Court of Appeals
of the State of Georgia

ATLANTA, June 08, 2012

The Court of Appeals hereby passes the following order:

A12I0251. CRYSTAL GAULDEN ET AL. v. DANIEL GREEN ET AL.

Crystal Gaulden filed suit against numerous defendants, including Schumacher Group of Delaware, Inc. and Schumacher Medical Corporation. On April 23, 2012, the trial court granted summary judgment to Schumacher Group and Schumacher Medical. Eleven days later, on May 4, 2012, the trial court issued a certificate of immediate review. Gaulden then filed this application for interlocutory appeal.

The grant of summary judgment as to one or more but fewer than all claims or parties may be appealed directly. See OCGA § 9-11-56 (h); *Olympic Dev. Group, Inc. v. American Druggists' Ins. Co.*, 175 Ga. App. 425 (1) (333 SE2d 622) (1985). Generally, we will grant an application for interlocutory review if the order complained of is subject to direct appeal and the applicant has not otherwise filed a notice of appeal. See *Spivey v. Hembree*, 268 Ga. App. 485, 486 n. 1 (602 SE2d 246) (2004). But the application must be timely. See id.

Pursuant to OCGA § 5-6-34 (b), a party may request interlocutory review only if the trial court certifies within ten days of entry of the order at issue that immediate review should be had. If the certificate of immediate review is not entered within that ten-day period, it is untimely, and the party seeking review must wait until final judgment to appeal. See OCGA § 5-6-34 (b); *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973). Although Gaulden obtained a certificate of immediate review, it was issued eleven days after entry of the summary judgment order. Accordingly, we lack jurisdiction to consider this interlocutory application, which is hereby DISMISSED as untimely.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 06/08/2012

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.

Holly K. O. Sparrow, *Clerk.*