



# Court of Appeals

## Memorandum

To: Judge G. Alan Blackburn  
*W.L. Martin, III*  
From: William L. Martin, III  
Subject: Assignment of Cases to Senior Judge Banke  
Date: February 9, 1999

The following cases have been assigned from your office to Senior Judge Banke for him to author the opinion. The cases are:

MONTH	CASE NUMBER	STYLE	ASG CODE	STATUS
Jan	A99A0191	Jack Pollard v. The State	98010C	ND
Jan	A99A0212	Steven Lanier v. The State	98011C	ND
Jan	<u>A98A1818</u>	Rockdale County v. Finishline	98097	ND <i>IP proper</i>
Jan	<u>A99A0159</u>	Georgia Farm v. Mark Schlies	98008	ND <i>To vote on previously</i>

The following cases should be circulated to Senior Judge Banke for him to vote on in lieu of Judge Barnes. The cases are:

MONTH	CASE NUMBER	STYLE	ASG CODE	STATUS
Jan	A99A0229	Michael Stewart v. The State	98012C	D
Jan	A99A0249	Hammond v. The State	98013C	D
Jan	A99A0157	Wesley Keown v. The State	98008C	D
Jan	A99A0175	Robert Mincey v. The State	98009C	D
Jan	A99A0213	Interest of: M.N.H.	98011	ND

Jan	A99A0311	McLendon v. Elzora	98015	IP	
Mar	A99A0643	Surgijet, Inc. v. Scott Bair	98032	ND	to vote on previously
Mar	A99A0721	Interest of: B.C.W.M.	98038	ND	

If you have any questions or if there are problems with the assignment of these cases, please contact me.

/ld

cc: Senior Judge Harold R. Banke  
Bud Tirey  
Marti Head  
Gail Arceneaux



# Court of Appeals

## Memorandum

---

To: Judge G. Alan Blackburn  
From: *W. L. Martin, III*  
Subject: Assignment of Cases to Senior Judge Banke  
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Jan	A99A0157	Wesley Keown v. The State	98008C	D
Jan	A99A0175	Robert Mincey v. The State	98009C	D
Jan	A99A0213	Interest of: M.N.H.	98011	ND

Jan	A99A0311	McLendon v. Elzora	98015	IP
Mar	A99A0643	Surgijet, Inc. v. Scott Bair	98032	ND
Mar	A99A0721	Interest of: B.C.W.M.	98038	ND

If you have any questions or if there are problems with the assignment of these cases, please contact me.

/ld

cc: Senior Judge Harold R. Banke  
Bud Tirey  
Marti Head  
Gail Arceneaux



# Court of Appeals

## Memorandum

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**To:** Judge G. Alan Blackburn  
Judge Frank M. Eldridge

**From:** *W.L. Martin*  
William L. Martin, III

**Subject:** A99A0858. Ellen Diane Graham v. The State  
A99A0937. Steve Alton Graham v. The State

**Date:** January 29, 1999

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Pursuant to my conversation with Mary Beth Hathaway, staff attorney for Judge Blackburn's office, the clerk's office has transferred A99A0858 from Judge Blackburn's office to Judge Eldridge's office, to be a companion case to A99A0937. The clerk's office will assign a future 1999 case from Judge Eldridge's office to Judge Blackburn's office to even out the assignment wheel.

/ld

cc: Marjorie Lynch  
Gina Clarke  
Sheila Collins



# Court of Appeals

## Memorandum

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To: Judge G. Alan Blackburn  
From: *WLM*  
William L. Martin, III  
Subject: Continuing Judicial Education  
Date: January 27, 1999

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This will acknowledge receipt of your certification of the completion of Judicial Education and Ethics requirements for 1998 in compliance with the Court's Internal Policy. Thank you for your prompt response.

