

Court of Appeals of the State of Georgia

ATLANTA, September 10, 2012

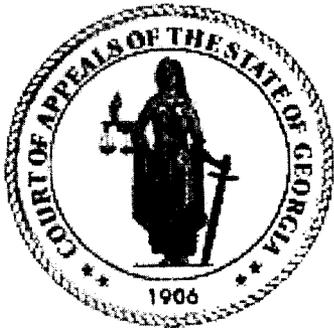
The Court of Appeals hereby passes the following order

A13I0001. EDDIE CORREIA et al v. HUGH M. DEJARNETTE, JR.

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

LC NUMBERS:

11MV1077



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

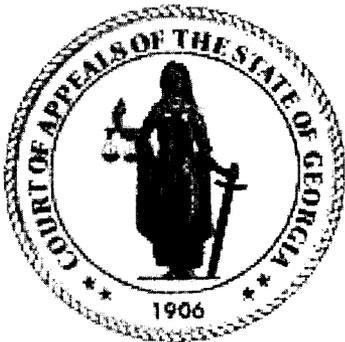
The Court of Appeals hereby passes the following order

**A13I0002. LOPER BROTHERS HOLDINGS, LLC d/b/a PIG IN A PIT et al v.
SOUTHERN TRUST INSURANCE COMPANY AS SUBROGEE OF VIDEO
WAREHOUSE, INC., et al .**

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

LC NUMBERS:

10CV44082



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

The Court of Appeals hereby passes the following order

A13I0003. JOHN LEWIS v. THE STATE.

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

LC NUMBERS:

2012M032



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, September 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.*

Hally K. O. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, September 19, 2012

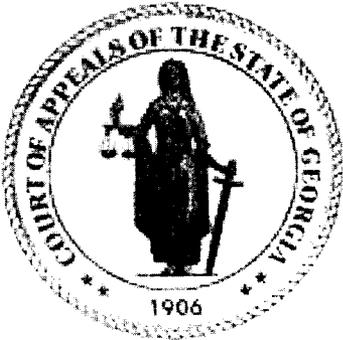
The Court of Appeals hereby passes the following order

A13I0004. PLASTICS-R-UNIQUE, INC v. JIMMY POST et al .

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

LC NUMBERS:

12A897



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, September 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, September 17, 2012

The Court of Appeals hereby passes the following order:

**A13I0005. DUBARTON ENTERPRISES, LLC et al. v. APPALACHIAN
COMMUNITY BANK.**

DuBarton Enterprises, LLC, and Richard A. DuBarton, III, filed an application for interlocutory appeal from the trial court's order refusing to modify a \$200,000 supersedeas bond. Because a direct appeal is pending before this Court, however, no such application is required. See *Owens v. Green Tree Servicing LLC*, 300 Ga. App. 22, 24-25 (2) (684 SE2d 99) (2009).

"This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicants have not otherwise filed a notice of appeal." *Spivey v. Hembree*, 268 Ga. App. 485, 486, n.1 (602 SE2d 246) (2004). Accordingly, this application for interlocutory appeal is hereby GRANTED, and the 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, 09/17/2012

*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 H. O. Spawor

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, September 21, 2012

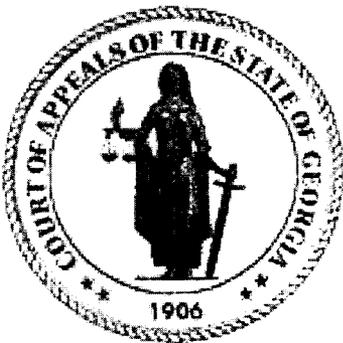
The Court of Appeals hereby passes the following order

**A13I0006. ENDOVER PALISADES, LLC A/K/A THE PALISADES AT WEST PACES,
INC., v. WILLIAM H. STUART.**

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

06VS097381



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

The Court of Appeals hereby passes the following order

A13I0007. SOUTH GEORGIA UROLOGY CENTER, P.C. et al v. GEORGE E. HAND et al .

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

LC NUMBERS:

08SV11



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

The Court of Appeals hereby passes the following order:

A13I0008. DONALD GAY, JR., et al. v. MABEL IRENE SMITH.

Donald and Kayren Gay brought a personal injury action against Mabel Irene Smith. The parties filed cross motions for partial summary judgment. The trial court granted Smith's motion as to the plaintiffs' claims for future medical expenses and denied the plaintiffs' motion as to Smith's affirmative defense of contributory negligence. The plaintiffs appeal the grant of partial summary judgment to Smith and the denial of their motion for partial summary judgment.

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 applicants have 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, 09/25/2012*

*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. Spawr, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, September 20, 2012

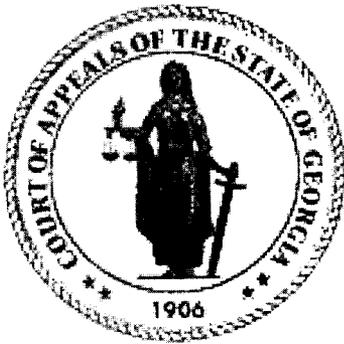
The Court of Appeals hereby passes the following order

A13I0009. MILLER CAPITAL VENTURES, LLC v. PERIMETER STEAKS, INC., et al .

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

LC NUMBERS:

1018988



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, September 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 K. O. Spencer

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, September 24, 2012

The Court of Appeals hereby passes the following order

A13I0010. FRANCISCO CALDERON v. THE STATE.

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

LC NUMBERS:

11SC106289



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, September 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. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, September 20, 2012

The Court of Appeals hereby passes the following order

A13I0011. GREGORY D. MARTIN v. LINDA G. MARTIN.

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

LC NUMBERS:

11A01329



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, September 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 K. O. Spencer

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, September 21, 2012

The Court of Appeals hereby passes the following order

**A13I0012. AUTO-OWNERS INSURANCE COMPANY v. AMERICAN BANK, F.S.B.,
THROUGH ITS DIVISION AMERICAN PREMIUM FINANCE.**

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

LC NUMBERS:

11CV1779



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

The Court of Appeals hereby passes the following order

A13I0013. DELVECHIO WILLIAMS et al v. THE STATE.

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

LC NUMBERS:

2012F047



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

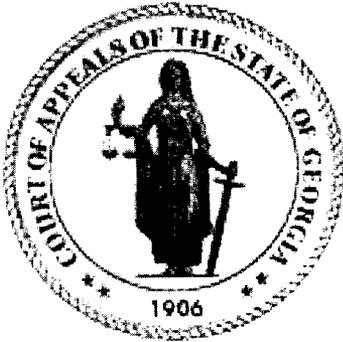
The Court of Appeals hereby passes the following order

A13I0014. JESSE FONDA v. THE STATE.

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

LC NUMBERS:

SU12CR0052



Court of Appeals of the State of Georgia

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

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, September 14, 2012

The Court of Appeals hereby passes the following order

**A13I0015. THURSTON SPIVEY v. RUBY NORTH, INDIVIDUALLY AND AS
ADMINISTRATOR OF THE ESTATE OF DEREK EDWARD NORTH,
DECEASED.**

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

LC NUMBERS:

2011CV475



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

The Court of Appeals hereby passes the following order

A13I0016. TYRONE FERRELL, et al v. BRANDON YOUNG.

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

2009CV171129



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, September 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, September 20, 2012

The Court of Appeals hereby passes the following order

A13I0017. RICHARD RIVERS v. K-MART 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 State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

LC NUMBERS:

2011CV02487



Court of Appeals of the State of Georgia

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

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, September 25, 2012

The Court of Appeals hereby passes the following order:

A13I0018. PAMELA K. LAWSON v. CRAIG A. RICHMAN, et al.

Plaintiff Pamela Lawson seeks interlocutory review of the trial court's order granting partial summary judgment to the defendants.

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. Lawson shall have ten days from the date of this order to file a notice of appeal in the trial court. If she has already filed a notice of appeal from the order 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, 09/25/2012

*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, September 25, 2012

The Court of Appeals hereby passes the following order

**A13I0019. CITY OF ATLANTA v. ERNESTINE MCCRARY, AS ADMINISTRATRIX
OF THE ESTATE OF ERIC C. MCCRARY, JR., 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 Superior Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

LC NUMBERS:

2010CV188455



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, September 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, September 25, 2012

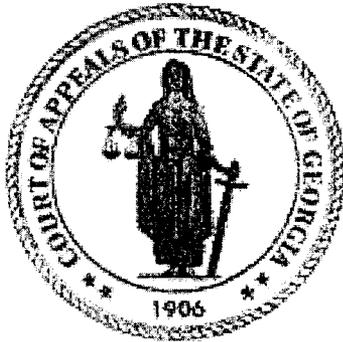
The Court of Appeals hereby passes the following order

A13I0020. CITY OF ATLANTA v. LORA MERSIER 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:

2010CV188455



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, September 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, October 01, 2012

The Court of Appeals hereby passes the following order

**A13I0021. FULTON COUNTY GEORGIA v. DILLARD LAND INVESTMENTS, 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:

2012CV211906



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

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, October 03, 2012

The Court of Appeals hereby passes the following order

A13I0022. CLARK ATLANTA UNIVERSITY, INC., v. JOHNNY WILSON et al .

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

LC NUMBERS:

2011CV196090



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

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, September 26, 2012

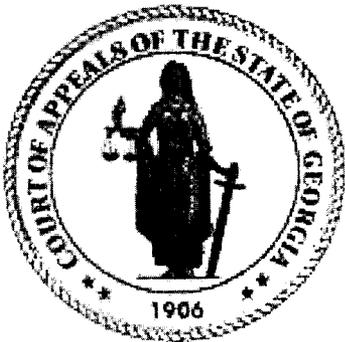
The Court of Appeals hereby passes the following order

A1310023. JONATHAN WARREN DYER 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:

2012M038



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, September 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, September 26, 2012

The Court of Appeals hereby passes the following order

A13I0024. CARRIE LYNN MAURER 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:

2012F054



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, September 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, October 01, 2012

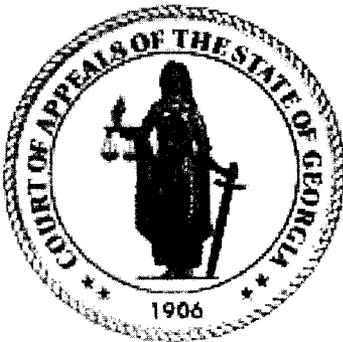
The Court of Appeals hereby passes the following order

A13I0025. JACK BROWN v. THE STATE.

