

COURT OF APPEALS OF THE STATE OF GEORGIA

Sam Levine v. Georgia Alloy, LLC

A20A1805 · No. A20A1805 · Decided September 10, 2020

SUMMARY

The Georgia Court of Appeals dismissed Sam Levine’s appeal from an order entering the court’s remittitur after an earlier unfavorable dispossessionary ruling. The court held that OCGA § 5-6-10 required the trial court to carry out the appellate decision and that no appeal could be taken from the remittitur order because the controversy had ended.

CASE DETAILS

COURT	Court of Appeals of the State of Georgia
JURISDICTION	Georgia
DECIDED	September 10, 2020
DOCKET	A20A1805
DISPOSITION	dismissed
PROCEDURAL POSTURE	Levine appealed from a superior court order entering the Court of Appeals' remittitur after the Court had previously affirmed an unfavorable dispossessionary ruling.
PRECEDENTIAL VALUE	Published court order; no reporter citation appears in the source.
PARTIES	Sam Levine v. Georgia Alloy, LLC

TOPICS

appellate procedure final judgment rule landlord tenant eviction

PRACTICE AREAS

appellate procedure landlord-tenant law dispossessionary proceedings

QUESTIONS PRESENTED

1. Whether an appeal may be taken from a trial court order entering the Court of Appeals' remittitur after the appellate court has affirmed the underlying judgment.

HOLDINGS

1. No appeal is permitted from a trial court order entering the Court of Appeals' remittitur because the appellate decision has conclusively adjudicated the parties' rights and the controversy is at an end.

KEY QUOTATIONS

“the controversy is at an end; [and] the rights of the parties, so far as they are involved in the litigation, are conclusively adjudicated.”

FACTUAL BACKGROUND

The underlying litigation involved an unfavorable dispossessory ruling against Sam Levine. The Court of Appeals previously affirmed the superior court's ruling. After the trial court entered the appellate remittitur into its docket, Levine attempted to appeal from that entry.

PROCEDURAL HISTORY

After an unfavorable dispossessory ruling in superior court, Levine appealed and the Court of Appeals affirmed in Case No. A19A0187. The trial court entered the remittitur on February 27, 2020, and Levine appealed from that remittitur order. The Court of Appeals dismissed the appeal because no appeal lies from an order entering the remittitur.

DISPOSITION

dismissed

CASES CITED

- Levine v. Georgia Alloy, LLC, Case No. A19A0187, decided May 21, 2019
- Pearle Optical of Monroeville v. Ga. State Bd. of Examiners in Optometry, 219 Ga. 856, 858, 136 S.E.2d 371 (1964)

OPINION

PER CURIAM.

Court of Appeals of the State of Georgia ATLANTA, _____ August 25, 2020
The Court of Appeals hereby passes the following order: A20A1805. SAM LEVINE v. GEORGIA ALLOY, LLC et al. Following an unfavorable dispossessory ruling in superior court, Sam Levine appealed to this Court, and we affirmed the trial court's ruling. See Levine v. Georgia Alloy, LLC, Case No. A19A0187, decided May 21, 2019.

On February 27, 2020, the trial court entered our remittitur into its docket, and Levine filed this appeal. OCGA § 5-6-10 requires the trial court to carry out this Court's decision. In entering the remittitur into its docket, the trial court took a step toward fulfilling this requirement.

Accordingly, “the controversy is at an end; [and] the rights of the parties, so far as they are involved in the litigation, are conclusively adjudicated.” *Pearle Optical of Monroeville v. Ga. State Bd. of Examiners in Optometry*, 219 Ga. 856, 858 (136 SE2d 371) (1964). It follows that no appeal is permitted from the remittitur order, and this appeal is hereby DISMISSED.

Court of Appeals of the State of Georgia Clerk’s Office, Atlanta, _____
08/25/2020 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.