

Court of Appeals of the State of Georgia

ATLANTA, January 9, 2002

The Court of Appeals hereby passes the following order:

A02A0782. WILLIAMS et al. v. THE FLINTKOTE COMPANY et al.

Joyce and Carlton Williams sued The Flintkote Company and GAF Corporation. The defendants moved for summary judgment, which the trial court granted. Evidently, because the case involved two defendants, the Williams filed two notices of appeal, which were then docketed as two separate appeals – cases A02A0782 and A02A0783. As the notices of appeal were identical, this Court dismissed A02A0783 as superfluous.¹

The Williams now move this Court to consolidate the record from A02A0783 with the record from A02A0782. Although the notices of appeal were identical, the records apparently were not. And, in order to properly address all issues raised in the appeal, we require a complete record. Accordingly, it is hereby ordered that the record in A02A0783 be consolidated with the record from A02A0782.

The Williams also seek leave to file a new brief. Prior to this motion, the Williams moved for an extension of time in which to file their briefs. We denied the motion, and the Williams filed a separate brief for each of the two appeals. In view of the confusion regarding the separate appeals and records, it would benefit this Court to have a single brief with accurate citations to the record addressing the issues

¹ The Williams also seek clarification that neither of them has been dismissed as an appellant. A02A0783 was dismissed because it was superfluous, which, by definition, means it was unnecessary. The order does not purport to dismiss any party from the case.

raised. Accordingly, we hereby grant the Williams' request to file a new brief. The Williams are ordered to file their brief within ten (10) days of the date of this Order.

Finally, the Williams ask this Court "for an Order providing guidance regarding the pending Chapter 11 Bankruptcy of Appellee GAF Corporation." However, as an appellate court, we do not provide advisory opinions.² Moreover, there is no competent evidence of record that a stay has been issued in bankruptcy proceedings involving GAF Corporation, which precludes us from addressing the issue at this juncture.³

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JAN - 9 2002

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

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

W. Z. Martin, III, Clerk.

² See *Norman Enterprises &c. Inc. v. DeKalb County*, 245 Ga. App. 538, 543 (2) (b) (ii) (538 SE2d 130) (2000).

³ See *Parks v. Texas Commerce Bank*, 229 Ga. App. 467, 467-468 (494 SE2d 276) (1997).