

**THIRD DIVISION
DILLARD, P. J.,
GOBEIL and PIPKIN, JJ.**

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October 20, 2026

In the Court of Appeals of Georgia

A26A1430. HOHENSTEIN v. DEPRIMO.

A26A1431. THOMPSON v. DEPRIMO.

PIPKIN, Judge.

In these companion cases, the trial court denied motions by Appellants Nicole Hohenstein and Angela Thompson to hold Appellee Holly DePrimo in contempt for violating the terms of consent anti-stalking protective orders entered pursuant to OCGA § 16-5-94(d) on January 17, 2024. The court later awarded Appellee \$5,000 in attorney fees and expenses of litigation under OCGA § 9-15-14(a) for having to defend against five claims of contempt based on alleged acts by Appellee after January 16, 2025. Appellants filed timely applications for discretionary appeals challenging only the award under OCGA § 9-15-14(a). See OCGA § 5-6-35(a)(10) (requiring “[a]ppeals from awards of attorney’s fees or expenses of litigation under Code Section

9-15-14” to come by application). We granted Appellants’ discretionary applications and now reverse because the trial court’s award to Appellee under OCGA § 9-15-14(a) rested on an incorrect interpretation of OCGA § 16-5-94(d).¹

1. In late November 2023, following a dispute over canine rescue, Appellee embarked on a campaign of online harassment and intimidation against Appellants that placed them in reasonable fear for their own safety and that of their family members. In mid-December 2023, Appellants filed petitions for anti-stalking protective orders against Appellee pursuant to OCGA § 16-5-94(d). On January 17, 2024, the trial court entered virtually identical consent anti-stalking orders — which

¹ We granted the applications on January 5, 2026, and Appellants then filed timely notices of appeal, which they later amended. Appellee has filed motions to dismiss these appeals as untimely on the ground that the certificates of service attached to Appellants’ original notices of appeal failed to comply with this Court’s Rule 6(b)(1) because they did not contain her counsel’s “complete mailing address.” See Court of Appeals Rule 6(b)(1) (“The notice of appeal filed in the trial court shall show that copies have been served upon opposing counsel Service shall be shown by ... a certificate of service, ... attached to the notice, and must include the ... complete mailing address of all opposing counsel”). See also Court of Appeals Rule 6(d) (“Any document ... not in compliance with this rule shall not be accepted for filing.”). However, OCGA § 5-6-48(a), which is part of the Appellate Practice Act, expressly states that the “[f]ailure of any party to perfect service of any notice or other paper hereunder shall not work dismissal.” See also *Ward v. Ward*, 115 Ga. App. 778, 781(1) (156 SE2d 210) (1967) (holding that the failure to serve a copy of the notice of appeal on opposing counsel is not grounds to dismiss an appeal). Accordingly, we deny Appellee’s motions to dismiss these appeals.

Appellants' counsel drafted and Appellee's counsel approved — in each case. The consent orders did not contain an expiration date, and they expressly stated that they were “enforceable by contempt.”

A little more than a year later, on February 19, 2025, Appellants filed motions to hold Appellee in contempt for violating the consent orders. Appellants alleged two acts of contempt by Appellee in July 2024 and an additional five acts in late January and early February 2025. Appellee filed an answer and counterclaim asserting among other things that the consent orders “expired” after one year, and following a hearing, the trial court denied the contempt motions. The court concluded that the five alleged acts by Appellee after January 16, 2025 could not support contempt claims because the consent orders expired by operation of law after one year, and Appellants had taken no action to have them extended, citing OCGA §§ 16-5-94 and 19-3-4. The court denied the other two contempt claims, citing the statute on laches.²

Appellee then filed motions for attorney fees and expenses of litigation under OCGA § 9-15-14(a) and (b). She argued that “[d]espite the clear expiration of the

² OCGA § 23-1-25, which is titled “Laches,” says: “Equity gives no relief to one whose long delay renders the ascertainment of the truth difficult, even when no legal limitation bars the right.”

Consent Order[s],” Appellants filed motions for contempt “citing several alleged violations after January 16, 2025,” and she requested approximately \$7,000 for having to defend against the contempt motions in their entirety. At the hearing on Appellee’s motions, she argued that OCGA § 16-5-94(d) does not authorize the entry of permanent anti-stalking protective orders in the first instance; instead, according to Appellee, a victim of stalking must first obtain an anti-stalking protective order that is “valid for one year” only and then return to court later to have the order “modified and extended” into a permanent anti-stalking protective order. The trial court agreed and, on November 12, 2025, granted Appellee’s motions under OCGA § 9-15-14(a), ruling that Appellants “asserted claims” in their contempt motions as to which “there existed such a complete absence of any justiciable issue of law or fact that it could not be reasonably believed that a court would accept” them. The court awarded Appellee “reasonable attorney’s fees and court costs in the sum of \$5,000,” for which the court made Appellants jointly and severally liable.

2. Appellants contend that the trial court’s award of \$5,000 to Appellee under OCGA § 9-15-14(a) was based on an incorrect interpretation of OCGA § 16-5-94(d) and therefore must be reversed. We agree.

(a) OCGA § 9-15-14(a) requires trial courts to award

reasonable and necessary attorney's fees and expenses of litigation ... to any party against whom another party has asserted a claim ... with respect to which there existed such a complete absence of any justiciable issue of law or fact that it could not be reasonably believed that a court would accept the asserted claim

“Generally speaking, when we review an award of attorney fees under OCGA § 9-15-14(a), we do so under the any evidence standard, a standard that ordinarily is marked by deference to the way in which the court below assessed the relevant evidence.” *Fulton County v. Lord*, 323 Ga. App. 384, 393(4) (746 SE2d 188) (2013). However, “to the extent that the ‘evidence’ relevant to the question of attorney fees consists of the state of the law [when the allegedly frivolous claim was made], we make our own assessment of that ‘evidence’ and decide for ourselves whether the claim ... presented a justiciable issue of law.” *Alpha Rho Corp. of Delta Delta Delta v. Mathis Apts., Inc.*, 364 Ga. App. 28, 31(2) (873 SE2d 717) (2022).

(b) The trial court accepted Appellee's argument that OCGA § 16-5-94(d) does not authorize the entry of permanent anti-stalking protective orders in the first instance and therefore concluded that there was a complete absence of any justiciable issue of law or fact as to Appellants' five contempt claims based on alleged acts by

Appellee after January 16, 2025. However, since July 1, 2023, OCGA § 16-5-94(d) has provided, with emphasis added, as follows: “The court may grant a protective order *on a temporary or permanent basis* or approve a consent agreement *to bring about a cessation of conduct constituting stalking.*” See Ga. L. 2023, p. 415, § 1 (amending OCGA § 16-5-94(d) to add the phrase “on a temporary or permanent basis”). Thus, when the trial court entered the consent anti-stalking protective orders on January 17, 2024, it had the authority under the plain language of the statute to make those orders permanent in duration. And given the lack of an expiration date in the orders, it was more than reasonable for Appellants to believe that the orders remained in effect after January 16, 2025. Accordingly, the trial court erred in awarding \$5,000 to Appellee under OCGA § 9-15-14(a), and we therefore reverse.

Judgments reversed. Dillard, P. J., and Gobeil, J., concur.