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

LC NUMBERS:

12CR0005



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

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, September 12, 2012

The Court of Appeals hereby passes the following order:

**A13I0026. CHICAGO TITLE INSURANCE COMPANY v. DEWRELL
SACKS, LLP, et al.**

Chicago Title Insurance Company filed suit against Dewrell Sacks, LLP and Mara Sacks. The trial court granted Mara Sacks's motion for summary judgment, and Chicago Title Insurance Company seeks interlocutory review of this ruling.

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. See *Olympic Dev. Group v. American Druggists' Ins. Co.*, 175 Ga. App. 425 (1) (333 SE2d 622) (1985). Thus, the order at issue is not subject to the interlocutory appeal requirements. "This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicants have not otherwise filed a notice of appeal." *Spivey v. Hembree*, 268 Ga. App. 485, 602 SE2d 246 (2004). Accordingly, this application is ordered GRANTED.

Chicago Title Insurance Company 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, 09/12/2012

*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. Spencer, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, October 03, 2012

The Court of Appeals hereby passes the following order

**A13I0027. MYRON FREEMAN, INDIVIDUALLY AND IN HIS FORMER CAPACITY
AS FULTON COUNTY SHERIFF, et al v. CAROLYN MILLEDGE, et al .**

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

LC NUMBERS:

10A259887



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, October 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, October 02, 2012

The Court of Appeals hereby passes the following order

**A1310028. HERNANDEZ COLLISON CENTER et al v. GATEWAY BEHAVIORAL
HEALTH SERVICES et al .**

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

LC NUMBERS:

CV120717



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, October 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, December 06, 2012

The Court of Appeals hereby passes the following order

A1310029. MATTHEW AARON SAVAGE v. THE STATE.

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, December 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.*

Hally K. O. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, October 10, 2012

The Court of Appeals hereby passes the following order:

A13I0030. PEACH COUNTY SCHOOL DISTRICT v. DONNA M. AUSTIN.

Donna M. Austin filed a premises liability action against several defendants, including the Peach County School District. The District filed a motion to dismiss, arguing that the action was barred by the doctrine of sovereign immunity. The trial court denied its motion, and the District seeks interlocutory review of this ruling.

In *Board of Regents v. Canas*, 295 Ga. App. 505, 507 (1) (672 SE2d 471) (2009), we held that, under the collateral order doctrine, a defendant may directly appeal an order denying a motion to dismiss based on a determination that the defendant is not immune from suit on the basis of sovereign immunity. Our decision hinged on the principle that “sovereign immunity is an immunity from suit, rather than a mere defense to liability, and is effectively lost if a case is erroneously permitted to go to trial.” (Citation omitted.) *Canas*, supra. Here, the trial court explicitly found that the District had waived its sovereign immunity. This conclusive determination is directly appealable as a collateral order. See *id.*

“This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicants have not otherwise filed a notice of appeal.” *Spivey v. Hembree*, 268 Ga. App. 485, 486 n. 1 (602 SE2d 246) (2004). Accordingly, the District’s interlocutory application is hereby GRANTED.

The District shall have ten days from the date of this order to file a notice of appeal in the trial court. If, however, the District has already filed a notice of appeal from the order at issue, it need not file a second notice. The clerk of the trial court is directed to include a copy of this order in the record transmitted to this Court.



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

*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.*

Holly F. O. Spencer, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, October 05, 2012

The Court of Appeals hereby passes the following order

A13I0031. NETSOFT ASSOCIATES, INC., v. STATE BANK AND TRUST COMPANY.

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

LC NUMBERS:

2010V101026



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

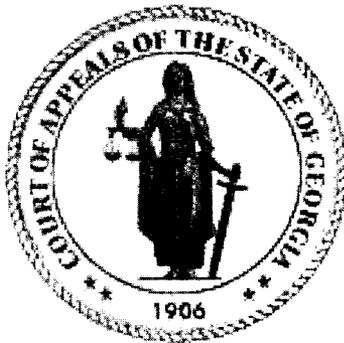
The Court of Appeals hereby passes the following order

A13I0032. THE COLONY (GFI), LLC v. DENISE WARD .

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

LC NUMBERS:

10A31017



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

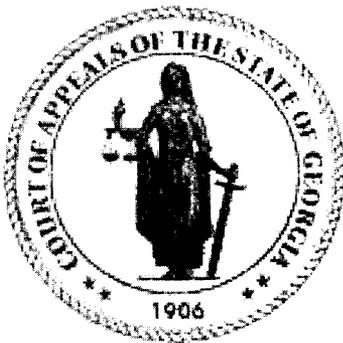
The Court of Appeals hereby passes the following order

**A13I0033. RONY DONALDO LAZO v. CONTINENTAL TIRE NORTH AMERICA,
INC., et al .**

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

LC NUMBERS:

10A28989



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

, Clerk.

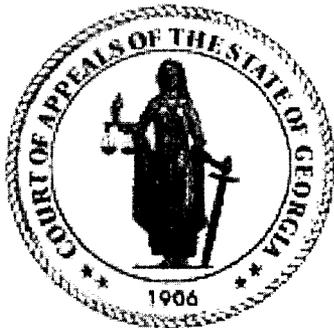
Court of Appeals of the State of Georgia

ATLANTA, January 09, 2013

The Court of Appeals hereby passes the following order

**A13I0033. RONY DONALDO LAZO v. CONTINENTAL TIRE NORTH AMERICA,
INC., 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, January 09, 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. Sparrow

, Clerk.



SUPREME COURT OF GEORGIA

Case No. S12I1879
A13I0034

FILED IN OFFICE

SEP 20 2012

CLERK, COURT OF
APPEALS OF GEORGIA

Atlanta, September 5, 2012

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

G. STEPHEN FELKER v. JILL S. WITCHER

From the Superior Court of Oconee County.

Applicant filed this application for interlocutory appeal seeking review of the trial court's order finding that jury issues remain as to whether he abandoned a portion of an express easement over respondent's land and whether respondent was entitled to a declaration that she had acquired, through adverse possession, rights to the allegedly abandoned portion of the easement and to another portion of applicant's land. Although applicant seeks invoke this Court's jurisdiction over title to land cases, an easement is an interest in land less than fee simple title, see Georgia v. Ashmore, 236 Ga. 401, 412 (224 SE2d 334) (1976), and thus easement cases do not fall within this Court's title to land jurisdiction, see Krystal Co. v. Carter, 256 Ga. 43 (343 SE2d 490) (1986); Barton v. Gammell, 238 Ga. 643 (235 SE2d 18) (1977). Moreover, as applicant did not file an action at law seeking to recover possession of the land from respondent based on a presently enforceable legal title, this case does not invoke this Court's title to land jurisdiction. See Graham v. Tallent, 235 Ga. 47, 49 (218 SE2d 799) (1975) ("title to land" cases are "actions at law, such as ejectment and statutory substitutes, in which the plaintiff asserts a presently enforceable legal title against the possession of the defendant for the purpose of recovering the land"); Georgia Dept. of Transp. v. Meadow Trace, Inc., 278 Ga. 423, 424 (603 SE2d 257) (2004). As no other basis for jurisdiction appears from the record, the application hereby is transferred to the Court of Appeals.

RECEIVED IN OFFICE
2012 SEP 20 PM 3:27
CLERK, COURT OF APPEALS OF GEORGIA

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

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

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

Sui C. Pulton, Chief Deputy Clerk

Court of Appeals of the State of Georgia

ATLANTA, October 18, 2012

The Court of Appeals hereby passes the following order

A13I0034. G. STEPHEN FELKER v. JILL S. WITCHER.

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

2009CV0641



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

The Court of Appeals hereby passes the following order

A13I0035. ACTIVE PEST CONTROL SOUTH, INC v. JO YA AN .

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

LC NUMBERS:

2007EV03364



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

The Court of Appeals hereby passes the following order

A13I0036. JEROD EDWARDS 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:

2012CR475



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

The Court of Appeals hereby passes the following order

A13I0037. FRANKLIN AAA HOLDINGS, LLC., v. LINDA L. SINCLAIR et al .

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

LC NUMBERS:

1018611



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, October 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, October 23, 2012

The Court of Appeals hereby passes the following order

A13I0038. BENNY E. MORROW v. THE STATE.

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

LC NUMBERS:

11CR82



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

Halley 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

**A13I0039. E.R. SNELL CONTRACTOR, INC., et al v. APRIL CHASTAIN, AS THE
SURVIVING SPOUSE OF CHARLES JUNIOR JOHNSON, et al .**

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

LC NUMBERS:

11S00366



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

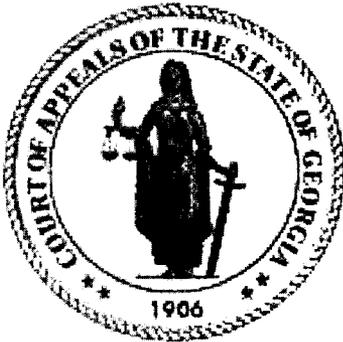
The Court of Appeals hereby passes the following order

**A13I0040. E. R. SNELL CONTRACTORS, INC., v. LUNELLE ADDISON, AS THE
SURVIVING SPOUSE AND ADMINISTRATRIX OF THE ESTATE OF ROBERT
LEE ADDISON.**

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

LC NUMBERS:

S2011CV00540



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

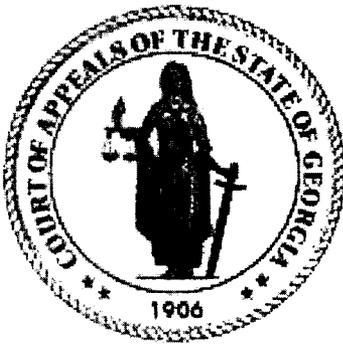
The Court of Appeals hereby passes the following order

**A13I0041. PEEK PAVEMENT MARKING, LLC., v. APRIL CHASTAIN, AS THE
SURVIVING SPOUSE OF CHARLES JUNIOR JOHNSON, et al .**

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

LC NUMBERS:

11S00366



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

The Court of Appeals hereby passes the following order

A13I0042. PEEK PAVEMENT MARKING, LLC v. LUNELLE ADDISON, AS THE SURVIVING SPOUSE AND ADMINISTRATRIX OF THE ESTATE OF ROBERT LEE ADDISON.

