

Court of Appeals of the State of Georgia

ATLANTA, September 29, 2026

The Court of Appeals hereby passes the following order:

A27A0438. PHILLIP ASHER et al v. UNITED SERVICES AUTOMOBILE ASSOCIATION.

Phillip Asher and Renee Arbogast (collectively “Asher”) filed a complaint against United Service Automobile Association (“USAA”). USAA moved to dismiss the action, and the trial court granted the motion, finding that Asher had never served USAA. In the same order, the trial court also found that Asher failed to respond to discovery requests or to USAA’s good-faith efforts to resolve the discovery dispute. Based on the foregoing, the trial court found that monetary sanctions against Asher were warranted pursuant to OCGA § 9-11-37(d), but reserved ruling on the amount. Asher asked the court to vacate and revise its dismissal order and stay the proceeding, which the trial court denied. Asher has filed a pro se direct appeal, seeking review of both of the trial court’s orders. We, however, lack jurisdiction.

Under OCGA § 5-6-34(a)(1)(B), direct 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.” See *Yanes v. Escobar*, 362 Ga. App. 896, 897 (870 SE2d 506) (2022) (explaining that “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” (quotation marks omitted)). A trial court order that reserves ruling on a request for sanctions or attorney fees generally is not final and appealable. See, e.g., *Barnes v. Barnes*, 361 Ga. App. 279, 281 (864 SE2d 119) (2021) (dismissing direct appeal from trial court order that “specifically reserved ruling on the parties’ motions for attorney fees” and therefore

“was not a final judgment” (quotation marks omitted)); *Norrod v. Willingham*, 361 Ga. App. 1, 3(2) (862 SE2d 577) (2021) (“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”).

Here, the trial court reserved ruling on the amount of monetary sanctions pursuant to OCGA § 9-11-37(d) pending the presentation of further evidence, so the case remains pending below. To obtain appellate review of the trial court’s orders at this juncture, Asher was required to follow the interlocutory appeal procedures set forth in OCGA § 5-6-34(b), which include obtaining a certificate of immediate review from the trial court. See *Islamkhan v. Khan*, 299 Ga. 548, 551(2) (787 SE2d 731) (2016). Asher’s failure to follow those procedures deprives us of jurisdiction over this appeal, which is hereby DISMISSED.



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Clerk's Office, Atlanta, 09/29/2026

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 Coley Smith

, Clerk.