

Court of Appeals of the State of Georgia

ATLANTA , AUGUST 17, 2011

The Court of Appeals hereby passes the following order:

**A12I0001. MYRTLE FREEMAN v. ANUP RAJENDRA DADHANIA, D.D.S.
AND STOCKBRIDGE DENTAL GROUP, P.C.**

It appearing the docketing notice of this Court issued August 15, 2011, is incorrect due to clerical error, it is hereby ordered that the Clerk is hereby directed to correct the style of the case to read Stockbridge Dental Group, P.C. v. Myrtle Freeman.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta August 17, 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

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

ATLANTA,

SEPTEMBER 09, 2011

The Court of Appeals hereby passes the following order:

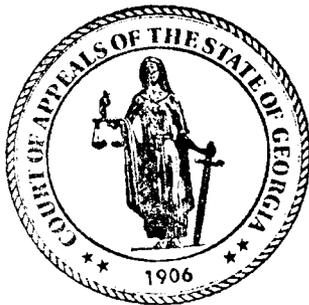
APPLICATION NO. A12I0001

STOCKBRIDGE DENTAL GROUP, P. C. V. MYRTLE 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 STATE COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

70001

11C2926S5



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP - 9 2011

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Clerk.

Hally K. O. Sparrow

Court of Appeals of the State of Georgia

ATLANTA, September 8, 2011

The Court of Appeals hereby passes the following order:

A12I0002. Willie Davis v. State of Georgia.

Prison inmate Willie Davis filed a civil action against the state, which filed a traverse challenging his ability to proceed *in forma pauperis*. The trial court granted the traverse, revoked Davis's *in forma pauperis* status, and ordered him to pay filing fees within 30 days. Davis filed a request for a certificate of immediate review, which the trial court denied. Davis then filed in this Court a "Motion for a Certificate of Immediate Review to Appeal," which we docketed as an application for interlocutory appeal.

Certificates of immediate review are issued by the trial court, not this Court. Thus, to the extent that Davis is asking this Court to furnish him with a certificate, we lack the authority to do so. Moreover, the absence of a certificate precludes our review of his application. Generally, an appellate court will not review the discretion vested in the trial court to grant or refuse a certificate for immediate review of interlocutory rulings. See *Scruggs v. Georgia Dept. of Human Resources*, 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 an exception to the requirement of a certificate applicable under certain limited circumstances. *Waldrip v. Head*, 272 Ga. 572, 575 (532 SE2d 380) (2000). This exception, however, is limited to "exceptional cases that involve an issue of great concern, gravity, and importance to the public and no timely opportunity for appellate review." *Id.* This does not appear to be one of the rare cases in which ignoring the certificate requirement is warranted. Therefore, adherence to the general rule is required. See *Smith & Wesson Corp. v. City of Atlanta*, 273 Ga. 431, 435 (3) (2001).

Davis's failure to comply with the interlocutory appeal procedures of OCGA § 5-6-34 (b) deprives this Court of jurisdiction to consider his application, which is hereby DISMISSED.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, SEP - 8 2011

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Hally K. D. Spaw , Clerk.

Court of Appeals of the State of Georgia

ATLANTA, September 1, 2011

The Court of Appeals hereby passes the following order:

A12I0003. DEKALB COUNTY v. JOSHUA J'VON BAILEY BY AND THROUGH NEXT FRIEND, et al.

A12I0004. TORREY THOMPSON v. JOSHUA J'VON BAILEY BY AND THROUGH HIS CONSERVATOR AND NEXT FRIEND et al.

Joshua J'Von Bailey, by and through his conservator and next friend, and Nicola D. Hatten, individually and as temporary administrator of the Estate of Lorenzo Matthews, sued DeKalb County and Torrey Thompson, individually and in his official capacity as an officer of the DeKalb County Police Department, seeking damages for alleged civil rights violations under Section 1983 and asserting claims for assault and battery, wrongful death, and breach of duty. Matthews was shot and killed as he was running away from police.

Defendants DeKalb County and Thompson moved for summary judgment. The trial court granted both motions as to plaintiffs' claim that the police failed to render aid to Matthews but denied DeKalb County's motion as to plaintiffs' remaining claims. The trial court also denied Thompson's motion, which asserted that he was immune from suit under the doctrine of qualified immunity. In these related applications for interlocutory appeal, DeKalb County and Thompson seek immediate review of the trial court's order.

In *Board of Regents v. Canas*, 295 Ga. App. 505, 507 (1) (672 SE2d 471) (2009), we held that the collateral order doctrine¹ permits a direct appeal from an order

¹ Under this doctrine, an interlocutory order may be appealed directly if it: (1) resolves an issue that is substantially separate from the basic issues to be decided at

“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, A12I0004, Thompson’s application for interlocutory appeal, is hereby GRANTED. In interlocutory application A12I0003, DeKalb County appeals the same order denying its motion for summary judgment. This issue is properly before this Court by application for interlocutory appeal. However, in the interest of judicial economy, we hereby also GRANT application A12I0003 as a companion case to A12I0004.

Thompson and DeKalb County shall have ten days from the date of this order

trial, (2) would result in the loss of an important right if review had to await final judgment, and (3) completely and conclusively decides the issue on appeal. *Britt v. State*, 282 Ga. 746, 748 (1) (653 SE2d 713) (2007).

to file notices of appeal in the trial court.² The clerk of the trial court is directed to include a copy of this order in the records transmitted to this Court.



Court of Appeals of the State of Georgia

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

² If Thompson or DeKalb County have already filed a notice of appeal, they need not file a second notice.

Court of Appeals of the State of Georgia

ATLANTA, September 1, 2011

The Court of Appeals hereby passes the following order:

A12I0003. DEKALB COUNTY v. JOSHUA J'VON BAILEY BY AND THROUGH NEXT FRIEND, et al.

A12I0004. TORREY THOMPSON v. JOSHUA J'VON BAILEY BY AND THROUGH HIS CONSERVATOR AND NEXT FRIEND et al.

Joshua J'Von Bailey, by and through his conservator and next friend, and Nicola D. Hatten, individually and as temporary administrator of the Estate of Lorenzo Matthews, sued DeKalb County and Torrey Thompson, individually and in his official capacity as an officer of the DeKalb County Police Department, seeking damages for alleged civil rights violations under Section 1983 and asserting claims for assault and battery, wrongful death, and breach of duty. Matthews was shot and killed as he was running away from police.

Defendants DeKalb County and Thompson moved for summary judgment. The trial court granted both motions as to plaintiffs' claim that the police failed to render aid to Matthews but denied DeKalb County's motion as to plaintiffs' remaining claims. The trial court also denied Thompson's motion, which asserted that he was immune from suit under the doctrine of qualified immunity. In these related applications for interlocutory appeal, DeKalb County and Thompson seek immediate review of the trial court's order.

In *Board of Regents v. Canas*, 295 Ga. App. 505, 507 (1) (672 SE2d 471) (2009), we held that the collateral order doctrine¹ permits a direct appeal from an order

¹ Under this doctrine, an interlocutory order may be appealed directly if it: (1) resolves an issue that is substantially separate from the basic issues to be decided at

“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, A12I0004, Thompson’s application for interlocutory appeal, is hereby GRANTED. In interlocutory application A12I0003, DeKalb County appeals the same order denying its motion for summary judgment. This issue is properly before this Court by application for interlocutory appeal. However, in the interest of judicial economy, we hereby also GRANT application A12I0003 as a companion case to A12I0004.

Thompson and DeKalb County shall have ten days from the date of this order

trial, (2) would result in the loss of an important right if review had to await final judgment, and (3) completely and conclusively decides the issue on appeal. *Britt v. State*, 282 Ga. 746, 748 (1) (653 SE2d 713) (2007).

to file notices of appeal in the trial court.² The clerk of the trial court is directed to include a copy of this order in the records transmitted to this Court.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, SEP - 1 2011

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Hally H. O. Spawort , Clerk.

² If Thompson or DeKalb County have already filed a notice of appeal, they need not file a second notice.

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

ATLANTA,

SEPTEMBER 13, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0005
PATRICK DANIEL AKERY V. THE STATE

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

90001

S2010CR01164



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 13 2011

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Clerk.

Holly K. O. Sparrow

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

ATLANTA,

SEPTEMBER 08, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0006

ROBERT EARL MOON V. THE STATE

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

91001

09SR01288



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP - 8 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA,

SEPTEMBER 15, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0007

APPLIANCEWARE, INC., ET AL V. HELEN CARLOS

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

94001

2011CV197711



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP 15 2011

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Clerk.

Holly K. O. Sparrow

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

ATLANTA, SEPTEMBER 14, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0008
THE STATE V. CHARLES ELLIOTT HILL, II

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

71001

09CR5745



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP 14 2011

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Clerk.
Hally K. O. Sparrow

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

ATLANTA, NOVEMBER 03, 2011

The Court of Appeals passed the following order

Case No. A12I0008

THE STATE V. CHARLES ELLIOTT HILL, II

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 03, 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,

SEPTEMBER 14, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0009

MARIETTA ROAD III, LLC ET AL V. PARKVIEW HOMEOWNERS
ASSOCIATION 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.

95001

2009CV176982



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 14 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,

SEPTEMBER 13, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0010

GEOFFREY MORTON V. REBECA RAMIREZ 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.

99001

10SC1637



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 13 2011

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Clerk.
Hally K. O. Sparrow

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

ATLANTA,

SEPTEMBER 14, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0011

STEPHEN POWERS 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.

96001

08CR0178



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP 14 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA,

SEPTEMBER 19, 2011

The Court of Appeals hereby passes the following order:

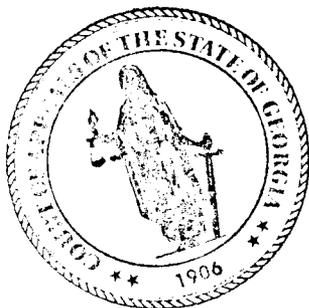
APPLICATION NO. A12I0012

CURTIS HANKS ET AL V. FIRST CITIZENS BANK

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

98001

STCV0904132



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 19 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, September 12, 2011

The Court of Appeals hereby passes the following order:

A12I0013. Pacific Specialty Insurance Co. v. Joseph S. Zachensky.

Pacific Specialty Insurance Company has filed a motion to withdraw its application for interlocutory appeal in this matter. The motion is hereby GRANTED, and the application is deemed WITHDRAWN. Joseph Zachensky's motions to recuse and to dismiss the application are DISMISSED as MOOT.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, SEP 12 2011

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Hally K. O. Spawort, Clerk.

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

ATLANTA,

SEPTEMBER 16, 2011

The Court of Appeals hereby passes the following order:

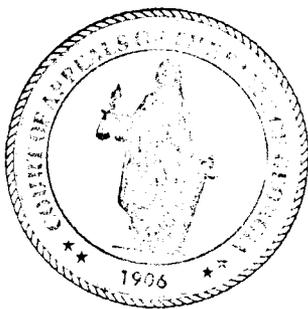
APPLICATION NO. A12I0014

HITENKUMAR PATEL ET AL V. STATE OF GEORGIA

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

70002

2010CV02163



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP 16 2011

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Clerk.

Holly K. O. Sparrow

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

ATLANTA, SEPTEMBER 22, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0015
STEPHEN JOSEPH O'HAIRE V. THE STATE

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

93002

2011SC05528



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **SEP 22 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. Spencer

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

ATLANTA, SEPTEMBER 28, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0016

COMMUNITY & SOUTHERN BANK V. D. H. MCDOWELL & ASSOCIATES

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

90002

09CV01906



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 28 2011

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Clerk.

Hally K. O. Sparrow

Court of Appeals of the State of Georgia

ATLANTA, September 29, 2011

The Court of Appeals hereby passes the following order:

A12I0017. Clinton Timmons v. The State.

Clinton Timmons has filed a motion to withdraw his application for interlocutory appeal in this matter. The motion is hereby GRANTED, and the application is deemed WITHDRAWN.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, SEP 29 2011

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Hally K. O. Sparrow Clerk.

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

ATLANTA, SEPTEMBER 29, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0018

ATLANTA INTERNATIONAL SCHOOL, INC., V. WILLIE WILMONT

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

94002

2009EV006600



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP 29 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, SEPTEMBER 28, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0019
CORNERSTONE NATIONAL INSURANCE COMPANY V.
ALBERTICO ELEAZAR YBARRA ET AL

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

71002

2010CV905



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 28 2011

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Clerk.

Hally K. O. Spanow

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

ATLANTA, OCTOBER 04, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0020

PATRICIA PHEBUS, IN HER CAPACITY AS EXECUTOR OF THE
ESTATE OF GARRY PHEBUS ET AL V. GABLE ELECTRIC COMPANY,
INC.

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

95002

08C02266



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT - 4 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA,

SEPTEMBER 29, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0021
PAULDING COUNTY BOARD OF TAX ASSESSORS
V. DAVID PEARSON COMMUNITIES, INC., D/B/A
RIVERWOOD DEVELOPMENT, INC.

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

99002

08CV5258



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **SEP 29 2011**

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Clerk.

Hally K. O. Spawr

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

ATLANTA, OCTOBER 07, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0022
ABUNDANT ANIMAL CARE, LLC., A/K/A ANIMAL KINGDOM
VETERINARY HOSPITAL ET AL V. APRIL GRAY

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

96002

10CV0110



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT - 7 2011

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Clerk.
Hally K. O. Sparrow

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

ATLANTA, OCTOBER 07, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0023

KENSINGTON PLACE OWNERS ASSOCIATION, INC., ET AL

V. TENITA THOMAS ET AL

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

98002

2011V0236



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT - 7 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, OCTOBER 03, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0024
BANK OF NORTH GEORGIA, A DIVISION OF SYNOVUS BANK
V. SIMON ROAD DEVELOPMENT, INC., ET AL

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

97002

10SV00098



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT - 3 2011

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Clerk.
Holly K. O. Sparrow

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

ATLANTA, OCTOBER 04, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0025
BANK OF NORTH GEORGIA, A DIVISION OF SYNOVUS BANK
V. WINDERMERE DEVELOPMENT, INC., ET AL

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

97003

10SV00096



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta OCT - 4 2011*

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

*Clerk.
Holly K. O. Sparrow*

Court of Appeals of the State of Georgia

ATLANTA, September 15, 2011

The Court of Appeals hereby passes the following order:

A12I0026. Kenneth G. Williams v. The State.

Kenneth G. Williams filed this application for interlocutory appeal from the trial court's order denying his plea in bar based upon a constitutional speedy trial claim. Williams, however, may directly appeal the pre-trial denial of his speedy trial claim. See *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, Williams' 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.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, SEP 15 2011

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Hally K. O. Spawort , Clerk.

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

ATLANTA, OCTOBER 19, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0027

BRANDI EDWARDS ALLDAY ET AL V. PATRICK J. ARAGUEL

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

93003

SU10CV1581



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT 19 2011

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Clerk.

Hally K. O. Sparrow

Court of Appeals of the State of Georgia

ATLANTA, October 14, 2011

The Court of Appeals hereby passes the following order:

A12I0028. Tina Marie Kemper f/k/a Tina Kemper Hopkins v. Keith Corbin Hopkins.

Tina Marie Kemper filed this action against her ex-husband, Keith Corbin Hopkins, seeking (1) modification of the child visitation provisions of the parties' divorce decree and (2) a citation of contempt against Hopkins, based on his failure to comply with various provisions of the parties' settlement agreement, including the requirement that he maintain health insurance for the parties' minor children. Hopkins's parents filed a motion to intervene and a proposed pleading that included a counterclaim for grandparent visitation. Before the trial court ruled on the grandparents' motion, Kemper voluntarily dismissed her action pursuant to OCGA § 9-11-41. The trial court rescinded Kemper's dismissal, and issued a certificate of immediate review of its ruling. Kemper filed the instant application for interlocutory review.

We, however, lack jurisdiction. The pending suit involves a petition for contempt based on alleged violations of a settlement agreement that was incorporated into the parties' divorce decree. Jurisdiction, therefore, lies in the Supreme Court, which has appellate jurisdiction over "[a]ll divorce and alimony cases." Ga. Const. of 1983, Art. VI, Sec. VI, Par. III (6); see *Rogers v. McGahee*, 278 Ga. 287, 288 (1)

(602 SE2d 582) (2004); see also *Morris v. Morris*, 284 Ga. 748, 750 (2) (670 SE2d 84) (2008). Accordingly, this application is hereby TRANSFERRED to the Supreme Court of Georgia for disposition.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, **OCT 14 2011**

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Hally K. O. Spencer Clerk.

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

ATLANTA, OCTOBER 13, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0029
MICHAEL SCHIAVONE, AS ADMINISTRATOR OF THE ESTATE
OF WILSON RAY WATSON V. MICHAEL HANKINS 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.

90003

STCV1003223

A12I 1017

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 13 2011



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Holly K. O. Sparrow
Clerk

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

ATLANTA, OCTOBER 12, 2011

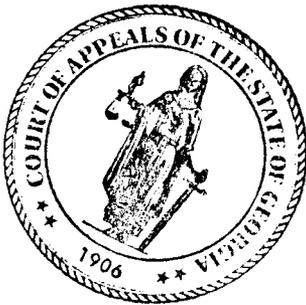
The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0030
SOUTHWEST GEORGIA REGIONAL COMMISSION V.
JAMES E. GLOVER, ET AL

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

91003

11SCV135



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 12 2011

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hereto affixed the day and year last above written.*

Clerk.

Hally H. O. Spawar

Court of Appeals of the State of Georgia

ATLANTA, September 23, 2011

The Court of Appeals hereby passes the following order:

A12I0031. Ralph R. McFalls, Jr., et al. v. Karen Onsager et al.

In this custody dispute, the superior court awarded custody of A. J. C. to Karen and Curtis Onsager. The prior guardian of the child, Ralph R. McFalls, Jr., seeks to appeal this ruling, and he filed an "Application for Appellate Review" in this Court.¹

Under the amended version of OCGA § 5-6-34 (a) (11), "[a]ll judgments or orders in child custody cases including, but not limited to, awarding or refusing to change child custody" are directly appealable. See *Moore v. Moore-McKinney*, 297 Ga. App. 703, 704 (1) (678 SE2d 152) (2009). The amendment applies "to all child custody proceedings and modifications of child custody filed on or after January 1, 2008." Ga. Laws 2007, p. 554 § 8. Because the new version applies here, the order that McFalls seeks to challenge is directly appealable.

We will grant an otherwise timely application for either interlocutory or discretionary appeal if the lower court's order is subject to direct appeal. See *Spivey v. Hembree*, 268 Ga. App. 485 (602 SE2d 246) (2004); OCGA § 5-6-35 (j). Accordingly, this application is hereby GRANTED. McFalls shall have ten days from the date of this order to file a notice of appeal with the trial court. If, however, he has already filed a notice of appeal, he need not file a second notice. The clerk of the trial court is DIRECTED to include a copy of this order in the record transmitted

¹ McFalls did not designate whether he wished to file a discretionary or interlocutory application, and this case was docketed as an application for interlocutory appeal.

to the Court of Appeals.²



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, SEP 23 2011

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Hally K. O. Lammert , Clerk.

² If McFalls chooses to submit a record appendix in accordance with Court of Appeals Rule 18 (a), he is responsible for including a copy of this order with the appendix.

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

ATLANTA, OCTOBER 17, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0032
SHUNDRA FLORENCE V. THE STATE

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

71003

09SR00801



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

OCT 17 2011

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Clerk.

Holly K. O. Spawort

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

ATLANTA, OCTOBER 14, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0033

KEVIN EATMON, D.D.S., P.C., ET AL V. MELISSA RUDOLPH

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

95003

CV100293



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 14 2011

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Clerk.
Hally K. O. Sparrow

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

ATLANTA, OCTOBER 04, 2011

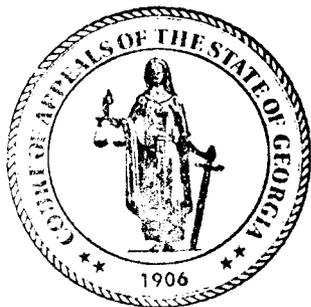
The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0034
PATRICIA PHEBUS, IN HER CAPACITY AS EXECUTOR
OF THE ESTATE OF GARRY PHEBUS ET AL V. GABLE ELECTRIC
COMPANY, INC.

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

95004

08C02266



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT - 4 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, OCTOBER 20, 2011

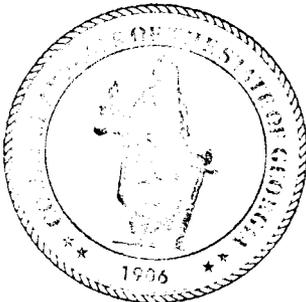
The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0035
TODD WILLOUGHBY 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.

99003

11B2639



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 20 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, OCTOBER 20, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0036
DONALD RANDALL NEWBERRY V. THE STATE

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

96003

11CR33



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT 20 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, OCTOBER 14, 2011

The Court of Appeals hereby passes the following order:

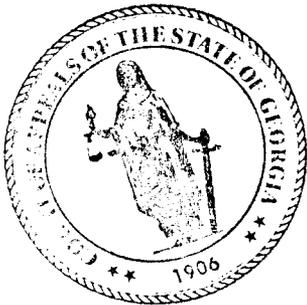
APPLICATION NO. A12I0037

FLORIDA ROCK AND TANK LINES, INC., V. APAC-SOUTHEAST, INC

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

98003

07CV10872



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT 14 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. A12I0038
HUNTER, MACLEAN, EXLEY & DUNN, P.C., V. ST. SIMONS
WATERFRONT, LLC

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

70004

CV092561



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT 13 2011

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Clerk.
Hally K. O. Spencer

Court of Appeals of the State of Georgia

ATLANTA, November 3, 2011

The Court of Appeals hereby passes the following order:

A12I0039. Carlos Maurice Givhan v. The State.

Carlos Maurice Givhan seeks interlocutory review of the trial court's September 8, 2011, order denying his motion to suppress. The court entered its certificate of immediate review on September 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). Because the certificate of immediate review was not entered within ten days of entry of the order at issue, we lack jurisdiction to consider this application for interlocutory appeal, which is hereby DISMISSED.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, NOV - 3 2011

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Holly K. O. Spawr, Clerk.

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

ATLANTA, OCTOBER 26, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0040
WESTON D. CRONKITE 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.

