

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

ATLANTA,

JUN 26 2002

The Court of Appeals hereby passes the following order:

A02A0434. WAGA-TV, INC./WAGA TV, et al. v. JAMES S. YANG

This Court reversed the judgment of the trial court by this Court's opinion dated May 31, 2002. Thereafter, appellant filed a timely Motion for Reconsideration on June 10, 2002. On the same day, appellee filed a Notice of Intent to Apply for Certiorari with the Supreme Court of Georgia, and on June 19, 2002, appellee filed an Application for Certiorari with the Supreme Court of Georgia, said application being docketed in the Supreme Court as case number S02C1507.

The filing of the application for certiorari transfers jurisdiction from the Court of Appeals to the Supreme Court. Therefore, this Court is without jurisdiction to issue an order on the Motion for Reconsideration. Therefore, that motion is DISMISSED.

Should the Supreme Court of Georgia deny certiorari in the pending application, and upon the remittitur from the Supreme Court being issued to the Court of Appeals, return jurisdiction to this Court, this Court will deal with the issues presented in the Motion for Reconsideration. Should the Supreme Court of Georgia remand the matter to the Court of Appeals for a determination of the Motion for Reconsideration before the Supreme Court considers the Application for Certiorari, at that time this Court will deal with the Motion for Reconsideration.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 26 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.*

Walt. E. [Signature]
Clerk.

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order:

A02A0434. WAGA-TV, INC./WAGA TV, et al. v. JAMES S. YANG

On July 1, 2002, this Court issued an order dismissing the Motion for Reconsideration filed by appellants because appellee had filed an Application for Certiorari with the Supreme Court of Georgia, divesting this Court of jurisdiction. This Court's order of July 1, 2002, stated the Motion for Reconsideration would be considered by this Court should the Supreme Court of Georgia deny the Application for Certiorari.

Since the Supreme Court of Georgia has denied the Application for Certiorari, this Court will consider the Motion for Reconsideration. It is further ordered that the April 2002 Term of this Court be extended "relative to this case to enable the Court to consider the previously dismissed, now pending, Motion for Reconsideration, upon the denial of the Application for Certiorari by the Supreme Court of Georgia and the Supreme Court's remittitur dated October 18, 2002, and delivered to the Court of Appeals of Georgia on October 23, 2002, returning jurisdiction of this matter to the Court of Appeals. OCGA §(§)15-2-4,(15-3-2).¹ *Haygood v. City of Doraville*, 256 Ga. 566, 567 (350 SE2d 766) (1986)." *Stuckey v. Richardson* 188 Ga. App. 147, 149 (4) 372SE2d 458) (1988).

Should appellant feel the need to supplement the Motion for Reconsideration with recent authority since the original filing date, appellant may do so by filing a Supplement to the Motion for Reconsideration with the clerk of this Court within 5 days of the date of this order. Appellee may file a response to the original Motion for Reconsideration, and should a supplemental Motion for Reconsideration be filed with this Court, appellee may file a response to the supplemented Motion for Reconsideration within five (5) days of the filing of the supplemented Motion for Reconsideration.

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order:

A02A0434. WAGA-TV, INC./WAGA TV, et al. v. JAMES S. YANG

On July 1, 2002, this Court issued an order dismissing the Motion for Reconsideration filed by appellants because appellee had filed an Application for Certiorari with the Supreme Court of Georgia, divesting this Court of jurisdiction. This Court's order of July 1, 2002, stated the Motion for Reconsideration would be considered by this Court should the Supreme Court of Georgia deny the Application for Certiorari.

Since the Supreme Court of Georgia has denied the Application for Certiorari, this Court will consider the Motion for Reconsideration. It is further ordered that the April 2002 Term of this Court be extended "relative to this case to enable the Court to consider the previously dismissed, now pending, Motion for Reconsideration, upon the denial of the Application for Certiorari by the Supreme Court of Georgia and the Supreme Court's remittitur dated October 18, 2002, and delivered to the Court of Appeals of Georgia on October 23, 2002, returning jurisdiction of this matter to the Court of Appeals. OCGA §(§)15-2-4(,15-3-2).⁷ *Haygood v. City of Doraville*, 256 Ga. 566, 567 (350 SE2d 766) (1986).⁸ *Stuckey v. Richardson* 188 Ga. App. 147, 149 (4) 372SE2d 458) (1988).

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

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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.*

Clerk.

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

ATLANTA,

SEP 04 2003

The Court of Appeals hereby passes the following order:

A03A1101. FARON BUSSEY v. THE STATE.

