

# Court of Appeals of the State of Georgia

ATLANTA, July 27, 2026

*The Court of Appeals hereby passes the following order:*

**A26D0630. SHARNA MCCLUNG v. KEY NDH LLC DBA CENTRA NORTH  
DRUID HILLS.**

On June 16, 2026, the DeKalb County Magistrate Court entered a consent judgment in this dispossessory action. Sharna McClung filed an application for discretionary appeal from this order, which this Court dismissed. Case No. A26D0590 (June 23, 2026). On July 2, 2026, McClung filed a second application for discretionary appeal from the same June 16 order. We lack jurisdiction for at least two reasons.

First, “any ruling by the Supreme Court or the Court of Appeals in a case shall be binding in all subsequent proceedings in that case in the lower court and in the Supreme Court or the Court of Appeals as the case may be.” OCGA § 9-11-60(h). Because we have already ruled that McClung is not entitled to discretionary review of the magistrate court order, this application is barred by the law of the case. See *Ross v. State*, 310 Ga. App. 326, 327 (713 SE2d 438) (2011).

Second, as we also explained in our prior dismissal order, in the absence of fraud or mistake, a litigant cannot complain of an order that she procured or assisted in procuring. See *Hurt v. Norwest Mtg.*, 260 Ga. App. 651, 656(1)(c) (580 SE2d 580) (2003). Because McClung entered into a consent judgment in magistrate court, she has waived any appellate rights.

For these reasons, we lack jurisdiction over this application for discretionary appeal, which is hereby DISMISSED. We also take this opportunity to inform McClung that, under Court of Appeals Rule 7(e)(2), a penalty of up to \$10,000 may be assessed against any party in a civil case who files an application for discretionary

appeal that is deemed to be frivolous. Given our prior ruling, this application is frivolous. We will exercise our discretion in this instance and decline to impose sanctions. But we caution McClung that any future frivolous filings may result in sanctions.



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta, 07/27/2026*

*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.*