

Court of Appeals of the State of Georgia

ATLANTA, March 26, 2019

The Court of Appeals hereby passes the following order:

A19A1594. JOSEPHINE BANKS v. WAFFLE HOUSE, INC.

Josephine Banks filed a negligence action against Waffle House, Inc. On August 27, 2018, the trial court granted Waffle House's motion for summary judgment and dismissed Banks's action. Thereafter, on September 27, 2018, Banks filed a notice of appeal. We lack jurisdiction.

A notice of appeal must be filed within 30 days after the entry of the trial court's order. OCGA § 5-6-38 (a). "The proper and timely filing of a notice of appeal is an absolute requirement to confer jurisdiction upon an appellate court." *Perlman v. Perlman*, 318 Ga. App. 731, 739 (4) (734 SE2d 560) (2012) (punctuation omitted). Here, Banks's notice of appeal, filed 31 days after entry of the trial court's order, was untimely. Consequently, this appeal is hereby DISMISSED for lack of jurisdiction. The appellee's motion to dismiss is hereby DENIED AS MOOT.

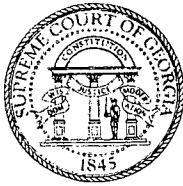


*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 03/26/2019*

*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.*

Stephen E. Carlton, Clerk.

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SUPREME COURT OF GEORGIA

Case No. S20T0274

October 03, 2019

The Honorable Supreme Court met pursuant to
adjournment.

The following order was passed.

JOSEPHINE BANKS v. WAFFLE HOUSE, INC.

Upon consideration of the request for an extension of time to file a Petition for Writ of Certiorari filed in this case, it is ordered that it be hereby denied.

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

Josephine Banks, Clerk

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**Additional material
from this filing is
available in the
Clerk's Office.**