

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.

Court of Appeals of the State of Georgia

ATLANTA, April 09, 2013

The Court of Appeals hereby passes the following order

A13I0172. YVONNE WILEY v. THE STATE.

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

LC NUMBERS:

M20120251



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

The Court of Appeals hereby passes the following order:

**A13I0173. MOUNTAINBROOK PROPERTY OWNERS ASSOCIATION, INC.
v. GEORGIA BANK & TRUST.**

The parties in the instant application have settled the case, and Mountainbrook Property Owners Association, Inc. has filed a motion for permission to withdraw its application for interlocutory appeal. The motion is hereby GRANTED, and the application is deemed WITHDRAWN.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 04/04/2013

*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. Sparrow , Clerk.

Court of Appeals of the State of Georgia

ATLANTA, April 12, 2013

The Court of Appeals hereby passes the following order

A13I0174. JIMMY RUSH, JR., v. THE STATE.

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

LC NUMBERS:

12B03659



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, April 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, April 10, 2013

The Court of Appeals hereby passes the following order

**A1310175. CHASTAIN RESERVE HOMEOWNERS ASSOCIATION, INC., v.
CHRISTOPHER BRADY.**

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

2010CV185959



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, April 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, April 17, 2013

The Court of Appeals hereby passes the following order

A13I0176. MCKNIGHT CONSTRUCTION COMPANY v. WILLIAM N. WHEELER.

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

LC NUMBERS:

2011RCCV00058



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, April 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.

Court of Appeals of the State of Georgia

ATLANTA, April 12, 2013

The Court of Appeals hereby passes the following order

A13I0178. RICHARD MICHAEL ENSLEY v. THE STATE.

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

LC NUMBERS:

12CR0846



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, April 12, 2013.*

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the Court of Appeals of Georgia.*

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

Hally K. O. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, April 23, 2013

The Court of Appeals hereby passes the following order

A13I0179. J. H. HARVEY CO., LLC., v. ELLAREE FREEMAN.

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

LC NUMBERS:

S11V559



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, April 23, 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 10, 2013

The Court of Appeals hereby passes the following order

A13I0180. LAVORIS NAILS 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:

2012FE0235



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, April 10, 2013.*

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the Court of Appeals of Georgia.*

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

Hally K. O. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, April 10, 2013

The Court of Appeals hereby passes the following order

A13I0181. LETAI NUNN 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:

2012FE0236



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

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, April 18, 2013

The Court of Appeals hereby passes the following order

**A13I0182. JOY MANGUM v. ANN HERRERA, AS ADMINISTRATOR OF THE
ESTATE OF JENNIFER WORTHAMS.**

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

11A39443



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, April 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, April 25, 2013

The Court of Appeals hereby passes the following order

**A13I0183. SEMINOLE SANITATION SERVICES, INC., v. RANDOLPH BURROUGHS
et al .**

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

LC NUMBERS:

08V148



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

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, April 23, 2013

The Court of Appeals hereby passes the following order

A13I0184. SHIPPERS WAREHOUSE, INC., v. TSERVE, INC., A GEORGIA CORPORATION.

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

LC NUMBERS:

2011CV02282



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, April 23, 2013.*

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the Court of Appeals of Georgia.*

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

Hally K. O. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, April 23, 2013

The Court of Appeals hereby passes the following order

A13I0185. KAREN BELMAR v. NATASHA SMITH et al .

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

LC NUMBERS:

12A43839



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, April 23, 2013.

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

Hally K. O. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, April 18, 2013

The Court of Appeals hereby passes the following order

A13I0186. 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, April 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, April 24, 2013

The Court of Appeals hereby passes the following order:

A13I0187. JESUS E. MARTINEZ, JR. v. THE STATE.

Jesus E. Martinez, Jr. Ritchie filed this application for interlocutory appeal from the trial court's order of March 5, 2013, denying his motion to dismiss. The trial court entered a certificate of immediate review on March 21, 2013, 16 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 Martinez 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, 04/24/2013*

*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. Spawort, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, April 25, 2013

The Court of Appeals hereby passes the following order

A13I0188. JOEL STONE GUTHRIE v. THE STATE.

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

LC NUMBERS:

2011R0267



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

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, April 16, 2013

The Court of Appeals hereby passes the following order

A13I0189. BRYAN BANK & TRUST v. BONNIE STEELE.

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

2010V402



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, April 16, 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 25, 2013

The Court of Appeals hereby passes the following order

**A13I0190. STATE FARM FIRE AND CASUALTY COMPANY v. GLENN L. THRASH,
SR.**

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

LC NUMBERS:

11A1590



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

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, April 29, 2013

The Court of Appeals hereby passes the following order

A13I0191. GEORGIA COMMERCE BANK v. SAMPLES DESIGNER HOMES, INC..

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

LC NUMBERS:

2012CV222800



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, April 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, May 15, 2013

The Court of Appeals hereby passes the following order

A13I0192. DILL'S FOOD CITY, INC., v. KAREN CHAPMAN.

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, May 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, May 02, 2013

The Court of Appeals hereby passes the following order

A13I0192. DILL'S FOOD CITY, INC., v. KAREN CHAPMAN.

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

LC NUMBERS:

12FV0387



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, May 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, May 02, 2013

The Court of Appeals hereby passes the following order

A13I0193. NORFOLK SOUTHERN RAILWAY COMPANY v. RONALD W. SANFORD

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

77741



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

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, May 02, 2013

The Court of Appeals hereby passes the following order

**A13I0194. CALIFORNIA UNITED BANK, AS SUCCESSORY THROUGH
ACQUISITION OF PREMIER COMMERCIAL BANK, N.A., v. NICHOLSON
PROFESIONAL CONSULTING, INC..**

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

LC NUMBERS:

12EV016210



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

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, May 01, 2013

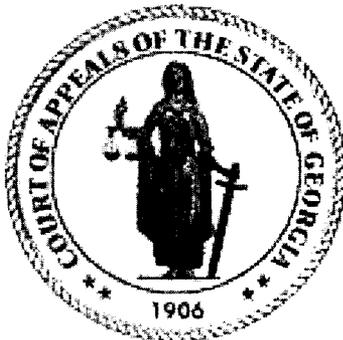
The Court of Appeals hereby passes the following order

A13I0195. STUART E. MAUNEY et al 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, May 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, May 02, 2013

The Court of Appeals hereby passes the following order

A13I0196. DEPENDABLE ROOFING COMPANY V. GONZALO MARTINEZ.

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

LC NUMBERS:

12A41376



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, May 02, 2013.*

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the Court of Appeals of Georgia.*

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

Hally K. O. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, May 01, 2013

The Court of Appeals hereby passes the following order

A13I0198. DEBRA HALL CARTER f/k/a DEBRA HALL 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, May 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, May 02, 2013

The Court of Appeals hereby passes the following order

**A13I0199. ATLANTA'S RELIABLE ROOFING COMPANY et al v. GONZALO
MARTINEZ.**

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

LC NUMBERS:

12A41376



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, May 02, 2013.*

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the Court of Appeals of Georgia.*

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

Hally K. O. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, May 08, 2013

The Court of Appeals hereby passes the following order

A13I0200. BRYAN INVESTMENTS, L.L.C. v. JOHN LAY.

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

10CV3104



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, May 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, May 10, 2013

The Court of Appeals hereby passes the following order

A1310201. ACTION ELECTRIC COMPANY, INC., v. THE COCA-COLA COMPANY et al .

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

LC NUMBERS:

1111175



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, May 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. Spanow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, May 08, 2013

The Court of Appeals hereby passes the following order

A13I0202. JOHN LAY v. BRYAN INVESTMENTS, 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:

10CV3104



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, May 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, May 13, 2013

The Court of Appeals hereby passes the following order:

A13I0203. DOREEN DAE EDDY et al. v. VALEEN RIVERA.

