

COURT OF APPEALS OF THE STATE OF GEORGIA

Robert Davis et al. v. CKA Auto Sales, LLC

A21A1353 (Ga. Ct. App. May 5, 2021) · No. A21A1353 · Decided May 12, 2021

SUMMARY

The Georgia Court of Appeals dismissed the direct appeal for lack of jurisdiction. The court held that a superior court judgment reviewing a magistrate court decision must be appealed by discretionary application under OCGA § 5-6-35(a)(1), and the plaintiffs had not followed that procedure.

OPINION

PER CURIAM.

Court of Appeals of the State of Georgia ATLANTA, _____ May 05, 2021 The Court of Appeals hereby passes the following order: A21A1353. ROBERT DAVIS et al. v. CKA AUTO SALES, LLC. The magistrate court entered a judgment in favor of plaintiffs Robert and Kathy Davis, and defendant CKA Auto Sales, LLC appealed to the superior court.

The superior court entered a judgment denying the plaintiffs' claims, and the plaintiffs filed this direct appeal. We lack jurisdiction. "Appeals from decisions of the superior courts reviewing decisions of lower courts by certiorari or de novo proceedings shall be by application for discretionary appeal." Bullock v. Sand, 260 Ga. App. 874, 875 (581 SE2d 333) (2003) (punctuation omitted); see also OCGA § 5-6-35 (a) (1).

Because the plaintiffs did not follow the proper procedure for requesting appellate review in this case, we lack jurisdiction, and this appeal is hereby DISMISSED. Court of Appeals of the State of Georgia Clerk's Office, Atlanta, _____ 05/05/2021 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.