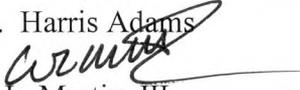




Court of Appeals

Memorandum

To: Judge A. Harris Adams

From: William L. Martin, III 

Subject: A04A1251. CATHOLIC STEWARDSHIP CONSULTANTS, INC. v. RUOTOLO ASSOCIATES, INC., ET AL.

Date: April 5, 2004

Attached please find a Motion for a Continuance under OCGA §9-10-150 and a proposed order I have drafted for your consideration. This Statute grants an automatic "continuance" to certain people having a privilege under that Statute. However, since the Constitution of the State of Georgia requires that we dispose of every case within two terms, we cannot recognize the Statute in contravention of our obligations under the Constitution.

Should this order meet with your approval, please initial it, mark the Court Action ticket and return both of them to me.

Please feel free to make any changes on the order you deem appropriate or call me should you wish to discuss the matter.

/ld
Attachments

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order:

**A04A1251. CATHOLIC STEWARDSHIP CONSULTANTS, INC. v.
RUOTOLO ASSOCIATES, INC., ET AL.**

The above appeal was docketed with this Court on February 25, 2004. After receiving an Extension of Time to File, appellant filed its Brief and Enumeration of Errors with this Court on March 22, 2004.

On April 2, 2004, this Court received a "Certification and Notice of Continuances Pursuant to OCGA §9-10-150". This statute provides a continuance of 21 days following any recess or adjournment, including *sine die*, of any regular or extraordinary session of the Georgia General Assembly, if the party or attorney to the case is a member of the Georgia General Assembly, or any member of the staff of the Lieutenant Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the President Pro Tempore of the House of Representatives, or the chairperson of the Judiciary Committee or Special Judiciary Committee of either the Senate or House of Representatives.

Counsel for appellees, Mr. Barry Fleming, is a member of the Georgia House of Representatives, District 79, and as such, is entitled to the privileges set out in the above Code Section.

While this Court recognizes the intent and purpose of the Statute, and while the Court grants said extension, this Court reserves its rights as a separate branch of government and its obligations under the Constitution of the State of Georgia, Art VI, Sec IX, Para II, which requires that the Supreme Court and the Court of Appeals dispose of every case at the term for which it is entered on the Court's docket for hearing or at the next term, to enter any order to preserve jurisdiction of this appeal.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

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

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

Clerk.

IN THE COURT OF APPEALS

STATE OF GEORGIA

CASE NO. A04A1251

CATHOLIC STEWARDSHIP)
CONSULTANTS, INC.)
)
Appellant,)
)
v.)
)
RUOTOLO ASSOCIATES, INC.,)
GEORGE RUOTOLO, JOSEPH)
CAPORALE, and ROB DEMARTINIS,)
)
Appellees.)
_____)

FILED IN OFFICE
APR 02 2004
CLERK COURT OF APPEALS OF GA

CERTIFICATION and NOTICE OF CONTINUANCE
PURSUANT TO O.C.G.A. § 9-10-150

COMES NOW BARRY A. FLEMING, and FULCHER, HAGLER, REED,
HANKS, LLP, and makes and files this his Certification and Notice of
Continuance pursuant to O.C.G.A. § 9-10-150 in the above-styled case on behalf
of the Appellees.

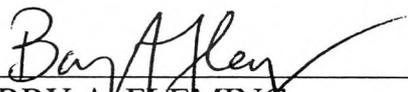
Barry A. Fleming is a member of the Georgia General Assembly and is
hereby designated the lead counsel in the above-styled matter for the Appellees.

As such, the Appellees hereby notify the Appellant of its intent to exercise a

continuance with regard to all aspects of the case, including but not limited to, the filing and serving of an answer to a complaint, the making of any discovery or motion, or of any response to any subpoena, discovery, or motion, and appearance at any hearing, trial, or argument pursuant to O.C.G.A. § 9-10-150.

This 2 day of April, 2004.

Respectfully submitted,



BARRY A. FLEMING
Georgia State Bar No. 262945
M. DREW DeMOTT
Georgia State Bar No. 217655
Attorneys for Appellees

OF COUNSEL:
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Augusta, Georgia 30903-1477
706/724-0171

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing has been served on opposing counsel by hand-delivery as follows:

Victor Hawk, Esq.
Attorney for Plaintiff
338 Telfair Street
Augusta, GA 30901

This 2 day of April, 2004.



BARRY A. FLEMING