Valeen Rivera filed a petition for change of custody of her biological child, who is currently in the custody of Rivera's parents. The trial court entered an order establishing the standard of proof for an upcoming bench trial in the matter. Rivera's parents, Doreen and Peter Eddy, filed an 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 the Eddys seek 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). This application for interlocutory appeal is therefore GRANTED. The Eddys shall have ten days from the date of this order to file a notice of appeal in the superior court if they have not already done so. The clerk of the superior court is directed to include a copy of this order in the record transmitted to this Court.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 05/13/2013

*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 J. O. Spawort _____, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, May 13, 2013

The Court of Appeals hereby passes the following order

A13I0204. JAMES K. ELSEY, et al v. STACIE LANDS.

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

LC NUMBERS:

13C00517



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, May 13, 2013.*

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the Court of Appeals of Georgia.*

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Hally K. O. Sparrow , Clerk.

Court of Appeals of the State of Georgia

ATLANTA, May 15, 2013

The Court of Appeals hereby passes the following order

A13I0205. IN THE INTEREST OF: L. A. C., A CHILD .

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

LC NUMBERS:

12JV1143



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, May 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, May 16, 2013

The Court of Appeals hereby passes the following order

A1310206. ABNER C. MATHIS et al v. LESTER T. NESMITH.

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

LC NUMBERS:

11CV725



Court of Appeals of the State of Georgia

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

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, May 15, 2013

The Court of Appeals hereby passes the following order:

A13I0207. IN RE: ESTATE OF JOHN ASA ZACHERY, SR., DECEASED.

Tiffany Zachery seeks immediate review of the DeKalb County Probate Court's order denying her emergency motion for protective order, which requested that the court enter an order prohibiting her deposition as well as the discovery sought by the administrator of John Asa Zachery's estate. We lack jurisdiction.

The order sought to be appealed is an interlocutory order. See *Rose v. Commercial Factors &c.*, 262 Ga. App. 528 (586 SE2d 41) (2003). An appeal of an order not otherwise subject to direct appeal must comply with the application procedures for interlocutory review set forth in OCGA § 5-6-34 (b). Here, Zachery's request for a certificate of immediate review was denied by the trial court. For this Court to have jurisdiction to consider an appeal of an interlocutory order, a certificate of immediate review is required. OCGA § 5-6-35 (b).¹

Because this Court lacks jurisdiction to consider this application, it is hereby DISMISSED.

¹ See also *Johnson & Johnson v. Kaufman*, 226 Ga. App. 77 (485 SE2d 525) (1997) (the collateral order exception rule does not apply to interlocutory discovery orders).



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 05/15/2013*

*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 J. O. Spaw _____, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, May 14, 2013

The Court of Appeals hereby passes the following order

**A13I0208. SUNBRIDGE RETIREMENT CARE ASSOCIATES, LLC d/b/a
CARTERSVILLE HEIGHTS CARE AND REHABILITATION CENTER v. VICKIE
SMITH et al .**

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

LC NUMBERS:

11C09062



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, May 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, May 15, 2013

The Court of Appeals hereby passes the following order

A13I0209. JONATHAN PAYTON 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:

12CR238



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

The Court of Appeals hereby passes the following order

A13I0210. JONATHAN MYLES v. THE STATE.

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

LC NUMBERS:

12C51893



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

ATLANTA, May 22, 2013

The Court of Appeals hereby passes the following order

A13I0211. LESTER THOMPkins v. THE STATE.

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

LC NUMBERS:

1293378



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

ATLANTA, May 22, 2013

The Court of Appeals hereby passes the following order

A13I0212. ATLAS GA III SPEC, LLC, et al v. U.S. BANK, NATIONAL ASSOCIATION.

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

LC NUMBERS:

2012CV1637



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

ATLANTA, May 21, 2013

The Court of Appeals hereby passes the following order

A13I0213. SP NEWSPRINT, CO., LLC, et al v. GARY MATTHEWS.

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

2011CG0810



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, May 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, August 15, 2013

The Court of Appeals hereby passes the following order:

A13I0214. DENNIS V. BRYANT v. THE STATE.

We originally dismissed this case because the certificate of immediate review appeared to be signed by a different judge than the one who denied the motion in limine. On motion for reconsideration, however, Dennis Bryant's attorney has provided an affidavit indicating that the same judge signed both orders, and the trial judge has also sent an email to this Court indicating that he, indeed, signed both orders. Accordingly, we hereby GRANT the motion for reconsideration since the application for interlocutory appeal was properly filed. Our May 22, 2013 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 DENY the application.



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 08/15/2013*

*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. Spencer, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, May 22, 2013

The Court of Appeals hereby passes the following order:

A13I0214. DENNIS V. BRYANT v. THE STATE.

Fayette County State Court Judge Harold Benefield denied in part and granted in part the State's motion in limine to introduce evidence of Dennis Bryant's 2006 and 2008 convictions for driving while under the influence of drugs to prove intent and knowledge in this driving while under the influence of alcohol case. Bryant then obtained a certificate of immediate review, signed by "Hon Presiding Judge," and filed this application for interlocutory appeal of the court's decision to allow evidence of a 2006 conviction. The signature on the certificate does not appear to be Judge Benefield's signature. Accordingly, we lack jurisdiction.

Under OCGA § 5-6-34 (b), a party may apply for interlocutory appellate review "[w]here *the trial judge* in rendering an order, decision, or judgment not otherwise subject to direct appeal . . . certifies within ten days of entry thereof that the order, decision, or judgment is of such importance to the case that immediate review should be had . . ." (Emphasis supplied.) The plain language of the statute requires that the same judge who enters the order in question must certify it for immediate review. *Mauer v. Parker Fibernet, LLC*, 306 Ga. App. 160, 162 (701 SE2d 599) (2010).¹

Because the certificate of immediate review submitted by Bryant appears to

¹ This court has recognized a limited exception to this rule where evidence shows that the trial judge was unavailable to execute the certificate. See *Freemon v. Dubroca*, 177 Ga. App. 745 (1) (341 SE2d 276) (1986); *Tingle v. Harvill*, 125 Ga. App. 312, 317-318 (2) (187 SE2d 536) (1972); see also *Thorpe v. Russell*, 274 Ga. 781, 781-782 (559 SE2d 432) (2002). Bryant, however, has made no showing that Judge Benefield was unavailable.

have been signed by a judge other than the trial judge, it is invalid and does not confer jurisdiction upon this Court to consider this application for interlocutory appeal. The application is therefore DISMISSED.



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 05/22/2013*

*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

ATLANTA, May 21, 2013

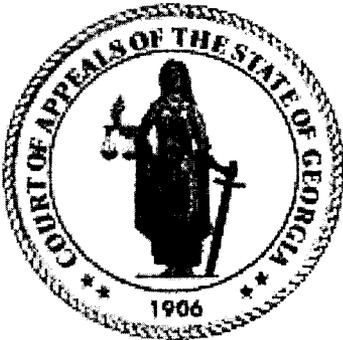
The Court of Appeals hereby passes the following order

A1310215. JDM SERVICES, INC., v. GARY MATTHEWS 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:

2011CG0810



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, May 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, May 23, 2013

The Court of Appeals hereby passes the following order

A13I0216. LEGACY ACADEMY, INC., et al v. PURPLE COW, INC., et al .

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

LC NUMBERS:

11A11134



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, May 23, 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, May 24, 2013

The Court of Appeals hereby passes the following order

A13I0217. BARTOW COUNTY, GEORGIA v. SOUTHERN DEVELOPMENT, III, L.P..

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

LC NUMBERS:

12CV266



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

Court of Appeals of the State of Georgia

ATLANTA, May 24, 2013

The Court of Appeals hereby passes the following order

A13I0218. BARTOW COUNTY, GEORGIA v. SOUTHERN DEVELOPMENT, III, L.P..

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

LC NUMBERS:

12CV266



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

Court of Appeals of the State of Georgia

ATLANTA, June 05, 2013

The Court of Appeals hereby passes the following order

A13I0219. T. JEFF MOORE v. PRESTON YOUNGBLOOD.

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

LC NUMBERS:

12CV255



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, June 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, May 23, 2013

The Court of Appeals hereby passes the following order

A1310220. MING XUAN, INC., et al v. LATRESSA MICHELLE MCCRAY.

