

Court of Appeals of the State of Georgia

ATLANTA, April 29, 2026

The Court of Appeals hereby passes the following order:

A26A1728. HEANER v. MFM HOLDINGS, LLC.

A26A1729. MFM HOLDINGS, LLC, et al. v. HEANER.

MFM Holdings, LLC and Samuel Rambo sued Andrew Heaner on a guarantee of an unpaid promissory note. The complaint also included a breach of contract claim against Rambo 1, LLC. After Rambo 1's product suppliers filed a petition for involuntary bankruptcy against it, the proceedings were stayed against Rambo 1. The action, however, proceeded to a bench trial, where Heaner was found liable on the guarantee, was ordered to pay a judgment, and ordered to pay attorney fees. The trial court's order does not resolve plaintiffs' claims against Rambo 1, and does not contain a certificate that the order is final under OCGA § 9-11-54(b). Heaner filed a direct appeal in Case No. A26A1728, which MFM Holdings has moved to dismiss. MFM Holdings filed a cross-appeal in Case No. A26A1729.

As a general rule, a right of direct appeal lies from only a final judgment — that is, where the case is no longer pending below. See OCGA § 5-6-34(a)(1); *Yanes v. Escobar*, 362 Ga. App. 896, 897 (870 SE2d 506) (2022) (“[A]n order is final and appealable when it leaves no issues remaining to be resolved, constitutes the court's final ruling on the merits of the action, and leaves the parties with no further recourse in the trial court.”) (punctuation omitted). For a party to obtain appellate review when the case is still pending below, 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 interlocutory appeal requirements of OCGA § 5-6-34(b). *Johnson*

v. Hosp. Corp. of Am., 192 Ga. App. 628, 629 (385 SE2d 731) (1989). Where neither Code section is followed, the appeal is premature and must be dismissed. *Id.*

The trial court did not resolve all claims pending in this action and did not direct an entry of judgment under OCGA § 9-11-54(b). Accordingly, Heaner was required to comply with the interlocutory appeal procedures of OCGA § 5-6-34(b), including obtaining a certificate of immediate review from the trial court, in order to obtain appellate review. See *Islamkhan v. Khan*, 299 Ga. 548, 551(2) (787 SE2d 731) (2016). Heaner's failure to follow the interlocutory appeal procedures deprives us of jurisdiction over the appeal in Case No. A26A1728. See *In re Bruni*, 369 Ga. App. 488, 493(8) (893 SE2d 862) (2023) ("The jurisdiction of an appellate court to consider an appeal depends upon whether the appeal is taken in substantial compliance with the rules of appellate procedure prescribing the conditions under which the judgment of the trial court may be considered appealable.") (citation and punctuation omitted). Accordingly, MFM Holdings' motion to dismiss Case No. A26A1728 is hereby GRANTED and Case No. A26A1728 is DISMISSED.

Moreover, under OCGA § 5-6-38(a), a cross-appeal may only be brought where a valid appeal exists. Because Heaner failed to comply with the interlocutory appeal procedure in Case No. A26A1728, neither party has filed a valid appeal in this Court. See *Trammel v. Clayton County Bd. of Comm'rs*, 250 Ga. App. 310, 312 (551 SE2d 412) (2001). Accordingly, MFM Holdings' cross-appeal in Case No. A26A1729 is also DISMISSED. Any other motions in either case are hereby DENIED as moot.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 04/29/2026

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.