

COURT OF APPEALS OF THE STATE OF GEORGIA

Olivia M. Scandretti v. Orkin, LLC

Scandretti v. Orkin · No. A22A0986 · Decided March 21, 2022

SUMMARY

The Georgia Court of Appeals dismissed Olivia M. Scandretti’s appeal after she failed to file her enumeration of errors and brief by the deadline and did not seek an extension. The court granted the appellees’ motion to dismiss pursuant to Court of Appeals Rules 7 and 23(a).

CASE DETAILS

COURT	Court of Appeals of the State of Georgia
JURISDICTION	Georgia
DECIDED	March 21, 2022
DOCKET	A22A0986
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellant's appeal was dismissed after she failed to file her enumeration of errors and brief within the time required by the Georgia Court of Appeals.
PRECEDENTIAL VALUE	published appellate order; precedential status not otherwise specified in the text
PARTIES	Olivia M. Scandretti v. Orkin, LLC, et al.

TOPICS

- appellate procedure
- civil procedure
- preservation of error

PRACTICE AREAS

- appellate procedure
- civil procedure

QUESTIONS PRESENTED

- Whether the appeal should be dismissed because the appellant failed to timely file her enumeration of errors and brief.

HOLDINGS

1. An appeal may be dismissed when the appellant fails to file the required enumeration of errors and brief within the time prescribed by the Georgia Court of Appeals rules and does not obtain an extension.

FACTUAL BACKGROUND

The appeal was docketed on February 14, 2022. The appellant failed to file her enumeration of errors and brief by the March 7 deadline and did not seek an extension of time. The appellees then moved to dismiss the appeal.

PROCEDURAL HISTORY

The appeal was docketed on February 14, 2022, and appellant was notified that her enumeration of errors and brief were due within 20 days, by March 7, 2022. As of March 16, 2022, appellant had filed neither document and had not requested an extension. Appellees moved to dismiss the appeal, and the Court of Appeals granted the motion and dismissed the appeal.

DISPOSITION

dismissed

CASES CITED

- Britton v. Fed. Nat'l Mortg. Ass'n, 307 Ga. App. 581, 582 (1), 705 S.E.2d 682 (2011)

OPINION

PER CURIAM.

Court of Appeals of the State of Georgia ATLANTA, _____ March 21, 2022 The Court of Appeals hereby passes the following order: A22A0986. SCANDRETT v. ORKIN, LLC et al. The appeal of the above-referenced case was docketed on February 14, 2022, and the appellant was notified that her enumeration of errors and brief were due within 20 days of docketing (i.e., by March 7, 2022).

As of March 16, 2022, appellant has failed to file her enumeration of errors and brief and has not moved for an extension of time in which to file. Additionally, in light of appellant's failure to file, the appellees have now moved for a dismissal of appellant's appeal Accordingly, pursuant to Court of Appeals Rules 7 and 23 (a), appellees' motion is GRANTED, and this appeal is hereby DISMISSED.

See Britton v. Fed. Nat'l Mortg. Ass'n, 307 Ga. App. 581, 582 (1) (705 SE2d 682) (2011). Court of Appeals of the State of Georgia Clerk's Office, Atlanta, _____ 03/21/2022 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.

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