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

LC NUMBERS:

11S00517



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, May 23, 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, May 22, 2013

The Court of Appeals hereby passes the following order:

A13I0221. CHARLES VICTOR WALLACE v. THE STATE.

Laurens County Superior Court Judge Jon Helton denied Charles Wallace's motion to suppress. Wallace then obtained a certificate of immediate review, signed by Dublin Judicial Circuit Judge Donald Gillis, and filed this application for interlocutory appeal. We lack jurisdiction.

Under OCGA § 5-6-34 (b), a party may apply for interlocutory appellate review "[w]here *the trial judge* in rendering an order, decision, or judgment not otherwise subject to direct appeal . . . certifies within ten days of entry thereof that the order, decision, or judgment is of such importance to the case that immediate review should be had . . ." (Emphasis supplied.) The plain language of the statute requires that the same judge who enters the order in question must certify it for immediate review. *Mauer v. Parker Fibernet, LLC*, 306 Ga. App. 160, 162 (701 SE2d 599) (2010).¹

Because the certificate of immediate review submitted by Wallace was signed by a judge other than the trial judge, it is invalid and does not confer jurisdiction upon this Court to consider this application for interlocutory appeal. The application is therefore DISMISSED.

¹ This court has recognized a limited exception to this rule where evidence shows that the trial judge was unavailable to execute the certificate. See *Freemon v. Dubroca*, 177 Ga. App. 745 (1) (341 SE2d 276) (1986); *Tingle v. Harvill*, 125 Ga. App. 312, 317-318 (2) (187 SE2d 536) (1972); see also *Thorpe v. Russell*, 274 Ga. 781, 781-782 (559 SE2d 432) (2002). Wallace, however, has made no showing that Judge Helton was unavailable.



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 05/22/2013*

*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. Lanoor, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, May 30, 2013

The Court of Appeals hereby passes the following order

A13I0222. FRANK A. MARTIN et al v. PAMELA W. HANSEN.

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

STCV1003244



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

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, May 23, 2013

The Court of Appeals hereby passes the following order

A13I0223. THOMSON HOUSING AUTHORITY v. MARY FEW et al. .

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

LC NUMBERS:

120263



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, May 23, 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 10, 2013

The Court of Appeals hereby passes the following order

A13I0224. DARRIN E. MURPHY 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:

12CR2907



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

Holly K. O. Spencer

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, May 15, 2013

The Court of Appeals hereby passes the following order

A13I0225. IN THE INTEREST OF: L. A. C., A CHILD .

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

LC NUMBERS:

12JV1143



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, May 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, June 07, 2013

The Court of Appeals hereby passes the following order:

A13I0226. DANA EVANS et al. v. THE STATE.

Dana Evans and seven co-defendants have filed an application for interlocutory appeal, seeking review of the trial court's order disqualifying their counsel in this criminal case. An order disqualifying counsel is an interlocutory order. See *Cherry v. Coast House, Ltd.*, 257 Ga. 403, 404 (2) (359 SE2d 904) (1987); *Ewing Holding Corp. v. Egan-Stanley Investments*, 154 Ga. App. 493, 495-496 (1) (268 SE2d 733) (1980). Thus, in order to obtain appellate review, the applicants were required to follow the interlocutory appeal procedure set forth in OCGA § 5-6-34 (b) by, among other things, obtaining a certificate of immediate review. Although the applicants requested a certificate of immediate review, the trial court denied their request. Accordingly, we lack jurisdiction to consider this application.

The applicants urge us to treat the disqualification order as a collateral order subject to direct appeal. See *Bradberry v. State*, 315 Ga. App. 434, 436 (727 SE2d 208) (2012). We, however, decline to do so. See *Flanagan v. United States*, 465 U. S. 259 (104 SCt 1051, 79 LE2d 288) (1984) ("Nothing about a counsel disqualification order distinguishes it from the run of pretrial decisions that affect the rights of criminal defendants yet must await completion of trial court proceedings for review.")

In the absence of a certificate of immediate review, this application is hereby
DISMISSED for lack of jurisdiction.



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 06/07/2013*

*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 H. O. Spawort _____, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, June 06, 2013

The Court of Appeals hereby passes the following order

A13I0227. AVAYA,INC., et al. v. JOSEPH EASTER, et al..

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

LC NUMBERS:

12EV014777



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, June 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, June 07, 2013

The Court of Appeals hereby passes the following order:

A13I0228. PHILLIP PRESTON PATCH v. THE STATE.

On April 17, 2013, the trial court entered an order granting the state permission to introduce evidence of prior bad acts in Phillip Patch's criminal trial. On April 26, the court certified its order for immediate review. On May 13, Patch filed this application for interlocutory appeal. We lack jurisdiction.

Pursuant to OCGA § 5-6-34 (b), an interlocutory application must be filed with this Court within ten days of the date a timely certificate of immediate review is entered below. *Genter v. State*, 218 Ga. App. 311 (460 SE2d 879) (1995). Here, Patch filed his application 17 days after entry of the certificate of immediate review. Accordingly, it is untimely and is therefore DISMISSED for lack of jurisdiction.



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 06/07/2013*

*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.*

Holly K. O. Spencer, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, June 12, 2013

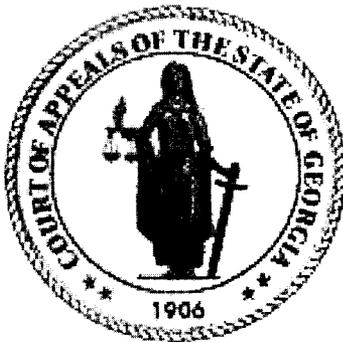
The Court of Appeals hereby passes the following order

**A1310229. PERRY GOLF COURSE DEVELOPMENT, LLC v. COLUMBIA
RESIDENTIAL, LLC, et al..**

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

LC NUMBERS:

2007CV134918



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

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, June 04, 2013

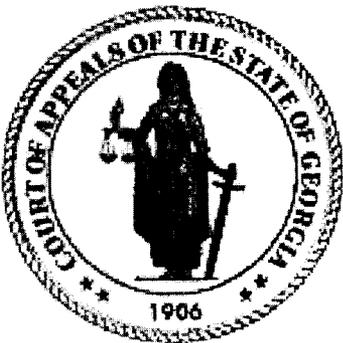
The Court of Appeals hereby passes the following order

A13I0230. DAMON BRANTLEY et al. v. DAVID DUBOIS.

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

CV20120039



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

als
Georgia

ATLANTA, June 17, 2013

by passes the following order

A13I0231. MARY A. MARVEL v. GLENN PLYBON et al..

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

LC NUMBERS:

10CV03809



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, June 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.

Court of Appeals of the State of Georgia

ATLANTA, June 05, 2013

The Court of Appeals hereby passes the following order

**A13I0232. CLAYTON COUNTY v. CHERYL HUDSON INDIVIDUALLY AND AS
ADMINISTRATRIX OF THE ESTATE OF ZANNIE HATCHER DECEASED et al.**

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

LC NUMBERS:

2011CV00227



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

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, June 17, 2013

The Court of Appeals hereby passes the following order

A13I0233. HARRY SHAVERS v. RAZIA GROUP, INC. d/b/a TEXACO FOOD MART et al..

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

LC NUMBERS:

12EV014871



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, June 17, 2013.*

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the Court of Appeals of Georgia.*

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affixed the day and year last above written.*

Hally K. O. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, June 13, 2013

The Court of Appeals hereby passes the following order

A13I0234. GIACOMO BELLOMO v. AVION SYSTEMS, INC..

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

LC NUMBERS:

2013CV226515 2011CV206944



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, June 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, June 18, 2013

The Court of Appeals hereby passes the following order

A1310235. BROOKWOOD PLACE UNIT OWNERS ASSOCIATION, INC., v. MARTHA GENSER.

