

Court of Appeals of the State of Georgia

ATLANTA, April 16, 2026

The Court of Appeals hereby passes the following order:

A26I0176. PATRICK LABAT, SHERIFF OF FULTON COUNTY v. RALPH GERSHOM LLC.

Ralph Gershom filed this action against Patrick Labat, Sheriff of Fulton County, and others seeking rescission of a sheriff's deed and a refund of the purchase price Gershom tendered in connection with a lien sale. Sheriff Labat filed a motion for summary judgment, arguing, among other things, that sovereign immunity barred the lawsuit against him. The trial court denied summary judgment and certified its order for immediate review. Sheriff Labat filed the instant application for interlocutory appeal, reiterating the sovereign immunity argument, as well as a notice of appeal, which has been docketed in this Court as Case No. A26A1678.

It appears that the superior court's order is subject to direct appeal under the newly-enacted OCGA § 5-6-34(a)(15), effective July 1, 2025, which allows for direct appeals from "[a]ll judgments, orders, or rulings in civil actions granting or denying or refusing to grant or deny immunity to one or more parties based upon sovereign . . . immunity established by the United States Constitution or the Constitution, laws, or common law of this state." This Court will grant an otherwise timely application for interlocutory appeal if the lower court's order is subject to direct appeal. *Spivey v. Hembree*, 268 Ga. App. 485, 486 n. 1 (602 SE2d 246) (2004). Because this appeal is duplicative of the pending appeal in Case No. A26A1678, however, it is hereby DISMISSED as superfluous. The parties are DIRECTED to submit all future filings

in this appeal under Case No. A26A1678.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 04/16/2026

*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.