

Court of Appeals of the State of Georgia

ATLANTA, August 26, 2026

The Court of Appeals hereby passes the following order:

**A27A0236. WILD WOLF, LLC v. AMERICAN BUILDERS AND
CONTRACTORS SUPPLY COMPANY, INC.**

Wild Wolf, LLC, the plaintiff in this civil action, filed this direct appeal from the trial court's order denying its motion for judgment on the pleadings and granting the motion for partial judgment on the pleadings filed by the defendant, American Builders and Contractors Supply Company, Inc. ("ABC"). We lack jurisdiction, because there is no indication that the court has ruled on ABC's counterclaim for trespass.

Under OCGA § 5-6-34(a)(1)(B), appeals generally may be taken from "[a]ll final judgments, that is to say, where the case is no longer pending in the court below." Of course, in cases "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 America*, 192 Ga. App. 628, 629 (385 SE2d 731) (1989) (quotation marks omitted). Under such circumstances, there must be either an express determination that there is no just reason for delay under OCGA § 9-11-54(b) or compliance with the interlocutory appeal procedures of OCGA § 5-6-34(b). See *id.* "Where neither of these code sections [is] followed, the appeal is premature and must be dismissed." *Id.* (citation modified).

Here, although the trial court has apparently resolved all of Wild Wolf's claims, there is no indication that the court has resolved ABC's counterclaim for trespass, which appears to remain pending. And there is no indication in the court's order that it was directing judgment under OCGA § 9-11-54(b). Thus, Wild Wolf was required

to follow the interlocutory appeal procedures to obtain appellate review at this juncture. See *Johnson*, 192 Ga. App. at 629. Wild Wolf's failure to do so deprives us of jurisdiction over this direct appeal, which is hereby DISMISSED.



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Clerk's Office, Atlanta, 08/26/2026

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.