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

LC NUMBERS:

12EV014949



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, June 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, June 17, 2013

The Court of Appeals hereby passes the following order

A13I0236. QUALITY TECHNOLOGY SERVICES, LLC, v. INTERNAP NETWORK SERVICES CORP..

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

11CV201543



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

Court of Appeals of the State of Georgia

ATLANTA, June 13, 2013

The Court of Appeals hereby passes the following order

A13I0237. CHRISTOPHER JOSEPH DUNCAN v. THE STATE.

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

LC NUMBERS:

09FR210



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, June 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, June 13, 2013

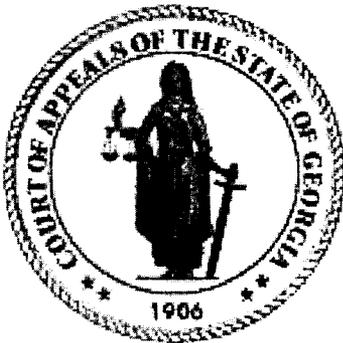
The Court of Appeals hereby passes the following order

A1310238. RISHI BECTOR v. STATE OF GEORGIA .

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

LC NUMBERS:

12CV2979



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, June 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, June 18, 2013

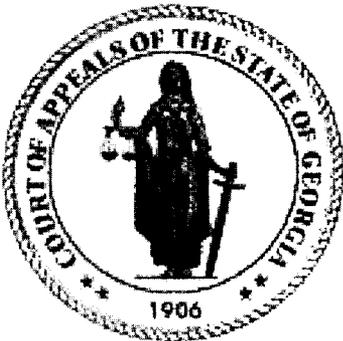
The Court of Appeals hereby passes the following order

A13I0239. KARIM ALI v. STATE OF GEORGIA .

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

LC NUMBERS:

2012CV2925



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, June 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, June 17, 2013

The Court of Appeals hereby passes the following order

A13I0240. JOHN E. HOCKING v. LEONA DURHAM .

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

LC NUMBERS:

SU12CV0413



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

Court of Appeals of the State of Georgia

ATLANTA, June 13, 2013

The Court of Appeals hereby passes the following order

A13I0241. DRUMM CORP., f/k/a DRUMM INVESTORS, LLC v. WILLIE WRIGHT, AS ADMINISTRATOR OF THE ESTATE OF BILLY WRIGHT et al. .

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

LC NUMBERS:

13CV00157



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, June 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, June 18, 2013

The Court of Appeals hereby passes the following order

A13I0242. PATRICK CAWLEY 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:

CR20902429



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, June 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, June 24, 2013

The Court of Appeals hereby passes the following order

A13I0243. DEKALB COUNTY SCHOOL DISTRICT v. FRANKIE FREEMAN.

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

LC NUMBERS:

12CV7352



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

Court of Appeals of the State of Georgia

ATLANTA, June 24, 2013

The Court of Appeals hereby passes the following order

A13I0244. DANTE WRIGHT v. THE STATE.

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

LC NUMBERS:

12SC112349



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

Court of Appeals of the State of Georgia

ATLANTA, June 21, 2013

The Court of Appeals hereby passes the following order

A13I0245. INFINITY INSURANCE COMPANY v. SCOTT ALLEN MILO.

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

LC NUMBERS:

CE1001811063



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, June 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, June 24, 2013

The Court of Appeals hereby passes the following order

**A13I0246. VEOLIA TRANSPORTATION SERVICES, INC. et al. v. LEONARD GEIBEL
et al..**

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

LC NUMBERS:

11A050887



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

Court of Appeals of the State of Georgia

ATLANTA, June 27, 2013

The Court of Appeals hereby passes the following order

A13I0247. PEOPLES COMMUNITY NATIONAL BANK v. D&S PHILLIPS, LLC.

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

LC NUMBERS:

13CV00319



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, June 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, June 27, 2013

The Court of Appeals hereby passes the following order

**A13I0248. PEOPLES COMMUNITY NATIONAL BANK v. PHILLIPS ART & DESIGN,
LLC.**

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

LC NUMBERS:

13CV00320



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, June 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, June 24, 2013

The Court of Appeals hereby passes the following order

A13I0249. STEPHANIE FEATHERS v. KARLA RODRIGUEZ et al..

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

LC NUMBERS:

11EV013630



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

Court of Appeals of the State of Georgia

ATLANTA, June 19, 2013

The Court of Appeals hereby passes the following order

A13I0250. KALEB RYAN DEASON 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:

2012SUCR755



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, June 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 27, 2013

The Court of Appeals hereby passes the following order

A13I0251. TIMOTHY MOON v. THE STATE.

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

LC NUMBERS:

11ER262



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, June 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, June 24, 2013

The Court of Appeals hereby passes the following order

**A1310252. THE KROGER CO. d/b/a KROGER SUPERMARKET v. EVELYN
THOMPSON.**

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

LC NUMBERS:

11EV012687



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

Court of Appeals of the State of Georgia

ATLANTA, June 24, 2013

The Court of Appeals hereby passes the following order

A13I0253. ANN ROYSTON DOVE, ADMINISTRATRIX OF THE ESTATE OF EULALA ROYSTON v. TY COBB HEALTHCARE SYSTEMS, INC., d/b/a BROWN MEMORIAL CONVALESCENT CENTER.

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

LC NUMBERS:

07FV443



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, June 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. Spawr

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, June 25, 2013

The Court of Appeals hereby passes the following order:

A13I0254. DRUID HILLS CIVIC ASSOCIATION, INC. et al v. ROBERT H. BUCKLER 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 the Superior Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

The parties should address in their appellate briefs the question whether the certificate of immediate review complies with the requirement of OCGA § 5-6-34 (b) that the certificate of immediate review be issued by the trial judge. See *Thorpe v. Russell*, 274 Ga. 781, 559 S.E.2d 432 (2002); *Mauer v. Parker Fibernet, LLC*, 306 Ga.App. 160, 162, 701 S.E.2d 599, 601 (2010); *Freemon v. Dubroca*, 177 Ga.App. 745, 745, 341 S.E.2d 276, 277 (1986); *Tingle v. Harvill*, 125 Ga.App. 312, 317-318, 187 S.E.2d 536, 539 - 540 (1972).



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 06/25/2013

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 F. O. Spencer

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, June 27, 2013

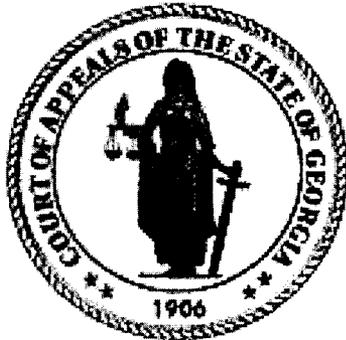
The Court of Appeals hereby passes the following order

**A13I0255. JOSEPH BOSSIE v. RENE LEWIS AS ADMINISTRATIX OF THE ESTATE
OF BRANDON MAURICE HARRIS, DECEASED.**

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

LC NUMBERS:

11A36471



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, June 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, July 03, 2013

The Court of Appeals hereby passes the following order

A13I0256. MAMANE B. BAWA v. THE STATE.

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

LC NUMBERS:

12C52872



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 03, 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 28, 2013

The Court of Appeals hereby passes the following order:

A13I0257. JERRY LARRY COLLIER v. THE STATE.

On May 29, 2013, the trial court denied Jerry Collier's motion to suppress evidence in a criminal case against him. Two days later on May 31, 2013, Collier filed a motion for a certificate of immediate review. On June 3, 2013, Collier filed this application for interlocutory review, which does not include a certificate of immediate review.

An order denying a motion to suppress is an interlocutory order. Thus, in order to obtain appellate review, Collier was required to follow the interlocutory appeal procedure set forth in OCGA § 5-6-34 (b) by, among other things, obtaining a timely certificate of immediate review. Although Collier requested a certificate of immediate review, his application does not include the required certificate.¹ Accordingly, we lack jurisdiction to consider this application, which is hereby DISMISSED.



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 06/28/2013*

*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. Spencer, Clerk.