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

LC NUMBERS:

S2011CV00540



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

The Court of Appeals hereby passes the following order

**A13I0043. DON P. HARRIS & ASSOCIATES, LLC d/b/a HARRIS INSURANCE
COMPANY v. DIANE LOCKLEAR.**

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

LC NUMBERS:

101808



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, October 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, November 01, 2012

The Court of Appeals hereby passes the following order

A13I0044. INNOVATIVE SUPPORT SOLUTIONS, LLC et al v. JARED JUAREZ et al .

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

LC NUMBERS:

2011CV244



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, November 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. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, October 25, 2012

The Court of Appeals hereby passes the following order

**A13I0045. PRINCESS L. EATMON v. DORIS WEEK, AS ADMINISTRATOR OF THE
ESTATE OF FLAVAL GASTON WEEKS, 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 Superior Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

LC NUMBERS:

11CV31



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

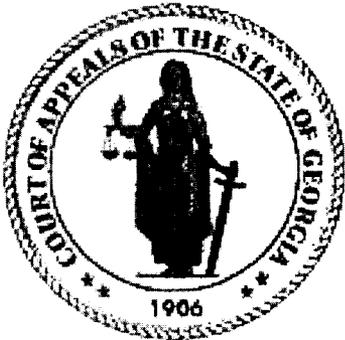
The Court of Appeals hereby passes the following order

A13I0046. DORIS WEEKS, AS ADMINISTRATOR OF THE ESTATE OF FLAVAL GASTON WEEKS, DECEASED v. PRINCESS L. EATMON.

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

11CV31



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

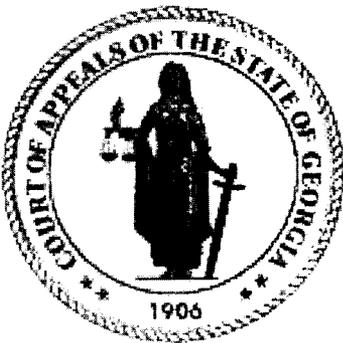
The Court of Appeals hereby passes the following order

A13I0047. ANDREW JACKSON ADKINSON 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:

12SC110848



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, October 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, November 05, 2012

The Court of Appeals hereby passes the following order

A1310048. NEWSOME TRUCKING, INC v. ALICIA LEE ILES et al .

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

LC NUMBERS:

11SC0854



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, November 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, October 30, 2012

The Court of Appeals hereby passes the following order

A13I0049. THE MEDICAL CENTER, INC v. AMANDA RAE COON.

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

SC11CV465



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, October 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, November 01, 2012

The Court of Appeals hereby passes the following order

A13I0050. RETREAT OWNER, LLC v. WINN-DIXIE STORES LEASING, LLC.

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

LC NUMBERS:

CV20120185



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, November 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. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, November 06, 2012

The Court of Appeals hereby passes the following order

A13I0051. THE WORD OF FAITH MINISTRIES, d/b/a ABUNDANT LIFE WORD FELLOWSHIP v. MARK HURT, A MINOR, BY AND THROUGH NEXT FRIEND, VALERIE HURT INDIVIDUALLY AND AS HIS NATURAL PARENT.

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

2010CV481



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, November 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.

Hally K. O. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, October 25, 2012

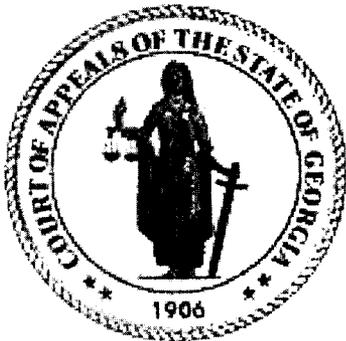
The Court of Appeals hereby passes the following order

A13I0052. KEVIN SCOTT MORRIS 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:

08B5513



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, October 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, November 09, 2012

The Court of Appeals hereby passes the following order

A13I0053. RICHARD AMBROZIC et al v. RODNEY HARRIS et al .

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

LC NUMBERS:

2011CV21



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, November 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, November 13, 2012

The Court of Appeals hereby passes the following order

A13I0054. GOLDEN PANTRY FOOD STORES, INC v. PETER PATEL et al .

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

LC NUMBERS:

2012CV0156



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

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, November 06, 2012

The Court of Appeals hereby passes the following order

**A13I0055. REDMOND NEUROSURGERY, LLC et al v. COOSA MEDICAL GROUP,
P.C. .**

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

LC NUMBERS:

09CV02160JFL003



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, November 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.*

Hally K. O. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, November 09, 2012

The Court of Appeals hereby passes the following order

A13I0056. AMERICAN WESTERN HOME INSURANCE COMPANY v. RALT, 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.

LC NUMBERS:

2012CV210245



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, November 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, December 17, 2012

The Court of Appeals hereby passes the following order:

**A13I0056. AMERICAN WESTERN HOME INSURANCE COMPANY v.
RALT, INC. et al.**

On November 9, 2012, this Court granted American Western Home Insurance Company's application for interlocutory appeal and ordered that American Western file a Notice of Appeal within 10 days of the date of the order. On December 4, 2012, American Western filed a motion for reconsideration, asking us to vacate and re-enter our order because it did not receive proper notice of the order and, therefore, did not timely file its Notice of Appeal. American Western, however, has not demonstrated entitlement to reconsideration of our ruling.

First of all, 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 the motion for reconsideration was filed 25 days after the underlying order, it is untimely. Moreover, American Western has failed to present a compelling reason for reconsideration. American Western's counsel admits that it received timely notification of the order, but assumed his co-counsel (who works at the same law firm) would also receive notification. It is not this Court's responsibility to ensure that counsel in the same law firm communicate with each other and timely file appeals. Accordingly, American Western Home Insurance Company's motion for reconsideration is DENIED.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 12/17/2012

*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. Spawor , Clerk.

Court of Appeals of the State of Georgia

ATLANTA, November 08, 2012

The Court of Appeals hereby passes the following order

**A13I0057. RMK KIDS, LLC., et al v. OLD REPUBLIC NATIONAL TITLE INSURANCE
COMPANY, et al .**

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

LC NUMBERS:

10A09956



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, November 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, November 06, 2012

The Court of Appeals hereby passes the following order

A13I0058. WILLIAM GLYNN WALLACE 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:

12TR00841



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, November 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, November 09, 2012

The Court of Appeals hereby passes the following order

A13I0059. TAMMY CISCO WALKER et al v. GOWEN STORES 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.

LC NUMBERS:

11SV012



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, November 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, November 05, 2012

The Court of Appeals hereby passes the following order:

A13I0060. GRIZZLE v. PROGRESSIVE PREMIUM INSURANCE COMPANY OF ILLINOIS.

Roger Grizzle filed suit against Joseph Mitchum and Teri Strozzo for injuries arising from an automobile accident. Grizzle served his insurance company, Progressive Premier Insurance Company of Illinois, as the alleged underinsured motorist insurance carrier. Progressive filed a motion for summary judgment, claiming Grizzle failed to comply with the condition of his policy requiring that he give prompt notice of any claim. The trial court granted summary judgment to Progressive, and Grizzle seeks interlocutory review of this ruling.

Under OCGA § 9-11-56 (h), the grant of summary judgment or partial summary judgment on any issue or as to any party is reviewable by direct appeal.¹ Thus, the order at issue is not subject to the interlocutory appeal requirements. "This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicants have not otherwise filed a notice of appeal."² Accordingly, this application is hereby GRANTED.

Grizzle 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 clerk is instructed to include a copy of this order in the appellate record.

¹ See *Olympic Dev. Group v. American Druggists' Ins. Co.*, 175 Ga. App. 425 (1) (333 SE2d 622) (1985).

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



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 11/05/2012*

*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. Spaw, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, November 08, 2012

The Court of Appeals hereby passes the following order:

A13I0061. MARY ALICE SMITH et al. v. GGNSC TIFTON, LLC et al.

Mary Alice Smith and the other plaintiffs in this tort action filed this application for interlocutory appeal seeking review of a trial court order granting the defendants' motion to dismiss the action and compel arbitration. Generally, an order compelling arbitration is an interlocutory matter. *Goshayeshi v. Mehrabian*, 232 Ga. App. 81, 82 (501 SE2d 265) (1998); *Pace Constr. Co. v. Northpark Assn.*, 215 Ga. App. 438, 439 (450 SE2d 828) (1994). In this case, however, the trial court also granted the defendants' motion to dismiss and ordered the case to be closed. Thus, this application "arises from a final order dismissing the original action in its entirety, and the case is no longer pending in the [trial] court." *Torres v. Piedmont Builders*, 300 Ga. App. 872 (1) (686 SE2d 464) (2009). Under these circumstances, the plaintiffs have a right of direct appeal. See *id.* at 872-873.

"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 hereby GRANTED. The plaintiffs 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, 11/08/2012*

*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. Spawr, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, November 14, 2012

The Court of Appeals hereby passes the following order

A13I0062. HERSHEL PHIL RINER v. THE STATE.

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

LC NUMBERS:

11CR76



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, November 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, November 21, 2012

The Court of Appeals hereby passes the following order

**A13I0063. YOUNG MEN'S CHRISTIAN ASSOCIATION OF METROPOLITAN
ATLANTA, INC., v. JOHN DOE I, B/N/F AND NATURAL PARENTS AND LEGAL
GUARDIANS JANE DOE AND JOHN DOE II.**

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

LC NUMBERS:

2010CV180615



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, November 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. Spawor

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, November 09, 2012

The Court of Appeals hereby passes the following order:

A13I0063. YOUNG MEN'S CHRISTIAN ASSOCIATION OF METROPOLITAN ATLANTA, INC. v. JOHN DOE I, B/N/F AND NATURAL PARENTS AND LEGAL GUARDIANS JANE DOE AND JOHN DOE II.