92004

2010D069973



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

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, NOVEMBER 01, 2011

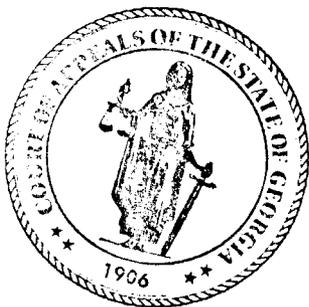
The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0041
AMERICAN HOME ASSURANCE COMPANY V. PATRICIA FUHR

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

90004

SU09CV1476



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV - 1 2011

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Clerk.

Hally K. O. Spawort

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

ATLANTA, OCTOBER 11, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0042

JACQUELINE B. TOOMBS, ET AL V. ACUTE CARE CONSULTANTS, INC.,
ET AL

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

91004

2008RCCV0182



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 11 2011

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Clerk.

Holly K. O. Sparrow

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

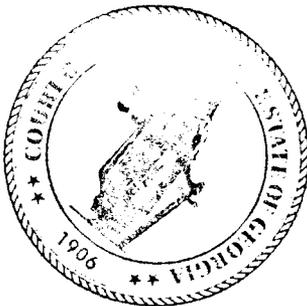
ATLANTA, JANUARY 24, 2012

The Court of Appeals passed the following order

Case No. A12I0042

JACQUELINE B. TOOMBS, ET AL V. ACUTE CARE CONSULTANTS, INC.,
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 JAN 24, 2012*

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, OCTOBER 31, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0043

NORFOLK SOUTHERN RAILWAY COMPANY ET AL V. WINFORD

HARTRY 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.

94004

2010CV06254



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT 31 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, OCTOBER 26, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0044
AP
NA KEELING V. JERRY M. ROBINSON ET AL

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

71004

2010CV2560



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 26 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, OCTOBER 25, 2011

The Court of Appeals hereby passes the following order:

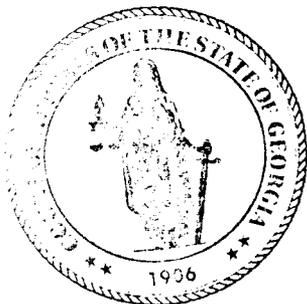
APPLICATION NO. A12I0045

SIX FLAGS OVER GEORGIA II, LP., ET AL V. JOSHUA R. MARTIN

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

99004

09A55



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 25 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, OCTOBER 26, 2011

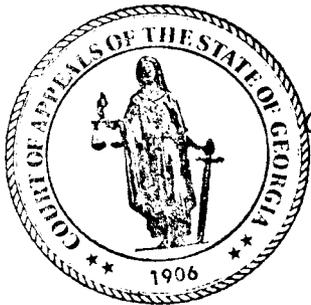
The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0046
CORO REALTY ADVISORS, LLC ET AL V. ANA JULIA MAYA
SALINAS 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.

96004

10EV009982



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

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Clerk.

Hally K. O. Spanos

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

ATLANTA, OCTOBER 26, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0047
TRAVIS GOWDY V. DESHANDA SCHLEY

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

98004

SU08CV5000



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 26 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, NOVEMBER 08, 2011

The Court of Appeals hereby passes the following order:

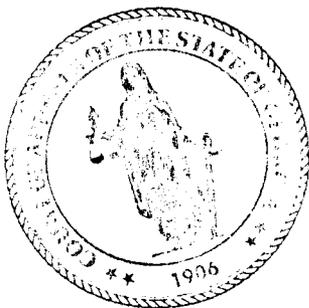
APPLICATION NO. A12I0048

DAVID PEARSON ET AL V. TPA ACQUISITION COMPANY ET AL

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

97004

10C01389



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta NOV - 8 2011*

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hereto affixed the day and year last above written.*

*Clerk.
Hally K. O. Pearson*

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

ATLANTA, NOVEMBER 01, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0049
JERRY PERKINS ET AL V. THOMAS KRANZ

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

70005

10C14854



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV - 1 2011

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Clerk.
Hally K. O. Sparrow

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

ATLANTA, NOVEMBER 08, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0050

TPA ACQUISITION COMPANY ET AL V. DAVID J. PEARSON

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

97005

10C01389



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV - 8 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, NOVEMBER 10, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0051

TRACY ROSS V. THE STATE

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

93005

10B6056



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta NOV 10 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, NOVEMBER 03, 2011

The Court of Appeals hereby passes the following order:

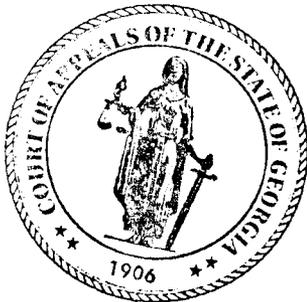
APPLICATION NO. A12I0052

JOHN CHRISTOPHER WHITE V. KELLY A. SHANKS 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.

92005

STCV1001886



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV - 3 2011

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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, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0053
JOHN CHRISTOPHER WHITE V. JAY SMITH

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

92006

STCV1001214

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV - 3 2011



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Clerk.

Hally K. O. Sparrow

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

ATLANTA, NOVEMBER 01, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0054
MORGAN COUNTY BOARD OF TAX ASSESSORS V.
NANCY W. WARD

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

2010CA157



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV - 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, NOVEMBER 04, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0055

CYNTHIA ERNEST HUMPHREY V. LAWRENCE TAYLOR HUMPHREY

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

91005

2010CV186403



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV - 4 2011

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*Clerk
Hally K. O. Sparrow*

S12C0409

FILED IN OFFICE

NOV 18 2011

Adrian P. Woods

SUPREME COURT OF GEORGIA

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

ATLANTA, NOVEMBER 01, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0056
NANCY W. WARD V. MORGAN COUNTY BOARD OF TAX
ASSESSORS

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

90006

2010CA157



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV - 1 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, NOVEMBER 03, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0057

MARIE P. RICHARDSON V. CHERRYL GILBERT 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.

94005

09SV346



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV - 3 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, NOVEMBER 18, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0058

GEORGIA UNDERWRITING ASSOCIATION V. CONSTANCE FAIRER

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

71005

2010CV1710



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV 18 2011

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Hally K. O. Sparrow Clerk.

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

ATLANTA, NOVEMBER 15, 2011

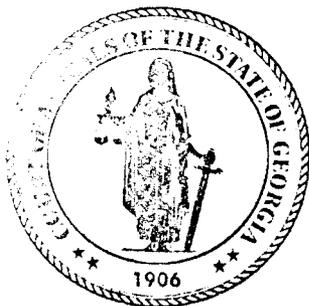
The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0059
SPECTRUM BRANDS, INC., ET AL V. GOODY PRODUCTS, INC

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

95005

2010CV191725



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **NOV 15 2011**

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, NOVEMBER 09, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0060

FRANKIE FORSH ET AL V. SHAWN TIRRELL WILLIAMS ET AL

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

99005

11CV01140



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV - 9 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, NOVEMBER 14, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0061

LISA PETROWSKI V. THE STATE

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

96005

09B03726



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 14 2011

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Clerk.

Hally K. O. Spawr

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

ATLANTA, NOVEMBER 16, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0062

JEREMY POTTS V. THE STATE

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

98005

119701



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 16 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. Spencer

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

ATLANTA, NOVEMBER 22, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0063

BOBBY JOHNSON V. THE STATE

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

70006

22038



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta NOV 22 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. Spencer

Court of Appeals of the State of Georgia

ATLANTA, OCTOBER 31, 2011

A12I0064. STATE BANK AND TRUST COMPANY v. SOMERSET
COMMUNITIES, INC., ET AL

The Honorable Court of Appeals hereby passes the following order:

It appearing the DISCRETIONARY application A12D0083 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 A12I0064 as stated above.



Court of Appeals of the State of Georgia OCT 31 2011
Clerk's Office, Atlanta
I certify that the above is a true extract from
the minutes of the Court of Appeals of Georgia.

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

Clerk.

Hally K. O. Sparrow

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

ATLANTA, NOVEMBER 08, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0064
STATE BANK AND TRUST COMPANY V. SOMERSET COMMUNITIES,
INC., ET AL

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

93006

10110648



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV - 8 2011

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Clerk.
Holly K. Spencer

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

ATLANTA, NOVEMBER 22, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0065

BRANDY REGISTER 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.

91006

2011FE0242



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV 22 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, NOVEMBER 17, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0066
HOUSING AUTHORITY OF THE CITY OF NICHOLLS ET AL
V. QUINGOIA BURKES 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.

94006

2010S01



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta NOV 17 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, November 29, 2011

The Court of Appeals hereby passes the following order:

A12I0067. Dekalb County School District, et al v. Elaine Ann Gold et al.

Elaine Ann Gold, a named plaintiff in this class action, sued the Dekalb County School District, et al., for ceasing to fund its tax-sheltered annuity plan. The multi-count complaint includes claims for declaratory judgment and breach of contract. The defendants filed a motion to dismiss based on sovereign immunity and other grounds, and the trial court denied their motion. The defendants 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). Here, however, the applicants indicate that they have also filed a notice of appeal from the order denying their motion to dismiss. This application is therefore superfluous, and it is DISMISSED.

The applicants have also filed an Emergency Motion to Stay Proceedings and Discovery in the Trial Court Pending Appeal. As noted above, the applicants have filed a notice of appeal, which generally acts as a supersedeas upon payment of costs.

See OCGA § 5-6-46 (a). Further, pursuant to Court of Appeals Rule 40 (b), we are authorized to issue such orders as are necessary to prevent the contested issue from becoming moot. Pursuant to that inherent authority, we hereby order that applicants' motion is GRANTED.



Court of Appeals of the State of Georgia

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

Court of Appeals of the State of Georgia

ATLANTA, November 22, 2011

The Court of Appeals hereby passes the following order:

A12I0068. HARRIS v. PETERSON.

Third-party plaintiff Roger Harris seeks interlocutory review of the trial court's order granting partial summary judgment to third-party defendant Anita Peterson.¹ Under OCGA § 9-11-56 (h), the grant of summary judgment on any issue or as to any party is reviewable by direct appeal. *City of Demorest v. Town of Mt. Airy*, 282 Ga. 653, 654 n.1 (653 SE2d 43) (2007).

This Court will grant a timely application for interlocutory appeal if the order complained of is subject to direct appeal and the applicant has not otherwise filed a 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. Harris shall have ten days from the date of this order to file a notice of appeal in the trial court. If Harris has already filed a notice of appeal from the order at issue here, he need not file a second notice. The clerk of the trial court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

¹ Harris filed this application in the Supreme Court, which transferred it here.



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

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Hally K. O. Spencer Clerk.

Court of Appeals of the State of Georgia

ATLANTA, November 9, 2011

The Court of Appeals hereby passes the following order:

A12I0069. JOHN W. BARR, JR. v. CITY OF TYBEE ISLAND, GEORGIA.

John W. Barr, Jr. filed suit in superior court against the defendant, City of Tybee Island, Georgia, seeking inter alia a writ of mandamus. Specifically, Barr sought to compel the defendant to honor an approved and recorded plat. The trial court granted partial summary judgment to the defendant.

Barr seeks to appeal this ruling. The Supreme Court, however, has exclusive appellate jurisdiction over all cases involving extraordinary remedies, including mandamus. See Ga. Const. of 1983, Art. VI, Sec. VI, Par. III (5); *Ladzinske v. Allen*, 280 Ga. 264 (626 SE2d 83) (2006). Accordingly, this case is hereby TRANSFERRED to the Supreme Court for disposition.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, **NOV - 9 2011**

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Hally K. O. Spawort, Clerk.

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

ATLANTA, NOVEMBER 29, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0070

WILLIAM BALLOU V. THE STATE

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

96006

119621



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV 29 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, DECEMBER 02, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0071

SARAH C. DOZIER, ET AL V. REV. MARKEL HUTCHINS

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

2011CV204885



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta DEC - 2 2011

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

*Clerk,
Hally K. O. Sparrow*

Court of Appeals of the State of Georgia

ATLANTA, December 1, 2011

The Court of Appeals hereby passes the following order:

A12I0072. Rodger Johnson et al. v. Commissioners of Glynn County, State of Georgia.

Rodger and Pamela Johnson sued the Board of Commissioners of Glynn County for negligence and nuisance. The Board moved to dismiss the complaint on sovereign immunity grounds. In an order entered on October 18, 2010, the trial court denied the motion. The Board appealed to this Court, and we reversed and remanded. *Bd. of Commissioners of Glynn County v. Johnson*, __ Ga. App. __ (Case No. A11A0961, decided September 14, 2011). The Johnsons filed a motion for reconsideration, which this Court denied in an order entered on October 5, 2011. The case was remitted to the trial court on October 21, 2011.

On November 3, 2011, the Johnsons filed the instant application. Although styled as an application for discretionary appeal, the application contains only one order from the trial court – the October 18, 2010 order that denied the Board’s motion to dismiss and certified the case for immediate review. Accordingly, this application was docketed as one for interlocutory appeal. In the application, the Johnsons argue that the trial court properly denied the Board’s motion to dismiss.

But the October 18, 2010 order has already been appealed and reversed, and our September 14, 2011 opinion is res judicata. See OCGA § 9-12-40; *Waggaman v. Franklin Life Ins. Co.*, 265 Ga. 565, 565-566 (1) (458 SE2d 826) (1995). This application presents nothing for our review and is therefore DISMISSED.

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, DEC - 1 2011



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hereto affixed the day and year last above written.*

Hally A. O. Spawr , Clerk.

Court of Appeals of the State of Georgia

ATLANTA, November 9, 2011

The Court of Appeals hereby passes the following order:

**A12I0073. ELIZABETH SOBERANIS, A MINOR, BY HER MOTHER AND
NEXT FRIEND, IVETTE BAILLON v. JERRIE POM ET AL.**

Elizabeth Soberanis, a minor, by her mother and next friend, Ivette Baillon filed this timely application for interlocutory appeal from the trial court's order of October 24, 2011, granting summary judgment to C. W. Matthew Contracting Co. Inc. in this negligence action. Under OCGA § 9-11-56 (h), the grant of summary judgment on any issue or as to any party is reviewable by direct appeal. *City of Demorest v. Town of Mt. Airy*, 282 Ga. 653, 654 n.1 (653 SE2d 43) (2007).

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 applicant shall have ten days from the date of this order to file a notice of appeal in the trial court. If the applicant has already filed a notice of appeal from the rulings at issue here, she 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, NOV - 9 2011

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Hally K. O. Spawor Clerk.

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

ATLANTA, DECEMBER 06, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0074

RENEE QUARTERMAN V. ABDULLAHI HASSAN NUR ET AL

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

93007

10A29645



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta DEC -6 2011

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Clerk.
Hally K. O. Spaw

Court of Appeals of the State of Georgia

ATLANTA, December 1, 2011

The Court of Appeals hereby passes the following order:

A12I0075. Donna J. Fox v. Ayhan Korucu.

Ayhan Korucu filed a petition for modification of custody, seeking to be declared the primary decision-maker as to his minor child's education. Donna Fox, the child's mother and Korucu's ex-wife, opposed the petition and filed a motion for summary judgment. After the trial court denied the motion, Fox filed this application for interlocutory appeal.

Under OCGA § 5-6-34 (a) (11), "[a]ll judgments or orders in child custody cases including, but not limited to, awarding or refusing to change child custody" are now directly appealable. The effect of this broad language is that a party seeking to appeal any order in a child custody case – even a non-final order such as the one at issue here – is no longer required to comply with either the interlocutory appeal procedure of OCGA § 5-6-34 (b) or the discretionary appeal procedure of OCGA § 5-6-35 (a) (2). See *Cohen v. Cohen*, 300 Ga. App. 7, 8 (1) (684 SE2d 94) (2009); *Taylor v. Curl*, 298 Ga. App. 45 (679 SE2d 80) (2009). The trial court's ruling as to which parent shall have final decision-making authority with respect to a child's education is a ruling on legal custody. See *Frazier v. Frazier*, 280 Ga. 687, 689 (631 SE2d 666) (2006); see also *Daniel v. Daniel*, 250 Ga. App. 482, 483 (552 SE2d 479) (2001). Thus, the order that Fox seeks to appeal 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). Fox'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 record transmitted to this Court.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, DEC - 1 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. Spaw , Clerk.

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

ATLANTA, DECEMBER 06, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0076
WELLSTAR HEALTH SYSTEM, INC., V. TUCKER SUTTON, A MINOR,
BY AND THROUGH LORI O. SUTTON, CONSERVATOR OF THE PROPERTY
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.

90007

2009A8194

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **DEC - 6 2011**



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hereto affixed the day and year last above written.*

Clerk.

Hally H. O. Spaw

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

ATLANTA, DECEMBER 02, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0077

THOMAS HALL LOWE ET AL V. JOE TOM MCELHANNON 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.

91007

77432



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC -2 2011

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Clerk.
Hally K. O. Spanow

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

ATLANTA, DECEMBER 07, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0078
KEVIN L. JENSEN V. YONG HA ENGLER, AS SURVIVING
SPOUSE OF ERIC WALTER ENGLER, DECEASED, ET AL

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

94007

10C03721

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



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Clerk.

Hally K. O. Sparrow

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

ATLANTA, DECEMBER 08, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0079
PERRY M. THOMAS ET AL V. MILTON OLIVER

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

71007

2003CV35



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

DEC - 8 2011

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

Clerk.

Hally K. O. Sparrow

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

ATLANTA, DECEMBER 13, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0080

MICHAEL LICHTMAN ET AL V. BLANCHARD EQUIPMENT CO., INC

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

95007

2B10CV397



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 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, DECEMBER 07, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0081

BRIAN K. MCMEANS ET AL V. DEPARTMENT OF TRANSPORTATION

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

99007

10CV3930



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta DEC - 7 2011

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Clerk.

Hally K. O. Spencer

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

ATLANTA, DECEMBER 14, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0082
GEORGIA FARM BUREAU MUTUAL INSURANCE COMPANY V. MITZI
PEEK LONG HILLIARD

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

96007

09CV257



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta DEC 14 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. Spawor

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

ATLANTA, DECEMBER 15, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0083
CRAIG GUM V. THE STATE OF GEORGIA

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

98007

SU11CR0398



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

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Clerk.

Holly K. O. Sparrow

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

ATLANTA, DECEMBER 12, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0084
SENTRY SELECT INSURANCE COMPANY, J.H.O.C., INC.,
D/B/A PREMIER TRANSPORTATION ET AL V. ESSIE
TREADWELL

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

97007

2009CG0323



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta DEC 12 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, DECEMBER 12, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0085

ADMIRAL INSURANCE COMPANY ("ADMIRAL") V. LABMD, INC., ET AL

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

70008

2011CV197374

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 12 2011



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Clerk.

Hally K. O. Spanow

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

ATLANTA, DECEMBER 13, 2011

The Court of Appeals hereby passes the following order:

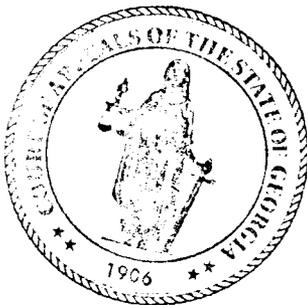
APPLICATION NO. A12I0086

U.S. BANK, N.A., ("U.S. BANK") V. OTIS WAYNE PHILLIPS

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

93008

11CV00504



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 13 2011

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Clerk.

Hally K. O. Sparrow

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

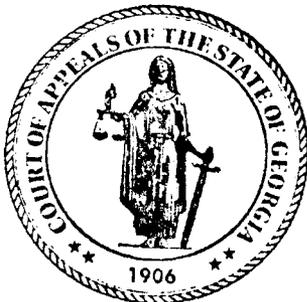
ATLANTA, DECEMBER 13, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0087
JAMES KEMP WILLIAMS V. THE STATE

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

92008
374344



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta DEC 13 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, DECEMBER 15, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0088

ANTHONY BAILEY 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.

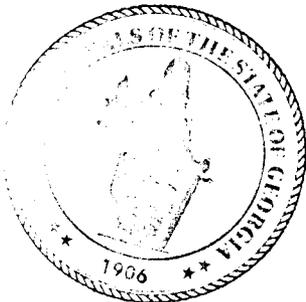
90008

11C38604

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 15 2011



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Clerk.

Hally K. O. Sparrow

als
of Georgia

ATLANTA, DECEMBER 12, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0089
CORNERSTONE COMMUNITY BANK V. FIDELITY NATIONAL
TITLE INSURANCE COMPANY

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

91008

10SUCV1660



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta DEC 12 2011

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Clerk.
Hally K. O. Sparrow

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

ATLANTA, DECEMBER 19, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0090

GMRI, INC., D/B/A RED LOBSTER V. DELORES CHERER

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

94008

2010V43180



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 19 2011

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Clerk.

Hally K. O. Sparrow

Court of Appeals of the State of Georgia

ATLANTA, December 14, 2011

The Court of Appeals hereby passes the following order:

A12I0091. Accor North America, Inc., et al v. Jeffrey Howard Todd et al.

Defendants Accor North America, Inc., et al. seek interlocutory review of the trial court's order granting partial summary judgment to the plaintiffs.

Under OCGA § 9-11-56 (h), the grant of summary judgment on any issue or as to any party is reviewable by direct appeal. *City of Demorest v. Town of Mt. Airy*, 282 Ga. 653, 654 n.1 (653 SE2d 43) (2007); *Whiddon v. Stargell*, 192 Ga. App. 826, 827-28 (386 SE2d 884) (1989). We will grant a timely application for interlocutory appeal if the order complained of is subject to direct appeal and the applicant has not otherwise filed a 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 they have already filed a notice of appeal from the order 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, DEC 14 2011

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the minutes of the Court of Appeals of Georgia.*

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Holly K. O. Spencer, Clerk.

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

ATLANTA, DECEMBER 20, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0092
HALE & ASSOCIATES, ATTORNEYS, LLC., V. FIRST
AMERICAN TITLE INSURANCE COMPANY

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

95008

2011CV199335



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 20 2011

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Clerk.

Hally K. O. Spawort

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

ATLANTA, DECEMBER 14, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0093

TEUMBIE M. WEEMS 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

11SUCR2089



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 14 2011

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Clerk.

Hally K. O. Sparrow

Court of Appeals of the State of Georgia

ATLANTA, December 1, 2011

The Court of Appeals hereby passes the following order:

A12I0094. CRYSTAL GAULDEN, et al. v. DANIEL GREEN, et al.