/ld

cc: Judge Anne E. Barnes



# Court of Appeals

## Memorandum

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To: Judge G. Alan Blackburn  
From: *WLM*  
William E. Martin, III  
Subject: Assignment of Cases to Senior Judge Banke  
Date: December 30, 1998

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The following cases have been assigned from your office to Senior Judge Banke for him to author the opinion. The cases are:

MONTH	CASE NUMBER	STYLE	ASG CODE	STATUS
Jan	A99A0122	Furgerson v. Dover	98007	ND
Jan	A99A0104	Agustin Nunez v. The State	98005C	ND

The following cases have been assigned to Senior Judge Banke for him to vote on in lieu of Judge Barnes. The cases are:

MONTH	CASE NUMBER	STYLE	ASG CODE	STATUS
Jan	A99A0159	Georgia Farm v. Mark Schlies	98008	ND
Jan	A99A0643	Surgijet, Inc. v. Scott Bair	98032	ND
Jan	A99A0139	Tony Whitehead v. The State	98007C	ND
Jan	A99A0059	Angela Komala v. The State	98003C	D

If you have any questions or if there are problems with the assignment of these cases, please contact me.

/ld

cc: Senior Judge Harold R. Banke

Bud Tirey

Marti Head

Gail Arceneaux



# Court of Appeals

## Memorandum

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To: Judge G. Alan Blackburn  
Presiding Judge Marion T. Pope, Jr.

From: *W. L. Martin, III*  
William L. Martin, III

Subject: A99I0126. Volkswagen of America, Inc. et al. v. Ralph Gentry, et al.  
A99A0810. Ralph Gentry, et al. v. Volkswagen of America, Inc. et al.

Date: January 6, 1999

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The above cases should have been cross appeals in our Court. The interlocutory application was docketed on December 3, 1998 and assigned to Judge Blackburn's office. The application referenced a direct appeal which would be docketed with the Court later.

On December 21, 1998, the direct appeal, A99A0810, was docketed with the Court. Because the attorneys used a different lower court case number on the direct appeal than on the application, our Court's computerized docketing system was not able to recognize that the cases were in fact, the same case. Had that fact been known to the clerk's office, A99A0810 would have gone to Judge Blackburn. Instead, it was assigned by the civil assignment wheel to Presiding Judge Pope.

On January 4, 1999, Judge Blackburn's office granted the interlocutory application in its order stating that the application would be heard with the direct appeal A99A0810. At the time that Judge Blackburn's office granted the application, that office was not aware that the direct appeal had already been docketed.

Since the application was docketed first, and particularly since it was granted, I believe that the direct appeal, A99A0810, should be transferred from Presiding Judge Pope's office to Judge Blackburn's office. Of course, the clerk's office will compensate by assigning a future civil direct appeal from Judge Blackburn's office to Presiding Judge Pope's office to even out the wheel.

Please let me know if you have any objections to my solution for this matter. Whatever the approach, I believe the case should be decided by the same Division. As it now stands, the direct appeal is assigned to

the Second Division and the interlocutory application was granted to the Third Division.

Thank you.

/ld

For \_\_\_\_\_

**Urgent**

Date \_\_\_\_\_

Time \_\_\_\_\_

# While You Were Out

M \_\_\_\_\_

*Laura McHenry*

Of \_\_\_\_\_

Phone \_\_\_\_\_

*404 892-2100*

AREA CODE

NUMBER

EXTENSION

Telephoned

Please Call

Came To See You

Will Call Again

Returned Your Call

Wants To See You

Message \_\_\_\_\_

*A99 I 0126 granted*

*Order*

*A9*

*28*

Signed \_\_\_\_\_

*A99A0810*

*94*

Matt. Pope - Pope MFG Lamry

Columbus

706-324-0050

Procedural question - H99A0810

is now consolidated w/ this case <sup>(see order attached)</sup>

how should he proceed - his  
brief is due on Monday for direct.

# Court of Appeals of the State of Georgia

ATLANTA, JAN -4 1999

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

**A99I0126. VOLKSWAGEN OF AMERICA, INC., et al. v. GENTRY**

The defendants', Volkswagen of America, Inc. and Volkswagen Aktiengesellschaft, petition for interlocutory appeal of the trial court's order denying their motion for summary judgment with regard to plaintiffs' RICO claims is hereby GRANTED. It is further ordered that upon docketing of this case it will be consolidated with the plaintiffs' direct appeal of the trial court's order granting the defendants' motion for summary judgment in the underlying case Civil Action File No. 90vs0014930.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta JAN - 4 1999*