The respondents have filed a motion requesting permission to file their response to petitioner's application under seal. The motion is GRANTED. The Clerk of Court is DIRECTED to place the respondent's response to petitioner's application under seal. In the event that the aforementioned application is granted, this Court will revisit the issue of whether and to what extent the record should be sealed in this case.



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 11/09/2012*

*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 A. O. Spawor , Clerk.

Court of Appeals of the State of Georgia

ATLANTA, November 09, 2012

The Court of Appeals hereby passes the following order:

A13I0063. YOUNG MEN'S CHRISTIAN ASSOCIATION OF METROPOLITAN ATLANTA, INC. v. JOHN DOE I, B/N/F AND NATURAL PARENTS AND LEGAL GUARDIANS JANE DOE AND JOHN DOE II.

The petitioner has filed a motion requesting permission to file this application under seal. The motion is GRANTED. The Clerk of Court is DIRECTED to place this interlocutory application and all associated documents under seal. In the event that the aforementioned application is granted, this Court will revisit the issue of whether and to what extent the record should be sealed in this case.



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 11/09/2012*

*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.*

Holly F. O. Spawr _____, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, November 14, 2012

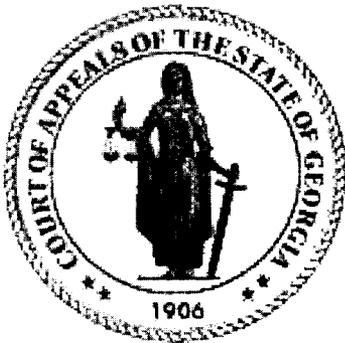
The Court of Appeals hereby passes the following order

A13I0064. MICHAEL STEVEN OGLESBY et al v. WILLIAM LANIER OGLESBY et al .

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

LC NUMBERS:

11EV670



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, November 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, November 20, 2012

The Court of Appeals hereby passes the following order

**A13I0065. INNOVATIVE IMAGES, LLC AND VEIN INNOVATIONS OF ATLANTA,
LLC v. LOUIS G. PREVOSTI.**

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

LC NUMBERS:

2011CV205398



Court of Appeals of the State of Georgia

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

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, October 30, 2012

The Court of Appeals hereby passes the following order:

A13I0066. ADAM FUNK v. THE STATE.

Adam Funk filed this application for interlocutory appeal from the superior court's order denying his Plea in Abatement based upon OCGA § 17-7-53.1. Such an order is directly appealable. *Langlands v. State*, 282 Ga. 103, 104 (1) (646 SE2d 253) (2007) ("order overruling a plea in bar based on . . . OCGA § 17-7-53.1 is directly appealable").

This Court will grant a timely application for interlocutory appeal if the order is subject to direct appeal and the applicant has not otherwise filed a timely notice of appeal. *Spivey v. Hembree*, 268 Ga. App. 485, 486 n. 1 (602 SE2d 246) (2004). It appears that Funk has not filed a notice of appeal; therefore, the application is hereby GRANTED. Funk 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, 10/30/2012*

*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. Spaw, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, November 20, 2012

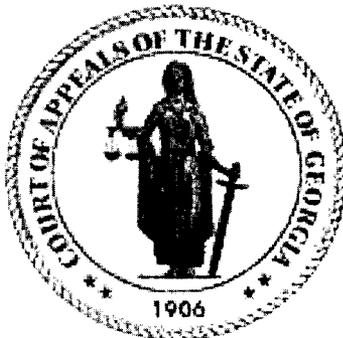
The Court of Appeals hereby passes the following order

A13I0067. DELPHI COMMUNICATIONS, INC. et al v. ADVANCED COMPUTING TECHNOLOGIES, 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:

11A039306



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

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, November 21, 2012

The Court of Appeals hereby passes the following order

A13I0068. BANK OF AMERICA, N.A. v. GAYLE W. PURVIS 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:

2009CG1574



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, November 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, November 20, 2012

The Court of Appeals hereby passes the following order

A13I0069. MICKEY CHATHAM 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:

12FR69



Court of Appeals of the State of Georgia

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

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, November 20, 2012

The Court of Appeals hereby passes the following order:

A13I0070. BRYAN DEVINE v. THE STATE.

Bryan Devine was charged in superior court with aggravated child molestation, rape, and aggravated sexual battery, which alleged offenses occurred shortly after Devine's thirteenth birthday. Devine filed a motion to transfer the case to juvenile court, which the trial court denied on October 5, 2012. Devine obtained a certificate of immediate review on October 19, 2012, in which the trial court states that Devine did not timely receive its order denying the motion to transfer. Devine then filed an application for interlocutory review.

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). Although Devine obtained a certificate of immediate review, it was issued fourteen days after entry of the order on appeal. Since Devine's right to apply for an appeal was frustrated due to a clerical error in the trial court, as is stated in the trial court's order, Devine's remedy is to petition the trial court to vacate and re-enter the order in the manner described in *Cambron v. Canal Ins. Co.*, 246 Ga. 147, 148-149 (1) (269 SE2d 426) (1980). This circumstance, however, does not extend the 10-day time period during which an interlocutory order may be certified for immediate review. OCGA § 5-6-34 (b); see generally *Turner*, supra.

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, 11/20/2012*

*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. Spawr, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, November 21, 2012

The Court of Appeals hereby passes the following order

A13I0071. HOMERO CAMPOS et al v. THE STATE.

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

LC NUMBERS:

11CR0470



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, November 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, November 27, 2012

The Court of Appeals hereby passes the following order

A13I0072. JAMES THOMAS HEARD 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:

2009FR374



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, November 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, November 27, 2012

The Court of Appeals hereby passes the following order

A13I0073. IN THE INTEREST OF: D. G., A JUVENILE v. THE STATE.

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

LC NUMBERS:

10712J0726



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, November 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, December 03, 2012

The Court of Appeals hereby passes the following order

A13I0074. SASI K. NAYUDU v. JAMES PEGUESE, et al.

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

LC NUMBERS:

07CV1461



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, December 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. Spanow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, November 26, 2012

The Court of Appeals hereby passes the following order

A13I0075. DANIEL GARY v. THE STATE.

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

LC NUMBERS:

12R085



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, November 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, November 27, 2012

The Court of Appeals hereby passes the following order

A13I0076. EMMA CARTLEDGE v. JOLENE R. MONTANO 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:

2007RCCV300



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, November 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, November 30, 2012

The Court of Appeals hereby passes the following order

A13I0077. CHRISTOPHER H. MILLER v. THE STATE.

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

LC NUMBERS:

2012STM813



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, November 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, December 10, 2012

The Court of Appeals hereby passes the following order

A13I0078. MICAH KING v. UDORA QUEEN LACEY.

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

LC NUMBERS:

2012CV00050



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, December 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, December 07, 2012

The Court of Appeals hereby passes the following order

A13I0079. JACOB A. BROOKS et al v. GEORGE W. COX, 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.

LC NUMBERS:

12CV146



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, December 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, November 29, 2012

The Court of Appeals hereby passes the following order

A13I0080. GARRETT WOLFORD 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:

SU12CR0443



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, November 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, December 17, 2012

The Court of Appeals hereby passes the following order

A13I0081. VICTOR KEITH HILL v. THE STATE.

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

LC NUMBERS:

2012CR0011605



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, December 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, December 17, 2012

The Court of Appeals hereby passes the following order

A13I0082. JAMES RUBEN JOSEY v. THE STATE.

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

LC NUMBERS:

12CR041



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, December 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, December 10, 2012

The Court of Appeals hereby passes the following order

**A1310083. BRIAN ROBETOR, AS EXECUTOR OF THE ESTATE OF DOUG
ROBETOR v. SARAH ROBETOR.**

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

LC NUMBERS:

12CI802



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, December 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, February 04, 2013

The Court of Appeals hereby passes the following order:

A13I0084. KESSLER et al. v. MULTIBANK 2009-1 CRE VENTURE, LLC.

We originally dismissed this case because the certificate of immediate review was not filed within 10 days of the order being appealed. Jay Kessler and Kenneth Seitz filed a Motion for Reconsideration, attaching a trial court order that vacated and concurrently reentered the original order to allow the timely entry of a certificate of review in the case. Accordingly, we hereby GRANT the motion inasmuch as the trial court's certificate of immediate review was entered within 10 days of the order being appealed. Our December 11, 2012 order dismissing the application for interlocutory appeal is hereby VACATED, and the application is REINSTATED. Upon full consideration of the merits of the application for interlocutory review, however, we hereby GRANT the application.



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 02/04/2013*

*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.*

Holly K. O. Spawort, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, December 11, 2012

The Court of Appeals hereby passes the following order:

A13I0084. JAY D. KESSLER et al. v. MULTIBANK 2009-1 CRE VENTURE, LLC.

On October 26, 2012, the trial court entered a twenty-page order granting Jay Kessler and Kenneth Seitz's motion to sever their third party complaint and cross claim, denying their motion to realign the parties, and finding that the *D'Oench* doctrine¹ barred the co-defendant's, third party defendant's, and Integrity's fraud from consideration in the case brought by Multibank in this action involving promissory notes and guarantees. Eleven days later, on November 6, 2012, the court certified its order for immediate review. Kessler and Seitz 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 the final judgment in the case. OCGA § 5-6-34 (b); *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973). "[A] certificate for the immediate review of a nonfinal or interlocutory judgment is ineffective unless entered, i.e., filed with the clerk, within ten days after entry of the judgment appealed from." *Van Schallern v. Stanco*, 130 Ga. App. 687 (204 SE2d 317) (1974).

¹ This doctrine is set forth in *Federal Financial Company v. Holden*, 268 Ga. 73 (485 SE2d 481) (1997) (the doctrine protects bank depositors and federal guarantors of banks by prohibiting reliance on any agreements which are not recorded and which would have the effect of misleading creditors or the public authority).

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 the application for interlocutory appeal, which is accordingly *DISMISSED*.



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 12/11/2012
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.*

Holly F. O. Spawr, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, December 11, 2012

The Court of Appeals hereby passes the following order

A13I0085. CHEROKEE POINTE, LLC et al v. NEW HORIZON BANK et al .

The APPELLANT'S RULE 40(B) EMERGENCY MOTION in the above-styled case is hereby DISMISSED as MOOT.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, December 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, December 11, 2012

The Court of Appeals hereby passes the following order

A1310085. CHEROKEE POINTE, LLC et al v. NEW HORIZON BANK et al .