Crystal Gaulden filed suit against numerous defendants, including Bobby Herrington. By order entered November 8, 2011, the trial court granted Herrington's motion for summary judgment. Gaulden then obtained a certificate of immediate review and filed this application for interlocutory appeal.

The grant of a motion for partial summary judgment may be appealed directly. See OCGA § 9-11-56 (h); *Whiddon v. Stargell*, 192 Ga. App. 826, 828 (386 SE2d 884) (1989). Thus, 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 Gaulden shall have 10 days from the date of this order to file a notice of appeal with the trial court, if one has not already been filed. The state court clerk 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, DEC - 1 2011

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the minutes of the Court of Appeals of Georgia.*

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Holly K. O. Spawton, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, DEC 27 2011

The Court of Appeals hereby passes the following order:

A12I0095. ZURICH SERVICES CORP. v. BYERS, et al.
MD-12-13. BYERS v. SAVANNAH FOODS INDUSTRIAL, INC., et al.

Zurich Services Corporation filed an application for interlocutory appeal, in which Zurich sought immediate review of an order denying its motion for summary judgment. Having reviewed and considered the application for interlocutory appeal, we **DENY** it.

On the day Zurich filed its application, it also filed an emergency motion, in which it sought leave of this Court to file the application, as well as the exhibits attached to it,¹ under seal. Zurich explained in its emergency motion that some parts of some of the exhibits — Zurich did not identify which parts or which exhibits — were the subjects of various protective orders, which required that they be filed under seal. Based on our review of the emergency motion, and because time was short for Zurich to file its application, this Court allowed Zurich to file its application and the exhibits under seal, see *Byers v. Savannah Foods Industrial, Inc.*, MD-12-13 (Nov. 29, 2011), but at the time we did so, we had not yet had an opportunity to carefully review the application and exhibits.

We now have reviewed these materials, and we are not convinced that many, if any, of them ought to remain under seal. As our Supreme Court has explained, “[i]n the State of Georgia, the public and the press have traditionally enjoyed a right of

¹ Ten exhibits are attached to the application. One exhibit, however, consists of a motion for summary judgment and 48 additional documents that are attached to the motion, and another exhibit consists of a reply brief and 17 additional documents that are attached.

access to court records. Public access protects litigants both present and future, because justice faces its gravest threat when courts dispense it secretly.” *Atlanta Journal & Constitution v. Long*, 258 Ga. 410, 411 (1) (369 SE2d 755) (1988). Consequently, there is a presumption that “the public will have access to all court records.” *Id.* at 413 (3). See also *In re Gwinnett County Grand Jury*, 284 Ga. 510, 511 (668 SE2d 682) (2008). Generally speaking, this presumption can be overcome only by a demonstration that good cause exists to seal court records and that this good cause clearly outweighs the public interest in access to court records. *Long*, 258 Ga. at 414 (3). See also *Savannah College of Art & Design, Inc. v. School of Visual Arts, Inc.*, 270 Ga. 791, 792-793 (515 SE2d 370) (1999). Accordingly, we hereby **VACATE** our earlier order granting the emergency motion for leave to file under seal, see *Byers v. Savannah Foods Industrial, Inc.*, MD-12-13 (Nov. 29, 2011), and we now order as follows:

1. The application for interlocutory appeal and any other materials filed under seal in connection with the application shall be kept under seal by the Clerk until five o'clock on the afternoon of Friday, January 27, 2012, at which time the Clerk shall unseal those records without further order of the Court.

2. Counsel for Zurich shall, upon receipt of this order, promptly notify all interested persons, including any person who is a party to the proceedings below (or his lawyer), any person who produced any of the materials filed with this Court (or his lawyer), and any person who designated any of the materials filed with this Court as confidential (or his lawyer), of this order by telephone or in person. Counsel also promptly shall send a copy of this order by facsimile, electronic mail, and overnight or hand delivery to all such persons. Counsel also shall, upon request, provide any interested person with a description of the materials filed with this Court, one that is detailed enough to permit such person to ascertain whether he might have an interest in maintaining the confidentiality of any such materials.

3. If any interested person desires that this Court keep any of these materials under seal after January 27, 2012, such person shall file a motion to seal with this Court, no later than five o'clock on the afternoon of Friday, January 20, 2012. Any

such motion must identify with specificity the materials sought to be kept under seal, state sufficient grounds for keeping the materials under seal, and be accompanied by an evidentiary showing of such grounds for keeping the materials under seal.



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

Hally K. O. Spawort Clerk.

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

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

Docketing Date: April 09, 2012

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 **S12C1246**.

ZURICH SERVICES CORPORATION v. DEBRA BYERS et al.

Clerk, Supreme Court of Georgia

APR 11 2012

Case No. A12I0095
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. S12C1246

Atlanta, November 19, 2012

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

ZURICH SERVICES CORPORATION v. DEBRA BYERS 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 writ denied.

All the Justices concur, except Blackwell, J., disqualified.

Court of Appeals Case No.
A12I0095

RECEIVED IN OFFICE
2012 DEC - 4 PM 3:39
CLERK'S OFFICE
COURT OF APPEALS OF GA

DEC - 5 2012

SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta December 04, 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, **MAR 20 2012**

The Court of Appeals hereby passes the following order:

A12I0095. ZURICH SERVICES CORPORATION, INC. v. DEBRA BYERS.

Zurich Services Corporation, Inc. ("ZSC"), has filed a motion for reconsideration of our December 27, 2011, order denying its application for interlocutory review. That motion for reconsideration is DENIED.

In addition, ZSC has filed a "Motion for Permission to File Supplemental Brief in Further Support of Motion for Reconsideration." That motion is DENIED AS MOOT.



Court of Appeals of the State of Georgia

*Clerk's Office, Atlanta, **MAR 20 2012***

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the minutes of the Court of Appeals of Georgia.*

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Holly K. O. Spawr Clerk.

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

ATLANTA, DECEMBER 19, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0096
KAY ANKERICH, IN HER OFFICIAL CAPACITY AS A DEPUTY
SHERIFF OF THE HART COUNTY, GA ET AL V. MELANIE
SAVKO

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

97008

10HV1102



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

DEC 19 2011

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Clerk.
Hally K. O. Sparrow

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

ATLANTA, DECEMBER 27, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0097
STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY
V. JOE HEATHERLY

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

70009
S11V229



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta DEC 27 2011

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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, DECEMBER 27, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0098

LARRY CLIFTON ET AL V. ERRICA COOPER, 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.

93009

11SV0034



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta DEC 27 2011

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Hally K. A. Spawr Clerk.

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

ATLANTA, DECEMBER 29, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0099

DYLAN R. TURNER V. MARK WILLIAMSON ET AL

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

92009

11CV386



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta DEC 29 2011

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Hally K. O. Sparrow

Clerk.

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

ATLANTA, DECEMBER 29, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0100

EVEREST SECURITY INSURANCE COMPANY V. VICKIE SUE KIMBALL, AS ADMINISTRATOR OF THE ESTATE OF MATTHEW BRENT SAILORS

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

90009

ST10CV0128



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta DEC 29 2011

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Hally K. O. Spawor Clerk.

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

ATLANTA, DECEMBER 22, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0101
MARY ANN TURRENTINE V. THE STATE

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

91009

ST11CR1545



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

DEC 22 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, DECEMBER 22, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0102

ASHLEY ETCHISON V. THE STATE

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

91010

ST11CR1209



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 22 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, DECEMBER 22, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0103

BRADY WIEDERHOLD V. THE STATE

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

91011

ST11CR1267



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 22 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, DECEMBER 22, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0104

NICOLE ADAMS V. THE STATE

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

91012

ST11CR0637



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 22 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, DECEMBER 22, 2011

The Court of Appeals hereby passes the following order:

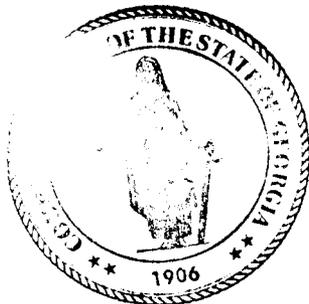
APPLICATION NO. A12I0105

ALEXANDER SANDUM V. THE STATE

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

91013

ST11CR1461



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 22 2011

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, DECEMBER 30, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0106
MARTIN EMORY DIAZ V. THE STATE

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

94009

11CR183



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta DEC 30 2011

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Hally K. O. Spawor Clerk.

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

ATLANTA, DECEMBER 29, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0107

RANDY F. RIZOR ET AL V. CHRISTOPHER HATTAWAY

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

71009

10EV011688



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta DEC 29 2011

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Hally K. O. Spawr

Clerk.

Court of Appeals of the State of Georgia

ATLANTA, January 4, 2012

The Court of Appeals hereby passes the following order:

**A12I0108. WRIGHT ENRICHMENT, INC. et al. v. JAMES DALE
HENDERSON et al.**

Wright Enrichment, Inc. has applied for interlocutory review of the trial court's order granting partial summary judgment to the plaintiffs in this tort action. The grant of a motion for partial summary judgment may be appealed directly. See OCGA § 9-11-56 (h); *Whiddon v. Stargell*, 192 Ga. App. 826, 828 (386 SE2d 884) (1989). Thus, 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 Wright Enrichment, Inc. shall have ten days from the date of this order to file a notice of appeal in the trial court, if one has not already been filed. The trial court clerk 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, JAN - 4 2012

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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. Spencer, Clerk.

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

ATLANTA, DECEMBER 28, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0109

JOSEPH T. JOHNSON ET AL V. CEDRIC JOHNSON

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

99009

ST10CV0946



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta DEC 28 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. Sparrow Clerk.

Court of Appeals of the State of Georgia

ATLANTA, January 9, 2012

The Court of Appeals hereby passes the following order:

A12I0110. JAMES GALBREATH v. AMY BRALEY.

Following a divorce, James Galbreath and Amy Braley were granted joint legal custody of their son. In October 2011, Braley filed a petition for modification of custody, alleging inter alia that Galbreath inappropriately fondled K. W., a female child. Galbreath sought to depose K. W., but the trial court granted a protective order that prohibited Galbreath's attorney from taking the child's deposition. Galbreath filed this application for interlocutory appeal seeking to appeal this ruling.

Under OCGA § 5-6-34 (a) (11), "[a]ll judgments or orders in child custody cases including, but not limited to, awarding or refusing to change child custody" are now directly appealable. The effect of this broad language is that a party seeking to appeal any order in a child custody case – even a non-final order such as the one at issue here – is no longer required to comply with either the interlocutory appeal procedure of OCGA § 5-6-34 (b) or the discretionary appeal procedure of OCGA § 5-6-35 (a) (2). See *Cohen v. Cohen*, 300 Ga. App. 7, 8 (1) (684 SE2d 94) (2009); *Taylor v. Curl*, 298 Ga. App. 45 (679 SE2d 80) (2009). Thus, the order that Galbreath seeks to appeal 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). Galbreath's application for interlocutory appeal is therefore GRANTED. He shall have ten days from the date of this order to file a notice of appeal in the superior court. The clerk of the superior court is directed to include a copy of this order in the record transmitted to this Court.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, JAN - 9 2012

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the minutes of the Court of Appeals of Georgia.*

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Hally K. O. Spawort Clerk.

Court of Appeals of the State of Georgia

ATLANTA, DEC 30 2011

The Court of Appeals hereby passes the following order:

A12I0111. Timothy Sean McLain v. The State.

Timothy Sean McLain seeks interlocutory review of the trial court's November 16, 2011, order denying a pretrial evidentiary motion. The court entered its certificate of immediate review on November 29, 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, the certificate of immediate review was entered on Tuesday, November 29, 2011, which was 13 days after the order was entered. Accordingly, we lack jurisdiction to consider this application for interlocutory appeal, and it is hereby DISMISSED.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, DEC 30

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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, January 5, 2012

The Court of Appeals hereby passes the following order:

A12I0112. Steven A. Easton v. The State.

Steven A. Easton has been indicted for felony murder and cruelty to an elder person. He filed an application for interlocutory appeal in this Court, seeking review of the trial court's order on the parties' motions in limine. In *State v. Thorton*, 253 Ga. 524 (322 SE2d 711) (1984), the Supreme Court held that "[t]he Court of Appeals is directed to transfer to the Supreme Court all cases in which either a sentence of death or of life imprisonment has been imposed upon conviction of murder, and all pre-conviction appeals in murder cases . . ." *Id.* at 524 (1) (emphasis supplied); see also *State v. Murray*, 286 Ga. 258 (687 SE2d 790) (2009); *Sanders v. State*, 280 Ga. 780 (631 SE2d 344) (2006). Accordingly, this application is hereby TRANSFERRED to the Supreme Court for disposition.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, JAN - 5 2012

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Hally F. O. Spencer, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, January 11, 2012

The Court of Appeals hereby passes the following order:

A12I0113. TOTAL BODY ESSENTIAL NUTRITION, INC. et al. v. JAMES DALE HENDERSON et al.

On November 21, 2011, the trial court entered an order granting partial summary judgment to the plaintiffs in this tort action. On November 28, 2011, the court certified its order for immediate review. Fourteen days later, on December 12, 2011, Total Body Essential Nutrition, Inc. filed this application for interlocutory appeal.

The grant of a motion for partial summary judgment may be appealed directly. See OCGA § 9-11-56 (h); *Whiddon v. Stargell*, 192 Ga. App. 826, 828 (386 SE2d 884) (1989). 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), an interlocutory application must be filed with this Court within ten days of the date a timely certificate of immediate review is entered below. Total Body Essential Nutrition failed to meet this ten-day deadline. Accordingly, we cannot consider this application, which is hereby DISMISSED as untimely.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, JAN 11 2012

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

Court of Appeals of the State of Georgia

ATLANTA, February 22, 2012

The Court of Appeals hereby passes the following order:

A12I0113. Total Body Essential Nutrition, Inc. et al. v. James Dale Henderson et al.

Total Body Essential Nutrition, Inc. filed an application for interlocutory appeal from the trial court's order granting partial summary judgment to the plaintiffs in this action. We dismissed the application as untimely because it had not been filed within ten days of entry of the certificate of immediate review that Total Body attached to its application. Total Body now seeks reconsideration of our dismissal.

Total Body asserts that it inadvertently included with its original application a certificate of immediate review that had been issued to its co-defendant, Wright Enrichment, Inc., on an earlier date.¹ Total Body has now submitted the correct certificate of immediate review. Based on the entry date for the correct certificate, Total Body's application was, in fact, timely. Therefore, Total Body's motion for reconsideration is GRANTED, and this application for interlocutory appeal is REINSTATED.

The grant of a motion for partial summary judgment may be appealed directly. See OCGA § 9-11-56 (h); *Whiddon v. Stargell*, 192 Ga. App. 826, 828 (386 SE2d 884) (1989). 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). Accordingly, this application for interlocutory appeal is hereby GRANTED,

¹ Wright Enrichment filed its own application for interlocutory appeal, A12I0108, which this Court granted by order entered January 2, 2012.

and Total Body shall have ten days from the date of this order to file a notice of appeal in the trial court, if one has not already been filed. The trial court clerk is instructed to include a copy of this order in the appellate record.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, FEB 22 2012

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

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

ATLANTA, JANUARY 05, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0114
DESTINIE HARRIS ET AL V. TENET HEALTHSYSTEM SPALDING,
INC., D/B/A SPALDING REGIONAL MEDICAL CENTER, ET AL

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

70010

11C00932

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN - 5 2012



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Clerk.
Hally K. O. Sparrow

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

ATLANTA, JANUARY 10, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0115

ROBERT W. THOMPSON ET AL V. WILLIAM DAVID OURSLER, JR.

ET AL

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

93010

11A01524



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 10 2012

*I certify that the above is a true extract from
the minutes of the 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 5, 2012

The Court of Appeals hereby passes the following order:

A12I0116. Michael Scott Hansen Corporation, et al. v. W & S Management, LLC, et al.

On June 23, 2011, the trial court granted summary judgment to the plaintiffs as to some of the defendants' counterclaims. Following cross-motions for reconsideration, the trial court granted summary judgment to the plaintiffs on the defendants' remaining counterclaims.¹ The defendants then filed an application for interlocutory appeal.

Pursuant to OCGA § 9-11-56 (h), the grant of summary judgment on any issue or as to any party is reviewable by direct appeal. *City of Demorest v. Town of Mt. Airy*, 282 Ga. 653, 654 n.1 (653 SE2d 43) (2007); *Whiddon v. Stargell*, 192 Ga. App. 826, 828 (386 SE2d 884) (1989). Therefore, 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 defendants-applicants shall have ten days from the date of this

¹ Although the court "dismissed" the remaining counterclaims, its decision to do so was based on evidence outside the pleadings, namely, the plaintiff's statement of undisputed material facts and the individual defendant's affidavit. Accordingly, the trial court's ruling was one for summary judgment. See *Hill v. Davis*, 241 Ga. 233, 234 (1) (244 SE2d 852) (1978); see also *Forest City Gun Club v. Chatham Co.*, 280 Ga. App. 219, 220 (1) (633 SE2d 623) (2006) ("[P]leadings, motions, and orders are construed according to their substance and function and not merely by nomenclature.").

order to file a notice of appeal in the trial court, if one has not already been filed. The trial court clerk 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, JAN - 5 2012

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

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

ATLANTA, MARCH 14, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0117

REINHARDT UNIVERSITY V. JOAN HASTY CASTLEBERRY

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

11CV1986



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 14 2012

*I certify that the above is a true extract from
the minutes of the 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 12, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0118
SOUTHWOOD ASSOCIATES, LTD V. DEBORAH DRISKELL

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

94010

2010CV06765



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN 12 2012

*I certify that the 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, JANUARY 11, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0119
GEORGIA DEPARTMENT OF TRANSPORTATION V. CLYDE
W. JACKSON

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

71010

09CV3962



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 11 2012

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, JANUARY 11, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0120
WILLIAM CROMER V. WADE SUDDUTH, JR.

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

99010
10CV00906

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 11 2012

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the minutes of the Court of Appeals of Georgia*

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



Clerk.

Hally K. O. Sparrow

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

ATLANTA, JANUARY 17, 2012

The Court of Appeals hereby passes the following order:

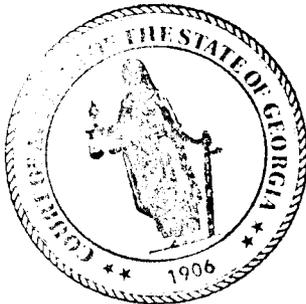
APPLICATION NO. A12I0121

LAURA LABARBERA V. HARRIS R. THOMPSON, JR.

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

96010

10CV4111



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 17 2012

*I certify that the above is a true extract from
the minutes of the 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 19, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0122
DEE MOO V. JOHNNIE MAE PATTERSON ET AL

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

98010

11A35201



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 19 2012

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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. Spaworth

Clerk.

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

ATLANTA, JANUARY 19, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0123

IGNACIO TOVALIN V. THE STATE

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

97010

11D05608



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN 19 2012

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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. A. Sparrow

Clerk.

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

ATLANTA, JANUARY 24, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0124
TERRY WILLIAMS V. GEORGIA DEPARTMENT OF HUMAN
RESOURCES, EX. REL., ASHLEE B. COOPER

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

70011

SU11CS0188



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JAN 24 2012*

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

S12C0942

FILED IN OFFICE
FEB 15 2012

Adrian J. Wood
SUPREME COURT OF GEORGIA

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

ATLANTA, JANUARY 19, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0125
BILLY DEWAYNE DENSON 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.

93011

2011C45350



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN 19 2012

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Holly K. O. Spawor

Clerk.

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

ATLANTA, JANUARY 27, 2012

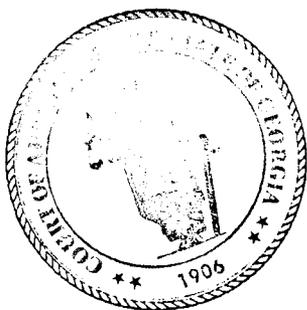
The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0126
AVERAGE JOES ENTERTAINMENT GROUP, LLC ET AL V.
BRANTLEY GILBERT ET AL

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

92011

2011CV0402



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JAN 27 2012*

*I certify that the above is a true extract from
the minutes of the 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 25, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0127
INGLES MARKETS, INC., V. ROCKY COLLINS, ET AL

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

97011

2009SUCV1093



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JAN 25 2012

*I certify that the above is a true extract from
the minutes of the 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 31, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0128
JOHN DOE V. JACQUELINE COATES 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.

94011

10SV00194



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 31 2012

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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, FEBRUARY 03, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0129

GLORIA MARSHALL V. THE STATE

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

71011

11CR069



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta FEB 3 2012

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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, FEBRUARY 02, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0130
AUTO-OWNERS INSURANCE COMPANY V. DISTINCT ADVANTAGE
PREMIUM FINANCE, INC., ET AL

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

95011

09CV2800



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta FEB - 2 2012

*I certify that the above is a true extract from
the minutes of the 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, FEBRUARY 09, 2012

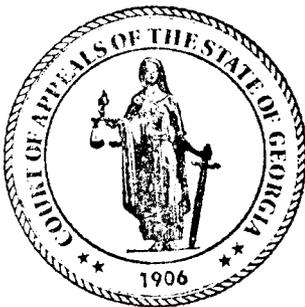
The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0131
CANDACE L. WILLIAMS V. THE STATE

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

99011

11CR06619



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta FEB - 9 2012

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Clerk.

Hally K. O. Sparrow

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

ATLANTA, FEBRUARY 13, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0132
ANDREW GURVEY V. SHERYL GURVEY

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

96011

10CV12502



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB 13 2012

*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, FEBRUARY 15, 2012

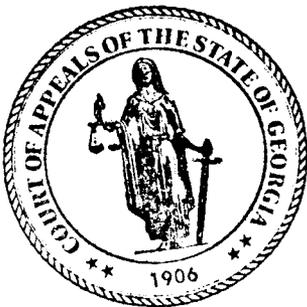
The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0133
SAMUEL HOUSTON HAWLEY V. THE STATE

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

98011

11T5425



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta FEB 15 2012

*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, FEBRUARY 21, 2012

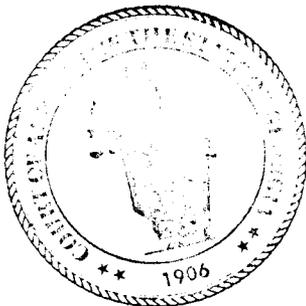
The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0134
GULF COAST PRE-STRESS PARTNERS, LTD., ET AL V.
MARTIN PIZANO ET AL

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

90011

10EV009518



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta FEB 21 2012

*I certify that the above is a true extract from
the minutes of the 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, FEBRUARY 16, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0135

DWIGHT T. BROWN 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.