¹ The Supreme Court has crafted a very limited exception to the requirement of a certificate where the actions of the trial court have the effect of precluding appellate review of a substantive issue. See *Waldrip v. Head*, 272 Ga. 572, 575 (1) (532 SE2d 380) (2000). This does not appear to be one of the rare cases in which ignoring the certificate requirement is warranted.

Court of Appeals of the State of Georgia

ATLANTA, July 01, 2013

The Court of Appeals hereby passes the following order

A13I0258. RODNEY DIXON v. THE STATE.

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

LC NUMBERS:

2012FR0075



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

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, July 01, 2013

The Court of Appeals hereby passes the following order

A13I0259. Z-SPACE, INC. et al. v. DANTANNA'S CNN CENTER, LLC.

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

LC NUMBERS:

09A08863



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

The Court of Appeals hereby passes the following order

A13I0260. JOHN COPE v. MONETTE EVANS.

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

S08V321



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 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, June 27, 2013

The Court of Appeals hereby passes the following order:

A13I0261. CHARLES M. EVERT, et al. v. EILEEN JENKINS.

Defendants Charles M. Evert and Georgia C. Evert seek interlocutory review of the trial court's order granting partial summary judgment to the plaintiffs. Under OCGA § 9-11-56 (h), the grant of summary judgment on any issue or as to any party is reviewable by direct appeal. *City of Demorest v. Town of Mt. Airy*, 282 Ga. 653, 654 n.1 (653 SE2d 43) (2007); *Whiddon v. Stargell*, 192 Ga. App. 826, 827-28 (386 SE2d 884) (1989).

We will grant a timely application for interlocutory appeal if the order complained of is subject to direct appeal and the applicant has not otherwise filed a timely notice of appeal. *Spivey v. Hembree*, 268 Ga. App. 485, 486 n.1 (602 SE2d 246) (2004). Accordingly, this interlocutory application is hereby GRANTED. The Everts 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, 06/27/2013

*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 H. O. Spencer, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, July 08, 2013

The Court of Appeals hereby passes the following order

**A13I0262. DANA CHRISTINE LEWIS f/k/a DANA CHRISTINE DICKENS v. HARVEY
KEITH DICKENS.**

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

LC NUMBERS:

13CV046



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

The Court of Appeals hereby passes the following order

A13I0264. MAXWELL OSAGHAE 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:

13900135



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

REMITTITUR

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COURT OF APPEALS OF GA

SUPREME COURT OF GEORGIA

Case No. S13C1694

Atlanta, November 04, 2013

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

CONTINENTAL TIRE THE AMERICAS, LLC v. MARLOS L. CHENAULT et al.

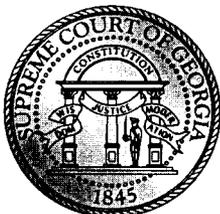
Upon consideration of the petition for certiorari filed to review the judgment of the Court of Appeals in this case, it is ordered that the petition be hereby denied.

All the Justices concur.

Court of Appeals Case No.
A1310265

Costs paid: \$300.00

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta November 19, 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, July 11, 2013

The Court of Appeals hereby passes the following order:

A13I0265. CONTINENTAL TIRE THE AMERICAS, LLC v. MARLOS L. CHENAULT, et al.

~~In this product liability action, the trial court entered a discovery order requiring Continental Tire The Americas, LLC (“Continental”) to produce certain documents. Continental filed a motion for reconsideration from this ruling, which the trial court denied. Continental sought a certificate of immediate review from both orders, but the court declined to issue a certificate. Continental nevertheless filed this application for interlocutory appeal asserting that we have jurisdiction to consider the merits in accordance with *Waldrip v. State*, 272 Ga. 572 (532 SE2d 380) (2000). The plaintiffs have filed a motion to dismiss the application.~~

Generally, an appellate court will not review the discretion vested in the trial court to grant or refuse a certificate for immediate review of interlocutory rulings. See *Scruggs v. Georgia Dept. of Human Resources*, 261 Ga. 587, 588 (1) (408 SE2d 103) (1991); *B & D Fabricators v. D.H. Blair Inv. Banking Corp.*, 220 Ga. App. 373, 375 (3) (469 SE2d 683) (1996). The Supreme Court, however, has crafted an exception to the requirement of a certificate where the actions of the trial court have the effect of precluding appellate review of a substantive issue. See *Waldrip*, *supra* at 575 (1). The ruling is limited to “exceptional cases that involve an issue of great concern, gravity, and importance to the public and no timely opportunity for appellate review.” *Id.*

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

of jurisdiction to consider this application. The plaintiffs' motion to dismiss is therefore GRANTED, and this application is DISMISSED. See *Genter v. State*, 218 Ga. App. 311 (460 SE2d 879) (1995). This Court's June 14, 2013 order granting a stay of the trial court's order is hereby VACATED.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 07/11/2013

*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. Spencer , Clerk.

Court of Appeals of the State of Georgia

ATLANTA, June 14, 2013

The Court of Appeals hereby passes the following order:

A13I0265. CONTINENTAL TIRE THE AMERICAS, LLC v. CHENAULT et al.

Having considered Continental Tire The Americas, LLC's "Emergency Petition for Supersedeas," pursuant to Court of Appeals Rule 40 (b), in order to preserve this court's jurisdiction in the above-styled application for interlocutory review, this court hereby grants a stay of the trial court's order requiring Continental to produce documents that are the subject of the trial court's May 23, 2013 "Order Regarding Discovery" and its June 11, 2013 "Order Denying Motion to Stay and Reconsider." This court's consideration of the application for interlocutory review will proceed in due course.



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 06/14/2013*

*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 H. O. Spencer, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, July 09, 2013

The Court of Appeals hereby passes the following order

A13I0266. CALLAWAY GARDENS RESORT, INC. et al. v. AMELIA KAYE MASTERS.

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

HS09CV802



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 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, July 17, 2013

The Court of Appeals hereby passes the following order

A13I0267. ROBERT WILLIS v. SHARON SCOTT.

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

LC NUMBERS:

SC12CV1303



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

Court of Appeals of the State of Georgia

ATLANTA, July 15, 2013

The Court of Appeals hereby passes the following order

A13I0268. KENNETH EUGENE GRIFFIN v. THE STATE.

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

LC NUMBERS:

12B05998



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 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, July 10, 2013

The Court of Appeals hereby passes the following order

A13I0269. LESLIE ROBERT MORROW v. THE STATE.

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

LC NUMBERS:

11CR1063



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 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, July 12, 2013

The Court of Appeals hereby passes the following order:

A13I0270. GOULDS PUMPS, INC. v. VERA LETHA ADAMS, THE SURVIVING SPOUSE OF PERRY WILSON ADAMS, DECEASED, et al.

Goulds Pumps, Inc., a defendant in this toxic tort action, has filed an application for interlocutory appeal from the trial court's denial of its motion for summary judgment. The trial court denied the motion on June 3, 2013, and certified that order for immediate review on June 11. Subsequently, on June 19, the court entered an amended order denying the motion. The trial court never certified its amended order for immediate review.

In its application, Goulds Pumps challenges the trial court's rulings on (a) specific causation evidence and (b) the viability of its "bare metals" defense. The court addressed these issues only in its amended order; it did not address them at all in its original order. The plaintiffs moved to dismiss this application, arguing that this Court lacks jurisdiction to review the trial court's rulings on these issues because the court never certified its amended order for immediate review. We agree.

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). If a party fails to meet this requirement, 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). Although Goulds Pumps contends that the June 11 certificate is valid as to the June 19 order, its argument is not persuasive. First, the amended order had a substantive effect, as it did not merely correct a clerical error or record a previously unrecorded action, but, instead, addressed issues which were not

addressed at all in the earlier order. See, e.g., *Yancey v. Poe*, 254 Ga. App. 410, 411 (562 SE2d 798) (2002). Under these circumstances, the amended order was not merely an addition to the original order. Second, the certificate of immediate review refers only to the June 3 order; indeed, it was issued before the June 19 order was entered. Accordingly, it cannot be construed as a statement by the trial court that immediate review of the June 19 order should be had. See OCGA § 5-6-34 (b).