This Court issued its opinion on August 12, 2003, affirming the judgment of the trial court. On August 21, 2003, appellant filed a Motion for Reconsideration. While the Motion for Reconsideration was pending in this Court, on August 26, 2003, appellant filed an Application for Certiorari with the Supreme Court of Georgia.

Filing an Application for Certiorari with the Supreme Court of Georgia transfers jurisdiction from the Court of Appeals to the Supreme Court. As such, this Court no longer has jurisdiction to consider appellant's Motion for Reconsideration. Therefore, the Motion for Reconsideration is hereby DISMISSED.

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

SEP 04 2003

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

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

C. William S. McTear, Clerk.

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

ATLANTA,

OCT 09 2003

The Court of Appeals hereby passes the following order:

**A03A1605. TRACY L. HENDRIX v. UNIVERSAL
UNDERWRITERS INSURANCE COMPANY**

On September 15, 2003, this Court issued an opinion affirming in part and reversing in part the judgment of the trial court. Thereafter, on September 25, appellant filed a Motion for Reconsideration of this Court's opinion. On October 1, 2003, appellee filed a response to the Motion for Reconsideration.

On October 3, 2003, appellee filed an Application for Certiorari with the Supreme Court of Georgia. The filing of an Application for Certiorari with the Supreme Court of Georgia divests the Court of Appeals of Georgia of jurisdiction. As such, the Motion for Reconsideration is hereby DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 09 2003

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



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

ATLANTA,

JULY 30, 1993, 1993

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A93A0794. ALCIBIADES ROURA V. THE STATE

UPON CONSIDERATION OF THE MOTION FOR RECONSIDERATION FILED IN THE ABOVE STATED CASE, IT IS HEREBY ORDERED THAT JUDGMENT ENTERED IN THIS CASE ON JULY 13, 1993, BE HEREBY VACATED AND THAT SAID OPINION BE WITHDRAWN FROM THE FILES.

THERE BEING AN EQUAL DIVISION OF THE JUDGES OF THIS COURT WHEN SITTING AS A BODY IN CONNECTION WITH THE CONSIDERATION OF THE ABOVE STYLED CASE, IT IS ORDERED THE SAID CASE BE IMMEDIATELY TRANSFERRED TO THE SUPREME COURT OF GEORGIA IN ACCORDANCE WITH ARTICLE VI, SECTION V, PARAGRAPH V OF THE CONSTITUTION OF THE STATE OF GEORGIA.

ON THE DISPOSITIVE ISSUES IN THE ABOVE CASE, THE JUDGES OF THIS COURT ARE EQUALLY DIVIDED AS FOLLOWS: BIRDSONG, P.J., ANDREWS AND SMITH, JJ., CONCUR IN THE OPINION AUTHORED BY BEASLEY, P.J.; POPE, C.J., COOPER AND BLACKBURN, JJ., CONCUR IN THE OPINION OF MCMURRAY, P.J. JOHNSON, J., IS NOT PARTICIPATING.

ATTACHED TO THIS ORDER ARE COPIES OF THE DRAFT OPINIONS OF THIS COURT REFLECTING THE VIEWS OF THE JUDGES AS TO THE DISPOSITIVE ISSUES.

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta* **JUL 30 1993**

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

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

Victoria McLaughlin

CLERK.

Court of Appeals of the State of Georgia

ATLANTA, July 26, 1994

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A94A0039. A. B. C. DRUG COMPANY, INC. d/b/a PIC N' SAVE
DRUG COMPANY v. MONROE.

Upon consideration of the Motion for Reconsideration filed on behalf of Appellee in the above styled case, it is ordered that said motion is hereby denied. It is further ordered that Judge Beasley's specially concurring opinion attached hereto be substituted for the specially concurring opinion originally issued in the above styled case dated July 16, 1994.

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta July 26, 1994*

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



Copies of
order

Extend
term

Court of Appeals
of the State of Georgia

ATLANTA,

JANUARY 11, 1993

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A92A1267. STRINGER ET AL V. SOUTHEASTERN STAGES, INC. ET AL

It is ordered that the September term of this court be extended relative to this case to enable the court to rule upon the motion for reconsideration filed by appellee. See Haygood v. City of Doraville, 256 Ga. 566, 567 (350 SE2d 766) (1986) ; Stuckey v. Richardson, 188 Ga. App. 147 (4) (372 SE2d 458) (1988).

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 11 1993

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

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

Victoria McLoughlin

CLERK.