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

LC NUMBERS:

2011SUCV49



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, December 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, December 17, 2012

The Court of Appeals hereby passes the following order:

A13I0086. BRANDON PUTMON v. THE STATE.

Brandon Putmon filed this application for interlocutory appeal from the trial court's order of February 3, 2012, denying his motion to suppress. The trial court entered a certificate of immediate review on November 6, 2012, 277 days after entry of the trial court's order. We lack jurisdiction.

Under OCGA § 5-6-34 (b), a party may request interlocutory review only if the trial court certifies within 10 days of entry of the order at issue that immediate review should be had. If the certificate of immediate review is not entered within that 10-day period, it is untimely, and the party seeking review must wait until the final judgment to appeal. See OCGA § 5-6-34 (b); *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973). Here, the trial court did not enter its certificate of immediate review within 10 days of the order Putmon seeks to appeal. Accordingly, we lack jurisdiction to consider this application for interlocutory appeal, which is therefore DISMISSED.



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 12/17/2012*

*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.*

Holly K. O. Spaw , Clerk.

Court of Appeals of the State of Georgia

ATLANTA, December 13, 2012

The Court of Appeals hereby passes the following order

**A13I0087. JESSI LEIGH DAVIS v. JAMES DAVIS MYERS, AS ADMINISTRATOR
FOR THE ESTATE OF AVERY M. MYERS 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:

2012CV2206072



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, December 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. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, December 20, 2012

The Court of Appeals hereby passes the following order

A13I0088. CLIFFORD GARRETT v. GEORGE S. WHIDBY.

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

LC NUMBERS:

090V00492



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

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, December 19, 2012

The Court of Appeals hereby passes the following order

A13I0089. FRANKLIN LEE TURNER v. PEOPLES BANK & TRUST.

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

LC NUMBERS:

12C01626



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, December 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, December 19, 2012

The Court of Appeals hereby passes the following order

A13I0090. JASON R. MILLER v. THE STATE.

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

LC NUMBERS:

11CR108



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, December 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, December 28, 2012

The Court of Appeals hereby passes the following order

A13I0091. THE MEDICAL CENTER OF CENTRAL GEORGIA, INC. v. ELIZABETH VIRGINIA BIRD .

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

LC NUMBERS:

75357



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

The Court of Appeals hereby passes the following order

**A13I0092. PENSO HOLDINGS, INC., d/b/a CAPITAL DEBT SETTLEMENT AND CDS
CLIENT SERVICES, INC v. MELISSA CLEVELAND.**

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

12SUCV205



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

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, December 28, 2012

The Court of Appeals hereby passes the following order:

A13I0093. WILLIAM BROOKS v. GWINNETT COMMUNITY BANK.

Upon review of this application for interlocutory appeal, it is hereby DENIED. Applicant William Brooks's motion for permission to file documents under seal is hereby GRANTED, and Exhibits 6 and 7 to the application shall be sealed. Respondent Gwinnett Community Bank's conditional motion to unseal the documents is hereby DENIED.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 12/28/2012

*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 F. O. Spencer

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, December 28, 2012

The Court of Appeals hereby passes the following order

A13I0094. TERRY KELLEY v. STATE OF GEORGIA.

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

LC NUMBERS:

12SC106850



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

Court of Appeals of the State of Georgia

ATLANTA, December 28, 2012

The Court of Appeals hereby passes the following order

A13I0095. ELIZABETH KING, ET. AL. v. ELIZABETH BIRD, et al.

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

LC NUMBERS:

75357



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, December 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, January 02, 2013

The Court of Appeals hereby passes the following order

A13I0096. GIRLS GALORE, INC., d/b/a BLISS ATLANTA v. CITY OF ATLANTA.

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

LC NUMBERS:

2011CV209617



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, January 02, 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. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, December 26, 2012

The Court of Appeals hereby passes the following order

A13I0097. JON V. DAVIDSON, JR., v. A.G. EDWARDS & SONS, 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.

LC NUMBERS:

SU07CV2027



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, December 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, December 28, 2012

The Court of Appeals hereby passes the following order

A13I0098. EMORY DENHAM et al v. REGINALD DICKEY et al .

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

LC NUMBERS:

SU10CV719



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, December 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, December 31, 2012

The Court of Appeals hereby passes the following order

A13I0099. ELEANOR SMITH et al v. SAHAR HEKMATI.

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

LC NUMBERS:

12CV1876



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, December 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, December 19, 2012

The Court of Appeals hereby passes the following order

A13I0100. CHAD ANDREW SMITH 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:

12CR0355



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, December 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 H. O. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, January 04, 2013

The Court of Appeals hereby passes the following order

A13I0101. DEONDREZ ALLEN 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:

12SC113017



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, January 04, 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. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, January 04, 2013

The Court of Appeals hereby passes the following order

A1310102. SEAN MICHAEL MOONEY 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:

1B11CR528



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, January 04, 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. Sparrow , Clerk.

Court of Appeals of the State of Georgia

ATLANTA, December 28, 2012

The Court of Appeals hereby passes the following order

A13I0103. BUDGET TRUCK RENTAL, LLC v. JARVIS DEMARCUS BUNDRAGE.

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

11A34848



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, December 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, January 07, 2013

The Court of Appeals hereby passes the following order

**A13I0104. STONELAKE TOWNHOMES PROPERTY OWNERS ASSOCIATION, INC.,
v. MEREDITH THORNTON.**

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

LC NUMBERS:

STCV1003698



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, January 07, 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. Sparrow , Clerk.

Court of Appeals of the State of Georgia

ATLANTA, January 07, 2013

The Court of Appeals hereby passes the following order

A13I0105. EVERETTE FREEMAN et al v. CASSANDRA 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 Superior Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

LC NUMBERS:

2001CV207318



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, January 07, 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. Sparrow

, Clerk.

SUPREME COURT OF GEORGIA

Remittitur, Case No. S13C1066

Atlanta, June 17, 2013

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

I. A. GROUP, LTD. CO., et al. v. RMNANDCO, INC., 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.

Court of Appeals Case No.

A13I0106

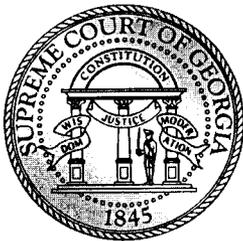
RECEIVED IN OFFICE
2013 JUL -5 PM 3: 18
CLERK/COURT ADMINISTRATION
COURT OF APPEALS OF GA

SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta July 02, 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.



Lia C. Britton, Chief Deputy Clerk

Court of Appeals of the State of Georgia

ATLANTA, March 11, 2013

The Court of Appeals hereby passes the following order

A1310106. I. A. GROUP, LTD. CO., et al v. RMNANDCO, INC., 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, March 11, 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. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, January 09, 2013

The Court of Appeals hereby passes the following order

A13I0106. I. A. GROUP, LTD. CO., et al v. RMNANDCO, INC., et al .

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

LC NUMBERS:

2010CV602



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, January 09, 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. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, January 09, 2013

The Court of Appeals hereby passes the following order

A1310107. INTERKEM, LLC ET AL v. OH GROUP, LLC et al .

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

LC NUMBERS:

10C16574



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, January 09, 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. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, January 09, 2013

The Court of Appeals hereby passes the following order

A13I0108. CALVIN CAMPBELL v. THE STATE.

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

LC NUMBERS:

SU12CR0158



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, January 09, 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.*

Holly K. O. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, January 08, 2013

The Court of Appeals hereby passes the following order

A13I0109. CITY OF MILLEDGEVILLE v. LUCIOUS PRIMUS, 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.

LC NUMBERS:

09CV435542



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, January 08, 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. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, January 11, 2013

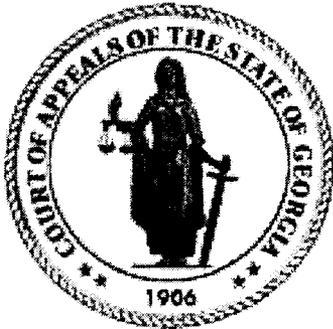
The Court of Appeals hereby passes the following order

A13I0110. VICTORY REAL ESTATE INVESTMENTS, LLC v. INEZ ROBINSON.

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

LC NUMBERS:

2010CV3291



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, January 11, 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. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, January 11, 2013

The Court of Appeals hereby passes the following order:

A13I0111. DAVID BYUNG KOOK KANG et al. v. OUR FIRM FOUNDATION FOR KOREANS, INC.

David Byung Kook Kang et al., defendants in the case below, seek review of the trial court's order denying reconsideration of an interlocutory injunction it entered against them. Through the injunction, the court enjoined the defendants from using the plaintiff's real property for their worship services. In their application, the defendants argue that the trial court erred because an injunction cannot be used to dispossess a party from the possession of real property.

The Georgia Constitution grants the Supreme Court general appellate jurisdiction over "all equity cases." Ga. Const. of 1983, Art. VI, Sec. VI, Par. III (2). "[E]quity 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). The issues in this application appear to center on the legality and propriety of the injunctive relief ordered by the trial court. Moreover, it is well-settled that the ultimate responsibility for determining appellate jurisdiction is vested in the Supreme Court. See *Saxton v. Coastal Dialysis & Medical Clinic, Inc.*, 267 Ga. 177, 178 (476 SE2d 587) (1996).

Accordingly, this application is hereby TRANSFERRED to the Supreme Court for disposition.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 01/11/2013

*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 H. O. Spawor, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, January 10, 2013

The Court of Appeals hereby passes the following order

A13I0112. LARRY CARTER v. THE STATE.

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

LC NUMBERS:

11SC103612



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, January 10, 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. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, January 10, 2013

The Court of Appeals hereby passes the following order

A13I0113. CZERNY MILNER 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:

02SC10532



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, January 10, 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. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, January 14, 2013

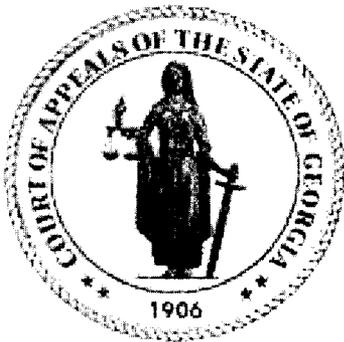
The Court of Appeals hereby passes the following order

A13I0114. RICHARD BOWERS & CO. v. CLAIRMONT PLACE 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:

11CV3400



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, January 14, 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. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, January 17, 2013

The Court of Appeals hereby passes the following order

A13I0115. DANIEL J. MCALISTER 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:

12M1304



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, January 17, 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. Sparrow

, Clerk.