Because Goulds Pumps has failed to obtain a certificate of immediate review as to the trial court's June 19, 2013, order, we lack jurisdiction over this application. Accordingly, the plaintiffs' motion to dismiss is GRANTED, and this application is hereby DISMISSED.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 07/12/2013

*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.*

Holly H. O. Spencer, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, July 17, 2013

The Court of Appeals hereby passes the following order

**A13I0271. ULTIMATE PROTECTION, INC. et al. v. SHERAM ENTERPRISES, INC
d/b/a GUARDIAN INTERLOCK SYSTEMS, A GEORGIA CORPORATION.**

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

LC NUMBERS:

0912778



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

Court of Appeals of the State of Georgia

ATLANTA, July 11, 2013

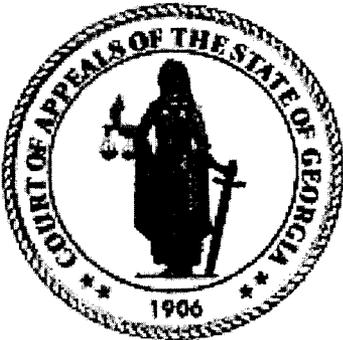
The Court of Appeals hereby passes the following order

A13I0272. DESMOND PRESTON 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:

12SR1208



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 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, July 23, 2013

The Court of Appeals hereby passes the following order

A1310274. GREGORY E. PICCIONE et al. v. GILDA LEE WILSON.

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

11S00202



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 23, 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, July 23, 2013

The Court of Appeals hereby passes the following order

A1310275. MILLER COUNTY BOARD OF EDUCATION v. ROBERT MCINTOSH.

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

2013V022



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 23, 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, July 18, 2013

The Court of Appeals hereby passes the following order

A13I0276. DENNIS CRAIG PERRY v. THE STATE.

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

LC NUMBERS:

13CR113



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 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, July 23, 2013

The Court of Appeals hereby passes the following order

A13I0277. BALBIR SINGH v. STATE OF GEORGIA.

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

LC NUMBERS:

12CV2978



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 23, 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, July 31, 2013

The Court of Appeals hereby passes the following order

**A13I0278. RFP MAINSTREET 2100 RIVEREDGE, LLC et al. v. TAMAR PERKINS
DAFRAWI.**

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

LC NUMBERS:

12EV016209



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 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, July 26, 2013

The Court of Appeals hereby passes the following order

A13I0279. MYE BROOKE BRINDLE v. JOE ROGERS, 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:

1218807



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 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, July 25, 2013

The Court of Appeals hereby passes the following order:

A13I0280. INTERNET BRANDS, INC., v. DAN JAPE.

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

Appellee has moved to seal the application and associated filings. That motion is hereby GRANTED.

Appellee has moved to strike the Appellant's Reply in Support of its Application. That motion is hereby DENIED.



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 07/25/2013*

*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 H. O. Spawr , Clerk.

Court of Appeals of the State of Georgia

ATLANTA, July 24, 2013

The Court of Appeals hereby passes the following order

**A13I0281. DEPARTMENT OF TRANSPORTATION v. ROBERT MAURICE
HAMMOCK et al..**

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

LC NUMBERS:

08V241



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

Court of Appeals of the State of Georgia

ATLANTA, July 25, 2013

The Court of Appeals hereby passes the following order

A13I0282. CHARLES VICTOR WALLACE v. THE STATE.

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

LC NUMBERS:

2012FE0327



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

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, July 30, 2013

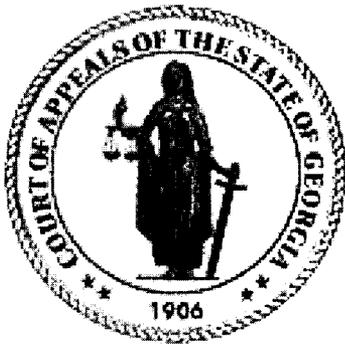
The Court of Appeals hereby passes the following order

A13I0283. POST APARTMENT HOMES, L.P., et al. v. CARRIE ELIZABETH TODD et al..

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

LC NUMBERS:

09C12921



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

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, July 18, 2013

The Court of Appeals hereby passes the following order

A13I0284. DANIEL ERIC COBBLE v. STATE OF GEORGIA.

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

LC NUMBERS:

1310001



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 18, 2013.*

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the Court of Appeals of Georgia.*

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

Hally K. O. Spawor

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, July 31, 2013

The Court of Appeals hereby passes the following order

**A13I0285. HAROLD HOFFMAN v. DONNA SWILLEY, AS ADMINISTRATRIX OF
THE ESTATE OF ALICE GOOLSBY 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:

11CV12400 11CV12401



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 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, July 31, 2013

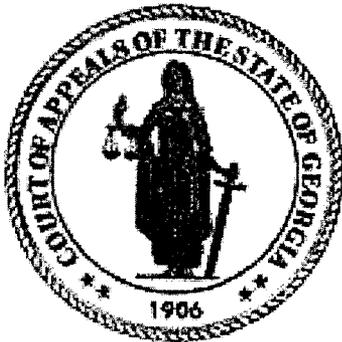
The Court of Appeals hereby passes the following order

A13I0286. JACK WIGGINS 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:

129489328



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 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, July 31, 2013

The Court of Appeals hereby passes the following order

A13I0287. DENNIS RONALD MARX v. THE STATE.

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

LC NUMBERS:

12CR0218



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 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, July 31, 2013

The Court of Appeals hereby passes the following order

A13I0288. THE MEDICAL CENTER, INC., v. DANIELLE BOWDEN.

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

SU12CV2676



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 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, August 12, 2013

The Court of Appeals hereby passes the following order

A13I0290. SCOTT L. LEVENTHAL, et al. v. CHOATE CONSTRUCTION.

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

LC NUMBERS:

0516700



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, August 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, August 08, 2013

The Court of Appeals hereby passes the following order

**A1310291. THE HOSPITAL AUTHORITY OF ALBANY-DOUGHERTY COUNTY v.
CORLEEN THOMPSON.**

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

LC NUMBERS:

12CV1494



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, August 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, October 24, 2013

The Court of Appeals hereby passes the following order

A13I0292. LUCIOUS BROWN et al. v. THE STATE.

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

LC NUMBERS:

13SC117954



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, October 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.*

Stephen E. Costen, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, August 07, 2013

The Court of Appeals hereby passes the following order:

A13I0292. LUCIOUS BROWN et al. v. THE STATE.

Atlanta Public School System employee Lucious Brown filed a motion to dismiss the indictment filed against him and numerous co-indictees, which alleged a violation of their Fifth Amendment rights. The trial court denied the motion. Brown and all of his co-indictees, with the exception of Beverly Hall, filed an application for interlocutory appeal of the trial court's order in this Court. Hall filed her application for interlocutory appeal of the court's order in the Supreme Court, and it has been docketed as Case No. S13I1598.

