

Court of Appeals of the State of Georgia

ATLANTA, October 13, 2026

The Court of Appeals hereby passes the following order:

A27D0220. MARCUS PHILLIPS v. PAWNEE LEASING CORPORATION et al.

In this garnishment proceeding, the trial court issued an order on August 14, 2026, denying the third-party claim filed by Marcus Phillips. Phillips then filed a motion for reconsideration in the trial court and an application for discretionary review in this Court. This Court dismissed the discretionary application on the basis that Phillips was required to comply with the interlocutory appeal procedure — including obtaining a certificate of immediate review from the trial court — because the trial court had not resolved the underlying claim of the plaintiff against the garnishee. Case No. A27D0131 (Sept. 15, 2026). On October 2, 2026, the trial court issued an order denying the motion for reconsideration. On October 5, 2026, Phillips filed the instant application for discretionary review. We lack jurisdiction for two reasons.

First, there is still no indication that the trial court has resolved the underlying claim of the plaintiff against the garnishee. Therefore, as explained in our dismissal order in Case No. A27D0131, Phillips was required to comply with the interlocutory appeal procedure in order to obtain appellate review at this time. See OCGA § 5-6-34(b); *Bryan Cave Leighton Paisner, LLP v. Gebo Law, LLC*, 374 Ga. App. 442, 442 (912 SE2d 346) (2025). Second, a motion for reconsideration does not extend the time for filing an appeal, and the denial of a motion for reconsideration is not appealable in its own right. See *Bell v. Cohran*, 244 Ga. App. 510, 510–11 (536 SE2d 187) (2000); *Savage v. Newsome*, 173 Ga. App. 271, 271 (326 SE2d 5) (1985). Therefore, the instant

discretionary application is an untimely and improper attempt to appeal the trial court's August 14, 2026 order denying Phillips's third-party claim.

For the foregoing reasons, the instant discretionary application is hereby DISMISSED. In light of this disposition, Phillips's "Emergency Motion for Stay Pending Appeal Pursuant to Rule 40(b)" is hereby DENIED.



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Clerk's Office, Atlanta, 10/13/2026

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.

Christina Bailey Smith

, Clerk.