

Court of Appeals of the State of Georgia

ATLANTA, October 01, 2026

The Court of Appeals hereby passes the following order:

A27A0283. CLAUDE HARRY JEAN v. PENN ROOFING, LLC.

In this action for damages, Claude Harry Jean filed a complaint against five defendants: Auto-Owners Insurance Company, Blanchard & Calhoun Insurance Agency, Wells Fargo Bank, N.A., Leann Jean, and Penn Roofing, LLC. The trial court granted motions to dismiss filed by Blanchard & Calhoun and Penn Roofing. Jean appeals from the trial court's order dismissing Penn Roofing from the action. We, however, lack jurisdiction.

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.” In a case 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 Am.*, 192 Ga. App. 628, 629 (385 SE2d 731) (1989). For a party to obtain appellate review under such circumstances, there must be either an express determination by the trial court that there is no just reason for delay under OCGA § 9-11-54(b) or compliance with the interlocutory appeal requirements of OCGA § 5-6-34(b). See *id.* Where neither code section is followed, the appeal is premature and must be dismissed. *Id.*

Here, the record contains no indication that the trial court directed the entry of judgment under OCGA § 9-11-54(b) or that the remaining claims against the three other defendants in this action have been disposed of. Consequently, because no final judgment has been entered, Jean was required to follow the interlocutory appeal procedures — including obtaining a certificate of immediate review from the trial

court — to appeal the order at issue here. See OCGA § 5-6-34(b); *Boyd v. State*, 191 Ga. App. 435, 435 (383 SE2d 906) (1989). His failure to do so deprives us of jurisdiction over this direct appeal, which is hereby DISMISSED.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 10/01/2026

*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.