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COURT OF APPEALS OF GA

Friday, March 13, 2015

VIA: U.S. First Class Mail

Chief Deputy Clerk, Patty Bender

Court of Appeals of Georgia

47 Trinity Avenue S.W. , Suite 501

Atlanta, GA 30334

RE: Appeal to the Court of Appeals of Georgia

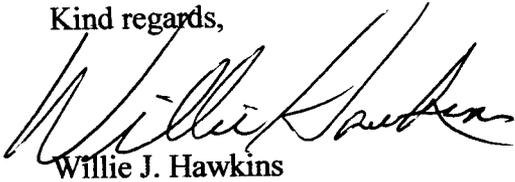
Dear Ms. Bender:

I write to you to inform you of a local courts refusal to file Notice of Appeal to the Court of Appeals of Georgia in violation of O.C.G.A. §9-15-2(d). Any assistance or direction you can provide with this matter will be greatly appreciated.

Please feel free to contact me with any questions you may have at: (678) 908-2074; or via email: HawkinsATL@AOL.com

Thank you for your time with this issue. I look forward to hearing from you soon.

Kind regards,



Willie J. Hawkins

Enclosures: Blue Ridge Judicial Circuit; The Superior Court of Cherokee County State of Georgia: Civil Action File No.: 13-CV-2560-EM.

WJH/wjh



Blue Ridge Judicial Circuit

March 11, 2015

13-cv-2560-Em

Willie J. Hawkins
1422 Orange Shoals Drive
Canton, GA 30115

Re: *Pauper's Affidavit*
Cherokee County Superior Court

Dear Mr. Hawkins:

Enclosed please find a copy of an Order Pursuant to O.C.G.A. 9-15-2 in regards to your Pauper's Affidavit which has been filed with the Clerk of Court.

Regards,

A handwritten signature in cursive script that reads "Emma C Burch".

Emma Burch
Staff Attorney
Superior Court Judge Ellen McElyea
Blue Ridge Judicial Circuit
90 North Street, Suite 240
Canton, Georgia 30114
678.493.6241

COPY

IN THE SUPERIOR COURT OF CHEROKEE COUNTY
STATE OF GEORGIA

WILLIE J. HAWKINS,

Plaintiff

v.

LAT SPORTSWEAR

Defendant

PAUPER'S AFFIDAVIT

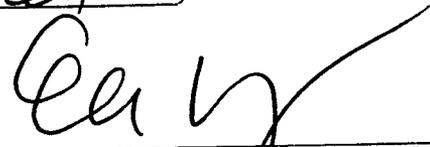
ORDER PURSUANT TO O.C.G.A. § 9-15-2

The Plaintiff, Willie J. Hawkins, presented a pleading to the Clerk and subscribed an affidavit to the effect that, because of indigence is unable to pay costs, the Clerk presented the pleading to this Court for review pursuant to O.C.G.A. §9-15-2.

The pleading having been read and considered, the Court finds that the pleading shows on its face an insufficient amount of detail so that the Court cannot grant the relief requested.

At this time the request to file the pleading is denied pursuant to O.C.G.A. §9-15-2(d).

SO ORDERED, this 10 day of March, 2015.



Emen McElyea, Judge
Superior Court
Blue Ridge Judicial Circuit

CC: Clerk of Court

Willie J. Hawkins
1422 Orange Shoals Drive
Canton, GA 30115

FILED IN OFFICE
CLERK OF SUPERIOR COURT
CHEROKEE COUNTY GA
2015 MAR 11 AM 11:09
ATTY BAKER, CLERK

O.C.G.A. § 9-15-2

GEORGIA CODE
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*** Current Through the 2014 Regular Session ***

TITLE 9. CIVIL PRACTICE
CHAPTER 15. COURT AND LITIGATION COSTS

O.C.G.A. § 9-15-2 (2014)

§ 9-15-2. Affidavit of indigence; procedure when filing party not represented by counsel

(a) (1) When any party, plaintiff or defendant, in any action or proceeding held in any court in this state is unable to pay any deposit, fee, or other cost which is normally required in the court, if the party shall subscribe an affidavit to the effect that because of his indigence he is unable to pay the costs, the party shall be relieved from paying the costs and his rights shall be the same as if he had paid the costs.