*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.*

*Will. L. Mart, III*

*Clerk.*

\*\*\*\*\* PREPARED DATE JANUARY 05, 1999  
\*\*\*\*\* C A S E H I S T O R Y R E P O R T \*\*\*\*\*

CASE NU. A9910126 DOC DATE: 120398 CODE: 98013 DIV: 3 CITE:  
STYLE: VOLKSWAGEN OF AMERICA, INC., ET AL V. RALPH GENTRY, ET AL

(01189) RICO XREF: SUP-CT:  
COST PD: 120798 RECEIPT#: 9939 PAID BY: WELCH SPELL REEMSNYDER & PLESS  
CAL MMY: 0399 ARG. REQ: BY: ARGU: (IND: DATE: )  
ARGU ATTY (NT) 1. (EE) 1.  
2.

\*\*\*\*\* CERTIORARI DATA \*\*\*\*\*  
NOTICE OF INT.: NOTICE OF APP.: SC #: CERT (G/D): DATE:  
SC JUDGE: REMITT DATE:  
\*\*\*\*\* REMITTITUR DATA \*\*\*\*\*  
REMITT DATE: OPINION SENT: C/A CASE STATUS: J

\*\*\*\*\* LOWER COURT DATA \*\*\*\*\*  
SHORT STYLE: VOLKSWAGEN V. GENTRY  
LC # 90VS0014930  
LC JUDGE: HONORABLE A. L. THOMPSON LC COUNTY: Fulton  
LC NAME: State Court CLERK: MR. ROBERT E. COCHRAN, II  
JUD DATE: NOA:

RECORD DATE	DESCRIPTION	PARTS
120398	RECORDS	00
120398	TRANSCRIPTS	00

\*\*\*\*\* PARTY DATA \*\*\*\*\*

PARTY TYPE	NT	PARTY NAME	VOLKSWAGEN OF AMERICA
MR. RONALD D. REEMSNYDER		LISA K. WHITFIELD	
WELCH SPELL REEMSNYDER & PLESS, P		WELCH SPELL REEMSNYDER & PLESS, PC.	
SUITE 2020, 400 COLONY SQUARE		400 COLONY SQUARE SUITE 2020	
ATLANTA GA 303616305		ATLANTA GA 303616305	
(404) 892-2100		(404) 892-2100	
PARTY TYPE: EE		PARTY NAME: GENTRY	
MR. JAMES E. CARTER		MR. W. RAY PERSONS	MR. HEZEKIAH SISTRUNK JR.
ATTORNEY AT LAW		SWIFT CURRIE MCGHEE & HIERS	SISTRUNK & ASSOCIATES
P. O. BOX 509		THE PEACHTREE	THE CANDLER BUILDING, SUIT
MADISON GA 306500000		ATLANTA GA 303093238	ATLANTA GA 303030
(404) 342-4722		(404) 222-9922	ATLANTA GA 303030
MR. WILLIAM J. CORNWELL			
POPE, MCGLAMRY, KILPATRICK & MORRIS			
83 WALTON ST., N. W.			
ATLANTA GA 303011733			
(404) 523-7706			

\*\*\*\*\* FILING DATA \*\*\*\*\*  
(03007) RESPONSE TO APPLICATION 121498

\*\*\*\*\* MOTION DATA \*\*\*\*\*

\*\*\*\*\* JUDGE VOTING \*\*\*\*\*

CODE	JUDGE NAME	VOTE	VAC	D. VOTE
{	JUDGE BEASLEY	CC		
{	JUDGE BLACKBURN	CC		
{	JUDGE BANKE	CC		

\*\*\*\*\* JUDGMENT \*\*\*\*\*  
(02100) INTERLOCUTORY APPLICATION GRANTED 010499

\*\*\*\*\* PREPARED DATE JANUARY 05, 1999 \*\*\*\*\*  
\*\*\*\*\* C A S E H I S T O R Y R E P O R T \*\*\*\*\*

CASE NO. A99A0810 DOC DATE: 122198 CODE: 94040 DIV: 2 CITE:  
STYLE: RALPH GENTRY ET AL V. VOLKSWAGEN OF AMERICA ET AL

(01042) SJ/NEGLIGENCE/WRONGFUL DEATH XREF: MA SUP-CT:  
COST PD: RECEIPT#: PAID BY:  
CAL MMY: 0499 ARG. REQ: BY: ARGU: (IND: DATE: )  
ARGU ATTY (NT) 1. (EE) 1.  
2.