70012

1192482



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta FEB 16 2012

*I certify that the above is a true extract from
the minutes of the 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, FEBRUARY 16, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0136
PROSERO, INC., F/K/A FACILITY PRO. COM CORPORATION
("PROSERO") V. LAWRENCE W. HALL

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

93012

10CV3934



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta FEB 16 2012

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

S12C1052

FILED IN OFFICE

MAR 12 2012

Adrian P. Woods

SUPREME COURT OF GEORGIA

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

ATLANTA,

FEBRUARY 14, 2012

The Court of Appeals hereby passes the following order:

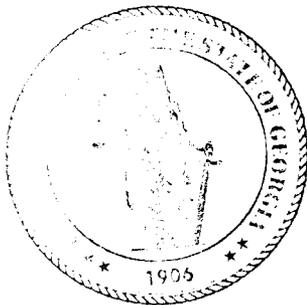
APPLICATION NO. A12I0137

FORD MOTOR COMPANY ("FORD") V. JORDAN CONLEY 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.

92012

2007A15560



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB 14 2012

*I certify that the above is a true extract from
the minutes of the 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 29, 2012

The Court of Appeals passed the following order

Case No. A12I0138

ALLEN ALPHONZO ADAMS V. THE STATE

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

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta MAR 29, 2012*



*I certify that the above is a true extract from
the minutes of the 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: April 04, 2012

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 **S12C1221**.

ALLEN A. ADAMS v. THE STATE

Clerk, Supreme Court of Georgia

APR - 6 2012

Case No. A12I0138
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. S12C1221

Atlanta, September 10, 2012

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

ALLEN A. ADAMS 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.

Court of Appeals Case No.

A12I0138

SEP 26 2012

RECEIVED IN OFFICE
2012 SEP 25 PM 3:34
OFFICE OF THE CLERK
COURT OF APPEALS OF GA

SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta September 25, 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.



Jo C. Britton, Chief Deputy Clerk

Court of Appeals of the State of Georgia

ATLANTA, February 21, 2012

The Court of Appeals hereby passes the following order:

**A12I0139. HALL COUNTY BOARD OF TAX ASSESSORS v. NORTHEAST
GEORGIA HEALTH SYSTEM, INC. f/k/a NORTHEAST GEORGIA
HEALTH SERVICES, INC.**

Upon consideration of the application for interlocutory appeal, it is hereby GRANTED. Hall County Board of Tax Assessors shall have ten days from the date of this order to file a notice of appeal in the superior court.¹ The clerk of the superior court is directed to include a copy of this order in the record transmitted to this Court.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, FEB 21 2012

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

¹ Once Hall County Board of Tax Assessors files a notice of appeal, Northeast Georgia Health System, Inc., will have the right to cross-appeal. See *Georgia Dept. of Transp. v. Strickland*, 279 Ga. App. 753, 755-56 (3) (632 SE2d 416) (2006); OCGA § 5-6-38 (a).

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

ATLANTA,

FEBRUARY 16, 2012

The Court of Appeals hereby passes the following order:

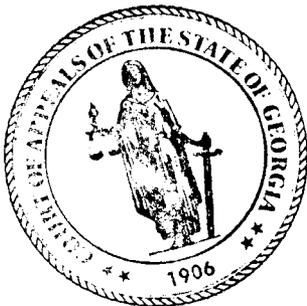
APPLICATION NO. A12I0140

VIOLA TAYLOR V. JAMES R. CURRIER ET AL

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

71012

SU10CV235



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB 16 2012

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

Court of Appeals of the State of Georgia

ATLANTA, February 22, 2012

The Court of Appeals hereby passes the following order:

A12I0141. ANTONIO SMITH v. THE STATE.

After the trial court denied his motion to suppress evidence in the criminal case against him, Antonio Smith filed a motion for a certificate of immediate review. The trial court denied that motion, declining to issue the certificate. Smith nevertheless filed this application for interlocutory appeal asserting that we have jurisdiction to consider the merits in accordance with *Waldrip v. Head*, 272 Ga. 572 (532 SE2d 380) (2000).

Generally, an appellate court will not review the discretion vested in the trial court to grant or refuse a certificate for immediate review of interlocutory rulings. See *Scruggs v. Ga. Dept. of Human Resources*, 261 Ga. 587, 588 (1) (408 SE2d 103) (1991); *B & D Fabricators v. D.H. Blair Inv. Banking Corp.*, 220 Ga. App. 373, 376 (3) (469 SE2d 683) (1996). The Supreme Court, however, has crafted an exception to the requirement of a certificate where the actions of the trial court have the effect of precluding appellate review of a substantive issue. See *Waldrip*, supra at 575 (1). The ruling is limited to “exceptional cases that involve an issue of great concern, gravity, and importance to the public and no timely opportunity for appellate review.” *Id.*

This does not appear to be one of the rare cases in which ignoring the certificate requirement is warranted. Accordingly, Smith’s failure to comply with the interlocutory appeal procedures of OCGA § 5-6-34 (b) deprives this Court of

jurisdiction to consider this application, which is hereby DISMISSED. See *Genter v. State*, 218 Ga. App. 311 (460 SE2d 879) (1995).



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, FEB 22 2012

I certify that the above is a true extract from the minutes of 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, FEBRUARY 17, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0142
COLUMBUS, GEORGIA V. MARY JO CIELINSKI

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

99012

SU06CV2063



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta FEB 17 2012

*I certify that the above is a true extract from
the minutes of the 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, FEBRUARY 29, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0143

TRAVIS HART 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.

96012

11R740

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB 29 2012



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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 H. A. Spaw

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

ATLANTA, MARCH 02, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0144
ARCHER WESTERN CONTRACTORS, LTD., V. JAMES DOUG
SHELNUTT ET AL

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

98012

09EV008349



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR - 2 2012

*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, MARCH 02, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0145

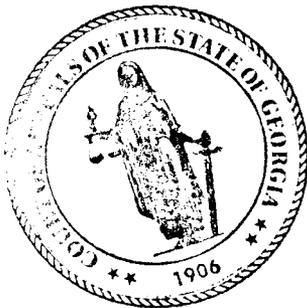
CAMP DRESSER & MCKEE, INC., V. JAMES DOUG SHELNUTT

ET AL

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

98013

09EV008349



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **MAR - 2 2012**

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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, FEBRUARY 28, 2012

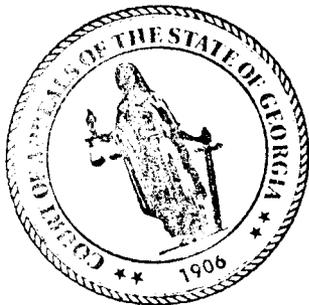
The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0146
DEKALB COUNTY, GEORGIA V. PAUL CHAMPION D/B/A
CHAMPION TREE SERVICE

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

90012

10CV3160



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

FEB 28 2012

*I certify that the above is a true extract from
the minutes of the 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 02, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0147
JACOBS CIVIL, INC., F/K/A SVERDRUP CIVIL, INC. (" JACOBS CIVIL")
V. JAMES DOUG SHELNUTT ET AL

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

98014

09EV008349



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta **MAR - 2 2012**

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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, FEBRUARY 29, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0148

AAA COOPER TRANSPORTATION, INC., ET AL V. ALAN JIMENEZ

ALEGRIA

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

70013

10CV10597



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta FEB 29 2012

*I certify that the above is a true extract from
the minutes of the 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 08, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0149

WESLEY WOODS CENTER OF EMORY UNIVERSITY ET AL V.

VIVIAN PARDUE, BY AND THROUGH HER DAUGHTER CHRIS

VANCE AS NEXT FRIEND

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

93013

10A33717



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR 8 2012

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

FEBRUARY 28, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0150

PAUL CHAMPION D/B/A CHAMPION TREE SERVICE V. DEKALB
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.

90013

10CV3160



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB 28 2012

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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, MARCH 05, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0151

BEAMER RENTALS, INC., ET AL V. DEPARTMENT OF TRANSPORTATION

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

92013

11CV59363



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta MAR - 5 2012*

*I certify that the above is a true extract from
the minutes of the 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, MARCH 05, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0152

1098 RED BUD ROAD, LLC ET AL V. DEPARTMENT OF TRANSPORTATION

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

92014

11CV59364



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR - 5 2012

*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 08, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0153

SUJATHA REDDY ET AL V. SHERYL J. CHERICO

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

97013

10EV009964



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR 8 2012

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

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

Hally K. A. Lawrence Clerk.

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

ATLANTA, MARCH 06, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0154
ERIC MICHAEL SUTTON 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.

94013

2011CR341

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR - 6 2012



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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, MARCH 09, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0155

Z-SPACE, INC., V. DANTANNA'S CNN CENTER, LLC

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

71013

09A08863



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **MAR - 9 2012**

*I certify that the above is a true extract from
the minutes of the 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 08, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0156
METRO ATLANTA TASK FORCE FOR THE HOMELESS, INC.,
(THE "TASK FORCE") V. PREMIUM FUNDING SOLUTIONS

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

95013

2010CV185971



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 8 2012

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

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Hally K. O. Spawr

Clerk.

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

ATLANTA, MARCH 14, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0157
FAYETTE COMMUNITY HOSPITAL, INC., D/B/A FAYETTE PIEDMONT
HOSPITAL V. OTHA BISHOP ET AL

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

99013

2010SV0891



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 14 2012

*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 13, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0158
TRIAD ISOTOPES, INC., ET AL V. UPPI, LLC ET AL

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

96013

11A110369



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 13 2012

*I certify that the above is a true extract from
the minutes of the 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 12, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0159

IN THE INTEREST OF: R. G., A CHILD (MOTHER)

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

70014

12711J154, &
12710J162



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 12 2012

*I certify that the above is a true extract from
the minutes of the 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 19, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0160
TOUCHSTONE HOMES, INC., V. MARIAN S. GRABLE

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

93014

11C02524



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 19 2012

*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.*

Hally K. O. Sparrow

Clerk.

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

ATLANTA, MARCH 26, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0161

ROBERT P. MCFARLAND, SR., V. DORIS GENEVA ROBERTS ET AL

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

97014

09CV2557



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 26 2012

*I certify that the above is a true extract from
the minutes of the 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 22, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0162
JACKIE LECROY ET AL V. GLENDA BRAGG

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

91014

10STCV33



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 22 2012

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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.

Holly K. A. Spawr

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

ATLANTA, MARCH 23, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0163
MICHAEL MILLER V. GGNSC ATLANTA, LLC

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

94014

11EV012457



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 23 2012

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

Clerk.

Hally K. O. Sparrow

Court of Appeals of the State of Georgia

ATLANTA, March 21, 2012

The Court of Appeals hereby passes the following order:

A12I0164. IN RE: ESTATE OF ALLEN E. ROBERTS, SR.

Rachel Manning Roberts seeks immediate review of an interlocutory order entered in this probate matter. The order was entered on January 27, 2012, but the lower court did not enter a certificate of immediate review until 18 days later, on February 14, 2012.

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 certificate of immediate review in this case was not entered within the ten-day period, we lack jurisdiction to consider this interlocutory application. Accordingly, it is hereby **DISMISSED**.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, MAR 21 2012

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

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

ATLANTA, MARCH 21, 2012

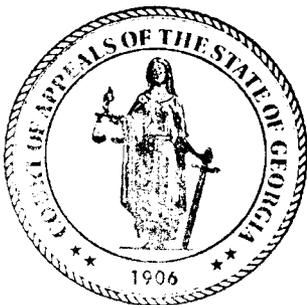
The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0165
MARIE LEONARD ET AL V. COBB HOSPITAL., INC., D/B/A WELLSTAR
COBB HOSPITAL 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.

95014

2010A2896



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 21 2012

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Clerk.

Hally K. O. Spawor

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

ATLANTA, MARCH 20, 2012

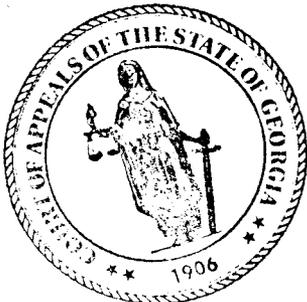
The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0166
FORD MOTOR COMPANY ("FORD") V. LYNN B. REESE ET AL

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

99014

2003A10881



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 20 2012

*I certify that the above is a true extract from
the minutes of the 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 29, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0167
GENERAL STEEL, INC., V. BETHANY BAPTIST CHURCH OF
MACON, INC.

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

96014

2011CV52



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **MAR 29 2012**

*I certify that the above is a true extract from
the minutes of the 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, March 28, 2012

The Court of Appeals hereby passes the following order:

A12I0168. THE STATE v. GEORGE MILNER.

The Superior Court of Fulton County dismissed Count 1 of the indictment filed against George Milner on February 1, 2012. The trial court certified its order for immediate review on February 29, 2012, and the State filed its application for interlocutory appeal on March 2, 2012. We lack jurisdiction.

Although OCGA § 5-7-1 (a) (1) permits the State to appeal from the trial court's order, OCGA § 5-7-2 requires the State to obtain a timely certificate of immediate review in order to do so. See *State v. Outen*, 289 Ga. 579, 581 (714 SE2d 581) (2011). Specifically, OCGA § 5-7-2 (a) provides that "it shall be necessary that the trial judge certify within ten days of entry thereof that the order, decision, or judgment is of such importance to the case that an immediate review should be had." Here, the certificate of immediate review was obtained 28 days after the order the State seeks to appeal. Consequently, "the attempted appeal is nugatory and does not activate the appellate jurisdiction of this Court." *State v. Strain*, 177 Ga. App. 874, 875 (341 SE2d 481) (1986). Accordingly, the State's appeal is hereby DISMISSED for lack of jurisdiction.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, MAR 28 2012

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

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

ATLANTA, MARCH 29, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0169
FERNANDO VEIGA JARDIM 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

11SC103224



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 29 2012

*I certify that the above is a true extract from
the minutes of the 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 23, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0170

MICHAEL DENNIS ("DENNIS") V. FRANKY LEE GRIMES ET AL

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

93015

2010SV2170



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 23 2012

*I certify that the above is a true extract from
the minutes of the 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 28, 2012

The Court of Appeals hereby passes the following order:

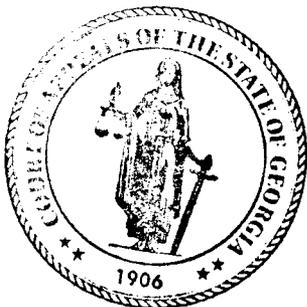
APPLICATION NO. A12I0171

GREGORY JAMES MILLER, ET AL V. JONATHAN MOORE

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

92015

2009CV349



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR 28 2012

*I certify that the above is a true extract from
the minutes of the 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, MARCH 29, 2012

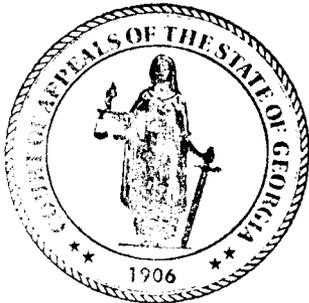
The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0172
LAJUAN FORD, JR. V. MABLE FLEMING

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

97015

10CV571



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 29 2012

*I certify that the above is a true extract from
the minutes of the 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 23, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0173
FACILITY INVESTMENTS, LP, F/K/A FACILITY INVESTMENTS, ET AL
V. HOMELAND INSURANCE COMPANY OF NEW YORK

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

91015

11EV012760



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 23 2012

*I certify that the above is a true extract from
the minutes of the 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 30, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0174
DURWOOD F. GRAHAM, ET AL V. KIMBO PROPERTIES, LLC

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

94015

10V4953



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 30 2012

*I certify that the above is a true extract from
the minutes of the 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, APRIL 03, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0175
SYNOVUS BANK, D/B/A BANK OF NORTH GEORGIA ET AL
V. THOMAS GRINER ET AL

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

71015

10C11235



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR - 3 2012

*I certify that the above is a true extract from
the minutes of the 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, APRIL 11, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0176
AMERISOUTH RECYCLING & CONSULTING SERVICES, INC., V.
DELTA AIR LINES, INC

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

95015

11A03940

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 11 2012



*I certify that the above is a true extract from
the minutes of the 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, APRIL 10, 2012

The Court of Appeals hereby passes the following order:

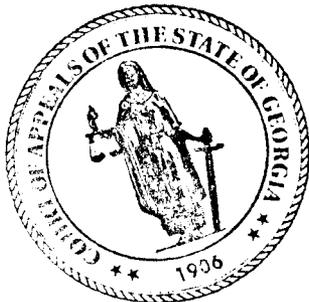
APPLICATION NO. A12I0177

LES J. KICKLIGHTER ET AL V. JASON DEAL

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

99015

1B10CV161



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 10 2012

*I certify that the above is a true extract from
the minutes of the 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, APRIL 12, 2012

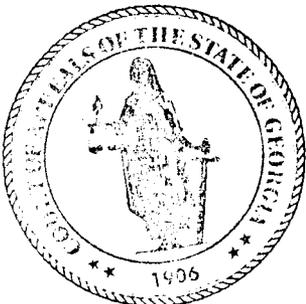
The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0178
CAROLYN L. MINCEY V. GEORGIA DEPARTMENT OF COMMUNITY
AFFAIRS

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

96015

08V0178



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 12 2012

*I certify that the above is a true extract from
the minutes of the 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, APRIL 10, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0179
SALOMON HERNANDEZ - LOPEZ 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.

98015

2011D07419



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 10 2012

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

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

ATLANTA, APRIL 11, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0180
CHARLETTE COREY V STATE OF GEORGIA

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

90015

11T18673



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 11 2012

*I certify that the above is a true extract from
the minutes of the 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, APRIL 16, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0181

BIG LOTS STORES, INC., ET AL V. ELIZABETH R. JENSEN ET AL

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

70016

09CV3575



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 16 2012

*I certify that the above is a true extract from
the minutes of the 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, APRIL 12, 2012

The Court of Appeals hereby passes the following order:

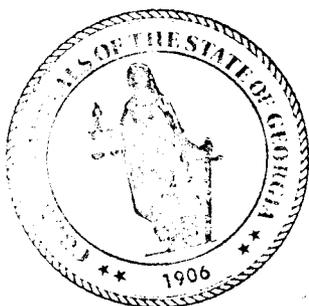
APPLICATION NO. A12I0182

STEVE DURDEN 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.

93016

09SC78776



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 12 2012

*I certify that the above is a true extract from
the minutes of the 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, APRIL 11, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0183
FORD MOTOR COMPANY V. PHILIP B. BLANCHARD, 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.

92016

2002RCCV591

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 11 2012



*I certify that the above is a true extract from
the minutes of the 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, APRIL 12, 2012

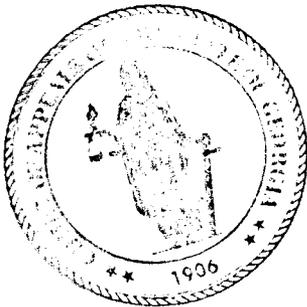
The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0184
THE BURKS COMPANIES, INC., V. INVESTIGATIVE CONSULTANTS
INTERNATIONAL, INC.

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

97016

2010CV190500



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 12 2012

*I certify that the above is a true extract from
the minutes of the 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, APRIL 19, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0185

CEDRIC ANTHONY MEANS V. DEKALB MEDICAL CENTER, INC. ET AL

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

91016

2009EV007792



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 19 2012

*I certify that the above is a true extract from
the minutes of the 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, APRIL 20, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0186
BOSTON CREEK HOLDINGS, LLLP V. AMICALOLA ELECTRICAL
MEMBERSHIP CORPORATION

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

94016

09CV1034



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 20 2012

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

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

Clerk.

Hally H. O. Sparrow

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

ATLANTA, APRIL 18, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0187
IN THE INTEREST OF: A. B., 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.

71016
10528 &
114872

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

APR 18 2012

*I certify that the above is a true extract from
the minutes of the 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, APRIL 18, 2012

The Court of Appeals hereby passes the following order:

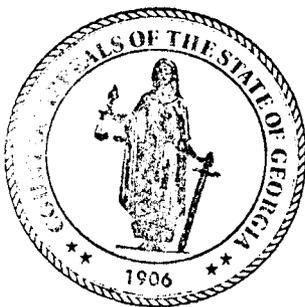
APPLICATION NO. A12I0188

MICHAEL PATRICK V. TRAVELERS PROPERTY CASUALTY COMPANY
OF AMERICA

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

95016

2008CV3627



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 18 2012

*I certify that the above is a true extract from
the minutes of the 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, APRIL 19, 2012

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0189

WEISSMAN, NOWACK, CURRY & WILCO, P.C. ET AL V. THE
PHOENIX ON PEACHTREE CONDOMINIUM ASSOCIATION, INC.

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

99016

2009CV174280



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 19 2012

*I certify that the above is a true extract from
the minutes of the 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, April 26, 2012

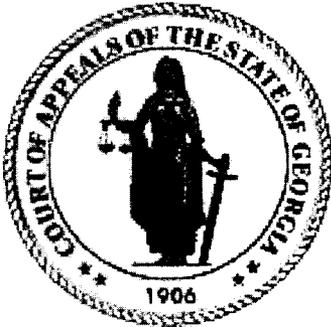
The Court of Appeals hereby passes the following order

A12I0190 ZOHEBALI ISANI v. THE STATE

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

LC NUMBERS:

1194197



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, April 26, 2012.*

*I certify that the above is a true extract from the minutes of
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, April 25, 2012

The Court of Appeals hereby passes the following order:

**A12I0191 GEORGIA FARM BUREAU MUTUAL INSURANCE COMPANY
v. JIMMY WILLOUGHBY**

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

LC NUMBERS:

08CV890



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, April 25, 2012
I certify that the above is a true extract from
the minutes of 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. Spencer, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, April 26, 2012

The Court of Appeals hereby passes the following order:

A12I0192. STATE ELECTION BOARD v. DEBRA BROWN.

