

Tara Anna, LLC v. Freihofer Transport, Inc.

Court of Appeals of the State of Georgia

2024 | Cited 0 times | Court of Appeals of Georgia | October 4, 2024

ATLANTA, October 04, 2024 The Court of Appeals hereby passes the following order: A2510047. TARA ANNA, LLC et al. v. FREIHOFER TRANSPORT, INC. In this civil action, plaintiff filed a motion to disqualify counsel for defendants Donald Walloch and Tara Anna, LLC, which the trial court granted on August 23, 2024. The trial court issued a certificate of immediate review on September 5, 2024, and defendants filed this application for interlocutory appeal. We lack jurisdiction. Under OCGA § 5-6-34 (b), a party may obtain interlocutory review only if the trial court "certifies within ten days of entry" of the order at issue that immediate review should be had. A timely certificate of immediate review is a jurisdictional requirement. See Von Waldner v. Baldwin/Cheshire, Inc., 133 Ga. App. 23, 24 (2) (209 SE2d 715) (1974). If the certificate of immediate review is not timely entered, the party seeking review must await final judgment in order to appeal the interlocutory ruling. See Turner v. Harper, 231 Ga. 175, 176 (200 SE2d 748) (1973). Here, the certificate of immediate review was entered 13 days after entry of the order on appeal, making it untimely. See id. Accordingly, we lack jurisdiction to consider this application, which is hereby DISMISSED. Court of Appeals of the State of Georgia Clerk's Office, Atlanta, 10/04/2024 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.		
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, Clerk.