(2) Any other party at interest or his agent or attorney may contest the truth of an affidavit of indigence by verifying affirmatively under oath that the same is untrue. The issue thereby formed shall be heard and determined by the court, under the rules of the court. The judgment of the court on all issues of fact concerning the ability of a party to pay costs or give bond shall be final.

(b) In the absence of a traverse affidavit contesting the truth of an affidavit of indigence, the court may inquire into the truth of the affidavit of indigence. After a hearing, the court may order the costs to be paid if it finds that the deposit, fee, or other costs can be paid and, if the costs are not paid within the time permitted in such order, may deny the relief sought.

(c) The adjudication of the issue of indigence shall not affect a decision on the merits of the pending action.

(d) When a civil action is presented for filing under this Code section by a party who is not represented by an attorney, the clerk of court shall not file the matter but shall present the complaint or other initial pleading to a judge of the court. The judge shall review the pleading and, if the judge determines that the pleading shows on its face such a complete absence of any justiciable issue of law or fact that it cannot be reasonably believed that the court could grant any relief against any party named in the pleading, then the judge shall enter an order denying filing of the pleading. If the judge does not so find, then the judge shall enter an order allowing filing and shall return the pleading to the clerk for filing as in other cases. An order denying filing shall be appealable in the same manner as an order dismissing an action.

HISTORY: Ga. L. 1955, p. 584, §§ 1, 2; Ga. L. 1982, p. 933, § 1; Ga. L. 1983, p. 3, § 7; Ga. L. 1984, p. 22, § 9; Ga. L. 1985, p. 1256, § 1.

FORM 1 - NOTICE OF APPEAL (CIVIL or CRIMINAL CASE)

NOTICE OF APPEAL

IN THE Superior (SUPERIOR, STATE, ETC.) COURT
OF Cherokee COUNTY

STATE OF GEORGIA

PLAINTIFF

Willie J. Hawkins

*

CASE NUMBER

*

Pepper's A.S.T. district

vs.

*

14-CV-2560

DEFENDANT

LAT SportsWear, Inc.

*

13-CV-2560-EM

NOTICE OF APPEAL

Notice is given that Plaintiff (Plaintiff/Defendant) in the above matter hereby appeals to the Court of Appeals of Georgia from the judgment of the trial court entered on the 10 day of MARCH, 2015

The clerk shall omit Nothing (omit nothing from the record on appeal/will omit from the record on appeal the following: N/A.)

A transcript of evidence and proceedings WILL (will/ will not) be filed for inclusion in the record on appeal.

The Court of Appeals, rather than the Supreme Court, has jurisdiction of this appeal because the issue involved is CIVIL and appeals of such cases are not reserved to the Supreme Court of Georgia pursuant to Article VI, Section VI, Paragraphs II and III of the Constitution of the State of Georgia.

CERTIFICATE OF SERVICE

I certify that I have this day served LAT SportsWear (opposing party or attorney) with a copy of this Notice of Appeal by US FIRST CLASS (hand delivery/ mailing a copy first class mail postage prepaid) to him/her at: 1200 Airport DR Balingann (complete address of party served).

This the 10 day of MARCH, 2015

Willie J. Hawkins (Sign your name.)

FORM 1 - NOTICE OF APPEAL (CIVIL or CRIMINAL CASE)

DEC 12 PM 1:51

NOTICE OF APPEAL

IN THE Superior (SUPERIOR, STATE, ETC.) COURT
OF Cherokee COUNTY

PATTY BAKER, CLERK

STATE OF GEORGIA

PLAINTIFF

Willie J. Hawkins

CASE NUMBER

14-CV-2560

vs.

DEFENDANT

LAT SPORTSWEAR INC.

13-CV-2560-EM

NOTICE OF APPEAL

Notice is given that PLAINTIFF (Plaintiff/Defendant) in the above matter hereby appeals to the Court of Appeals of Georgia from the judgment of the trial court entered on the 9 day of December, 2014

The clerk shall omit nothing (omit nothing from the record on appeal/will omit from the record on appeal the following: N/A.)

A transcript of evidence and proceedings Will (will/ will not) be filed for inclusion in the record on appeal.

The Court of Appeals, rather than the Supreme Court, has jurisdiction of this appeal because the issue involved is CIVIL and appeals of such cases are not reserved to the Supreme Court of Georgia pursuant to Article VI, Section VI, Paragraphs II and III of the Constitution of the State of Georgia.