\*\*\*\*\* CERTIORARI DATA \*\*\*\*\*  
NOTICE OF INT.: NOTICE OF APP.: SC #: CERT (G/D): DATE:  
SC JUDGE: REMITT DATE:  
\*\*\*\*\* REMITTITUR DATA \*\*\*\*\*  
REMITT DATE: OPINION SENT: C/A CASE STATUS: N

\*\*\*\*\* LOWER COURT DATA \*\*\*\*\*  
SHORT STYLE: GENTRY V. VOLKSWAGEN  
LC #: 90VSI4930H  
LC JUDGE: HONORABLE A. L. THOMPSON LC COUNTY: Fulton  
LC NAME: State Court CLERK: MR. ROBERT E. COCHRAN, II  
JUD DATE: 040998 NOA:042998

RECORD DATE	DESCRIPTION	PARTS
122198	RECORDS	25
122198	TRANSCRIPTS	02

\*\*\*\*\* PARTY DATA \*\*\*\*\*  
PARTY TYPE: NT PARTY NAME: GENTRY RALPH  
MR. WILLIAM J. CORNWELL MR. W. RAY PERSONS  
POPE, MCGLAMRY, KILPATRICK & MORRIS SWIFT CURRIE MCGHEE & HIERS  
83 WALTON ST., N. W. THE PEACHTREE  
ATLANTA GA 303011733 ATLANTA GA 303093238  
(404) 523-7706 (404) 874-8800 ( ) GA 303093238  
PARTY TYPE: EE PARTY NAME: VOLKSWAGEN OF AMERICA  
MR. RONALD D. REEMSNYDER MR. HEZEKIAH SISTRUNK JR.  
WELCH SPELL, REEMSNYDER & PLESS, P SISTRUNK & ASSOCIATES  
SUITE 2020, 400 COLONY SQUARE THE CANDLER BUILDING, SUITE 800  
ATLANTA GA 303616305 ATLANTA GA 303030000  
(404) 892-2100 (404) 222-9922 ( ) GA 303030000

\*\*\*\*\* FILING DATA \*\*\*\*\*

\*\*\*\*\* MOTION DATA \*\*\*\*\*

\*\*\*\*\* JUDGE VOTING \*\*\*\*\*

\*\*\*\*\* C/A CROSS REF \*\*\*\*\*  
CASE UN TYPE CLASSIFICATION CODE SHORT STYLE  
A9410101 RE SJ/NEGLIGENCE/WRONGFUL DEATH 93012 VOLKSWAGEN v. GENTRY



# Court of Appeals

## Memorandum

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To: JUDGE BLACKBURN and MARJORIE LYNCH  
*WL*  
From: BILL MARTIN  
Subject: A99A0916. ALVILA-NUNEZ v. THE STATE.  
Date: January 13, 1999

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Pursuant to my memorandum to you of December 30, 1998, I assigned from your office case A99A0104, Agustin Nunez v. The State, to Senior Judge Banke for the purposes of having him author the opinion. Subsequently, the above appeal was docketed and is a companion to A99A0104.

Ordinarily, I would not assign companion or cross-appeal cases to Senior Judge Banke, however, since A99A0916 was docketed four months after A99A0104, and further, since Senior Judge Banke's office has already drafted the opinion in A99A0104, please assign the above appeal to Senior Judge Banke's office as well.

If you have any questions, please let me know.

cc: Eula Nelson  
Bud Tirey  
Gail Arceneaux  
Marti Head



# Court of Appeals

## Memorandum

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To: Bill Martin, Clerk

From: Judge Blackburn *JMB*

Subject: A99A0916. Maria Avila-Nunez v. State

Date: January 12, 1999

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The above-styled case was assigned to my office January 7, 1999. The main appeal A99A0104 was also assigned to my office, but was transferred to Judge Banke. Because A99A0104 is already in progress, please transfer A99A0916 to Judge Banke as well.