The State Election Board sued Debra Brown to enforce an administrative order directing her to pay a civil penalty for violations of state election law. Brown filed a counterclaim, which the Board moved to dismiss. The trial court denied the motion to dismiss, and the Board then filed this application for interlocutory appeal. Two days later, Brown voluntarily dismissed her counterclaim. Therefore, this application is hereby DISMISSED as MOOT. See *Carlock v. Kmart Corp.*, 227 Ga. App. 356, 361 (3) (a) (489 SE2d 99) (1997) (a matter is moot when the issues have ceased to exist).



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 04/26/2012
I certify that the above is a true extract from
the minutes of the Court of Appeals of Georgia.
Witness my signature and the seal of said court
hereto affixed the day and year last above written.*

Holly H. O. Spencer, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, April 26, 2012

The Court of Appeals hereby passes the following order

A12I0193 SHABIR ISANI et al v. THE STATE

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

LC NUMBERS:

1194197



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, April 26, 2012.*

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

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, April 26, 2012

The Court of Appeals hereby passes the following order

**A12I0194 ADMIRAL INSURANCE COMPANY v. COLONY REGENCY PARTNERS,
LTD., A GEORGIA LIMITED PARTNERSHIP**

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

LC NUMBERS:

2010CV193245



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, April 26, 2012.

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

Court of Appeals of the State of Georgia

ATLANTA, April 24, 2012

The Court of Appeals hereby passes the following order

A12I0195 SUNTRUST BANK v. JEFF BICKERSTAFF, 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.

LC NUMBERS:

10EV010485



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, April 24, 2012.

I certify that the above is a true extract from the minutes of 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, APRIL 19, 2012

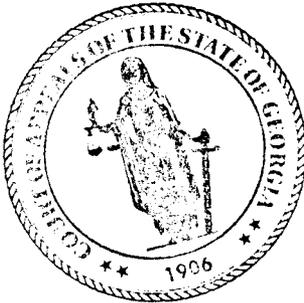
The Court of Appeals hereby passes the following order:

APPLICATION NO. A12I0196
ALBANY MALL, LLC, AN ALABAMA LIMITED LIABILITY COMPANY,
ET AL V. ASHLEY 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.

92017

10CV1879



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 19 2012

*I certify that the above is a true extract from
the minutes of the 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 11, 2012

The Court of Appeals hereby passes the following order

A12I0197. CITIFINANCIAL SERVICES, INC., v. NANCY ANN VARNER 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.

LC NUMBERS:

09V2456



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 11, 2012.*

*I certify that the above is a true extract from the minutes of
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, April 30, 2012

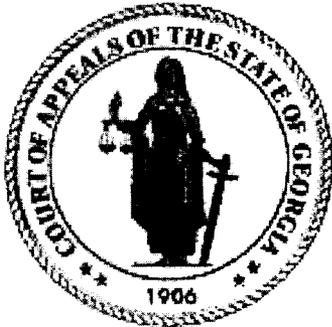
The Court of Appeals hereby passes the following order

A12I0198 DOUGLAS DUANE BRANCH v. CSX TRANSPORTATION, INC

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

LC NUMBERS:

2011A1591



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, April 30, 2012.*

*I certify that the above is a true extract from the minutes of
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, June 07, 2012

The Court of Appeals hereby passes the following order:

A12I0198. DOUGLAS DUANE BRANCH v. CSX TRANSPORTATION, INC.

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, 06/07/2012*

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

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

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

Docketing Date: June 26, 2012

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 **S12C1672**.

DOUGLAS D. BRANCH v. CSX TRANSPORTATION, INC.

Clerk, Supreme Court of Georgia

Case No. A12I0198

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. S12C1672

Atlanta, November 05, 2012

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

DOUGLAS D. BRANCH v. CSX TRANSPORTATION, INC.

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.
A12I0198

RECEIVED IN OFFICE
2012 NOV 21 AM 10:27
CLERK'S OFFICE ADMINISTRATOR
COURT OF APPEALS OF GA

SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta November 20, 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.



Lia C. Pittor, Chief Deputy Clerk

Court of Appeals of the State of Georgia

ATLANTA, April 30, 2012

The Court of Appeals hereby passes the following order:

A12I0199. ANGEL MARTINEZ-PALOMINO v. THE STATE.

Angel Martinez-Palomino seeks immediate review of an interlocutory order entered in this criminal matter.¹ The order was entered on March 15, 2012, but the lower court did not enter a certificate of immediate review until 13 days later, on March 28, 2012.

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 certificate of immediate review in this case was not entered within the ten-day period, we lack jurisdiction to consider this interlocutory application. Accordingly, it is hereby DISMISSED.

¹ Martinez-Palomino filed a motion for new trial, asserting multiple errors including that the State failed to sufficiently prove venue. The trial court addressed only the venue issue and denied the motion for new trial on this basis. The order makes clear, however, that Martinez-Palomino's other arguments remain pending before the trial court, which renders the order at bar interlocutory. See, e. g., *Gelfand v. Gelfand*, 281 Ga. 40, 40-41 (635 SE2d 770) (2006).



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 04/30/2012

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

Court of Appeals of the State of Georgia

ATLANTA, April 25, 2012

The Court of Appeals hereby passes the following order

**A12I0200 BACON COUNTY HOSPITAL & HEALTH SYSTEM, et al v. WANDA
WHITLEY**

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

LC NUMBERS:

11V199



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, April 25, 2012.*

*I certify that the above is a true extract from the minutes of
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, June 20, 2012

The Court of Appeals hereby passes the following order:

A1210201. STATE OF GEORGIA v. JAMES BEAUREGARD LAMB.

By order entered on May 7, 2012, this Court dismissed the State's application for interlocutory appeal in this criminal case. On May 18, 2012, the State filed a motion for reconsideration. Under Court of Appeals Rule 37 (b), motions for reconsideration "must be physically received in the Court for filing within 10 days of the order or judgment for which reconsideration is sought." Because this motion for reconsideration was filed 11 days after the underlying order, the motion is untimely and is hereby DISMISSED.



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 06/20/2012*

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

Court of Appeals of the State of Georgia

ATLANTA, July 19, 2012

The Court of Appeals hereby passes the following order:

A12I0202. LIBERTY MUTUAL INSURANCE COMPANY, ET AL. v. JOSHUA HUFF.

A12I0207. MEADOWS & MACIE, P.C. ET AL. v. JOSHUA E. HUFF.

A12I0208. RHONDA RANAE JONES v. JOSHUA E. HUFF.

Liberty Mutual Insurance Company, Meadows & Macie, P. C., Bonnie Baker, and Rhonda Ranae Jones filed applications for interlocutory review of the trial court's order denying their motions for summary judgment. We dismissed the applications on May 2, 2012, and the applicants timely filed motions for reconsideration.

Upon review of the motions for reconsideration, said motions are hereby *GRANTED*; this Court's prior order dismissing the applications is *VACATED*; and the applications are *REINSTATED* and *GRANTED*. The applicants shall have ten days from the date of this order to file a notice of appeal with the superior court. If, however, they have already filed a notice of appeal, they need not file a second notice. The clerk of the superior court is *DIRECTED* to include a copy of this order in the record transmitted to the Court of Appeals.



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 07/19/2012*

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

COURT OF APPEALS OF GEORGIA

47 Trinity Avenue, SW, Suite 501
ATLANTA, GEORGIA 30334
(404) 656-3450

APPEAL SUMMARY PAGE

CASE NUMBER: A1210202

DATE OF DOCKETING: April 09, 2012

STYLE: LIBERTY MUTUAL INSURANCE COMPANY et al v. JOSHUA HUFF, AS
ADMINISTRATOR CUM TES AMENTA ANNEXO FOR THE ESTATE OF HARLAN HUFF

Opinion Date: July 19, 2012

LOWER COURT SUMMARY INFORMATION:

Gwinnett County Superior Court
TRIAL JUDGE: HON. KAREN E. BEYERS

CLASSIF: TORT/DAMAGES

ATTORNEY REGISTER:

FOR NT:

Mr. Brent Kaplan
ISENBERG & HEWITT, PC
7000 PEACHTREE DUNWOODY ROAD
BUILDING 15, SUITE 100
ATLANTA, GA 30328

FOR EE:

Mr. Robert Benfield
LAW OFFICES OF ROBERT H. BENEFIELD, JR.
SUITE 425
3445 PEACHTREE ROAD, N. E.
ATLANTA, GA 30326

Mr. Thomas Carlock
CARLOCK, COPELAND, SEMLER & STAIR
P. O. BOX 56887
ATLANTA, GA 30343

Mr. Michael Neff
ATTORNEY AT LAW
RESURGENS PLAZA, SUITE 1770
945 EAST PACES FERRY ROAD
ATLANTA, GA 30326

Mr. W. Briggs
ATTORNEY AT LAW
1005C HOWELL MILL ROAD
ATLANTA, GA 30318

Ms. Kathryn Pinckney
SAVAGE & TURNER, P.C.
304 EAST BAY STREET
P. O. BOX 10600
SAVANNAH, GA 31412

Court of Appeals of the State of Georgia

ATLANTA, May 04, 2012

The Court of Appeals hereby passes the following order

A12I0203 EDSON ALBERTO VILLANUEVA v. THE STATE

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

LC NUMBERS:

11D05440



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, May 04, 2012.

I certify that the above is a true extract from the minutes of 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, May 09, 2012

The Court of Appeals hereby passes the following order:

A12I0204. AGNES SCOTT COLLEGE, INC., ET AL. v. AMANDA HARTLEY.

Amanda Hartley sued Agnes Scott College and several college police officers for false arrest, false imprisonment, intentional infliction of emotional distress, and punitive damages. The defendants filed a joint motion to dismiss. The individual police officers argued that they were immune from suit on official immunity grounds. Agnes Scott asserted that the complaint failed to state a claim against it. The trial court denied the motion, and the defendants filed a joint application for interlocutory appeal.

In *Board of Regents v. Canas*, 295 Ga. App. 505, 507 (1) (672 SE2d 471) (2009), we held that the collateral order doctrine¹ permits a direct appeal from an order “that denies a motion to dismiss, based on a conclusive determination that the State (or a state officer or employee) is not immune from suit on the basis of sovereign immunity.” Our decision hinged on the principle that “sovereign immunity is an immunity from suit, rather than a mere defense to liability, and is effectively lost if a case is erroneously permitted to go to trial.” (Citation omitted.) *Id.*

Official immunity protects public officers and employees from claims brought against them in their personal capacities when they are sued for discretionary acts

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

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.² See *Hendricks v. Dupree*, 311 Ga. App. 96 (714 SE2d 739) (2011).

“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. The defendants shall have ten days from the date of this order to file a notice of appeal in the trial court. If they have already filed a timely notice of appeal, however, they need not file a second notice. The clerk of the trial court is directed to include a copy of this order in the records transmitted to this Court.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 05/09/2012
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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.

Holly H. O. Spencer, Clerk.

² Although the trial court’s ruling as to Agnes Scott does not fall within *Canas*, we may review the ruling on direct appeal pursuant to OCGA § 5-6-35 (d).

Court of Appeals of the State of Georgia

ATLANTA, July 03, 2012

The Court of Appeals hereby passes the following order

**A12I0205. TARGET CORPORATION ("TARGET") v. KENNON AMERSON d/b/a
SOUTH COAST BUILDERS et al .**

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

LC NUMBERS:

10V63



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 03, 2012.*

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

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, May 01, 2012

The Court of Appeals hereby passes the following order:

A12I0205, A12I0206. TARGET CORPORATION v. KENNON AMERSON, et al.

Target Corporation brought a quiet title action against Kennon Amerson and South Georgia Coast Builders, LLC. Amerson and South Coast, in turn, sued Target to set aside a warranty deed on the property in question. The trial court denied Target's motion for summary judgment in the action to set aside the deed, and it stayed the quiet title action. Target filed applications for interlocutory appeal of both rulings in this Court.

Under Ga. Const. 1983, Art. VI, Sec. VI, Par. III, the Supreme Court has original appellate jurisdiction over cases involving title to land. Because these applications involve title to land, jurisdiction over them appears to lie in the Supreme Court. See *Tharp v. Harpagon Co.*, 278 Ga. 654, 655 (1) (604 SE2d 156) (2004). Accordingly, these applications are hereby TRANSFERRED to the Supreme Court for disposition.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 05/01/2012

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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.*

Holly H. O. Spencer

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, July 03, 2012

The Court of Appeals hereby passes the following order

**A12I0206. TARGET CORPORATION ("TARGET") v. KENNON AMERSON d/b/a
SOUTH COAST BUILDERS, et al .**

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

LC NUMBERS:

10V64



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 03, 2012.*

*I certify that the above is a true extract from the minutes of
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, July 19, 2012

The Court of Appeals hereby passes the following order:

A12I0202. LIBERTY MUTUAL INSURANCE COMPANY, ET AL. v. JOSHUA HUFF.

A12I0207. MEADOWS & MACIE, P.C. ET AL. v. JOSHUA E. HUFF.

A12I0208. RHONDA RANAE JONES v. JOSHUA E. HUFF.

Liberty Mutual Insurance Company, Meadows & Macie, P. C., Bonnie Baker, and Rhonda Ranae Jones filed applications for interlocutory review of the trial court's order denying their motions for summary judgment. We dismissed the applications on May 2, 2012, and the applicants timely filed motions for reconsideration.

Upon review of the motions for reconsideration, said motions are hereby *GRANTED*; this Court's prior order dismissing the applications is *VACATED*; and the applications are *REINSTATED* and *GRANTED*. The applicants shall have ten days from the date of this order to file a notice of appeal with the superior court. If, however, they have already filed a notice of appeal, they need not file a second notice. The clerk of the superior court is *DIRECTED* to include a copy of this order in the record transmitted to the Court of Appeals.



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 07/19/2012*

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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 GEORGIA

47 Trinity Avenue, SW, Suite 501
ATLANTA, GEORGIA 30334
(404) 656-3450

APPEAL SUMMARY PAGE

CASE NUMBER: A12I0207

DATE OF DOCKETING: April 09, 2012

STYLE: MEADOWS & MACIE, P.C. et al v. JOSHUA E. HUFF, AS ADMINISTRATOR CUM
TESTAMENTA ANNEXO FOR THE ESTATE OF HARLAN E. HUFF

Opinion Date: July 19, 2012

LOWER COURT SUMMARY INFORMATION:

Gwinnett County Superior Court
TRIAL JUDGE: HON. KAREN E. BEYERS

CLASSIF: TORT/DAMAGES

ATTORNEY REGISTER:

FOR NT:

Mr. Thomas Carlock
CARLOCK, COPELAND, SEMLER & STAIR
P. O. BOX 56887
ATLANTA, GA 30343

FOR EE:

Mr. Robert Benfield
LAW OFFICES OF ROBERT H. BENEFIELD, JR.
SUITE 425
3445 PEACHTREE ROAD, N. E.
ATLANTA, GA 30326

Mr. Michael Neff
ATTORNEY AT LAW
RESURGENS PLAZA, SUITE 1770
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ATLANTA, GA 30326

Mr. W. Briggs
ATTORNEY AT LAW
1005C HOWELL MILL ROAD
ATLANTA, GA 30318

Mr. Brent Kaplan

ISENBERG & HEWITT, PC
7000 PEACHTREE DUNWOODY ROAD
BUILDING 15, SUITE 100
ATLANTA, GA 30328

Court of Appeals of the State of Georgia

ATLANTA, April 19, 2012

The Court of Appeals hereby passes the following order:

**A12I0209. CHARLES B. ALTMAN, JR., ET AL. v. JAMES W. PILCHER, JR.,
ET AL.**

James W. Pilcher, Jr., and F. Barry Hodges, III, filed suit against several defendants, including Charles B. Altman, Jr., to enforce a Settlement Agreement. Following a bench hearing, the trial court resolved several claims in the plaintiffs' favor. Although the trial court noted that one claim remained pending, it certified its order as final pursuant to OCGA § 9-11-54 (b). The defendants obtained a certificate of immediate review and filed this application for interlocutory appeal.

As the order was certified under OCGA § 9-11-54 (b), however, the order 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, this application for interlocutory appeal is hereby GRANTED, and the defendants-applicants shall have ten days from the date of this order to file a notice of appeal in the trial court, if one has not already been filed. The trial court clerk 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, APR 19 2012

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

Court of Appeals of the State of Georgia

ATLANTA, May 01, 2012

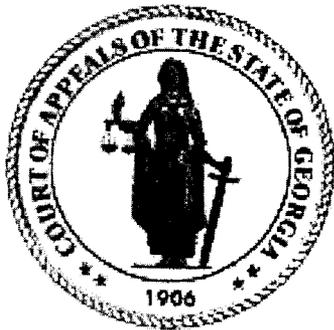
The Court of Appeals hereby passes the following order

A12I0210 GEORGIA POWER COMPANY v. AMY N. CAZIER 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.

LC NUMBERS:

2011CV209487



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, May 01, 2012.

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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, May 07, 2012

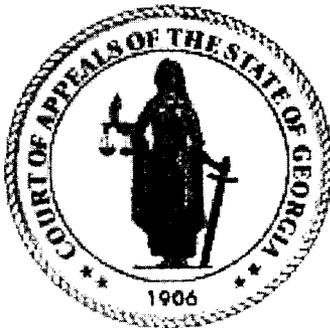
The Court of Appeals hereby passes the following order

**A12I0211 CERTIFIED SERCURITY SERVICES, LLC et al v. A.W., AN ADULT
FEMALE**

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

LC NUMBERS:

2011A180



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, May 07, 2012.*

*I certify that the above is a true extract from the minutes of
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, May 07, 2012

The Court of Appeals hereby passes the following order

A1210212 HICKORY LAKE, L.P., et al v. A. W., AN ADULT FEMALE

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

LC NUMBERS:

2011A180



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, May 07, 2012.

*I certify that the above is a true extract from the minutes of
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, May 09, 2012

The Court of Appeals hereby passes the following order:

A12I0213. ALLSTATE INSURANCE COMPANY v. LINDA WILLIS.

A12I0214. LINDA WILLIS v. ALLSTATE INSURANCE COMPANY.

In this action on an insurance contract, the trial court entered an order in which it granted partial summary judgment to Allstate Insurance Company on Linda Willis's claims of fraud and promissory estoppel, and denied summary judgment on Willis's remaining claims. The trial court's order also denied Allstate Insurance Company's motion to exclude the opinion testimony of a witness and its motion in limine and granted plaintiff's motion in limine. In Case No. A12I0213, Allstate Insurance Company seeks interlocutory review of the trial court's order denying its pretrial motions. In Case No. A12I0214, Willis seeks review of the trial court's order granting partial summary judgment to Allstate Insurance Company on her fraud and promissory estoppel claims.

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). Thus, the order that Willis seeks to appeal is directly appealable and not subject to the interlocutory appeal requirements. Moreover, all rulings within that order and any other non-final rulings entered in the case may also be raised as part of such a direct appeal. See OCGA § 5-6-34 (d); *Southeast Ceramics v. Klem*, 246 Ga. 294, 295 (1) (271 SE2d 199) (1980). "This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicants have not otherwise filed a notice of appeal." *Spivey v. Hembree*, 268 Ga. App. 485, 602

SE2d 246 (2004). Accordingly, application A12I0214 is ordered GRANTED.

In interlocutory application A12I0213, Allstate Insurance Company appeals the same order denying its evidentiary motions. This issue is properly before this Court by application for interlocutory appeal. However, because Willis seeks to appeal the same order in A12I0214, we hereby also GRANT application A12I0213 as a companion case to A12I0214.

The applicants shall have ten days from the date of this order to file notices of appeal in the superior court. If the applicants have already filed notices of appeal from the order at issue, they need not file second notices. The clerk of the superior court is directed to include a copy of this order in each of the records transmitted to this Court. And, these cases shall be adjudicated as companion cases in this Court.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 05/09/2012

*I certify that the above is a true extract from
the minutes of 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, April 27, 2012

The Court of Appeals hereby passes the following order:

A12I0215. JAMES P. GARRETT, ET AL. v. SOUTHERN HEALTH CORPORATION OF ELLIJAY, INC.

Southern Health Corporation of Ellijay, Inc., filed suit against James P. Garrett and Roberta Mundy. By order entered April 11, 2012, the trial court granted the plaintiffs' motion for partial summary judgment. Garrett and Mundy seek 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). Garrett and Mundy shall have ten days from the date of this order to file a notice of appeal with the superior court. If they have already filed a notice of appeal from the order at issue here, they need not file a second notice. The clerk of the superior court is directed to include a copy of this order in the appeal record transmitted to this Court.



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 04/27/2012*

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

Court of Appeals of the State of Georgia

ATLANTA, May 03, 2012

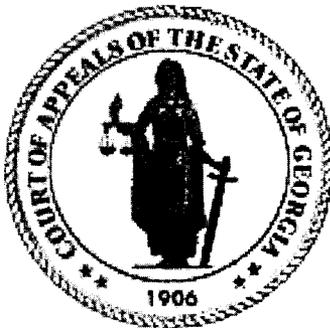
The Court of Appeals hereby passes the following order

A12I0216 ALLAN KEITH LLOYD v. THE STATE

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

LC NUMBERS:

2010FE0302



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, May 03, 2012.

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

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, May 09, 2012

The Court of Appeals hereby passes the following order:

A12I0217. ANTONIO JOHNSON v. THE STATE.

Antonio Johnson seeks interlocutory review of the trial court's March 29, 2012 order denying his motion for discharge and acquittal based on the State's alleged failure to comply with the Interstate Agreement on Detainers. The court entered its certificate of immediate review on April 11, 2012.

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 certificate of immediate review was not entered within ten days of entry of the order at issue, we lack jurisdiction to consider this application for interlocutory appeal, which is hereby DISMISSED.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 05/09/2012

*I certify that the above is a true extract from
the minutes of 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, May 07, 2012

The Court of Appeals hereby passes the following order

**A12I0218 HMI PROPERTY SOLUTIONS, INC. d/b/a SOUTHERN PINES et al v.
IBRAHIM KURJAK et al**

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

LC NUMBERS:

11A393685



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, May 07, 2012.*

*I certify that the above is a true extract from the minutes of
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, May 22, 2012

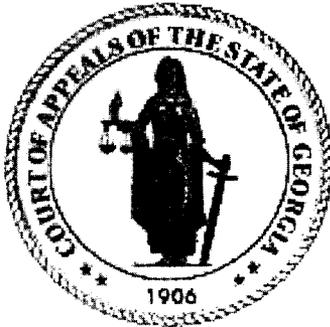
The Court of Appeals hereby passes the following order

A12I0219. JOHNNY ROBERT CORDRAY v. THE STATE.

