

COURT OF APPEALS OF THE STATE OF GEORGIA

Robert Yates et al. v. Nancy Messa

A15A0836 · No. A15A0836 · Decided March 13, 2015

SUMMARY

The Georgia Court of Appeals granted Nancy Messa’s motion to dismiss the appeal because Robert Yates and the other appellants failed to file their brief and enumeration of errors by the extended deadline. The order cites Court of Appeals Rules 7, 13, and 23.

CASE DETAILS

COURT	Court of Appeals of the State of Georgia
JURISDICTION	Georgia
DECIDED	March 13, 2015
DOCKET	A15A0836
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellants appealed to the Georgia Court of Appeals but failed to file their brief and enumeration of errors by the extended deadline. The appellee moved to dismiss the appeal.
PRECEDENTIAL VALUE	Published per curiam dismissal order
PARTIES	Robert Yates et al. v. Nancy Messa

TOPICS

appellate procedure

civil procedure

PRACTICE AREAS

appellate procedure

civil procedure

QUESTIONS PRESENTED

1. Whether the appeal should be dismissed because the appellants failed to file their brief and enumeration of errors within the time allowed by the Court.

HOLDINGS

1. The appeal was dismissed because the appellants failed to file their brief and enumeration of errors by the extended deadline.

KEY QUOTATIONS

“Messa’s motion to dismiss the appeal is hereby GRANTED.”

FACTUAL BACKGROUND

The appellants' appeal was docketed in the Court of Appeals on December 30, 2014. Although the Court granted an extension through February 12, 2015, the appellants had not filed their brief and enumeration of errors as of March 3, 2015.

PROCEDURAL HISTORY

The appeal was docketed on December 30, 2014. The Court extended the appellants' deadline to file their brief and enumeration of errors through February 12, 2015, but they failed to file them. The appellee moved to dismiss on February 18, 2015, and the Court granted the motion.

DISPOSITION

dismissed

OPINION

PER CURIAM.

Court of Appeals of the State of Georgia ATLANTA,_____ March 05, 2015 The Court of Appeals hereby passes the following order: A15A0836. YATES et al. v. MESSA. The above-styled appeal was docketed in this Court on December 30, 2014. Pursuant to Rule 23 (a) of the Court of Appeals, the brief and enumeration of errors of Appellants (Robert Yates et al.) were to be filed in this Court by January 19, 2015.

This Court granted the Appellants’ motion to extend the time for filing their brief and enumeration of errors through February 12, 2015. They failed to so file their brief and enumeration of errors and, on February 18, 2015, Appellee Nancy Messa filed a motion to dismiss the appeal on that basis. Indeed, as of March 3, 2015, the Appellants have filed no brief and enumeration of errors.

Messa’s motion to dismiss the appeal is hereby GRANTED. See Court of Appeals Rules 7, 13 and 23. Court of Appeals of the State of Georgia 03/05/2015 Clerk’s Office, Atlanta,_____ 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.