

Court of Appeals of the State of Georgia

ATLANTA, January 26, 2009

The Court of Appeals hereby passes the following order:

A09A0922. MEADE v. GEORGIA STATE UNIVERSITY.

Sharman Meade sued Georgia State University in 2001. In February 2003, the trial court granted summary judgment in favor of the University. In the years following the trial court's ruling, Meade filed multiple motions, including several motions for new trial. Most recently, she filed a document captioned "File this Order to Waiver Fees." Although this document contains nothing other than the caption, the trial court treated it as a motion, which it denied on October 22, 2008. Specifically, the court noted that Meade had "fail[ed] to specify the nature of any order sought" and thus the court was "unable to consider whether the request is appropriate."

Meade has filed a notice of appeal from this order. However, it does not appear that this Court has jurisdiction to entertain this appeal. It is apparent that Meade ultimately seeks to challenge the trial court's 2003 grant of summary judgment. In order to do so, however, she was required to file a notice of appeal by March 15, 2003.¹ Although Meade filed a motion for new trial before this date, a motion for new trial is not a proper method for obtaining reexamination of the grant of summary judgment and does not extend the time for filing a notice of appeal.² The proper and timely filing of a notice of appeal is an absolute requirement to confer jurisdiction

¹ See OCGA § 5-6-38 (a).

² See *Calvert Enterprises v. American Medical International*, 208 Ga. App. 525 (431 SE2d 132) (1993).

upon this Court.³ Given the lack of such timely notice of appeal, we lack jurisdiction to review the propriety of the trial court's grant of summary judgment.

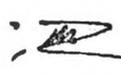
We note that Meade did file a timely notice of appeal from the October 22, 2008 order denying what the trial court considered as a motion. There was, however, no actual motion filed. Under OCGA § 9-11-7 (b), a motion is defined as an application to the court for an order that must "state with particularity the grounds therefor" and also "set forth the relief or order sought." Given this definition, Meade's document cannot reasonably be construed as a motion. Thus, the court's order purporting to deny the "motion" presents nothing for review. Under the circumstances of this case, Meade's appeal is hereby DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN 26 2009

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

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

Willi Z. Mant 

, Clerk.

³ See *Couch v. United Paperworkers Intern. Union*, 224 Ga. App. 721 (482 SE2d 704) (1997).