RECEIVED IN OFFICE

2013 NOV -6 PM 3:53

CLERK'S COURT ADMINISTRATIVE
COURT OF APPEALS OF GA

REMITTITUR

SUPREME COURT OF GEORGIA

Case No. S13C0785

Atlanta, October 21, 2013

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

BRODIE BUILDERS, INC., et al. v. PORT WENTWORTH, GEORGIA 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 petition be hereby denied.

All the Justices concur.

Court of Appeals Case No.
A13I0116

Costs paid: \$300.00

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta November 06, 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.

Jo C. Pittor, Chief Deputy Clerk

Court of Appeals of the State of Georgia

ATLANTA, January 15, 2013

The Court of Appeals hereby passes the following order

A13I0116. BRODIE BUILDERS, INC., et al v. PORT WENTWORTH, GEORGIA et al .

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

LC NUMBERS:

CV101505



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, January 15, 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. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, January 25, 2013

The Court of Appeals hereby passes the following order:

A13I0117. ANDREW RECKLES et al. v. RUNKLE CONSULTING, INC. et al.

Andrew and Kimberly Reckles seek interlocutory review of the trial court's order denying their motion for summary judgment. The summary judgment order was entered on November 28, 2012, but the certificate of immediate review was not entered until 21 days later, on December 19, 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 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 to be appealed, we lack jurisdiction to consider this application for interlocutory appeal. Accordingly, the application is hereby DISMISSED.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 01/25/2013

*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. Spencer

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, January 31, 2013

The Court of Appeals hereby passes the following order

A13I0118. IVEY BUILDERS, INC., et al v. MATTHEW W. HUGHES 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:

2011CV937



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, January 31, 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. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, March 28, 2013

The Court of Appeals hereby passes the following order

A13I0119. GUNNISON TREE SPECIALISTS, INC., v. MAYRO HIDALGO 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, March 28, 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. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, January 30, 2013

The Court of Appeals hereby passes the following order:

A13I0119. GUNNISON TREE SPECIALISTS, INC. v. MAYRO HIDALGO, et al.

Gunnison Tree Specialists, Inc., seeks interlocutory review of the trial court's December 10, 2012, order denying its motion for summary judgment. The court entered its certificate of immediate review on Friday, December 21, 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); *Wilcher v. Confederate Packaging, Inc.*, 287 Ga. App. 451 (1) (651 SE2d 790) (2007). Here, the certificate of immediate review was entered 11 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, 01/30/2013

*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 H. O. Spaw, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, January 29, 2013

The Court of Appeals hereby passes the following order

A1310120. ALAN DEMETRIUS LINDSEY v. THE STATE.

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

LC NUMBERS:

12CR1424



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, January 29, 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. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, January 18, 2013

The Court of Appeals hereby passes the following order

A13I0121. TREMAYNE ANTOINE GAY et al v. THE STATE.

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

LC NUMBERS:

12CR0702



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, January 18, 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. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, January 17, 2013

The Court of Appeals hereby passes the following order:

A13I0122. QUORTAVIOUS GREEN v. THE STATE.

Quortavious Green filed this application for interlocutory appeal from the trial court's order of December 4, 2012, denying his motion to suppress. The trial court entered a certificate of immediate review on December 20, 2012, 16 days after entry of its order denying the motion to suppress. We lack jurisdiction.

Under OCGA § 5-6-34 (b), a party may request interlocutory review only if the trial court certifies within 10 days of entry of the order at issue that immediate review should be had. If the certificate of immediate review is not entered within that 10-day period, it is untimely, and the party seeking review must wait until the final judgment to appeal. See OCGA § 5-6-34 (b); *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973). Here, the trial court did not enter its certificate of immediate review within 10 days of the order Green seeks to appeal. Accordingly, we lack jurisdiction to consider this application for interlocutory appeal, which is therefore DISMISSED.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 01/17/2013

*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, February 01, 2013

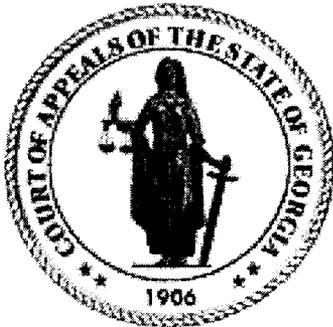
The Court of Appeals hereby passes the following order

A13I0123. N3, LLC., JOHN ROBERTS, et al v. SEAN MAPLETHORPE.

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

LC NUMBERS:

2012CV220330



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, February 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. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, February 04, 2013

The Court of Appeals hereby passes the following order

A13I0124. JIMMY CASON v. WILLIAM SQUIRES.

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

LC NUMBERS:

11SUCV470



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, February 04, 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. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, February 06, 2013

The Court of Appeals hereby passes the following order

A13I0125. CHARLES PANNELL v. APL LOGISTICS FREIGHT SYSTEMS, INC., et al .

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

LC NUMBERS:

12C05355



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, February 06, 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. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, February 05, 2013

The Court of Appeals hereby passes the following order

A13I0126. KEVIN KENERLY 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:

11B4645



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, February 05, 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. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, February 11, 2013

The Court of Appeals hereby passes the following order

A13I0127. AARON TYLER NORMAN v. THE STATE.

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

LC NUMBERS:

12B2156



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, February 11, 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. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, February 04, 2013

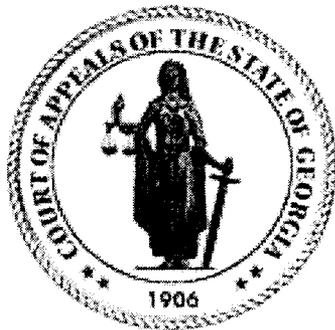
The Court of Appeals hereby passes the following order

A13I0128. DUSTIN SHAW 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:

12ER215



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, February 04, 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 H. O. Spawort

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, February 19, 2013

The Court of Appeals hereby passes the following order:

A13I0129. WILLIAM G. HASTY, JR. v. JOAN HASTY CASTLEBERRY.

Joan Hasty Castleberry sued William G. Hasty, Jr., for breach of fiduciary duty in his capacities as executor of his father's estate and trustee of a marital trust. Hasty now seeks immediate review of the trial courts' grant of partial summary judgment in favor of Castleberry. One issue in the proposed appeal is whether Hasty's father's will empowered Hasty to take certain actions of which Castleberry complains.

The Georgia Supreme Court has jurisdiction over appeals in cases involving wills. Ga. Const. 1983, Art. VI, Sec. VI, Para. III. The Supreme Court has explained that "all cases involving wills" means those cases in which the will's validity or meaning is in question." *In re: Estate of Gwendolyn H. Lott*, 251 Ga. 461 (306 SE2d 920) (1983). Because this case appears to concern the meaning of a will, the Supreme Court has jurisdiction, and this application is hereby TRANSFERRED to that court.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 02/19/2013

*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. Spawr

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, February 12, 2013

The Court of Appeals hereby passes the following order

A1310130. LEIGH HARRIS v. SR HOME IMPROVEMENT, 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:

2010CV193789



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, February 12, 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. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, February 21, 2013

The Court of Appeals hereby passes the following order

A13I0131. WILLIAM SCOTT KELLOGG et al v. TERRY WILLIAMS et al .

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

LC NUMBERS:

CE0900002063



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, February 21, 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. Spanow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, February 13, 2013

The Court of Appeals hereby passes the following order

A13I0132. JOSE HERMINIO HERNANDEZ-ESPINO 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:

2012CR000313



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, February 13, 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. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, February 13, 2013

The Court of Appeals hereby passes the following order:

**A13I0133. CHRISTY DIAMOND v. DEPARTMENT OF
TRANSPORTATION, et al.**

**A13I0134. JAY DIAMOND v. DEPARTMENT OF TRANSPORTATION,
et al.**

Christy Diamond and Jay Diamond each filed a negligence action against several defendants, including the Department of Transportation. The Department of Transportation filed a motion to dismiss and motion for summary judgment in each case, arguing that the actions were barred by the doctrine of sovereign immunity and that it owed no duty to the plaintiffs. The trial court granted both motions, and the plaintiffs seek interlocutory review of these rulings.

Under OCGA § 9-11-56 (h), the grant of 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 the plaintiffs seek 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, 486, n.1 (602 SE2d 246) (2004). Accordingly, this application is ordered GRANTED.

Christy Diamond and Jay Diamond 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, 02/13/2013

*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.*

Holly H. O. Spencer, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, February 20, 2013

The Court of Appeals hereby passes the following order

A13I0135. VIRGINIA S. MCCRORY et al v. ZACHARY VOGLER et al .

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

LC NUMBERS:

12A01522



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, February 20, 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. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, February 21, 2013

The Court of Appeals hereby passes the following order

A13I0136. DANIEL GREEN v. CRYSTAL GAULDEN 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:

2010SV281



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, February 21, 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. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, February 20, 2013

The Court of Appeals hereby passes the following order

A13I0137. LATOYA THORNTON 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:

08CR329759



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, February 20, 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 H. O. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, February 21, 2013

The Court of Appeals hereby passes the following order:

A13I0138. CITY OF TYBEE ISLAND, GEORGIA, et al. v. LIVE OAK GROUP, LLC.

A13D0242. CITY OF TYBEE ISLAND, GEORGIA, et al. v. LIVE OAK GROUP, LLC.

Live Oak Group, LLC filed an action against the City of Tybee Island, Georgia, and the members of its city council, challenging the denial of its application for a planned use development amendment. The parties filed cross motions for summary judgment. In its order, the trial court granted summary judgment to Live Oak Group, LLC as to its claim for inverse condemnation and denied summary judgment to the applicants on the same claim. The applicants have filed applications for interlocutory and discretionary appeal seeking review of the trial court's ruling on the inverse condemnation claim.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); *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 applicants have not otherwise filed a timely notice of appeal. *Spivey v. Hembree*, 268 Ga. App. 485,

¹ In both applications, the applicants show that they filed the applications for interlocutory and discretionary appeal, as well as notice of appeal, to ensure the preservation of their right to appeal. The notice of appeal is not included as an exhibit in either application.