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

ATLANTA,

DECEMBER 18, 1992

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A92A1305. VITNER V. MILLER

UPON CONSIDERATION OF THE MOTION FOR RECONSIDERATION FILED ON BEHALF OF APPELLANT IN THE ABOVE STYLED CASE, IT IS HEREBY ORDERED THAT THE MAJORITY OPINION AND SPECIALLY CONCURRING OPINION OF THIS COURT ISSUED ON AND THE JUDGMENT ENTERED ON DECEMBER 4, 1992 BE HEREBY VACATED AND THAT THE OPINIONS BE WITHDRAWN FROM THE FILES. IT IS FURTHER ORDERED THAT THE MAJORITY OPINION AND SPECIALLY CONCURRING OPINIONS ATTACHED HERETO BE SUBSTITUTED FOR THE ORIGINAL OPINIONS ISSUED ON DECEMBER 4, 1992, AND JUDGMENT SHALL ISSUE ACCORDINGLY.

IT IS FURTHER ORDERED THAT THE APRIL TERM OF THIS COURT BE EXTENDED "RELATIVE TO THIS CASE TO ENABLE THE [APPELLEE] TO FILE A MOTION FOR RECONSIDERATION. OCGA §[§] 15-2-4, [15-3-2]. HAYGOOD V. CITY OF DORAVILLE, 256, 567 (350 SE2d 766)(1986)." STUCKEY V. RICHARDSON 188 GA. APP. 147, 149 (4)(372 SE2D 458)(1988).

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 18 1992

I certify that the above is a true extract from the minutes of 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.

Victoria McLaughlin

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

ATLANTA,

DECEMBER 18, 1992

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A92A1416. J. B. HUNT V. BENTLEY

UPON CONSIDERATION OF THE MOTION FOR RECONSIDERATION FILED ON BEHALF OF APPELLANTS IN THE ABOVE STYLED CASE, SAID MOTION FOR RECONSIDERATION IS HEREBY GRANTED. IT IS HEREBY ORDERED THAT THE MAJORITY AND DISSENTING OPINIONS ATTACHED HERETO BE SUBSTITUTED FOR THE ORIGINAL MAJORITY AND DISSENTING OPINIONS ENTERED ON DECEMBER 4, 1992.

IT IS FURTHER ORDERED THAT THE SEPTEMBER TERM OF THIS COURT BE EXTENDED "RELATIVE TO THIS CASE TO ENABLE THE APPELLEE TO FILE A MOTION FOR RECONSIDERATION. OCGA §[§] 15-2-4. [15-3-2]. HAYGOOD V. CITY OF DORAVILLE, 256 GA. 566, 567 (350 SE2D 766) (1986)." STUCKEY V. RICHARDSON, 188 GA. APP. 147, 149 (4) (372 SE2D 458) (1988).

Court of Appeals of the State of Georgia

DEC 18 1992

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.

Victoria McLaughlin

DATE: 01/12/93

COURT OF APPEALS
RECONSIDERATION DISTRESS LIST
APRIL TERM
FIRST DIVISION

PAGE 1

JUDGE: COPPER, J.

CASE#	CAL DATE	STYLE	ASG C	TYP (FROM)
A92A1305	JUN	VITNER V. MILLER	97085	

TOTAL CASES THIS JUDGE: 1

DATE: 01/12/93

COURT OF APPEALS
RECONSIDERATION DISTRESS LIST
APRIL TERM
SECOND DIVISION

PAGE 2

JUDGE: BEASLEY, J.

CASE#	CAL DATE	STYLE	ASG C	TYP (FROM)	
A92A1416	JUN	J. B. HUNT V. BENTLEY	91	95092	W/C

TOTAL CASES THIS JUDGE: 1

DATE: 01/12/93

COURT OF APPEALS
RECONSIDERATION DISTRESS LIST
APRIL TERM
THIRD DIVISION

PAGE 3

JUDGE: POPE, J.

CASE#	CAL DATE	STYLE	ASG C	TYP (FROM)	
A92A1267	JUN	STRINGER V. SOUTHEASTERN STAGE	94	90083	W/C

TOTAL CASES THIS JUDGE: 1

TOTAL CASES THIS TERM: 3

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

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ATLANTA, April 2, 1993

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A92A2068. JOSEPH LARRY GARLAND v. THE STATE OF GEORGIA.

Upon consideration of motion for reconsideration filed in the above stated case, it is hereby ordered that the opinion entered on March 18, 1993, be hereby vacated and that said opinion be withdrawn from the files.

There being an equal division of the Judges of this Court when sitting as a body in connection with the consideration of the above-styled case, it is ordered the said case be immediately transferred to the Supreme Court of Georgia in accordance with Article VI, Section V, Paragraph V of the Constitution of the State of Georgia.