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

LC NUMBERS:

M20100173



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, May 22, 2012.*

*I certify that the above is a true extract from the minutes of
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, May 21, 2012

The Court of Appeals hereby passes the following order

A1210220. MIDDLE GEORGIA WOMEN'S SPECIALISTS, INC., et al v. JANET D. JORDAN.

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

LC NUMBERS:

2010CG0355



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, May 21, 2012.*

*I certify that the above is a true extract from the minutes of
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, May 10, 2012

The Court of Appeals hereby passes the following order

**A12I0221 GEICO GENERAL INSURANCE v. HOSPITAL AUTHORITY OF CLARKE
COUNTY 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.

LC NUMBERS:

2011CV206649



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, May 10, 2012.*

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

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, May 16, 2012

The Court of Appeals hereby passes the following order

A12I0222 MARCUS K. BANKS 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.

LC NUMBERS:

11SC98489



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, May 16, 2012.*

*I certify that the above is a true extract from the minutes of
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, May 16, 2012

The Court of Appeals hereby passes the following order

A12I0223 VINCENT LINLEY PITTS 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.

LC NUMBERS:

10SC96017



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, May 16, 2012.

*I certify that the above is a true extract from the minutes of
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, 05/08/2012

The Court of Appeals hereby passes the following order:

A12I0224. DEBORAH BONDS, ET AL. v. REGINALD CHARLES NESBITT.

Deborah Bonds has applied for interlocutory review of the trial court's order granting partial summary judgment to Dr. Reginald Charles Nesbitt in this medical malpractice action. The trial court's order also denied Bonds's motion to exclude a witness, granted Nesbitt's motion to exclude a witness, and ordered a second deposition of Bonds's expert witness. 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). Thus, the order in this case is subject to direct appeal. Moreover, all rulings within that order and any other non-final rulings entered in the case may also be raised as part of such a direct appeal. See OCGA § 5-6-34(d); *Southeast Ceramics v. Klem*, 246 Ga. 294, 295 (1) (271 SE2d 199) (1980).

"This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicants have not otherwise filed a notice of appeal." *Spivey v. Hembree*, 268 Ga. App. 485, 486, n. 1 (602 SE2d 246) (2004). Accordingly, this application for interlocutory appeal is hereby GRANTED, and Deborah Bonds shall have ten days from the date of this order to file a notice of appeal in the trial court, if one has not already been filed. The trial court clerk is instructed to include a copy of this order in the appellate record.

Dr. Nesbitt's "Motion and Brief Pursuant to Ct. of App. Rule 24 (F)" is hereby DENIED.



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 05/08/2012*

*I certify that the above is a true extract from
the minutes of 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, May 17, 2012

The Court of Appeals hereby passes the following order

A12I0225 LEON SPIVEY v. CHARLES SMITH et al

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

LC NUMBERS:

2006C66



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, May 17, 2012.*

*I certify that the above is a true extract from the minutes of
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, May 16, 2012

The Court of Appeals hereby passes the following order

**A12I0226 THE ESTATE OF ROBERT ANDREW WEBB et al v. STEVEN EUGENE
COLLEY**

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

LC NUMBERS:

2009SUCV74



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, May 16, 2012.*

*I certify that the above is a true extract from the minutes of
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, May 14, 2012

The Court of Appeals hereby passes the following order

A12I0227 FLOYD COUNTY, GEORGIA v. GEORGE A. SCOTT 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.

LC NUMBERS:

11CV00228



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, May 14, 2012.*

*I certify that the above is a true extract from the minutes of
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, May 21, 2012

The Court of Appeals hereby passes the following order

A12I0228. MELVIN RENALDO FRYE v. THE STATE.

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

LC NUMBERS:

12CR0024



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, May 21, 2012.*

*I certify that the above is a true extract from the minutes of
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, May 18, 2012

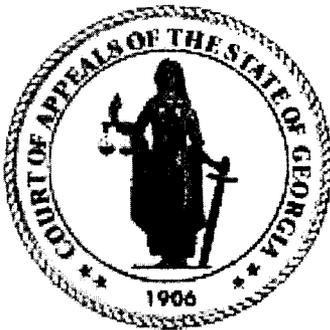
The Court of Appeals hereby passes the following order

A12I0229. STEPHANIE SCHWEITZER 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.

LC NUMBERS:

2012CR34



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, May 18, 2012.*

*I certify that the above is a true extract from the minutes of
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, May 25, 2012

The Court of Appeals hereby passes the following order

A12I0230. COREY JOMO WALKER v. THE STATE.

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

LC NUMBERS:

11SC106333



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, May 25, 2012.*

*I certify that the above is a true extract from the minutes of
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, May 16, 2012

The Court of Appeals hereby passes the following order:

**A12I0231. MERRILL JACKSON CARTER, AS EXECUTOR OF THE
ESTATE OF GORDON W. JACKSON v. CHRISTOPHER SCOTT.**

Christopher Scott sued Merrill Carter, as executor of the estate of Gordon W. Jackson, for injuries he allegedly sustained when Jackson kicked him in the knee. At the time of the injury, Jackson was an Alzheimer's patient at a treatment facility where Scott worked. Carter answered, raising several defenses, including lack of mental capacity. The parties subsequently filed cross-motions for partial summary judgment on the mental capacity defense. The trial court granted partial summary judgment to Scott and denied Carter's motion.

Carter now seeks interlocutory review of the trial court's ruling. The grant of partial summary judgment, however, is directly appealable. It is not subject to the interlocutory appeal requirements. 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. Carter 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 appeal record transmitted to this Court.



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 05/16/2012
I certify that the above is a true extract from
the minutes of 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. Spawr, Clerk.

¹If Carter has already filed a notice of appeal from the trial court's order, she need not file a second notice.

Court of Appeals of the State of Georgia

ATLANTA, May 21, 2012

The Court of Appeals hereby passes the following order:

A12I0232. CLAY ROBERTSON v. RIDGE ENVIRONMENTAL, LLC.

Clay Robertson seeks interlocutory review of the trial court's order granting Ridge Environmental, LLC's motion to dismiss Robertson's petition for declaratory judgment. Generally, if a trial court considers matters outside of the pleadings when ruling on a motion to dismiss, the motion is converted into a summary judgment proceeding. See *Ford v. Caffrey*, 293 Ga. App. 269, 270 (666 SE2d 623) (2008). As is evident from the order, the trial court considered such matters in ruling on the motion to dismiss. Accordingly, we must view the dismissal order as a grant of summary judgment. See *Johnson v. RLI Ins. Co.*, 288 Ga. 309, 310 (704 SE2d 173) (2010); *Ford*, supra; *Hardin v. Phillips*, 249 Ga. App. 541 n.1 (547 SE2d 565) (2001); *Wang v. Moore*, 247 Ga. App. 666 n.2 (544 SE2d 486) (2001); *Peebles v. City of Atlanta*, 189 Ga. App. 888, 888-889 (1) (377 SE2d 889) (1989) (physical precedent only).

"This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicants have not otherwise filed a notice of appeal." *Spivey v. Hembree*, 268 Ga. App. 485, 486 n.1 (602 SE2d 246) (2004). Because a grant of summary judgment is directly appealable, even if it does not resolve the case as to all outstanding claims, Robertson's interlocutory application is hereby GRANTED. See OCGA § 9-11-56 (h) ("An order granting summary judgment on any issue or as to any party shall be subject to review by appeal."). Robertson shall have ten days from the date of this order to file a notice of appeal in the trial court. If, however, a notice of appeal has already been filed, a second notice need not be filed. 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, 05/21/2012

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

Court of Appeals of the State of Georgia

ATLANTA, May 21, 2012

The Court of Appeals hereby passes the following order:

A12I0233. C & H QUALITY HOMES, INC. v. RIDGE ENVIRONMENTAL, LLC.

C&H Quality Homes, Inc. (“C&H”) seeks interlocutory review of the trial court’s order granting Ridge Environmental, LLC’s motion to dismiss C&H’s petition for declaratory judgment. Generally, if a trial court considers matters outside of the pleadings when ruling on a motion to dismiss, the motion is converted into a summary judgment proceeding. See *Ford v. Caffrey*, 293 Ga. App. 269, 270 (666 SE2d 623) (2008). As is evident from the order, the trial court considered such matters in ruling on the motion to dismiss. Accordingly, we must view the dismissal order as a grant of summary judgment. See *Johnson v. RLI Ins. Co.*, 288 Ga. 309, 310 (704 SE2d 173) (2010); *Ford*, supra; *Hardin v. Phillips*, 249 Ga. App. 541 n.1 (547 SE2d 565) (2001); *Wang v. Moore*, 247 Ga. App. 666 n.2 (544 SE2d 486) (2001); *Peebles v. City of Atlanta*, 189 Ga. App. 888, 888-889 (1) (377 SE2d 889) (1989) (physical precedent only).

“This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicants have not otherwise filed a notice of appeal.” *Spivey v. Hembree*, 268 Ga. App. 485, 486 n.1 (602 SE2d 246) (2004). Because a grant of summary judgment is directly appealable, even if it does not resolve the case as to all outstanding claims, C&H’s interlocutory application is hereby GRANTED. See OCGA § 9-11-56 (h) (“An order granting summary judgment on any issue or as to any party shall be subject to review by appeal.”). C&H shall have ten days from the date of this order to file a notice of appeal in the trial court. If, however, a notice of appeal has already been filed, a second notice

need not be filed. 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, 05/21/2012

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

Court of Appeals of the State of Georgia

ATLANTA, May 21, 2012

The Court of Appeals hereby passes the following order:

A12I0234. G. EDWARD ROBERTSON, JR. v. RIDGE ENVIRONMENTAL, LLC.

G. Edward Robertson, Jr. seeks interlocutory review of the trial court's order granting Ridge Environmental, LLC's motion to dismiss his petition for declaratory judgment. Generally, if a trial court considers matters outside of the pleadings when ruling on a motion to dismiss, the motion is converted into a summary judgment proceeding. See *Ford v. Caffrey*, 293 Ga. App. 269, 270 (666 SE2d 623) (2008). As is evident from the order, the trial court considered such matters in ruling on the motion to dismiss. Accordingly, we must view the dismissal order as a grant of summary judgment. See *Johnson v. RLI Ins. Co.*, 288 Ga. 309, 310 (704 SE2d 173) (2010); *Ford*, supra; *Hardin v. Phillips*, 249 Ga. App. 541 n.1 (547 SE2d 565) (2001); *Wang v. Moore*, 247 Ga. App. 666 n.2 (544 SE2d 486) (2001); *Peeples v. City of Atlanta*, 189 Ga. App. 888, 888-889 (1) (377 SE2d 889) (1989) (physical precedent only).

"This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicants have not otherwise filed a notice of appeal." *Spivey v. Hembree*, 268 Ga. App. 485, 486 n.1 (602 SE2d 246) (2004). Because a grant of summary judgment is directly appealable, even if it does not resolve the case as to all outstanding claims, Robertson's interlocutory application is hereby GRANTED. See OCGA § 9-11-56 (h) ("An order granting summary judgment on any issue or as to any party shall be subject to review by appeal."). Robertson shall have ten days from the date of this order to file a notice of appeal in the trial court. If, however, a notice of appeal has already been filed, a second notice

need not be filed. 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, 05/21/2012

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

Court of Appeals of the State of Georgia

ATLANTA, July 30, 2012

The Court of Appeals hereby passes the following order:

A12I0235. JONES PETROLEUM COMPANY, INC. v. SALIM GILLANI et al.

On April 13, 2012, the trial court entered an order granting 875 Woodstock, LLC's motion for equitable relief. On April 19, the trial court certified its order for immediate review. On May 4, 2012, Jones Petroleum Company, Inc. filed this application for interlocutory appeal.¹ 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. *Genter v. State*, 218 Ga. App. 311 (460 SE2d 879) (1995). Because this application was filed 15 days after entry of the certificate of immediate review, it is untimely and is therefore DISMISSED for lack of jurisdiction.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 07/30/2012

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

¹ We transferred the application to the Supreme Court because it appeared to fall within that Court's subject matter jurisdiction over equity and title to land cases. The Supreme Court, however, returned the application here.

Court of Appeals of the State of Georgia

ATLANTA, October 24, 2012

The Court of Appeals hereby passes the following order:

A12I0235. JONES PETROLEUM COMPANY, INC. v. SALIM GILLANI et al.

This Court dismissed Jones Petroleum Company's application for interlocutory appeal because it was not timely filed. Jones Petroleum now seeks reconsideration of that dismissal, arguing that its application should have related back to a previously filed notice of appeal from a different order. This argument lacks merit, as there was no "relation back." The motion for reconsideration is accordingly DENIED.



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 10/24/2012*

*I certify that the above is a true extract from
the minutes of 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, May 30, 2012

The Court of Appeals hereby passes the following order:

A12I0236. MONROE SEIGLE v. MELODY CASTRO.

On April 20, 2012, the trial court entered an order granting defendant Melody Castro's motion to open default and withdraw admissions and denying plaintiff Monroe Seigle's motion for bifurcated default judgment. Eleven days later, on May 1, 2012, the trial court entered a certificate of immediate review. Seigle then filed this application for interlocutory appeal.

Pursuant to OCGA § 5-6-34 (b), a certificate of immediate review "must be filed with the clerk of the trial court or 'entered' within the ten-day period in order to secure immediate review of a non-final judgment; and if the certificate is not entered within the ten-day period, then the party seeking review will merely have to await a final judgment in the case before he can seek a review of interlocutory judgments entered in the trial court." *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973). Here, the certificate of immediate review was not timely entered. This Court is therefore without jurisdiction to consider the application, which is accordingly *DISMISSED*.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 05/30/2012

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

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

Holly H. O. Spawr

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, June 15, 2012

The Court of Appeals hereby passes the following order:

A12I0236. MONROE SEIGLE v. MELODY CASTRO.

Upon consideration of the MOTION FOR RECONSIDERATION in the above styled case, it is ordered that the motion is hereby DENIED.



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 06/15/2012
I certify that the above is a true extract from
the minutes of 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, June 05, 2012

The Court of Appeals hereby passes the following order

A12I0237. JERIMI A. PARKER v. RICHARD WENDELL STONE et al .

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

LC NUMBERS:

08SQ00020



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, June 05, 2012.*

*I certify that the above is a true extract from the minutes of
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, June 04, 2012

The Court of Appeals hereby passes the following order

A12I0238. LARRY B. THOMPSON et al v. RL BB ACQ II-GA EDL, LLC., et al .

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

LC NUMBERS:

12100439



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, June 04, 2012.*

*I certify that the above is a true extract from the minutes of
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, May 29, 2012

The Court of Appeals hereby passes the following order

A12I0239. THE CITY OF ILA, GEORGIA v. BOBBY L. HAGAN, 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.

LC NUMBERS:

10MV453



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, May 29, 2012.

*I certify that the above is a true extract from the minutes of
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, May 29, 2012

The Court of Appeals hereby passes the following order

**A12I0240. BOBBY L. HAGAN et al v. GEORGIA DEPARTMENT OF
TRANSPORTATION 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.

LC NUMBERS:

10MV453



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, May 29, 2012.

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

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, May 31, 2012

The Court of Appeals hereby passes the following order

**A12I0241. GEORGIA FARM BUREAU MUTUAL INSURANCE COMPANY v.
THOMAS FRANKS.**

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

LC NUMBERS:

11CV00733



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, May 31, 2012.*

*I certify that the above is a true extract from the minutes of
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, May 29, 2012

The Court of Appeals hereby passes the following order

A12I0242. MATTHEW C. HINES et al v. HAZEL A. HOLLAND 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.

LC NUMBERS:

10110902



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, May 29, 2012.*

*I certify that the above is a true extract from the minutes of
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, May 25, 2012

The Court of Appeals hereby passes the following order

A12I0243. THE STATE v. DAVID OUTEN.

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

LC NUMBERS:

SU11CR1026



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, May 25, 2012.*

*I certify that the above is a true extract from the minutes of
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, May 25, 2012

The Court of Appeals hereby passes the following order

A12I0244. WOODS APARTMENTS LLC et al v. T. R., AN ADULT FEMALE.

Upon consideration of the APPELLANT'S motion FOR PERMISSION TO WITHDRAW THE APPEAL in the above styled case, it is ordered that the motion is hereby GRANTED.



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, May 25, 2012.*

*I certify that the above is a true extract from the minutes of
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, May 31, 2012

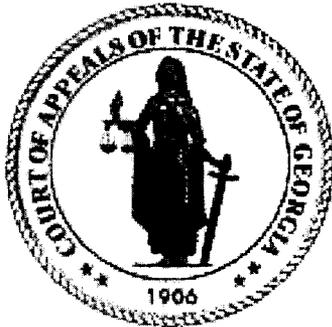
The Court of Appeals hereby passes the following order

**A12I0245. WELLSTAR HEALTH SYSTEM INC. et al v. JAMES B. JORDAN, AS
SURVIVING SPOUSE AND AS EXECUTOR OF THE ESTATE OF MARILYN
KAY ADAMS JORDAN.**

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

LC NUMBERS:

2010A5557



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, May 31, 2012.*

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

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: June 18, 2012

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 **S12C1629**.

WELLSTAR HEALTH SYSTEM, INC., et al. v. JAMES B. JORDAN, AS
SURVIVING SPOUSE, AND AS EXECUTOR OF THE ESTATE FO MARILYN KAY
ADAMS JORDAN

Clerk, Supreme Court of Georgia

JUN 19 2012

Case No. A12I0245

Court of Appeals of Georgia

Notice of Petition for Certiorari filed in office

Clerk, Court of Appeals of Georgia



SUPREME COURT OF GEORGIA
Case No. S12C1629

Atlanta, November 05, 2012

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed.

**WELLSTAR HEALTH SYSTEM, INC., et al. v. JAMES B. JORDAN, AS
SURVIVING SPOUSE, AND AS EXECUTOR OF THE ESTATE OF
MARILYN KAY ADAMS JORDAN**

Court of Appeals Case No. A12I0245

The Supreme Court today granted the writ of certiorari in this case. All the Justices concur.

This case will be assigned to the February 2013 oral argument calendar automatically under Supreme Court Rule 50 (2), as amended September 13, 1996. Oral argument is mandatory in granted certiorari cases.

This Court is particularly concerned with the following issue or issues:

Did the trial court err when it granted the motion of the plaintiff to compel the production of transcripts of physician interviews that were conducted ex parte by counsel for the defendants pursuant to a qualified protective order? See OCGA § 9 -11-26 (b) (3); Baker v. WellStar Health Sys., Inc., 288 Ga. 336 (703 SE2d 601) (2010).

Briefs should be submitted only on these points. See Supreme Court Rule 45.

COURT OF APPEALS OF GA
CLERK COURT ADMINISTRATION

2012 NOV - 7 AM 8:50

RECEIVED IN OFFICE

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. Barnes, Clerk

Court of Appeals of the State of Georgia

ATLANTA, July 01, 2013

The Court of Appeals hereby passes the following order:

A12I0245. WELLSTAR HEALTH SYSTEM, INC., et al. v. JAMES B. JORDAN.

Wellstar Health System, Inc., and James A. Sutherland sought interlocutory review of the trial court's ruling on a motion to compel. This Court denied the application for interlocutory appeal, and the applicants filed a petition for certiorari. The Supreme Court granted the petition, vacated the judgment of the trial court, and remanded the case. See *Wellstar Health System v. Jordan*, Ga. (Case Number A12G1629, decided May 20, 2013).

In accordance with the Supreme Court's direction, this Court hereby VACATES our order denying the application, REINSTATES the application, VACATES the order of the trial court, and REMANDS to the trial court for further proceedings consistent with the Supreme Court's opinion.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 07/01/2013

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

Court of Appeals of the State of Georgia

ATLANTA, May 25, 2012

The Court of Appeals hereby passes the following order

A1210246. REGINALD WRIGHT 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.

LC NUMBERS:

2012CR0001



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, May 25, 2012.*

*I certify that the above is a true extract from the minutes of
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, June 08, 2012

The Court of Appeals hereby passes the following order

A12I0247. THOMAS A. RICHEY et al v. DONNA GRIER et al .

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

LC NUMBERS:

09A05437



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, June 08, 2012.*

*I certify that the above is a true extract from the minutes of
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, June 05, 2012

The Court of Appeals hereby passes the following order

**A12I0248. JASON HUNTER et al v. ROBERTA GAIL TINKER, EXECUTRIX OF
CHARLES B. TINKER.**

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

LC NUMBERS:

05EV000067 05EV000068 05EV000202



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, June 05, 2012.*

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

Court of Appeals of the State of Georgia

ATLANTA, May 24, 2012

The Court of Appeals hereby passes the following order:

A12I0249. KEVIN GENTRY v. GEORGIA HUTCHINS, ET AL.

Georgia and Joe Hutchins filed a premises liability action against Athens-Clarke County and its employees, David Clark and Kevin Gentry. Athens-Clarke County was granted judgment on the pleadings. Clark and Gentry moved for summary judgment, asserting among other things that they were immune from suit due to official immunity. The plaintiffs did not oppose Clark's motion. The trial court granted summary judgment as to Clark but denied it as to Gentry. Gentry filed this application for interlocutory appeal from that order.

In *Board of Regents v. Canas*, 295 Ga. App. 505, 507 (1) (672 SE2d 471) (2009), we held that the collateral order doctrine¹ permits a direct appeal from an order "that denies a motion to dismiss, based on a conclusive determination that the State (or a state officer or employee) is not immune from suit on the basis of sovereign immunity." Our decision hinged on the principle that "sovereign immunity is an immunity from suit, rather than a mere defense to liability, and is effectively lost if a case is erroneously permitted to go to trial." (Citation omitted.) *Id.*

Official immunity protects public officers and employees from claims brought against them in their personal capacities when they are sued for discretionary acts taken within the scope of their employment and without actual intent to injure.