Court of Appeals of the State of Georgia

ATLANTA, February 22, 2013

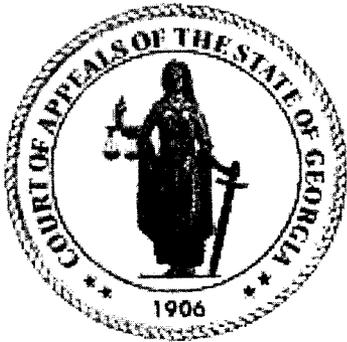
The Court of Appeals hereby passes the following order

A13I0139. MCG HEALTH, INC., v. MARTHA SEAGO.

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

LC NUMBERS:

2010RCCV00247



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, February 22, 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. Sparrow

, Clerk.

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.

The application for discretionary appeal, which is docketed as Case No. A13D0242, is dismissed as duplicative.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 02/21/2013

*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.*

Holly K. O. Spawor _____, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, February 20, 2013

The Court of Appeals hereby passes the following order

A13I0140. MARY D. ARMENTO v. PHH MORTGAGE CORP., 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:

11A08047



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, February 20, 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. Spencer

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, February 19, 2013

The Court of Appeals hereby passes the following order:

A13I0141. WILLIAM ARTHUR GOLDSTEIN v. RAY ALYSSA ROTHMAN.

Ray Alyssa Rothman filed a petition for divorce from William Arthur Goldstein on October 21, 2011. The parties have three minor children. On August 30, 2012, the parties attended a court-ordered settlement conference, where they purportedly reached an oral agreement regarding custody of the minor children. When Goldstein refused to sign the custody order, Rothman filed a motion to enforce the mediated agreement. The trial court granted her motion and, in the same order, denied Goldstein's motion for appointment of a guardian ad litem and motion for an independent medical examination. Goldstein seeks interlocutory review of the order.¹

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 Goldstein 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

¹ This case was originally filed in the Supreme Court, but was transferred to this Court because no final judgment of divorce has been issued.

a notice of appeal.” *Spivey v. Hembree*, 268 Ga. App. 485, 486 n.1 (602 SE2d 246) (2004). Goldstein’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, 02/19/2013

*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.*

Holly F. O. Spencer, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, March 01, 2013

The Court of Appeals hereby passes the following order

**A13I0142. 3 LINS, LLC, A GEORGIA LIMITED LIABILITY COMPANY et al v.
DOCUCONSULTING, LLC, A GEORGIA LIMITED LIABILITY COMPANY.**

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

LC NUMBERS:

12CV1517



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

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, February 28, 2013

The Court of Appeals hereby passes the following order

A1310144. OSAGIE O. OKUNDAYE et al v. DORIS LEATHERS et al .

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

LC NUMBERS:

11C00568



Court of Appeals of the State of Georgia

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

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, March 06, 2013

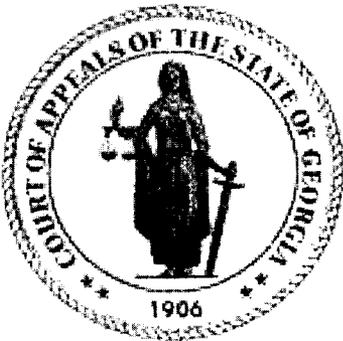
The Court of Appeals hereby passes the following order

A13I0145. STEPHEN C. ARNSDORFF v. PAPERMILL PLAZA, LLC et al .

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

LC NUMBERS:

2011CV208779



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, March 06, 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. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, March 01, 2013

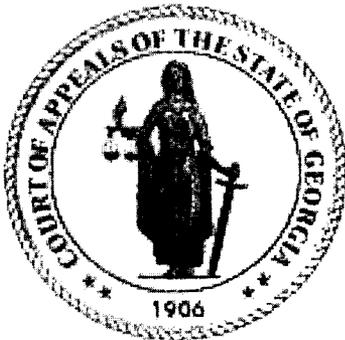
The Court of Appeals hereby passes the following order

A13I0146. MARILYN MURPHY et al v. ALLIANT TAX CREDIT FUND 31-A, LTD., et al .

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

LC NUMBERS:

2012CV213050



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, March 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. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, March 01, 2013

The Court of Appeals hereby passes the following order

**A1310147. M. VINCENT MURPHY, III., v. ALLIANT TAX CREDIT FUND 31-A, LTD.,
et al .**

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

LC NUMBERS:

2012CV213050



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

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, March 08, 2013

The Court of Appeals hereby passes the following order

**A13I0148. WHITTINGTON, JONES & RUDERT, CPA'S, P.C. , FORMERLY KNOWN
AS WHITTINGTON & JONES, CPA'S, PC v. PAUL N. WARE et al .**

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

LC NUMBERS:

09CV03329JFL0003



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, March 08, 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. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, March 11, 2013

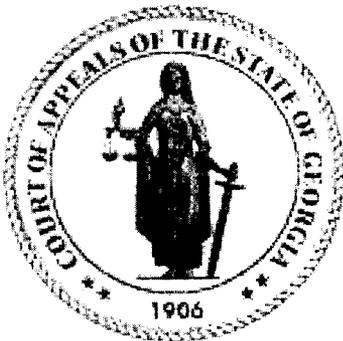
The Court of Appeals hereby passes the following order

A13I0149. FIRST CHATHAM BANK v. LIBERTY CAPITAL,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:

CV110034



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, March 11, 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. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, March 13, 2013

The Court of Appeals hereby passes the following order:

A13I0150. GEGE ODION et al. v. CANDLER MEDICAL CENTER, LLC et al.

On February 13, 2013, Gege Odion, individually and d/b/a Siris Property Management, LLC, filed this interlocutory application seeking to appeal orders entered in July 2010, August 2010, January 2012, and August 2012. Odion did not include a certificate of immediate review as to any of the orders. We lack jurisdiction.

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. OCGA § 5-6-34 (b). Moreover, the application for interlocutory appeal must be filed within ten days following entry of the certificate of immediate review. *Id.* If a party fails to meet these requirements, then his application is not valid and he must wait until final judgment to appeal. See *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973). Because Odion failed to obtain *any* certificate of immediate review, much less a timely one, his application is DISMISSED for lack of jurisdiction.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 03/13/2013

*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. Spawr, Clerk.

REMITTITUR

SUPREME COURT OF GEORGIA

Case No. S13C1310

Atlanta, October 07, 2013

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

GEGE ODION v. CANDLER MEDICAL CENTER, LLC., et al.

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

All the Justices concur.

Court of Appeals Case No.
A13I0150

Costs paid: \$300.00

RECEIVED IN OFFICE
2013 NOV -5 PH 3: 36
CLERK'S OFFICE
COURT OF APPEALS OF GA

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta November 04, 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.

Si C. Pittor, Chief Deputy Clerk

Court of Appeals of the State of Georgia

ATLANTA, March 12, 2013

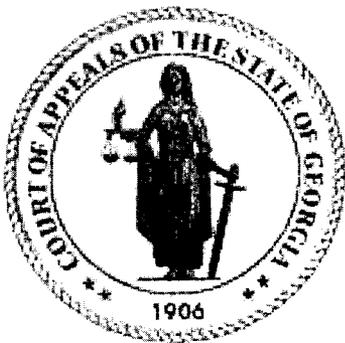
The Court of Appeals hereby passes the following order

A13I0151. UNISEN, INC., et al v. JIMMY D. LITTLEFIELD et al .

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

LC NUMBERS:

CE0901510063



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, March 12, 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. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, February 26, 2013

The Court of Appeals hereby passes the following order

A1310152. LIMA DELTA COMPANY, et al v. GLOBAL AEROSPACE, 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:

2012CV214772



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, February 26, 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. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, February 26, 2013

The Court of Appeals hereby passes the following order

A13I0153. LIMA DELTA COMPANY, et al v. GLOBAL AEROSPACE, 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:

2012CV214772



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, February 26, 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. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, March 18, 2013

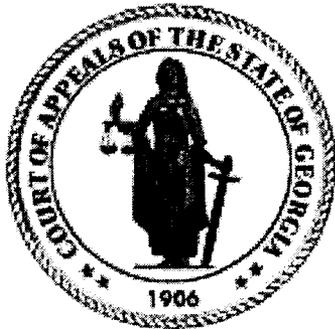
The Court of Appeals hereby passes the following order

A13I0154. DUKE W. ASKEW v. THE STATE.

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

LC NUMBERS:

12CR003



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, March 18, 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. Sparrow

, Clerk.

SUPREME COURT OF GEORGIA

Remittitur, Case No. S13C1060

Atlanta, September 09, 2013

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

CARL ALAN BROOKS 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.

A13I0155

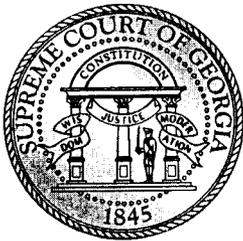
RECEIVED IN OFFICE
2013 SEP 26 AM 11:22
CLERK/CLERK AND ASSISTANT
COURT OF APPEALS OF GA

SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta September 24, 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.



Sia C. Pittor, Chief Deputy Clerk

Court of Appeals of the State of Georgia

ATLANTA, March 14, 2013

The Court of Appeals hereby passes the following order

A13I0155. CARL ALAN BROOKS v. THE STATE.

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

LC NUMBERS:

12B5575



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, March 14, 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. Sparrow

, Clerk.

REMITTITUR

SUPREME COURT OF GEORGIA

Case No. S13C1347

Atlanta, October 07, 2013

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

SADEO GEORGE 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 petition be hereby denied.

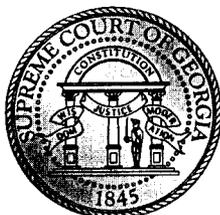
All the Justices concur.

Court of Appeals Case No.
A13I0156

Costs paid: Indigent

RECEIVED IN OFFICE
2013 NOV -5 PM 3:35
CLERK'S OFFICE
COURT OF APPEALS OF GA

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta November 04, 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.

