

# Court of Appeals of the State of Georgia

ATLANTA,            MARCH 12, 2004

*The Court of Appeals hereby passes the following order:*

## **A04A1006.            IN THE INTEREST OF: B. B., A CHILD**

The above appeal was docketed in this Court on January 22, 2004. The Brief of Appellant was due February 11, 2004. No Brief of Appellant was filed, and on March 1, 2004, a Motion to Dismiss was filed by appellee. Thereafter, on March 2, 2004, attorney for appellant moved this Court for a Motion to Supplement the Record and an extension of time to file Brief.

The Court notes that the motion filed by appellant's attorney violates Rule 41(b) which states no motions shall be filed as compound motions or alternative motions. Also, this Court notes that appellant's attorney did not seek an extension of time to file the Brief until such time as the Motion to Dismiss was filed.

The grounds appellant's attorney alleges in support of the Motion to Supplement the Record and the Motion for Extension of Time are without merit. Appellant's attorney claims she cannot file a Brief until the record of the previously docketed appeal in this matter, A03A1119. In the Interest of: B. B., a Child, is filed with this Court.

In the initial appeal, this Court remanded the matter to the trial court by this Court's order of March 26, 2003. The remittitur issued from this Court on October 20, 2003.

This Court maintains the record in all appeals for a period of at least one year after the remittitur date. See Rule 42(b). It is not necessary for the clerk of the trial court to regurgitate a record which has already been certified and submitted to this Court. Appellant's attorney can cite to the earlier record in A03A1119 as needed.

Appellant's attorney's pleading shows a disregard, or at least an unfamiliarity, with the rules of this Court. All attorneys admitted to practice in this Court are presumed to have read the Rules and are required to comply with the Rules.

In consideration of the compound motion, the Motion to Supplement the Record is hereby DENIED. The Motion for Extension of Time to File Brief is hereby GRANTED. Appellant shall have ten (10) days from the date of this order to file Appellant's Brief, Part II of which shall be Enumeration of Errors. Failure to comply with this Court's order may result in contempt against appellant's attorney and the dismissal of this appeal. Appellee shall have twenty (20) days after the actual filing of Appellant's Brief to file Brief of Appellee.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      MAR 12 2004

*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.*

*C. Will. L. Martin, Jr.*