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

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 applicant has 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. Gentry shall have ten days from the date of this order to file a notice of appeal in the trial court.²

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



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 05/24/2012

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

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

Court of Appeals of the State of Georgia

ATLANTA, May 31, 2012

The Court of Appeals hereby passes the following order

A12I0250. GWENDOLYN HEAD et al v. ALL AMERICAN QUALITY FOODS, INC., et al .

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

LC NUMBERS:

11CV4345



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, May 31, 2012.*

*I certify that the above is a true extract from the minutes of
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, June 08, 2012

The Court of Appeals hereby passes the following order:

A12I0251. CRYSTAL GAULDEN ET AL. v. DANIEL GREEN ET AL.

Crystal Gaulden filed suit against numerous defendants, including Schumacher Group of Delaware, Inc. and Schumacher Medical Corporation. On April 23, 2012, the trial court granted summary judgment to Schumacher Group and Schumacher Medical. Eleven days later, on May 4, 2012, the trial court issued a certificate of immediate review. Gaulden then filed this application for interlocutory appeal.

The grant of summary judgment as to one or more but fewer than all 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 applicant has not otherwise filed a notice of appeal. See *Spivey v. Hembree*, 268 Ga. App. 485, 486 n. 1 (602 SE2d 246) (2004). But the application must be timely. See *id.*

Pursuant to 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 final judgment to appeal. See OCGA § 5-6-34 (b); *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973). Although Gaulden obtained a certificate of immediate review, it was issued eleven days after entry of the summary judgment order. Accordingly, we lack jurisdiction to consider this interlocutory application, which is hereby DISMISSED as untimely.



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 06/08/2012*

*I certify that the above is a true extract from
the minutes of 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, June 07, 2012

The Court of Appeals hereby passes the following order

**A12I0252. DENNIS A. WATERS, JR., v. FRANCES R. ROBERSON, EXECUTRIX AND
HEIR OF THE ESTATE OF JAMES E. ROBERSON, et al .**

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

LC NUMBERS:

08V507



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, June 07, 2012.*

*I certify that the above is a true extract from the minutes of
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, June 07, 2012

The Court of Appeals hereby passes the following order

**A1210253. DENNIS R. WATERS, JR., v. FRANCES R. ROBERSON, EXECUTRIX AND
HEIR OF THE ESTATE OF JAMES E. ROBERSON, et al .**

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

LC NUMBERS:

08V506



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, June 07, 2012.*

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

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, June 05, 2012

The Court of Appeals hereby passes the following order:

A12I0254. MARGARET HAMNER v. JAMES E. TURPEN, JR.

James Turpen filed a motion for contempt in Gwinnett County Superior Court against his ex-wife, Margaret Hamner, alleging that she had violated provisions of the parties' divorce decree pertaining to custody and visitation of their minor child. Hamner then filed a complaint against Turpen for modification of custody and visitation. The cases were consolidated. Upon motion by Turpen, the trial court entered an order transferring the cases to Rabun County Superior Court. Hamner seeks interlocutory review of the transfer order.

Under OCGA § 5-6-34 (a) (11), “[a]ll judgments or orders in child custody cases including, but not limited to, awarding or refusing to change child custody” are now directly appealable. The effect of this broad language is that a party seeking to appeal any order in a child custody case – even a non-final order such as the one at issue here – is no longer required to comply with either the interlocutory appeal procedure of OCGA § 5-6-34 (b) or the discretionary appeal procedure of OCGA § 5-6-35 (a) (2). See *Cohen v. Cohen*, 300 Ga. App. 7, 8 (1) (684 SE2d 94) (2009); *Taylor v. Curl*, 298 Ga. App. 45 (679 SE2d 80) (2009). Thus, the order that Hamner seeks to appeal 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). Hamner’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

record transmitted to this Court.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 06/05/2012

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

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

Holly H. O. Spawr _____, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, June 07, 2012

The Court of Appeals hereby passes the following order

A12I0255. MACON L. MATHIAS, JR., v. THE STATE.

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

LC NUMBERS:

2012F432



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, June 07, 2012.*

*I certify that the above is a true extract from the minutes of
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, June 07, 2012

The Court of Appeals hereby passes the following order:

A12I0256. DRAWDY CPA SERVICES, LLC, et al. v. NORTH GA CPA SERVICES, P. C., et al.

Drawdy CPA Services, LLC and John T. Drawdy, Jr., filed suit against North GA CPA Services, PC and Jamie Howell Pritchett based upon the alleged violation of an employment agreement. In connection with the suit, the plaintiffs sought an emergency interlocutory injunction. The trial court denied the motion, and the plaintiffs seek interlocutory review of this ruling.¹

The denial of a motion for interlocutory injunction is directly appealable. See OCGA § 5-6-34 (a) (4); *West 80 Investors v. Chequers Investment Associates*, 214 Ga. App. 673, 674 n.1 (448 SE2d 735) (1994). 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, this application is hereby GRANTED. The plaintiffs shall have 10 days from the date of this order to file a notice of appeal with the trial court. The trial 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, 06/07/2012

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

¹ The plaintiffs filed their application in the Supreme Court, which transferred the matter to this Court.

Court of Appeals of the State of Georgia

ATLANTA, June 14, 2012

The Court of Appeals hereby passes the following order

A12I0257. WI-SKY INFLIGHT, INC., v. MICHAEL LEABMAN 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.

LC NUMBERS:

2010CV190243



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, June 14, 2012.

*I certify that the above is a true extract from the minutes of
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, June 19, 2012

The Court of Appeals hereby passes the following order

A12I0258. LARRY A. WHITE et al v. CARROLL EXTERMINATING COMPANY, INC.

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

LC NUMBERS:

2007SV0292



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, June 19, 2012.*

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

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, June 18, 2012

The Court of Appeals hereby passes the following order

A12I0259. CHARLES "CHUCK" JOHN NEUMAN et al v. NANCY STRICKLAND.

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

LC NUMBERS:

10CV01979



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, June 18, 2012.*

*I certify that the above is a true extract from the minutes of
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, June 07, 2012

The Court of Appeals hereby passes the following order

A12I0260. RON O'NEAL KELLEY 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.

LC NUMBERS:

11MR378



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, June 07, 2012.*

*I certify that the above is a true extract from the minutes of
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, June 20, 2012

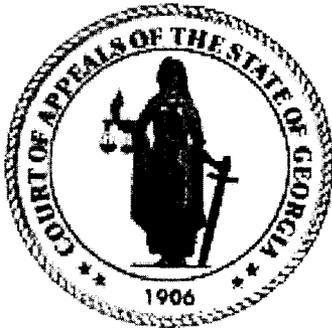
The Court of Appeals hereby passes the following order

A12I0261. FRED A BRAZLE v. THE STATE.

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

LC NUMBERS:

2011D07581



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, June 20, 2012.

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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, June 21, 2012

The Court of Appeals hereby passes the following order

A12I0262. NORRIS RICKEY WILLIAMSON v. THE STATE.

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

LC NUMBERS:

2011SR2804



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, June 21, 2012.*

*I certify that the above is a true extract from the minutes of
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, June 14, 2012

The Court of Appeals hereby passes the following order

**A12I0263. OXMOOR PORTFOLIO LLC d/b/a OXMOOR CENTER PARTNERS v.
FLOORING AND TILE SUPERSTORE OF CONYERS 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.

LC NUMBERS:

2011SV1306



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, June 14, 2012.*

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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. Spawor

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, June 06, 2012

The Court of Appeals hereby passes the following order

A12I0264. GLORIA JEAN HARRELL et al v. MERCHANTS AND FARMERS BANK .

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

LC NUMBERS:

2011CV196112



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, June 06, 2012.

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

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, June 21, 2012

The Court of Appeals hereby passes the following order:

**A12I0265. BARROW COUNTY BOARD OF COMMISSIONERS v.
MICHAEL GOODYEAR, et al.**

Barrow County Board of Commissioners (“the Board”) seeks interlocutory review of the trial court’s order denying a motion to dismiss. The trial court entered the order on April 24, 2012, and granted a certificate of immediate review on May 4, 2012. The application for interlocutory appeal, however, was not filed until twenty days later on May 24, 2012.

Pursuant to OCGA § 5-6-34 (b), an application for interlocutory appeal must be filed within ten days after the granting of a certificate of immediate review. The Board’s failure to comply with the requisite interlocutory procedure deprives us of jurisdiction. See *Rhymes v. East Atlanta Church Of God, Inc.*, 284 Ga. 145, 148 (663 SE2d 670) (2008). Accordingly, this application for interlocutory appeal is hereby DISMISSED.



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 06/21/2012*

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

Court of Appeals of the State of Georgia

ATLANTA, June 25, 2012

The Court of Appeals hereby passes the following order

A12I0266. GARNER AND GLOVER COMPANY v. BREY BARRETT 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.

LC NUMBERS:

09CV01301



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, June 25, 2012.*

*I certify that the above is a true extract from the minutes of
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, June 28, 2012

The Court of Appeals hereby passes the following order

A12I0267. ANTONIO L. JOHNSON 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.

LC NUMBERS:

10B04977



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, June 28, 2012.

*I certify that the above is a true extract from the minutes of
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, June 27, 2012

The Court of Appeals hereby passes the following order

A1210269. GARY DWAYNE MULLIS v. THE STATE.

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

LC NUMBERS:

1193661



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, June 27, 2012.*

*I certify that the above is a true extract from the minutes of
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, July 02, 2012

The Court of Appeals hereby passes the following order

A12I0270. ATLANTA UNION MISSION CORPORATION v. WILLIAM TRIGG.

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

LC NUMBERS:

2011CV19687



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 02, 2012.*

*I certify that the above is a true extract from the minutes of
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, July 10, 2012

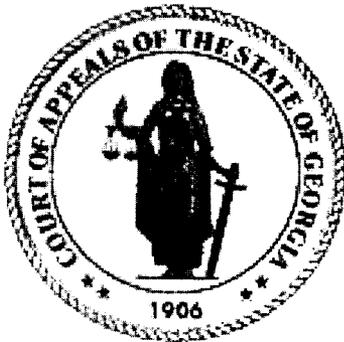
The Court of Appeals hereby passes the following order

A12I0271. ERNEST LEE WALKER SR. v. THE STATE.

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

LC NUMBERS:

2011C44638



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 10, 2012.*

*I certify that the above is a true extract from the minutes of
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, June 27, 2012

The Court of Appeals hereby passes the following order

A12I0272. GEORGIA DEPARTMENT OF TRANSPORTATION v. JU HWAN BAE 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.

LC NUMBERS:

2008V1998



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, June 27, 2012.

I certify that the above is a true extract from the minutes of 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, June 21, 2012

The Court of Appeals hereby passes the following order

**A12I0273. MASTEC NORTH AMERICA, INC. v. HINESVILLE PROFESSIONAL
CENTER, LLC.**

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

LC NUMBERS:

11SC135



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, June 21, 2012.

*I certify that the above is a true extract from the minutes of
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, July 03, 2012

The Court of Appeals hereby passes the following order

A12I0274. LAWRENCE TRIVISONE v. THE STATE.

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

LC NUMBERS:

11SC105027



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 03, 2012.*

*I certify that the above is a true extract from the minutes of
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, July 02, 2012

The Court of Appeals hereby passes the following order

A12I0275. SONIA RODRIGUEZ 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.

LC NUMBERS:

11B1783



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 02, 2012.*

*I certify that the above is a true extract from the minutes of
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, July 03, 2012

The Court of Appeals hereby passes the following order

A12I0276. SAMUEL WYLIE v. ANGIE DENTON 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.

LC NUMBERS:

S11V316



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 03, 2012.*

*I certify that the above is a true extract from the minutes of
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, July 03, 2012

The Court of Appeals hereby passes the following order

A12I0277. SUNTRUST BANK v. ANGIE DENTON 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.

LC NUMBERS:

S11V316



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 03, 2012.*

*I certify that the above is a true extract from the minutes of
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, July 02, 2012

The Court of Appeals hereby passes the following order

A12I0278. RICHARD S. HULL et al v. WTI, 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.

LC NUMBERS:

SU10CV1256



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 02, 2012.*

*I certify that the above is a true extract from the minutes of
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, July 10, 2012

The Court of Appeals hereby passes the following order

A12I0279. UNITED COMMUNITY BANK v. FRANK PACK 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.

LC NUMBERS:

11CV205



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 10, 2012.*

*I certify that the above is a true extract from the minutes of
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, July 12, 2012

The Court of Appeals hereby passes the following order

A1210281. INVACARE CORPORATION v. PAULINE POWERS.

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

LC NUMBERS:

09FV1095



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 12, 2012.*

*I certify that the above is a true extract from the minutes of
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 14, 2012

The Court of Appeals hereby passes the following order:

A12I0281. INVACARE CORPORATION v. POWERS.

Invacare Corporation's Motion for Reconsideration of this Court's denial of its Application for Interlocutory Review of the trial court's order denying its motion for summary judgment is hereby DENIED.



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 08/14/2012*

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

Court of Appeals of the State of Georgia

ATLANTA, July 10, 2012

The Court of Appeals hereby passes the following order

A12I0282. H. J. WINGS AND THINGS v. PATRICIA GOODMAN 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.

LC NUMBERS:

11SV0026



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 10, 2012.*

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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, July 16, 2012

The Court of Appeals hereby passes the following order

A12I0283. EDWARD WALLER v. THE STATE .

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

LC NUMBERS:

11SC103982



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 16, 2012.*

*I certify that the above is a true extract from the minutes of
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, July 11, 2012

The Court of Appeals hereby passes the following order

A12I0284. DAVID HAMBY et al v. MADISON RETAIL-SUWANEE II, LLC.

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

LC NUMBERS:

10C14589



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 11, 2012.*

*I certify that the above is a true extract from the minutes of
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, July 11, 2012

The Court of Appeals hereby passes the following order

**A12I0285. AMERICAN NATIONAL HOLDING CORPORATION v. EMM CREDIT,
LLC .**

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

LC NUMBERS:

06A00403



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 11, 2012.*

*I certify that the above is a true extract from the minutes of
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, July 11, 2012

The Court of Appeals hereby passes the following order

A12I0286. JESSICA ABRAHAM v. KATHERINE N. POULOS.

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

LC NUMBERS:

10A32584



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 11, 2012.*

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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, July 03, 2012

The Court of Appeals hereby passes the following order

A12I0287. SUSAN LEE WESTMORELAND 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.

LC NUMBERS:

2011RCCR1975



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 03, 2012.*

*I certify that the above is a true extract from the minutes of
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, July 11, 2012

The Court of Appeals hereby passes the following order:

A12I0288. HARLAN JAMES VINCENT II v. CLAYTON COUNTY et al.

On May 30, 2012, the trial court entered an order denying Harlan James Vincent II's motion to add a party-defendant in this personal injury action. Nineteen days later, on June 18, 2012, the court certified its order for immediate review. Vincent then applied to this court for an interlocutory 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 final judgment to appeal. See OCGA § 5-6-34 (b); *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973). Because the certificate of immediate review in this case was not entered within ten days of entry of the order at issue, we lack jurisdiction to consider this application for interlocutory appeal, which is hereby DISMISSED.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 07/11/2012

*I certify that the above is a true extract from
the minutes of 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, July 25, 2012

The Court of Appeals hereby passes the following order:

A12I0288. Harlan James Vincent II v. Clayton County et al

The Honorable John J. Ellington, Chief Judge of the First Division of the Court of Appeals of Georgia, is hereby assigned to the Third Division of the Court of Appeals of Georgia, in lieu of the Honorable Keith R. Blackwell, to act on the pending Motion for Reconsideration.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 07/25/2012

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

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

Henry H. O. Spencer, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, July 31, 2012

The Court of Appeals hereby passes the following order

A12I0288. HARLAN JAMES VINCENT II v. CLAYTON COUNTY et al.

Upon consideration of the APPELLANT'S Motion for Reconsideration in the above styled case, it is ordered that the motion is hereby DENIED.



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 31, 2012.*

*I certify that the above is a true extract from the minutes of
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, July 11, 2012

The Court of Appeals hereby passes the following order:

A12I0289. KELLIE MARIE VAN LEUVAN v. CONNIE CARLISLE.

Kellie Van Leuvan seeks interlocutory review of the trial court's order granting Connie Carlisle, her adoptive mother, visitation rights to Van Leuvan's minor child, pursuant to the Grandparent Visitation Statute, codified at OCGA § 19-7-3.

Under OCGA § 5-6-34 (a) (11), “[a]ll judgments or orders in child custody cases including, but not limited to, awarding or refusing to change child custody” are directly appealable. The effect of this broad language is that a party seeking to appeal any order in a child custody case – even a non-final order such as the one at issue here – is no longer required to comply with the interlocutory appeal procedure of OCGA § 5-6-34 (b) or the discretionary appeal procedure of OCGA § 5-6-35 (a) (2). See *Cohen v. Cohen*, 300 Ga. App. 7, 8 (1) (684 SE2d 94) (2009); *Taylor v. Curl*, 298 Ga. App. 45 (679 SE2d 80) (2009). Moreover, under Georgia law, “[v]isitation is considered a custody issue.” *Daniels v. Barnes*, 289 Ga. App. 897, 899 n. 1 (658 SE2d 472) (2008); see also OCGA § 19-9-41 (4) (defining “child custody proceeding” as “a proceeding in which legal custody, physical custody, or visitation with respect to a child is an issue.”). Consequently, the order that appellant seeks to challenge is directly appealable. See *Cates v. Jamison*, 301 Ga. App. 441, n. 1 (687 SE2d 675) (2009). See also *Hargett v. Dickey*, 304 Ga. App. 387, 388 (1) (696 SE2d 335) (2010).

“This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicants have not otherwise filed a notice of appeal.” *Spivey v. Hembree*, 268 Ga. App. 485, 486 n. 1 (602 SE2d 246) (2004). This application for interlocutory appeal is therefore GRANTED. The

applicant shall have ten days from the date of this order to file a notice of appeal in the superior court. If the applicant has already filed a notice of appeal in the superior court, she need not file a second notice. The clerk of the superior court is directed to include a copy of this order in the record transmitted to this Court.



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 07/11/2012*

*I certify that the above is a true extract from
the minutes of 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, July 17, 2012

The Court of Appeals hereby passes the following order

A12I0290. BRADLEY FISHER 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.

LC NUMBERS:

ST08CR1642



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 17, 2012.*

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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, July 17, 2012

The Court of Appeals hereby passes the following order

A12I0291. ERIN BROOKE ODLE 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.

LC NUMBERS:

ST11CR0963



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 17, 2012.*

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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, July 17, 2012

The Court of Appeals hereby passes the following order

A12I0292. KATHRINE YOUNG 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.

LC NUMBERS:

ST11CR0235



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 17, 2012.*

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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, July 17, 2012

The Court of Appeals hereby passes the following order

A12I0293. COLIN ANDREW WHITEHEAD 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.

LC NUMBERS:

ST12CR0193



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 17, 2012.*

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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, July 17, 2012

The Court of Appeals hereby passes the following order

A12I0294. TESSA KOMER 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.

LC NUMBERS:

ST08CR0817



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 17, 2012.*

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the Court of Appeals of Georgia.*

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affixed the day and year last above written.*

Hally K. O. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, July 17, 2012

The Court of Appeals hereby passes the following order

A12I0295. RIZWAN HABIB 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.

LC NUMBERS:

ST08CR2705



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 17, 2012.*

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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, July 26, 2012

The Court of Appeals hereby passes the following order

**A1210296. RUTHANN BARRS, d/b/a A FLOWER'S SCENT v. GEORGE C.
CRANFORD.**

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

LC NUMBERS:

2010V0486



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 26, 2012.*

*I certify that the above is a true extract from the minutes of
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, July 12, 2012

The Court of Appeals hereby passes the following order

A1210297. CHARLES ALAN HOLMAN v. THE STATE.

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

LC NUMBERS:

2011CR1108



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 12, 2012.*

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the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto
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Hally K. O. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, July 19, 2012

The Court of Appeals hereby passes the following order

A1210298. RICHIE RICH et al v. QUINTON GIBSON.

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

LC NUMBERS:

2011CG0333



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 19, 2012.*

*I certify that the above is a true extract from the minutes of
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, July 19, 2012

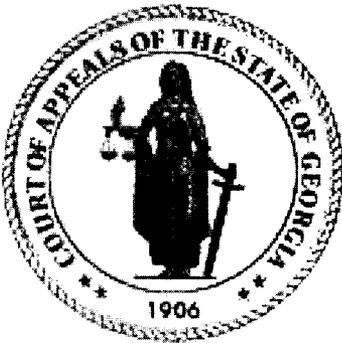
The Court of Appeals hereby passes the following order

A12I0299. SHELDON MITCHELL v. THE STATE.

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

LC NUMBERS:

1291338



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 19, 2012.*

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

Court of Appeals of the State of Georgia

ATLANTA, July 17, 2012

The Court of Appeals hereby passes the following order

A12I0300. KATHERINE OSBORNE 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.

LC NUMBERS:

ST11CR1873



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 17, 2012.*

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

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, July 17, 2012

The Court of Appeals hereby passes the following order

A12I0301. ROBERT WECKBACK 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.

LC NUMBERS:

ST12CR0191



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 17, 2012.*

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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, July 17, 2012

The Court of Appeals hereby passes the following order

A12I0302. JAVIER KIENZLE 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.

LC NUMBERS:

ST12CR0361



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 17, 2012.*

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Hally K. O. Sparrow, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, July 17, 2012

The Court of Appeals hereby passes the following order

A12I0303. JAMES SIMMONS 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.

LC NUMBERS:

ST11CR2471



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 17, 2012.*

*I certify that the above is a true extract from the minutes of
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, July 17, 2012

The Court of Appeals hereby passes the following order

A12I0304. MICHAEL ANTHONY 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.

LC NUMBERS:

ST11CR2599



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 17, 2012.*

*I certify that the above is a true extract from the minutes of
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, July 26, 2012

The Court of Appeals hereby passes the following order

A12I0305. LEGACY SALES GROUP, LLC v. MAIN LINE EQUIPMENT, INC.

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

LC NUMBERS:

12A02419 11A08244



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 26, 2012.*

*I certify that the above is a true extract from the minutes of
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, July 30, 2012

The Court of Appeals hereby passes the following order

**A12I0306. REMODEL THE COAST, INC., et al v. GOLDEN ISLES CORRAL, INC.,
d/b/a GOLDEN CORRAL et al .**

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

LC NUMBERS:

CE1101715063



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 30, 2012.*

*I certify that the above is a true extract from the minutes of
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, July 19, 2012

The Court of Appeals hereby passes the following order

A12I0307. REBBA TILLER v. THE STATE .

