

Court of Appeals of the State of Georgia

ATLANTA, October 07, 2026

The Court of Appeals hereby passes the following order:

A27D0151. ELISABETH CALLAHAM v. JOHN CALLAHAM.

In August 2026, the trial court entered a judgment and decree of divorce in this action. Elisabeth Callaham thereafter filed this application for discretionary review of the divorce decree. We, however, lack jurisdiction.

“In a divorce action, a decree which grants the parties a divorce but reserves an issue to be determined later is interlocutory.” *Islamkhan v. Khan*, 299 Ga. 548, 550(1) (787 SE2d 731) (2016). In its August 2026 order, the trial court specifically reserved the issue of attorney fees, which left the case pending below. See *id.* at 550(1); *Norrod v. Willingham*, 361 Ga. App. 1, 3(2) (862 SE2d 577) (2021) (explaining that “there is no final judgment and a case remains pending in the trial court where that court has explicitly reserved issues related to costs and attorney fees for future judgment”). Thus, in order to appeal from the judgment and decree of divorce, Elisabeth was required to comply with the interlocutory appeal procedure and obtain a certificate of immediate review. See OCGA § 5-6-34(b); *Bailey v. Bailey*, 266 Ga. 832, 833 (471 SE2d 213) (1996) (explaining that the discretionary appeal statute does not excuse a party seeking appellate review of an interlocutory order from complying with the additional requirements of OCGA § 5-6-34(b)).

Elisabeth's failure to follow the proper appellate procedure deprives us of jurisdiction to consider her application, which is hereby DISMISSED.¹



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 10/07/2026

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.

¹ Should Elisabeth wish to re-file her application for discretionary appeal after the issue of attorney fees is resolved, she is reminded of Court of Appeals Rule 31(g)(1)(vi), which provides, in relevant part, that “[e]filed exhibits may not exceed a total of 100 pages collectively, exclusive of the application brief, application index, trial court order, and motion, with supporting documents leading to the trial court order, and any responses and supporting documents, and any transcripts.” Further, “[f]ailure to comply with this rule and with the Court’s efilng instructions may subject the application to dismissal or return for preparation according to the Court’s rules.” Ct. App. R. 31(g)(1)(vii).