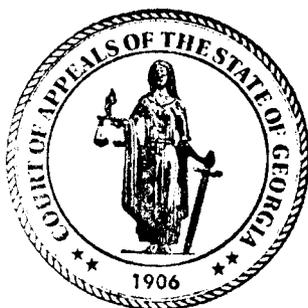
APPLICATION NO. A11I0338

THOMAS JOHNSTON LEWIS, III ET AL V. KEITH HERNDON ET AL

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

93028

2008SUCV545



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP - 1 2011

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Hally K. O. Spencer

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

ATLANTA, AUGUST 25, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110339

RESTAURANT ASSOCIATES, INC., ET AL V. JAMES FRAZIER

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

71028

2009EV007692



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG 25 2011

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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, SEPTEMBER 02, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110340

THURSDAY'S ENTERPRISES, INC., D/B/A ROCK-A-BILLY'S

V. CEJI C. WALLS ET AL

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

92028

69017



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP - 2 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, AUGUST 26, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110341

WINN-DIXIE STORES, INC V. PHYLLIS SAULS-TIMKO 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.

94028

CV20100299



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 26 2011

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Clerk.

Hally K. O. Spawr

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

ATLANTA, SEPTEMBER 08, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A1110342
DONNA L. ARNOLD V. DANNY NEAL ET AL

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

95028

20011CV01231



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP - 8 2011

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Clerk.

Hally K. O. Spencer

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

ATLANTA, AUGUST 31, 2011

The Court of Appeals hereby passes the following order:

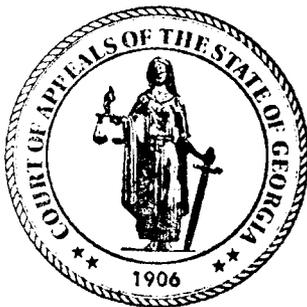
APPLICATION NO. A11I0343

JUDD HOBDY V. THE STATE

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

98028

10CR0109



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **AUG 31 2011**

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the minutes of the Court of Appeals of Georgia*

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, SEPTEMBER 01, 2011

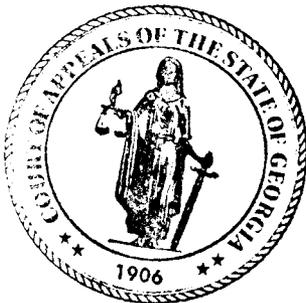
The Court of Appeals hereby passes the following order:

APPLICATION NO. A11I0344
DONNIE J. WOODS ET AL V. ALLIED VAN LINES 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.

97028

07C06459



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP - 1 2011

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*Clerk.
Hally K. O. Sparrow*

Court of Appeals of the State of Georgia

ATLANTA, August 18, 2011

The Court of Appeals hereby passes the following order:

A11I0345. JOHN R. PLATT, et al v. BUCKHEAD NORTH HOMEOWNERS ASSOCIATION, INC.

John R. Platt and H. Monica Platt (the Platts) filed this application for interlocutory appeal from the trial court's July 20, 2010 order granting partial summary judgment to Buckhead North Homeowners Association, Inc. The grant of partial summary judgment as to one or more but fewer than all the claims or parties may be appealed directly. See OCGA § 9-11-56 (h); *Olympic Dev. Group, Inc. v. American Druggists' Ins. Co.*, 175 Ga. App. 425 (1) (333 SE2d 622) (1985). Generally, we will grant an 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). But the application must be timely. See *id.*

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). Here, the certificate of immediate review was not entered until August 10, 2011, 21 days after the trial court entered its summary judgment order. Under these circumstances, 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, AUG 18 2011

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

Hally K. O. Sparrow Clerk.

Court of Appeals of the State of Georgia

ATLANTA, August 19, 2011

The Court of Appeals hereby passes the following order:

A1110346. CREATIVE FINANCIAL SOFTWARE, INC. v. PLAYNATION PLAY SYSTEMS, INC.

Creative Financial Software, Inc., sued Playnation Play Systems, Inc. (“Playnation”). By order entered July 26, 2011, the trial court granted Playnation’s motion for partial summary judgment. Creative Financial Software seeks interlocutory review of this ruling.

The grant of partial summary judgment may be directly appealed. See OCGA § 9-11-56 (h); see also *Whiddon v. Stargell*, 192 Ga. App. 826, 828 (386 SE2d 884) (1989). Because the order at issue is directly appealable and is not subject to the interlocutory appeal requirements, this application is hereby GRANTED. See *Spivey v. Hembree*, 268 Ga. App. 485, 602 SE2d 246 (2004). Creative Financial Software shall have ten days from the date of this order to file a notice of appeal with the superior court. The clerk of the superior court is directed to include a copy of this order in the appeal record transmitted to this Court.¹

¹ If the appellant chooses to submit a record appendix in accordance with Court of Appeals Rule 18 (a), the appellant is responsible for including a copy of this order with the appendix.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, AUG 19 2011

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

Hally K. O. Spencer, Clerk.