Lois C. Pittor, Chief Deputy Clerk

Court of Appeals of the State of Georgia

ATLANTA, April 24, 2013

The Court of Appeals hereby passes the following order

A13I0156. SADEO GEORGE v. THE STATE.

Upon consideration of the APPELLANT'S Motion for Reconsideration in the above styled case, it is ordered that the motion is hereby DISMISSED as untimely filed.



Court of Appeals of the State of Georgia

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

, Clerk.

RECEIVED IN OFFICE
2013 NOV -5 PM 3:35
CLERK ROBERT A. SPANOW
COURT OF APPEALS OF GA

Court of Appeals of the State of Georgia

RECEIVED IN OFFICE

2013 NOV -5 PM 3: 35

CLERK OF SUPERIOR COURT
COURT OF APPEALS OF GA

ATLANTA, March 14, 2013

The Court of Appeals hereby passes the following order:

A13I0156. SADEO GEORGE v. THE STATE.

On December 26, 2012, Sadeo George filed an application for interlocutory appeal in the Supreme Court, seeking immediate review of two superior court orders entered in October 2012 in his criminal case. The Supreme Court transferred the application here upon finding that it lacked jurisdiction over the subject matter. Because George did not obtain a timely certificate of immediate review from the trial court, we likewise lack jurisdiction to consider his application.

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. OCGA § 5-6-34 (b). Although George has submitted a document titled "Certificate of Immediate Review For Interlocutory Appeal," the document was neither signed by nor filed in the trial court. Moreover, it is dated more than two months after entry of the orders George wishes to appeal. Accordingly, the "Certificate of Immediate Review" is not valid, and we are without jurisdiction to consider this application, which is hereby DISMISSED. See *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973).



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 03/14/2013

*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.*

Holly K. O. Spawton _____, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, March 20, 2013

The Court of Appeals hereby passes the following order

A13I0157. FLORIDA RETINA INSTITUTE et al v. THOMAS SANFORD ROBERTS.

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

LC NUMBERS:

S12V208



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, March 20, 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. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, March 06, 2013

The Court of Appeals hereby passes the following order:

A13I0158. ASHOK GOYAL v. NIMITA FIFADARA.

Nimita Fifadara, the mother in the proceeding below, filed a pro se modification of custody action in Gwinnett County against Ashok Goyal, the father who was granted sole legal and physical custody of the minor child after a 2010 custody modification trial in DeKalb County. Goyal moved to transfer the case to DeKalb County. The trial court denied the motion, and Goyal filed this application for interlocutory appeal from that order.

OCGA § 5-6-34 (a) (11) provides 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. 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 Goyal 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). Goyal’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 if he has not already done so. The clerk of the superior court is directed to include a copy of this order in the record transmitted to this Court.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 03/06/2013

*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. Spencer, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, March 19, 2013

The Court of Appeals hereby passes the following order

A13I0159. PROGRESSIVE PREMIER INSURANCE COMPANY v. JUSTIN JAHN.

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

LC NUMBERS:

11CV1767



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, March 19, 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. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, June 07, 2013

The Court of Appeals hereby passes the following order

A13I0160. GEORGE H. MARSHALL v. SARAH E. WARLICK.

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

LC NUMBERS:

2012CV217343



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, June 07, 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. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, March 20, 2013

The Court of Appeals hereby passes the following order

**A13I0161. MAYO CLINIC HEALTH SYSTEM IN WAYCROSS, INC., f/k/a SATILA
HEALTH SERVICES, INC., v. KATHY RIGGINS, et al .**

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

LC NUMBERS:

S12V198



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, March 20, 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. Sparrow , Clerk.

Court of Appeals of the State of Georgia

ATLANTA, March 22, 2013

The Court of Appeals hereby passes the following order:

A13I0162. CHARLES EARL RITCHIE v. THE STATE.

Charles Earl Ritchie filed this application for interlocutory appeal from the trial court's order of December 13, 2012, denying his motion to dismiss.¹ The trial court entered a certificate of immediate review on February 19, 2013, 68 days after entry of its order denying the motion to dismiss. We lack jurisdiction.

Under OCGA § 5-6-34 (b), a party may request interlocutory review only if the trial court certifies within 10 days of entry of the order at issue that immediate review should be had. If the certificate of immediate review is not entered within that 10-day period, it is untimely, and the party seeking review must wait until the final judgment to appeal. See OCGA § 5-6-34 (b); *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973). Here, the trial court did not enter its certificate of immediate review within 10 days of the order Ritchie seeks to appeal. Accordingly, we lack jurisdiction to consider this application for interlocutory appeal, which is therefore DISMISSED.

¹ Ritchie filed a motion for reconsideration on January 9, 2013, but he has provided no order ruling on this motion in the application materials. Rather, he asserts that an order continuing his case from the trial calendar, which was entered on February 19, 2013, granted his motion for reconsideration. However, the record does not support this assertion.



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 03/22/2013*

*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. Spawr, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, March 28, 2013

The Court of Appeals hereby passes the following order:

A13I0163. REBECCA KITCHENS v. THE STATE.

On January 30, 2013, the trial court denied Rebecca Kitchens's motion to suppress. On February 15, 2013, the court entered a certificate of immediate review. Kitchens then filed this application for interlocutory appeal. We, however, lack jurisdiction.

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). The Supreme Court has interpreted "entered" to mean "filed with the clerk of the trial court." *Id.* The judge's signature, alone, does not constitute entry of an order. See *id.*; see also *Van Schallern v. Stanco*, 130 Ga. App. 687 (204 SE2d 317) (1974) ("[A] certificate for the immediate review of a nonfinal or interlocutory judgment is ineffective unless entered, i.e., filed with the clerk, within ten days after entry of the judgment appealed from.").

In this case, although the certificate of immediate review was signed on February 7, it was not entered until February 15 – 16 days after entry of the order denying the motion to suppress. Because the certificate of immediate review was not timely entered, 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, 03/28/2013

*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. Spawr, Clerk.

RECEIVED IN OFFICE

2013 NOV -5 PM 3:36

CLERK COURT ADMINISTRATOR
COURT OF APPEALS OF GA

REMITTITUR

SUPREME COURT OF GEORGIA

Case No. S13C1312

Atlanta, October 07, 2013

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

GEGE ODION v. CANDLER MEDICAL CENTER, 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 petition be hereby denied.

All the Justices concur.

Court of Appeals Case No.
A13I0164

Costs paid: \$300.00

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta November 04, 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.

Jo C. Pittor, Chief Deputy Clerk

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

RECEIVED IN OFFICE
2013 NOV -5 PM 3:36
CLERK/COURT ADMINISTRATION
COURT OF APPEALS OF GA

ATLANTA, April 19, 2013

The Court of Appeals hereby passes the following order:

A13I0164. GEGE ODION et al. v. CANDLER MEDICAL CENTER, LLC et al.

This Court denied Gege Odion's application for interlocutory appeal from an order denying his motion to recuse. Odion has now filed a motion for reconsideration, which is hereby DENIED. Odion's motion to recuse this Court is likewise DENIED.



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 04/19/2013*

*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 F. O. Spencer, Clerk.

denial order

Court of Appeals of the State of Georgia

ATLANTA, March 27, 2013

The Court of Appeals hereby passes the following order

A13I0164. GEGE ODION et al v. CANDLER MEDICAL CENTER, et al.

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

LC NUMBERS:

2008CV158261



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, March 27, 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. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, March 28, 2013

The Court of Appeals hereby passes the following order

A13I0165. ANTHONY TERREAL MOSES v. THE STATE.

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

LC NUMBERS:

12CR051



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, March 28, 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. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, March 27, 2013

The Court of Appeals hereby passes the following order

**A13I0166. DONATOS PIZZERIA CORPORATION v. DEERFIELD SQUARE
ASSOCIATES, LLC.**

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

LC NUMBERS:

2012CV216687



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, March 27, 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. Sparrow , Clerk.

Court of Appeals of the State of Georgia

ATLANTA, March 22, 2013

The Court of Appeals hereby passes the following order

A1310167. HLC HOTELS, INC., d/b/a OLDE HARBOR INN., v. KRISTEN ANDERSEN.

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, March 22, 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. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

PROPOSED ORDER (A13I0167.98) March 19, 2013 (by Brant)	
AGREE	DISAGREE
W M R II	

ATLANTA,

The Court of Appeals hereby passes the following order:

A13I0167. HLC HOTELS, INC. d/b/a OLDE HARBOR INN v. KRISTEN ANDERSEN.

HLC Hotels, Inc. d/b/a Olde Harbor Inn 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.



*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 K. O. Spawson , Clerk.

Court of Appeals of the State of Georgia

ATLANTA, April 02, 2013

The Court of Appeals hereby passes the following order:

A13I0169. DALE HEARD v. THE STATE.

Dale Heard filed this application for interlocutory appeal from the superior court's order denying his motion to dismiss the indictment against him on the basis of OCGA § 16-1-8 (b) (1). The motion was, in substance, a denial of a motion for a plea in bar on double jeopardy grounds, asserting that the crime for which he is indicted should have been charged in a former prosecution of another crime. Such an order is directly appealable. See *Patterson v. State*, 248 Ga. 875 (287 SE2d 7) (1982); *Miller v. State*, 204 Ga. App. 562, 563 (420 SE2d 12) (1992). This Court will grant a timely application for interlocutory appeal if the order is subject to direct appeal and the applicant has not otherwise filed a timely notice of appeal. See *Spivey v. Hembree*, 268 Ga. App. 485, 486 n. 1 (602 SE2d 246) (2004). It appears that Heard has not filed a notice of appeal; therefore, the application is hereby GRANTED. Heard 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, 04/02/2013

*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 F. O. Spawor

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, April 08, 2013

The Court of Appeals hereby passes the following order

A13I0170. ATLANTIC STEEL, INC., v. SKANSKA USA BUILDING, INC.

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

LC NUMBERS:

STCV0904032



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, April 08, 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. Sparrow

, Clerk.

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

ATLANTA, April 04, 2013

The Court of Appeals hereby passes the following order

A13I0171. JAMES HAGERTY v. KIMBERLY P. NOWELL.

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

LC NUMBERS:

STCV1003625



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, April 04, 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. Sparrow , Clerk.