On the dispositive issue in the above case, the Judges of this Court are equally divided as follows: McMurray, P. J., Birdsong, P. J., Beasley, P. J., and Andrews being for affirmance, and Pope, C. J., Cooper, Blackburn, JJ., and Justice George H. Carley, being for reversal. Judge Johnson is disqualified from participating in this case.

Attached to this order are copies of the draft opinions of this Court reflecting the views of the judges as to the dispositive issues.

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.

Court of Appeals
of the State of Georgia

ATLANTA,

March 14, 1991

98-101

OPINION

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A90A1575. HUMANA, INC. v. DAVIS et al.

There being an equal division of the Judges of this Court when sitting as a body in connection with the consideration of the above-styled case, it is ordered the said case be immediately transferred to the Supreme Court of Georgia in accordance with Article VI, Section V, Paragraph V of the Constitution of the State of Georgia.

On the dispositive issue in the above case, the Judges of this Court are equally divided as follows: Banke, P. J., Carley, Pope and Beasley, JJ., being for affirmance, and Sognier, C. J., McMurray, P. J., Birdsong, P. J., and Andrews, J., being for reversal. Judge Cooper is disqualified from participating in this case.

Attached to this order are copies of the draft opinions of this Court reflecting the views of the judges as to the dispositive issues.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 14 1991

... true extract from the minutes of the Court

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

ATLANTA, November 10, 1994

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A94A1334. SUSAN POWELL, CHUCK GREENWAY et al v.
DOUGHERTY CHRISTIAN ACADEMY, INC. d/b/a
RIVERVIEW ACADEMY

Upon consideration of the appellant's motion for reconsideration filed in the above styled matter, the Court finds that the motion for reconsideration contains language that is insulting to the Court, contumacious, unprofessional and not keeping with the standards set out in the Canons of Ethics, Standards of Conduct and the Rules of this Court, and that counsel for the appellant is hereby ordered to redact and recast the motion for reconsideration and is further ordered to do so within five days of the date of this order, and that failure to comply with this Court's order to recast and redact the motion for reconsideration and to remove the contumacious language contained therein, may result in counsel for appellant being held in contempt of this Court.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV 10 1994

*I certify that the above is a true extract
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Georgia.*

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

Clerk.

William E. Martin

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

ATLANTA, November 30, 1994

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A94A1225. KENDALL et al. v. PEACH STATE MACHINERY, INC.

UPON CONSIDERATION OF THE MOTION FOR RECONSIDERATION FILED ON BEHALF OF APPELLANT IN THE ABOVE STYLED CASE, SAID MOTION FOR RECONSIDERATION IS HEREBY GRANTED. IT IS HEREBY ORDERED THAT THE OPINION ENTERED ON SEPTEMBER 16, 1994, IS HEREBY VACATED AND WITHDRAWN FROM THE FILES AND THAT THE OPINION ATTACHED HERETO BE SUBSTITUTED THEREFOR. APPELLEE SHALL HAVE TEN DAYS FROM THE DATE OF THIS ORDER TO FILE A MOTION FOR RECONSIDERATION.

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta November 30, 1994*

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

*Witness my signature and the seal of said
court hereto affixed the day and year last
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William R. Martin

Clerk.

Court of Appeals of the State of Georgia

ATLANTA, December ~~20~~, 1994

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A94A1612. EQUIFAX SERVICES, INC. v. EXAMINATION
MANAGEMENT SERVICES, INC. et al.

UPON CONSIDERATION OF THE MOTION FOR RECONSIDERATION FILED ON BEHALF OF APPELLEE IN THE ABOVE STYLED CASE, SAID MOTION FOR RECONSIDERATION IS HEREBY GRANTED. IT IS HEREBY ORDERED THAT THE OPINION ENTERED ON DECEMBER 5, 1994, IS HEREBY VACATED AND WITHDRAWN FROM THE FILES AND THAT THE OPINION ATTACHED HERETO BE SUBSTITUTED THEREFOR.

IT IS FURTHER ORDERED THAT THE SEPTEMBER 1994 TERM OF THIS COURT BE EXTENDED "RELATIVE TO THIS CASE TO ENABLE THE [APPELLANT] TO FILE A MOTION FOR RECONSIDERATION. OCGA §[§] 15-2-4. [15-3-2]. HAYGOOD V. CITY OF DORAVILLE, 256 GA. 566, 567 (350 SE2D 766) (1986)." STUCKEY V. RICHARDSON, 188 GA. APP. 147, 149 (4) (372 SE2D 458) (1988).

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta December 20, 1994*

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

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

William S. [Signature] Clerk.