The Supreme Court of Georgia has "ultimate responsibility for construing the constitutional provisions regarding appellate jurisdiction" and its determination results "in a binding and conclusive determination of the jurisdiction of the Court of Appeals." *Saxton v. Coastal Dialysis &c., Inc.*, 267 Ga. 177, 178 (476 SE2d 587) (1996). Therefore, in the interest of judicial economy and in aid of our appellate jurisdiction, this direct appeal is TRANSFERRED to the Supreme Court so that one authoritative determination can be made as to which appellate court exercises appellate jurisdiction over these appeals. See Ga. Const. of 1983, Art. VI, Sec. I, Par. IV.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 08/07/2013

*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 F. O. Spawr, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, August 09, 2013

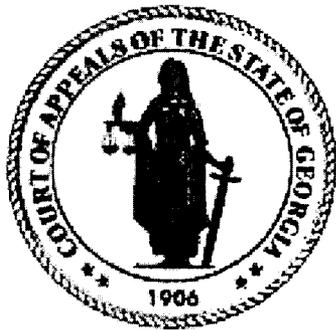
The Court of Appeals hereby passes the following order

A13I0293. JEROME CLIFFORD OLIVER et al. v. JOHN DAVID MCDADE 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:

2011CG0359



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, August 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, August 08, 2013

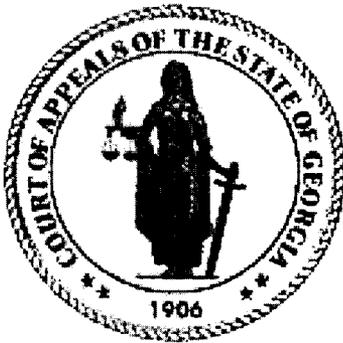
The Court of Appeals hereby passes the following order

**A1310294. C. TERRY BLANTON et al. v. COOSAWATTEE RIVER RESORT ASSOC.,
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:

2012SUCV256



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, August 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, August 08, 2013

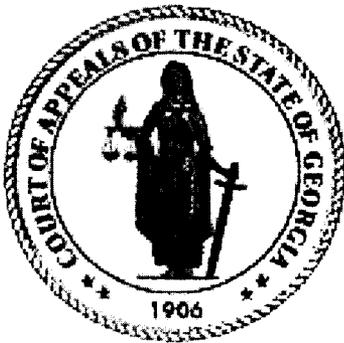
The Court of Appeals hereby passes the following order

A13I0295. AGIO CORP., et al. v. COOSAWATTEE RIVER RESORT ASSOCIATION, INC..

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

LC NUMBERS:

2012CV256



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, August 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, August 07, 2013

The Court of Appeals hereby passes the following order

A13I0296. PAMELA CLEVELAND v. THE STATE.

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

LC NUMBERS:

13SC117954



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, August 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, August 14, 2013

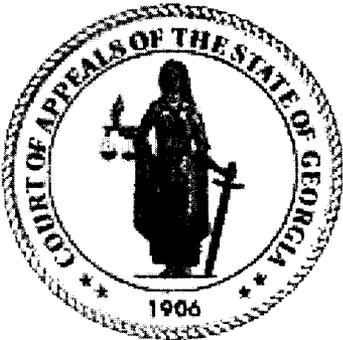
The Court of Appeals hereby passes the following order

**A1310297. GWINNETT PULMONARY GROUP, P.C., et al. v. JOHNNY J. DAVIS, AS
SURVIVING SPOUSE OF BRENDA DAVIS.**

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

10A33677



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, August 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, August 13, 2013

The Court of Appeals hereby passes the following order

A13I0298. KISHORE BHIKA, et al. v. JAY R. PATEL, et al. .

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

LC NUMBERS:

2012CV216269



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, August 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, August 21, 2013

The Court of Appeals hereby passes the following order

A13I0299. QUINCY BURTON v. THE STATE.

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

LC NUMBERS:

12M2832



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

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, August 20, 2013

The Court of Appeals hereby passes the following order

**A13I0300. MASTEC NORTH AMERICA, INC., et al. v. HENRY EDWARD SANDFORD
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:

11C03149



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, August 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, August 26, 2013

The Court of Appeals hereby passes the following order

A13I0301. SAM FREEMAN et al. v. ANGELA TAYLOR.

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

LC NUMBERS:

09V6



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

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, August 16, 2013

The Court of Appeals hereby passes the following order

A13I0302. ATLANTA NATIONAL LEAGUE BASEBALL CLUB, INC., v. F. F., 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:

12EV015369



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, August 16, 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, August 21, 2013

The Court of Appeals hereby passes the following order:

**A13I0303. WILLIAM CLARK JOHNSON v. METROPOLITAN ATLANTA
RAPID TRANSIT AUTHORITY, et al.**

William Johnson has filed an application to appeal from the trial court's July 12, 2013, order. In that order, the court granted the defendants' motion for partial summary judgment on Johnson's claims for punitive damages, negligent hiring, negligent retention, negligent entrustment, and negligent training and supervision. In that same order, the trial court also denied Johnson's motion for partial summary judgment as to several of the MARTA's affirmative defenses.

Pursuant to OCGA § 9-11-56 (h), the grant of summary judgment on any issue or as to any party is reviewable by direct appeal. *Whiddon v. Stargell*, 192 Ga. App. 826, 828 (386 SE2d 884) (1989). Therefore, the order in this case is subject to direct appeal.

We will grant an otherwise timely application for either interlocutory or discretionary appeal if the lower court's order is subject to direct appeal. See *Spivey v. Hembree*, 268 Ga. App. 485, 486 n.1 (602 SE2d 246) (2004); OCGA § 5-6-35(j). Accordingly, this application is hereby GRANTED, and Johnson shall have ten days from the date of this order to file a notice of appeal with the trial court. If Johnson has already filed a notice of appeal, he need not file a second notice. The clerk of the trial court is DIRECTED to include a copy of this order in the record transmitted to the Court of Appeals.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 08/21/2013

*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. Spencer, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, August 28, 2013

The Court of Appeals hereby passes the following order

A13I0304. VICTORIA L. MANER v. FREDERICK D. MANER, JR., et al..

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

LC NUMBERS:

DR120905



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

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, August 16, 2013

The Court of Appeals hereby passes the following order

A13I0305. CLARENCE F. FABIAN et al. v. CHRISTOPHER E. PONTIKAKIS 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:

2008V239



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, August 16, 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, September 04, 2013

The Court of Appeals hereby passes the following order

A13I0306. CITY OF LAGRANGE, GEORGIA v. SUSAN BLACKBURN, 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:

11CV0696



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, September 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.*

Stephen E. Caston, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, September 04, 2013

The Court of Appeals hereby passes the following order

A13I0307. DEKALB COUNTY v. WILLIAM HEATH, JR..

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

LC NUMBERS:

11A36098



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, September 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.*

Stephen E. Caston, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, August 27, 2013

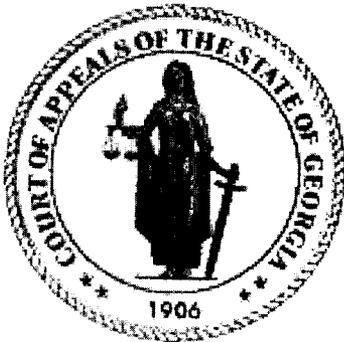
The Court of Appeals hereby passes the following order

**A13I0308. J. STERLING SHUTTLEWORTH, ET, AL. v. RANKIN-SHUTTLEWORTH
OF GEORGIA, 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:

10A10684



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, August 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, September 06, 2013

The Court of Appeals hereby passes the following order

A13I0309. CHARLES JAMES CLAYTON v. THE STATE.

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

LC NUMBERS:

13CR0222



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, September 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.

Stephen E. Castles, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, August 20, 2013

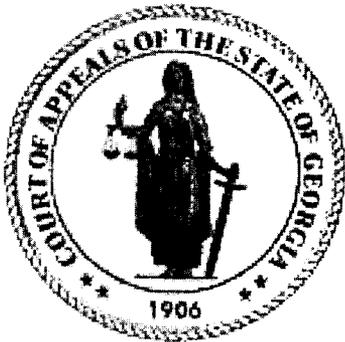
The Court of Appeals hereby passes the following order

A13I0310. KEENAN BULLOCK v. STATE OF GEORGIA.

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

LC NUMBERS:

13CV1786



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

Court of Appeals of the State of Georgia

ATLANTA, October 07, 2013

The Court of Appeals hereby passes the following order:

**A13I0311. AMERIDOOR CABINETRY COMPONENTS, LLC, et al v.
AMERIS BANK.**

We granted this application for interlocutory appeal on September 4, 2013. Respondent Ameris Bank then filed a motion for reconsideration, and a motion to file documents under seal.

Ameris's motion to file documents under seal is hereby GRANTED. The exhibits accompanying this motion will be entered as part of the record and placed under seal.

Upon consideration of these documents, however, we decline to change our decision to grant the application. Accordingly, Ameris's motion for reconsideration is hereby DENIED.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 10/07/2013

*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.*

Stephen E. Castles

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, September 04, 2013

The Court of Appeals hereby passes the following order

A13I0311. AMERIDOOR CABINETRY COMPONENTS, LLC, et al. v. AMERIS BANK.

