

COURT OF APPEALS OF THE STATE OF GEORGIA

Southeast Centerline, Inc. v. Patty Howze

Southeast Centerline · No. A24I0068; A24I0069; A24I0070 · Decided November 30, 2023

SUMMARY

The Georgia Court of Appeals granted Southeast Centerline, Inc.’s applications for interlocutory review in three related cases arising from a fatal vehicular accident. Because the trial court had granted partial summary judgment to Patty Howze, the court held that the order was directly appealable and directed Southeast to file a notice of appeal within ten days if it had not already done so.

OPINION

Southeast Centerline, Inc. v. Patty Howze

PER CURIAM.

Court of Appeals of the State of Georgia

ATLANTA, _____

November 30, 2023 The Court of Appeals hereby passes the following order: A24I0068. SOUTHEAST CENTERLINE, INC. v. PATTY HOWZE et al. A24I0069. SOUTHEAST CENTERLINE, INC. v. PATTY HOWZE et al. A24I0070. SOUTHEAST CENTERLINE, INC. v. PATTY HOWZE et al. After her husband was fatally injured in a vehicular accident, Patty Howze, individually and as administrator of the Estate of Donald Howze, filed suit against Southeast Centerline, Inc. (“Southeast”) and other defendants. The trial court granted partial summary judgment to Howze, finding that Southeast failed to comply with certain Georgia Department of Transportation specifications. In the same order, the court denied Southeast’s motion to exclude expert witness testimony and its motion for summary judgment. Southeast obtained certificates of immediate review and filed these interlocutory applications, seeking review of the court’s partial grant of summary judgment, the denial of its evidentiary motion, and the denial of its motion for summary judgment. Under OCGA § 9-11-56 (h), the grant of summary judgment on any issue or as to any party is reviewable by direct appeal. *Olympic Dev. Group v. American Druggists’ Ins. Co.*, 175 Ga. App. 425, 425 (1) (333 SE2d 622) (1985). Moreover, all rulings within that order and any other non-final rulings entered in the case may also be raised as part of such a direct appeal. See OCGA § 5-6-34 (d); *Southeast Ceramics, Inc. v. Klem*, 246 Ga. 294, 295 (1) (271 SE2d 199) (1980). Because the trial court granted Howze’s motion for partial summary judgment, the order is directly appealable and Southeast was not required to file these applications for interlocutory appeal. “This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicants have not otherwise filed a notice of

appeal.” Spivey v. Hembree, 268 Ga. App. 485, 486, n. 1 (602 SE2d 246) (2004). Accordingly, these applications for interlocutory appeal are hereby GRANTED. Southeast shall have ten days from the date of this order to file a notice of appeal in the trial court if it has not already done so. See OCGA § 5-6-34 (b). The clerk of the trial court is DIRECTED to include a copy of this order in the record transmitted to the Court of Appeals. Court of Appeals of the State of Georgia Clerk’s Office, Atlanta,_____ 11/30/2023 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.