# Court of Appeals

## Memorandum

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To: Judge G. Alan Blackburn  
From: *WLM*  
William L. Martin, III  
Subject: A99A0171. Beverly Rambo v. Cherdan's, Inc. et al.  
Date: January 12, 1999

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Judge Smith has had to recuse himself in the above appeal (see attached memorandum) and the IOM calls for you to replace him in the division; I would appreciate your hearing the case in Judge Smith's place on oral argument and voting on same as well.

Thank you.

/ld



# Court of Appeals

## Memorandum

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**To:** Presiding Judge G. Alan Blackburn

**From:** William L. <sup>W. L. Martin</sup> Martin, III

**Subject:** A00I0111. William E. Kropp, M.D. v. Gwendolyn S. Roberts, et al.

**Date:** December 9, 1999

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From the attached memo from Presiding Judge Andrews to me, please see that he is recusing himself in this case. Under the Court's policies, the application is being assigned to you. The clerk's office will make a transfer to even the wheel on the assignment.

Thank you.

/ld

Attachment

cc: Presiding Judge Gary B. Andrews



## Court of Appeals

FROM: Judge Andrews

TO:

Bill Martin

I must recuse myself  
in this case. One  
of my staff attorneys  
has a personal matter  
in which he is represented  
by one of the lawyers.

JA



# Court of Appeals

## Memorandum

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To: Presiding Judge G. Alan Blackburn  
From: *WLM*  
William L. Martin, III  
Subject: Reassignment of Cases to New Judges  
Date: June 30, 1999

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Below is the list of cases from your office to be assigned to the new judges. Before I make the official transfer of these cases from your office to the office of the new judges, please review the list and make sure that it is accurate and complete. If there are cases on this list which your office has completed, please identify a replacement case or cases so that we can have an equal assignment of cases from each judge's office. We need fourteen (14) April Term cases from each judge's office to be assigned to the new judges, eight (8) civil cases and six (6) criminal cases.

If the list is correct, please notify me of that fact as soon as you can.

Thank you.

Civil

A99A1024	GEORGIA FARM v. HUNN
A99A1090	COX v. CENTURY COMMUNICATIONS
A99A1098	BUSBY v. GREENFOREST COMMUNITY BAPTIST
A99A1131	MCDONALD v. INLAND CONTAINER
A99A1163	LEVINE v. CHOI
A99A1208	BURKE v. SUNTRUST BANK
A99A1232	CARROLL v. GEORGIA POWER
A99A1244	KMART v. LOVETT

CRIMINAL

A99A1309	STEWART v. THE STATE
A99A1339	FRAZIER v. THE STATE
A99A1356	MARTIN v. THE STATE
A99A1377	OVERAND v. THE STATE
A99A1401	DIAZ v. THE STATE
A99A1422	EUBANKS v. THE STATE

/ld



# Court of Appeals

## Memorandum

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To: Marjorie Lynch  
From: *W. L. Martin, III*  
William L. Martin, III  
Subject: Assignment of Cases to Senior Judge Banke  
Date: February 10, 1999

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Pursuant to my memorandum of February 9, 1999 and our subsequent telephone conversation, please make the following substitutions in assignments of cases from your office to Senior Judge Banke. This is due to the fact that A98A1818. Rockdale County v. Finishline was actually in progress and A99A0159. Georgia Farm v. Mark Schlies was previously assigned to Judge Banke for purposes of voting on the opinion.

Please assign the following cases from your office to Senior Judge Banke for him to author the opinion.

MONTH	CASE NUMBER	STYLE	ASG CODE	STATUS
Feb	A99A0411	Donnie Marie Braswell v. Linda Sue Clayton, et al	98020	ND
Feb	A99A0431	Thelma Byrd, Executrix v. Bradford Donald Stephens	98022	ND

Appeal A99A0643. Surgijet, Inc. v. Scott Bair was previously assigned to Senior Judge Banke for him to vote on in my memorandum of December 30. Instead of that case, please circulate the following case to Senior Judge Banke to vote on in lieu of Judge Barnes.

MONTH	CASE NUMBER	STYLE	ASG CODE	STATUS
Mar	A99A0632	In the interest of: A. N. M., et al, children	98031	ND

/ld  
cc: Senior Judge Harold R. Banke  
Bud Tirey