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

LC NUMBERS:

2013CV10544



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, September 04, 2013.*

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the Court of Appeals of Georgia.*

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

Stephen E. Castles, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, September 04, 2013

The Court of Appeals hereby passes the following order

A13I0312. JANICE D. ROGERS v. CORY WOODRUFF.

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

10CV00111



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, September 04, 2013.*

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the Court of Appeals of Georgia.*

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

Stephen E. Caston, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, September 04, 2013

The Court of Appeals hereby passes the following order

A13I0313. CITY OF ATLANTA v. EDWARD KOVALCIK 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:

10EV009673



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, September 04, 2013.

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the Court of Appeals of Georgia.*

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

Stephen E. Castles, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, September 09, 2013

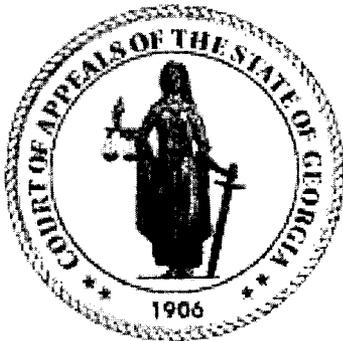
The Court of Appeals hereby passes the following order

A13I0314. KOMATSU AMERICA CORP., ET AL. v. DARRELL YOUNG 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:

2011EV013075



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

Stephen E. Castle, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, September 09, 2013

The Court of Appeals hereby passes the following order

A13I0314. KOMATSU AMERICA CORP., ET AL. v. DARRELL YOUNG 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:

2011EV013075



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, September 09, 2013.*

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the Court of Appeals of Georgia.*

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affixed the day and year last above written.*

Stephen E. Castle, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, September 09, 2013

The Court of Appeals hereby passes the following order

A13I0315. ATLANTA REGIONAL TITLE, INC. v. JOSEY & ASSOCIATES, LLC.

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

LC NUMBERS:

2013CV225598



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, September 09, 2013.

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

Stephen E. Castles, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, September 04, 2013

The Court of Appeals hereby passes the following order

A13I0316. TEVIN JERMAINE BROWN v. THE STATE.

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

LC NUMBERS:

13B01385



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, September 04, 2013.

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the Court of Appeals of Georgia.*

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Stephen E. Castles, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, September 04, 2013

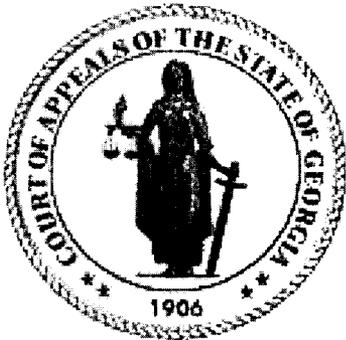
The Court of Appeals hereby passes the following order

**A13I0317. GEORGIA DEPARTMENT OF TRANSPORTATION v. EDWARD
KOVALCIK 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:

10EV009673



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, September 04, 2013.*

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the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto
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Stephen E. Caston, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, September 04, 2013

The Court of Appeals hereby passes the following order

A13I0318. THE KROGER CO., v. DIONNE RICHARDS.

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

12EV014627



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, September 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.

Stephen E. Castle, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, December 18, 2013

The Court of Appeals hereby passes the following order:

A13D0525. JAMES E. THOMPSON v. THE STATE.

A13I0319. JAMES E. THOMPSON v. THE STATE.

In February of 2007, James E. Thompson pleaded guilty to charges of aggravated stalking and terroristic threats against his ex-wife. At some point thereafter, Thompson filed an extraordinary motion for new trial, which the State moved to dismiss arguing, inter alia, that an extraordinary motion for new trial was not the proper method for attacking a guilty plea. On January 30, 2009, the trial court denied and/or dismissed the motion. Thompson filed an application for discretionary review of the trial court's order, which this Court denied.¹

In July of 2013, Thompson filed a motion to recuse and his petition for writ of error coram nobis, both of which the trial court denied. In Case No. A13D0525, Thompson sought discretionary review of the trial court's order, and in Case No. A13I0319, he challenged the portion of the order denying his motion to recuse. This Court denied both applications on September 9, 2013. Thompson filed numerous motions since that ruling, all of which were denied. He has now filed a motion titled "Application for: Extraordinary Motion for Extraordinary Relief," again seeking the grant of a new trial.

Although this Court's denial of an application for interlocutory appeal does not have a res judicata effect, the denial of a discretionary appeal is an adjudication on the merits, which serves as res judicata in any subsequent action. See *Davis v.*

¹ See Case No. A09D0267.

Foreman, 311 Ga. App. 775, 778 (2) (717 SE2d 295) (2011); *Northwest Social & Civic Club v. Franklin*, 276 Ga. 859, 860 (583 SE2d 858) (2003); *Hook v. Bergen*, 286 Ga. App. 258, 261 (1) (649 SE2d 313) (2007). Thus, the ruling that Thompson is not entitled to a new trial is the law of the case. Accordingly, Thompson's motions in Case No. A13D0525 and A13I0319 are hereby *DENIED*.

Thompson is cautioned that the Prison Litigation Reform Act provides for fines against prisoners who engage in abusive litigation practices. Pursuant to OCGA § 42-12-7, a prisoner shall be fined 50% of the average monthly balance of his account if a court determines that he, among other things: "(1) Filed a false, frivolous, or malicious action or claim with the court; (2) Brought an action or claim with the court solely or primarily for delay or harassment; [or] (3) Unreasonably expanded or delayed a judicial proceeding." OCGA § 42-12-7 (a) (1) - (3). And, the Act defines an "action" as "any civil lawsuit, action, or proceeding, *including an appeal*," except a habeas proceeding. OCGA § 42-12-3 (1) (Emphasis added). Additionally, this Court's Rules provide that the Court may fine a party for filing an appeal, application, or motion which is deemed to be frivolous. Ga. Ct. App. R. 15 (b).

Thompson's "Application for: Extraordinary Motion for Extraordinary Relief" is hereby deemed frivolous. We caution Thompson against filing future pleadings in this Court that have no substantial basis in law. Such filings may result in the imposition of sanctions.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 12/18/2013

*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.*

Stephen E. Carlton

, Clerk.

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

ATLANTA, September 09, 2013

The Court of Appeals hereby passes the following order:

A13I0319. JAMES E. THOMPSON v. THE STATE.

Having considered Thompson's "Motion to Supplement," it is hereby DENIED.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 09/09/2013

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the minutes of the Court of Appeals of Georgia.*

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

Stephen E. Castle

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, September 09, 2013

The Court of Appeals hereby passes the following order:

A13I0319. JAMES E. THOMPSON v. THE STATE.

On August 9, 2013, James Thompson filed an application for interlocutory appeal from the trial court's order of August 5, 2013, which, among other things, denied his pro se motion to recuse. We lack jurisdiction.

A trial court's ruling on a motion to recuse is an interlocutory order. Therefore, Thompson was required to comply with the interlocutory appeal requirements of OCGA § 5-6-34 (b), which required him to secure a certificate of immediate review from the trial court. See *Ellis v. Stanford*, 256 Ga. App. 294, 295 (2) (568 SE2d 157) (2002). Thompson shows that he has requested a certificate of immediate review, but his failure to secure the certificate deprives us of jurisdiction to review this order.

Accordingly, this appeal is DISMISSED.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 09/09/2013

*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.*

Stephen E. Castles

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, September 09, 2013

The Court of Appeals hereby passes the following order

A1310320. HOSPITAL AUTHORITY OF VALDOSTA et al. v. MARK ALAN CORBITT.

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

2011SCV29



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, September 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.*

Stephen E. Caston, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, September 05, 2013

The Court of Appeals hereby passes the following order

A13I0321. PANOLA CROSSINGS, LLC v. BALDWIN PAVING COMPANY, INC..

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

LC NUMBERS:

2009EV008307



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

Stephen E. Castles, Clerk.