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

LC NUMBERS:

1291338



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 19, 2012.*

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

Court of Appeals of the State of Georgia

ATLANTA, July 31, 2012

The Court of Appeals hereby passes the following order

A12I0308. TROY EMBREY v. JOEL COHEN.

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

LC NUMBERS:

11CV2472



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 31, 2012.*

*I certify that the above is a true extract from the minutes of
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, July 25, 2012

The Court of Appeals hereby passes the following order

**A12I0309. BELINDA HODGE AS ADMINISTRATRIX OF THE ESTATE OF MONICA
RENEE WILLIAMS, et al v. URF A-SEXTON, LP 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.

LC NUMBERS:

11EV013759



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 25, 2012.*

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

Court of Appeals of the State of Georgia

ATLANTA, July 26, 2012

The Court of Appeals hereby passes the following order

A12I0310. AETNA WORKERS' COMP ACCESS, LLC v. COLISEUM MEDICAL CENTER, 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.

LC NUMBERS:

2011CV198928



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 26, 2012.*

*I certify that the above is a true extract from the minutes of
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, July 18, 2012

The Court of Appeals hereby passes the following order

A12I0311. THE STATE v. FREDRICK KENNEDY DANIELS.

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

LC NUMBERS:

08CR0112



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 18, 2012.*

*I certify that the above is a true extract from the minutes of
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, July 16, 2012

The Court of Appeals hereby passes the following order:

**A12I0312. PRIMARY INVESTMENTS, LLC, et al v. WEE TENDER CARE
III, INC., et al.**

Defendants Primary Investments, LLC, et al., seek interlocutory review of the trial court's order granting partial summary judgment to the plaintiffs.

Under OCGA § 9-11-56 (h), the grant of summary judgment on any issue or as to any party is reviewable by direct appeal. *City of Demorest v. Town of Mt. Airy*, 282 Ga. 653, 654 n.1 (653 SE2d 43) (2007); *Whiddon v. Stargell*, 192 Ga. App. 826, 827-28 (386 SE2d 884) (1989). We will grant a timely application for interlocutory appeal if the order complained of is subject to direct appeal and the applicant has not otherwise filed a 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 they have already filed a notice of appeal from the order 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, 07/16/2012*

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

Court of Appeals of the State of Georgia

ATLANTA, August 01, 2012

The Court of Appeals hereby passes the following order

A12I0313. LUMAWIG MUNSAYAC v. WALLACE STRICKLAND.

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

LC NUMBERS:

09CV209



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, August 01, 2012.

I certify that the above is a true extract from the minutes of 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, July 26, 2012

The Court of Appeals hereby passes the following order

**A12I0314. BUILDERS INSURANCE v. COLISEUM MEDICAL CENTER, LLC d/b/a
COLISEUM MEDICAL CENTERS, 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.

LC NUMBERS:

2011CV198928



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 26, 2012.*

*I certify that the above is a true extract from the minutes of
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, July 27, 2012

The Court of Appeals hereby passes the following order

A12I0315. EVA ANGELA BRANCH v. NNN PARK CENTRAL, LLC et al .

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

LC NUMBERS:

11CV10351



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 27, 2012.*

*I certify that the above is a true extract from the minutes of
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, October 25, 2012

The Court of Appeals hereby passes the following order:

A12I0316. TRAVELERS INDEMNITY COMPANY v. COLISEUM MEDICAL CENTER, LLC et al.

A12I0317. LIBERTY MUTUAL INSURANCE COMPANY v. COLISEUM MEDICAL CENTER, LLC. et al.

Travelers Indemnity Company, Liberty Mutual Insurance Company, Builders Insurance, and Aetna Workers' Comp Access, LLC filed four separate applications seeking interlocutory review of the trial court's order denying their motions to dismiss. We granted the applications of Aetna and Builders, see A12I0310 and A12I0313, but dismissed as untimely the applications of Travelers and Liberty Mutual because it appeared that those applications were filed more than ten days after entry of the certificate of immediate review.

Travelers and Liberty Mutual now seek reconsideration of our dismissal of their applications. They direct our attention to an "amended" certificate of immediate review that the trial court entered three days after the original certificate of immediate review, and they point out that their applications were timely from the entry date of this amended certificate.¹ Pretermitted whether a trial court has the authority to amend a certificate of immediate review, we apply the principle that substance controls over nomenclature, see *Kuriatnyk v. Kuriatnyk*, 286 Ga. 589, 590 (690 SE2d 397) (2010), and we construe the "amended" certificate simply as a second certificate of immediate review granted at the behest of Travelers and Liberty Mutual. Because

¹ Although Travelers and Liberty Mutual included this amended certificate with their applications, they placed it *behind* the original certificate without its own tab so that it was not readily accessible.

those parties' applications for interlocutory appeal were indeed timely from the second certificate, we hereby GRANT the instant motions for reconsideration. We also VACATE our previous order dismissing the applications and REINSTATE them. And because we have already granted the related applications of Aetna and Builders, we hereby GRANT these applications as well.

Travelers and Builders shall have ten days from the date of this order to file notices 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.



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 10/25/2012*

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

Court of Appeals of the State of Georgia

ATLANTA, August 02, 2012

The Court of Appeals hereby passes the following order:

**A12I0316. TRAVELERS INDEMNITY COMPANY v. COLISEUM MEDICAL
CENTER, LLC et al.**

On June 14, 2012, the trial court entered an order denying defendant Travelers Indemnity Company's motion to dismiss. On June 22, the court certified its order for immediate review. On July 5, Travelers filed this application for interlocutory appeal.

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. *Genter v. State*, 218 Ga. App. 311 (460 SE2d 879) (1995). Because this application was filed 13 days after entry of the certificate of immediate review, it is untimely and is therefore DISMISSED for lack of jurisdiction.



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 08/02/2012
I certify that the above is a true extract from
the minutes of 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. Spencer, Clerk.

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order:

**A12I0317. LIBERTY MUTUAL INSURANCE COMPANY v. COLISEUM
MEDICAL CENTER, LLC et al.**

On June 14, 2012, the trial court entered an order denying defendant Liberty Mutual Insurance Company's motion to dismiss. On June 22, the court certified its order for immediate review. On July 5, Liberty Mutual filed this application for interlocutory appeal.

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. *Genter v. State*, 218 Ga. App. 311 (460 SE2d 879) (1995). Because this application was filed 13 days after entry of the certificate of immediate review, it is untimely and is therefore DISMISSED for lack of jurisdiction.



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

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

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

Hally H. O. Spencer , Clerk.

Court of Appeals of the State of Georgia

ATLANTA, July 26, 2012

The Court of Appeals hereby passes the following order

**A12I0318. SEASON ALL FLOWER SHOP, INC., d/b/a PRISTINE CHAPEL LAKESIDE
v. VERA D. RORIE 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.

LC NUMBERS:

2011CV02707



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 26, 2012.*

*I certify that the above is a true extract from the minutes of
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, July 30, 2012

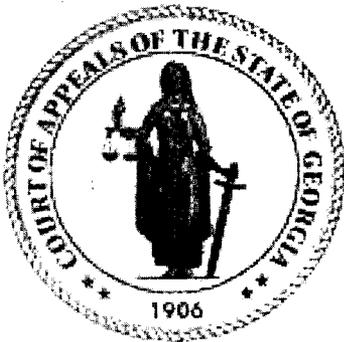
The Court of Appeals hereby passes the following order

A12I0319. DANA JOHNSON v. ALLIED RECYCLING, 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.

LC NUMBERS:

2011CV2042



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 30, 2012.*

*I certify that the above is a true extract from the minutes of
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, July 13, 2012

The Court of Appeals hereby passes the following order:

A12I0320. REBECCA TETER, et al. v. LEAF FINANCIAL CORPORATION.

In this breach of contract action, the trial court granted Leaf Financial Corporation's motion for partial summary judgment on the issue of Rebecca Teter's liability as a guarantor of the contract. Teter seeks interlocutory review of the trial court's order.

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). Thus, the order that Teter seeks to appeal is directly appealable and 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, this application is ordered GRANTED.

Teter shall have ten days from the date of this order to file a notice of appeal in the trial court, if one has not already been filed. The trial court clerk 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, 07/13/2012*

*I certify that the above is a true extract from
the minutes of 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 03, 2012

The Court of Appeals hereby passes the following order

A12I0321. FIRST DATABANK, INC., et al v. KENNY MARTIN.

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

LC NUMBERS:

11EV012061



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, August 03, 2012.

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

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 23, 2012

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 **S12C2058**.

FIRST DATABANK, INC., et al. v. KENNY MARTIN

Clerk, Supreme Court of Georgia

AUG 28 2012

Case No. A12I0321

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. S12C2058

Atlanta, January 22, 2013

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

FIRST DATABANK, INC., et al. v. KENNY MARTIN

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.

A12I0321

SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta February 08, 2013



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.

Swi C. Britton, Chief Deputy Clerk

Court of Appeals of the State of Georgia

ATLANTA, July 20, 2012

The Court of Appeals hereby passes the following order:

A12I0322. TRACY WALDRON v. THE STATE

The Honorable John J. Ellington, Chief Judge of the First Division of the Court of Appeals of Georgia, is hereby assigned to the Third Division of the Court of Appeals in lieu of the Honorable Keith R. Blackwell, to decide the above application.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 07/20/2012

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

Court of Appeals of the State of Georgia

ATLANTA, July 27, 2012

The Court of Appeals hereby passes the following order

A12I0322. TRACY WALDRON 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.

LC NUMBERS:

12C44457



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 27, 2012.*

*I certify that the above is a true extract from the minutes of
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 08, 2012

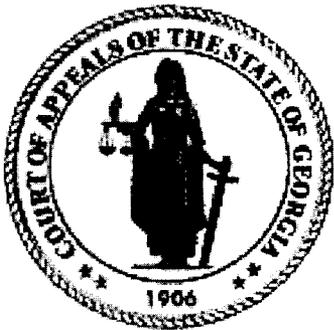
The Court of Appeals hereby passes the following order

**A12I0323. THE HAGLER FAMILY LIMITED PARTNERSHIP v. GEORGIA
TRANSMISSION CORPORATION.**

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

LC NUMBERS:

112430



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, August 08, 2012.*

*I certify that the above is a true extract from the minutes of
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 03, 2012

The Court of Appeals hereby passes the following order

**A1210324. HI-TECH LITHO, LLC., et al v. FIRST CITIZENS BANK & TRUST CO. INC.
f/k/a GEORGIAN BANK.**

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

LC NUMBERS:

09108796



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, August 03, 2012.*

*I certify that the above is a true extract from the minutes of
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, July 27, 2012

The Court of Appeals hereby passes the following order

A12I0325. MARK MITCHELL 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.

LC NUMBERS:

2007FE0535



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 27, 2012.*

*I certify that the above is a true extract from the minutes of
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 03, 2012

The Court of Appeals hereby passes the following order

A12I0326. JP MORGAN CHASE BANK, N.A. v. FRANK PENDLEY 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.

LC NUMBERS:

2011SUCV72



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, August 03, 2012.*

*I certify that the above is a true extract from the minutes of
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 09, 2012

The Court of Appeals hereby passes the following order

A1210327. MICHAEL CHIN v. RUSSELL WATTS et al .

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

LC NUMBERS:

10CV02479



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, August 09, 2012.*

*I certify that the above is a true extract from the minutes of
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 14, 2012

The Court of Appeals hereby passes the following order

**A12I0328. SHIRLEY ADAMS, AS EXECUTRIX OF THE ESTATE OF STEVEN C.
ADAMS v. WILLIAM HOWARD TAFT CHATHAM, JR., ET AL.**

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

LC NUMBERS:

2008CV791



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, August 14, 2012.*

*I certify that the above is a true extract from the minutes of
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 03, 2012

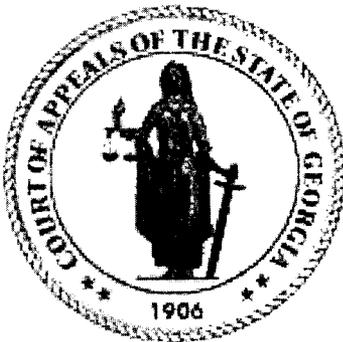
The Court of Appeals hereby passes the following order

A12I0329. CDS PROPERTIES, LLC v. FRANK PENDLEY 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.

LC NUMBERS:

2011SUCV72



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, August 03, 2012.*

*I certify that the above is a true extract from the minutes of
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 16, 2012

The Court of Appeals hereby passes the following order

A12I0330. ROBERT W. LEAVENWORTH et al v. PAUL R. KOEHLER.

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

LC NUMBERS:

11105861



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, August 16, 2012.*

*I certify that the above is a true extract from the minutes of
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 16, 2012

The Court of Appeals hereby passes the following order:

A12I0331. JUANITA BARFIELD v. DANA H. BUTTERWORTH et al.

Dana Butterworth, the paternal grandmother of H. H., filed a petition in superior court to obtain custody of the child. After obtaining letters of guardianship in probate court, maternal grandmother Juanita Barfield filed a motion to dismiss the custody action. The superior court denied the motion, but granted a certificate of immediate review. Barfield filed this application for interlocutory appeal.

In 2007, the General Assembly amended OCGA § 5-6-34 (a) (11) to provide that “[a]ll judgments or orders in child custody cases including, but not limited to, awarding or refusing to change child custody” are now directly appealable. Appellate courts have subsequently found that the effect of this broad language is that a party seeking to appeal any order in a child custody case – even a non-final order such as the one at issue here – is no longer required to comply with the interlocutory appeal procedure of OCGA § 5-6-34 (b) or the discretionary appeal procedure of OCGA § 5-6-35 (a) (2). See, e. g., *Cohen v. Cohen*, 300 Ga. App. 7, 8 (1) (684 SE2d 94) (2009); *Taylor v. Curl*, 298 Ga. App. 45 (679 SE2d 80) (2009); see also *Todd v. Todd*, 287 Ga. 250 (1) (703 SE2d 597) (2010) (quoting *Taylor v. Curl* with approval). In interlocutory cases, however, we generally have limited this principle to those orders that actually involve custody. See *Brabant v. Patton*, Ga. App. (728 SE2d 244) (2012); *Croft v. Croft*, 298 Ga. App. 303 (680 SE2d 150) (2009); *Taylor*, supra; but see *Cohen*, supra (no interlocutory application for appeal required from denial of motion to dismiss in child custody matter).

We question whether the General Assembly intended for the amendment to OCGA § 5-6-34 (a) (11) to apply to routine and ordinary pre-trial rulings in custody

matters that do not actually implicate custody. Such an interpretation would run counter to appellate courts' long-standing practice of expediting child custody cases in keeping with the best interest of the child. See, e. g., *Shore v. Shore*, 253 Ga. 183 (318 SE2d 57) (1984). And where meaningful appellate review may be had post-trial, we find little rational basis for permitting direct appeals from routine administrative pre-trial orders.

Under these circumstances, we question whether the order Barfield seeks to challenge is directly appealable. If it is directly appealable, the application would be granted as a matter of course. See *Spivey v. Hembree*, 268 Ga. App. 485, 486 n. 1 (602 SE2d 246) (2004) ("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"). Given this uncertainty, we will exercise our discretion and GRANT this application for interlocutory appeal. Barfield shall have ten days from the date of this order to file a notice of appeal in the superior court. If Barfield 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 record transmitted to this Court. The parties are further directed to address the jurisdictional issue upon the docketing of the case in this Court.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 08/16/2012

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

Court of Appeals of the State of Georgia

ATLANTA, July 30, 2012

The Court of Appeals hereby passes the following order:

**A12I0332. FORT OGLETHORPE HEALTHCARE PROPERTIES, INC. v.
CITY OF FORT OGLETHORPE.**

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED. The Applicant's Motion For Emergency Supersedeas is DISMISSED as MOOT.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 07/30/2012

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

Court of Appeals of the State of Georgia

ATLANTA, August 16, 2012

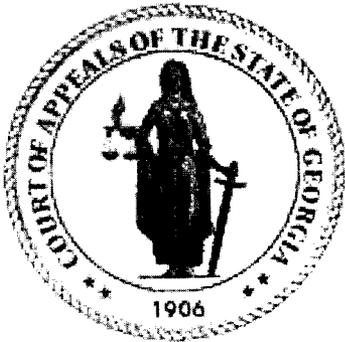
The Court of Appeals hereby passes the following order

A12I0333. ANTONIO LEWIS v. THE STATE.

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

LC NUMBERS:

M20120113



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, August 16, 2012.*

*I certify that the above is a true extract from the minutes of
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 16, 2012

The Court of Appeals hereby passes the following order

A12I0334. JIMMY BREWER v. THE STATE.

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

LC NUMBERS:

2012FE0070



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, August 16, 2012.

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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 21, 2012

The Court of Appeals hereby passes the following order

A12I0335. STAN STEPHENS v. TALBOT CONSTRUCTION, INC.

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

LC NUMBERS:

11CV03066



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, August 21, 2012.

*I certify that the above is a true extract from the minutes of
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 29, 2012

The Court of Appeals hereby passes the following order

**A12I0336. COMMUNITY & SOUTHERN BANK v. ORMOND LAND PARTNERS, LLC,
f/k/a MIRROR LAKE LLC, et al .**

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

LC NUMBERS:

10CV01566



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, August 29, 2012.*

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

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, August 29, 2012

The Court of Appeals hereby passes the following order

A12I0337. COMMUNITY & SOUTHERN BANK v. KMVR PROPERTIES, LLC., et al .

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

LC NUMBERS:

10CV01565



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, August 29, 2012.*

*I certify that the above is a true extract from the minutes of
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 21, 2012

The Court of Appeals hereby passes the following order

A12I0338. KASHIF NASH 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.

LC NUMBERS:

11B02628



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, August 21, 2012.*

*I certify that the above is a true extract from the minutes of
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 21, 2012

The Court of Appeals hereby passes the following order

A12I0339. ANTOINE L. DAVIS 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.

LC NUMBERS:

11B02628



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, August 21, 2012.*

*I certify that the above is a true extract from the minutes of
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 24, 2012

The Court of Appeals hereby passes the following order:

A12I0340. FRANKLIN AAA HOLDINGS, LLC v. LINDA L. SINCLAIR, et al.

Franklin AAA Holdings, LLC brought a quiet title action against Linda L. Sinclair. The trial court issued a final order and decree in Franklin AAA Holdings' favor. Sinclair moved to set aside the final order, and the trial court granted Sinclair's motion. Franklin AAA Holdings filed an application for interlocutory appeal in this Court.

The Georgia Constitution grants the Supreme Court general appellate jurisdiction over "all equity cases." See Ga. Const. of 1983, Art. IV, Sec. VI, Par. III (2). "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 (2) (409 SE2d 208) (1991). In particular, equity cases involving title to land are not within this Court's appellate jurisdiction. See Ga. Const. of 1983, Art. VI, Sec. VI, Par. III (1) and (2); *Tharp v. Harpagon Co.*, 278 Ga. 654, 655 (1) (604 SE2d 156) (2004). Because this application involves title to land, jurisdiction over it appears to lie in the Supreme Court. See *id.* Accordingly, this application is hereby TRANSFERRED to the Supreme Court for disposition.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 08/24/2012

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

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, August 29, 2012

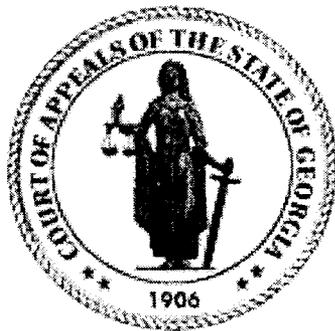
The Court of Appeals hereby passes the following order

A12I0341. SUNRISE BUILDERS, INC v. KIMBERLY HOLMES.

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

LC NUMBERS:

2010CV01139



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, August 29, 2012.

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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.

Court of Appeals of the State of Georgia

ATLANTA, August 31, 2012

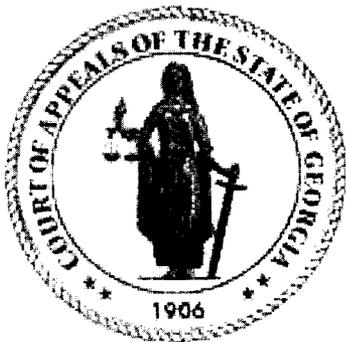
The Court of Appeals hereby passes the following order

**A12I0342. GEORGIA FARM BUREAU INVESTMENT CO. INC., et al v. DOYLE
DAVIS, et al.**

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

LC NUMBERS:

2010V488



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, August 31, 2012.*

*I certify that the above is a true extract from the minutes of
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 30, 2012

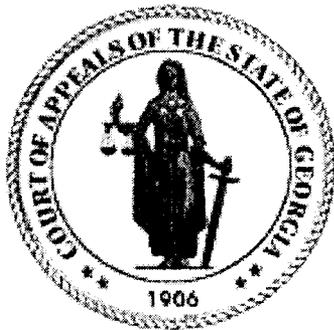
The Court of Appeals hereby passes the following order

**A12I0343. WILLIAM M. FLATAU, AS CHAPTER 7 TRUSTEE OF THE
BANKRUPTCY ESTATE OF CHARLES T. ROBERTSON v. CENLAR, FSB et al.**

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

LC NUMBERS:

11CV56071



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, August 30, 2012.

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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, September 11, 2012

The Court of Appeals hereby passes the following order

A12I0344. DAVID VANDER BROEK et al v. DAVID WILLOUGHBY.

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

LC NUMBERS:

11SC0614



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, September 11, 2012.

I certify that the above is a true extract from the minutes of 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 31, 2012

The Court of Appeals hereby passes the following order

A12I0345. MOLLIE BURKETT v. MARY LOUISE PETTY GRIFFIN et al .

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

LC NUMBERS:

2008S04



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, August 31, 2012.*

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the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto
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Hally K. O. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, September 12, 2012

The Court of Appeals hereby passes the following order

**A12I0346. GEORGIA DEPARTMENT OF TRANSPORTATION v. THE LIONS GROUP,
INC.**

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

LC NUMBERS:

2010CV183670



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, September 12, 2012.

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