CERTIFICATE OF SERVICE

I certify that I have this day served LAT Sportswear (opposing party or attorney) with a copy of this Notice of Appeal by US FIRST CLASS (hand delivery/ mailing a copy first class mail postage prepaid) to him/her at: 1200 BALL Ground GA (complete address of party served).

AIRPORT
This the 12 day of December, 2014

Willie Hawkins (Sign your name.)



Cherokee County Justice Center
90 North Street, Suite G-170
Canton, Georgia 30114
678-493-6511

December 18, 2014

Willie J. Hawkins
1422 Orange Shoals Dr
Canton, GA 30115

**Re: Notice of Appeal –
Cherokee Superior Court – Civil Action No. 13-CV-2560-EM**

Dear Mr. Hawkins,

This letter is written in response to the Notice of Appeal filed in the above referenced case. Our office has forwarded your Pauper's Affidavit for the Judge to review. Once we receive the Order, we will promptly process your Appeal.

If we can be of further assistance, please let us know.

Sincerely,

Stephanie Venable
Senior Deputy Clerk
Cherokee County Superior Court
678-493-6554

IN THE SUPERIOR COURT OF CHEROKEE COUNTY
STATE OF GEORGIA

WILLIE J. HAWKINS,

Plaintiff,

v.

LAT SPORTSWEAR INC,

Defendant.

FILED IN OFFICE
CLERK OF SUPERIOR COURT
CLERK OF STATE COURT
CHEROKEE COUNTY GA

2014 DEC - 9 AM 11:37

PATTY BAKER, CLERK

Civil Action File No. 14-CV-2560

13-CV-2560-EM

ORDER

The above matter having come before the Court on Plaintiff's Appeal of the Board of Review Decision, and the Court having considered the record finds as follows.

The Plaintiff does not find fault in the decision from the Board of Review to Adopt the Findings of the Administrative Hearing Officer. Plaintiff specifically takes issue with the technical irregularity of the name LAT Sportswear, Inc. appearing as his last employer. Plaintiff argues that Atlantic Transit was his most recent employer and that entity should have been named in the action. Under O.C.G.A. 34-8-223(b) the Superior Court is bound by the findings of fact made by the Review Board absent a showing a fraud. Here, there being no showing of fraud, the Superior Court adopts the findings of fact made by the Review Board.

In light of Plaintiff's consent to the Board of Review's decision and due to the fact that Defendant, LAT Sportswear Inc. was never properly served under the prescribed means outlined in O.C.G.A. 34-8-22(b),

Plaintiff's Appeal is denied.

SO ORDERED, this 9 day of Dec, 2014.

Frank C. Mills, III., Judge

Superior Court
Blue Ridge Judicial Circuit

CC: Willie J. Hawkins
1422 Orange Shoals Dr.
Canton, Georgia 30115

LAT Sportswear Inc
ATTN Manager
1200 Airport Blvd
Ball Ground, Georgia 30114

Hawkins v. LAT Sportswear, Inc.
14-CV-2560
Order on Plaintiff's Appeal

FORM 2 - PAUPER'S AFFIDAVIT

COURT OF APPEALS OF GEORGIA

Willie J. Hawkins

APPELLANT

VS

LAT Sportswear

APPELLEE

CASE NUMBER

14-CV-2560

13-CV-2560-EAM

PAUPER'S AFFIDAVIT

Comes now Willie J. Hawkins (Appellant's name) first being duly sworn, deposes and states I am financially unable to pay the filing fee required for filing costs in the Court of Appeals of Georgia, and I request I be permitted to file Appellant's Application (Appellant's Brief or Appellant's Application) without having to pay filing fees. I further swear that the responses which I have made to the questions and instructions below are true.

1. Are you presently employed? Yes No

If the answer is "Yes", state the amount of your salary or wages per month, and give the name and address of your employer: N/A

If the answer is "No", state the date of last employment and the amount of the salary and wages per month which you received: 7/2011 22.5/hr
6/2013 750/mo P.T.

2. Have you received within the past twelve months any money from any of the following sources?

Business, profession or form of self-employment?

Yes

No

Pensions, annuities or life insurance payments?

Yes

No

Rent payments, interest or dividends?

Yes

No

Gifts or inheritances?

Yes

No

Any other sources?
If the answer to any of the above is "Yes", describe each source of money and state the amount received from each source during the past twelve months: N/A