

Court of Appeals of the State of Georgia

ATLANTA, October 09, 2026

The Court of Appeals hereby passes the following order:

A27D0195. SAEED HASSAN et al v. SOCIETE AIR FRANCE CORP. d/b/a AIR FRANCE.

On July 27, 2026, the state court dismissed Saeed Hassan’s and Faryal Hassan’s petition for review of a magistrate court decision based on the Hasaans’s failure to properly serve the lower judicatory . The Hassans asked the state court to vacate this dismissal order because any failure to serve the lower judicatory was based on their misunderstanding of the procedural requirements. On September 14, 2026, the state court denied the motion to vacate. On September 23, 2026, the Hassans filed an application for discretionary appeal. We, however, lack jurisdiction.

An application for discretionary review must be filed within 30 days of entry of the order to be appealed. OCGA § 5-6-35(d). This statutory deadline is jurisdictional, and we cannot accept an application for appeal not made in compliance with it. *Boyle v. State*, 190 Ga. App. 734, 734 (380 SE2d 57) (1989). The Hasaans’s September 23, 2026 application for discretionary appeal was untimely filed 58 days after entry of the July 27, 2026 dismissal order.

Further, the Hasaans’s motion to vacate the dismissal order sought — in substance — reconsideration of the trial court’s dismissal of their pending petition for review. See *Marshall v. State*, 229 Ga. 841, 841(1) (195 SE2d 12) (1972) (explaining that “substance, not mere nomenclature” controls pleadings). A motion for reconsideration does not extend the time for filing an appellate challenge to an appealable order, and the denial of a motion for reconsideration is not appealable in its own right. See *Bell v. Cohran*, 244 Ga. App. 510, 510–11 (536 SE2d 187) (2000);

Savage v. Newsome, 173 Ga. App. 271, 271 (326 SE2d 5) (1985).

Because the Hasaans filed their application for discretionary appeal 58 days after entry of the order they seek to appeal, we lack jurisdiction to consider their untimely application, which is hereby DISMISSED.



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Clerk's Office, Atlanta, 10/09/2026

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.