

Court of Appeals of the State of Georgia

ATLANTA, July 09, 2026

The Court of Appeals hereby passes the following order:

A26A2302. MICHAEL A. BYRD v. JESSIQUE OMSTEAD et al.

In this civil action, the trial court issued a default judgment against Michael A. Byrd on February 21, 2025. Byrd moved to set aside the judgment pursuant to OCGA § 9-11-60(d). Byrd also moved to stay post-judgment discovery, and to quash the deposition of non-party The TDM Group Inc. In separate orders entered on April 21, 2026, the trial court denied each of these motions, and Byrd now brings this direct appeal of all three orders. We lack jurisdiction.

As to the trial court's orders denying Byrd's motions to stay post-judgment discovery and to quash deposition, Byrd "was required to comply with the interlocutory appeal procedures — including obtaining a certificate of immediate review from the trial court — to appeal." *Drain v. Lee*, 350 Ga. App. 327, 328 (825 SE2d 927) (2019); see also *Hickey v. RREF BB SBL Acquisitions, LLC*, 336 Ga. App. 411, 411-12(1) (785 SE2d 72) (2016) ("We have applied to post-judgment discovery the general rule that orders regarding discovery during the pendency of litigation must be appealed under the application procedures outlined in OCGA § 5-6-34 (b).") (citation and quotation marks omitted).

As to the trial court's order denying Byrd's motion to set aside, discretionary appeal procedures are required to appeal the denial of a motion to set aside a judgment filed under OCGA § 9-11-60(d). OCGA § 5-6-35(a)(8). Compliance with the discretionary appeals procedure is jurisdictional. *Smoak v. Dep't of Human Res.*, 221 Ga. App. 257, 257 (471 SE2d 60) (1996); see also *Islamkhan v. Khan*, 299 Ga. 548, 551(2) (787 SE2d 731) (2016) (same as to interlocutory appeal procedures). Byrd's

failure to follow any of the applicable appeal procedures deprives us of jurisdiction over this direct appeal, which is hereby DISMISSED.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 07/09/2026

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.