

Court of Appeals of the State of Georgia

ATLANTA, May 04, 2026

The Court of Appeals hereby passes the following order:

**A26A1662. CITY OF ATLANTA, AS SUCCESSOR TO THOMAS I. PUETT
v. POPMENU, INC.**

The City of Atlanta, as successor in interest to Thomas I. Puett d/b/a Mews Development Company, initiated this garnishment action against Bryan Castano, naming Castano's former employer, Popmenu, Inc. as garnishee. The trial court entered a default judgment against Popmenu, after which Popmenu moved to set aside the judgment. After a hearing, the trial court determined that the City failed to properly serve Popmenu, so the court granted Popmenu's motion, vacated the default judgment, and dismissed the case without prejudice. The City then filed this direct appeal. Popmenu has filed a motion to dismiss the appeal, arguing that this Court lacks jurisdiction. We agree.

Appeals in cases involving garnishment must be initiated by an application for discretionary appeal, subject to exceptions not applicable here. See OCGA § 5-6-35 (a)(4), (b); *Maloy v. Ewing*, 226 Ga. App. 490, 491 (486 SE2d 708) (1997). See also *Prison Health Servs. v. Ga. Dep't of Admin. Servs.*, 265 Ga. 810, 811 (1) (462 SE2d 601) (1995) (an order is subject to the discretionary appeal procedure "if the underlying subject matter of the appeal is one contained in OCGA § 5-6-35"). "Compliance with the discretionary appeals procedure is jurisdictional." *Hair Restoration Specialists v. State of Ga.*, 360 Ga. App. 901, 903 (862 SE2d 564) (2021) (citation and punctuation omitted). Because the City failed to follow the required procedure, we lack jurisdiction

to consider this appeal. Accordingly, we hereby GRANT Popmenu's motion to dismiss and DISMISS this appeal.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 05/04/2026

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.