

Court of Appeals of the State of Georgia

ATLANTA, September 23, 2026

The Court of Appeals hereby passes the following order:

A27A0399. MICHAEL S. HOWARD et al. v. TAWAINE HAGANS.

In August 2025, Tawaine Hagans filed an action against attorney Michael Howard and two affiliated law firms, alleging fraudulent misrepresentation and concealment, Civil RICO, fraud, unjust enrichment, conversion, and civil conspiracy.¹ Defendants filed a motion to strike pursuant to OCGA 9-11-11.1, seeking the dismissal of the complaint. In October 2025, Plaintiff filed a motion for sanctions pursuant to OCGA 9-11-11.1(b.1), alleging the anti-SLAPP motion was frivolous. The trial court denied defendants' anti-SLAPP motion in December 2025. In January 2026, Plaintiff filed a second motion for sanctions and to strike defendant Howard's answer. After a hearing, the court awarded attorney fees to Plaintiff, pursuant to OCGA 9-11-11.1(b.1), but declined to strike Howard's answer. Defendants then filed a notice of appeal to this Court. We lack jurisdiction.

As a general rule, a direct appeal is permitted only from a judgment or order that is final, which means the case is no longer pending below. See OCGA § 5-6-34(a)(1); *Fein v. Chenault*, 330 Ga. App. 222, 227 (767 SE2d 766) (2014). Although OCGA 5-6-34(a)(13) provides that “[a]ll judgments or orders entered pursuant to Code Section 9-11-11.1” are directly appealable, OCGA § 9-11-11.1(e) provides that “[a]n order granting or denying a motion to dismiss or motion to strike shall be subject to direct appeal in accordance with subsection (a) of Code Section

¹ Hagans jointly filed the action with another plaintiff, whose claims were dismissed without prejudice in March 2026.

5-6-34.” Therefore, “the only judgments and orders entered under OCGA § 9-11-11.1 that are subject to direct appeal in accordance with OCGA § 5-6-34(a) are those denying a motion to dismiss or motion to strike. OCGA § 9-11-11.1(e).” *Ciccone v. Starlite Family Ent., Inc.*, 378 Ga. App. 295, 297 (925 SE2d 609) (2026) (McFadden, P.J., concurring fully and specially)(order denying emergency motion in anti-SLAPP case was not final and required compliance with interlocutory appeal procedures) (citation modified). Here, because the action remains pending below, Defendants were required to comply with the interlocutory appeal procedures, including obtaining a certificate of immediate review, to appeal the order at issue. See *id.* Accordingly, this appeal is hereby DISMISSED.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 09/23/2026

*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.