

Court of Appeals of the State of Georgia

ATLANTA, October 19, 2026

The Court of Appeals hereby passes the following order:

A27A0516. JASON PINCUS et al. v. NICHOLAS FORTINBERRY et al.

Plaintiffs Nicholas and Kristy Fortinberry filed an action for damages against Jason and Laura Pincus and Come Together Properties, LLC. After the defendants failed to file an answer or any other responsive pleadings, the Fortinberrys filed a motion for default judgment, seeking liquidated damages, as well as unliquidated damages, attorney fees, and equitable relief. On August 29, 2025, the trial court granted the Fortinberrys' motion for default judgment, awarded them over \$300,000 in liquidated damages, and reserved the issues of unliquidated damages, attorney fees, and equitable relief for a later hearing. The defendants filed a direct appeal from the August 29, 2025 order. We, however, lack jurisdiction.

“Generally, an 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.” *Thomas v. Douglas County*, 217 Ga. App. 520, 522(1) (457 SE2d 835) (1995). “Where there is no final order, a party must comply with the rules for interlocutory appeal, which require obtaining a certificate of review from the trial court and permission from this [C]ourt to bring the appeal.” *Smith v. Millsap*, 369 Ga. App. 430, 436(2)(a) (893 SE2d 833) (2023) (quotation marks omitted). See OCGA § 5-6-34(b).

Because the trial court’s August 29, 2025 order reserved ruling on the Fortinberrys’ requests for unliquidated damages, attorney fees, and equitable relief, the order was not final, and the defendants were required to comply with the

interlocutory appeal procedures. See *Sapp v. Sapp*, 294 Ga. 435, 435 (754 SE2d 79) (2014) (dismissing appeal as interlocutory because trial court’s judgment “reserve[d] an issue to be determined later”). Their failure to do so deprives us of jurisdiction over this appeal, which is hereby DISMISSED.



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Clerk's Office, Atlanta, 10/19/2026

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.