

Court of Appeals of the State of Georgia

ATLANTA, August 17, 2026

The Court of Appeals hereby passes the following order:

A27A0157. STEWART C. BARNES et al. v. PENNY L. STOVER et al.

Plaintiffs Stewart C. Barnes, Nick Stewart, and Katherine Barnes filed this direct appeal of the trial court's order granting the defendants' motion for partial judgment on the pleadings. We, however, lack jurisdiction.

"In a case involving multiple parties or multiple claims, a decision adjudicating fewer than all the claims or the rights and liabilities of [fewer] than all the parties is not a final judgment." *Johnson v. Hosp. Corp. of Am.*, 192 Ga. App. 628, 629 (385 SE2d 731) (1989) (citation modified). See also *Yates v. CACV of Colorado*, 295 Ga. App. 69, 69 (670 SE2d 884) (2008). For a party to obtain appellate review under such circumstances, there must be either an express determination by the trial court that there is no just reason for delay under OCGA § 9-11-54(b) or compliance with the OCGA § 5-6-34(b) interlocutory appeal requirements. See *Johnson*, 192 Ga. App. at 629. Where neither code section is followed, the appeal is premature and must be dismissed. See *id.*

Here, the trial court's order grants judgment on the pleadings as to plaintiffs' claim challenging the ownership of a particular tract of real property, but plaintiffs' other claims and defendants' counterclaims remain pending. Thus, it is not a final judgment. And the record contains no indication that the court directed the entry of judgment under OCGA § 9-11-54(b) or that the remaining claims in this action otherwise have been disposed of. Consequently, because this action remains pending below, the plaintiffs were required to comply with the interlocutory appeal procedure of OCGA § 5-6-34(b) — including obtaining a certificate of immediate review from

the trial court — to appeal the order granting a partial judgment on the pleadings. See id.

Because the Plaintiffs failed to comply with the interlocutory appeal procedures, we lack jurisdiction over this appeal, which is hereby DISMISSED.



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Clerk's Office, Atlanta, 08/17/2026

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.