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Order of Final Judgment Under O.C.G.A. 9-11-54(b) (SATISH S. LATHI)

Alice D. Bonner
Superior Court of Fulton County

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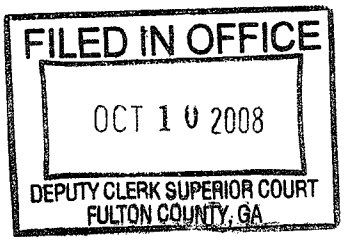
IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA



SATISH S. LATHI,

Plaintiff,

v.

JAY T. CLARK, Individually, PATRICIA L. CLARK, Individually, and SOUTHEAST CAPITAL PARTNERS, INC.,

Defendants.

JAY T. CLARK, PATRICIA L. CLARK, SOUTHEAST CAPITAL PARTNERS, INC., and SEC DEVELOPMENT, LLC,

Counterclaim Plaintiffs,

v.

SATISH S. LATHI, SUBHASH LATHI and SUNTRUST MORTGAGE, INC.

Counterclaim Defendants.

Civil Action No.
2006 CV 114892

ORDER OF FINAL JUDGMENT UNDER O.C.G.A. 9-11-54(b)

On April 16, 2008, this Court entered its "Order on Motions for Summary Judgment" (the "Summary Judgment Order"). The Summary Judgment Order does not contain final judgment language under O.C.G.A. 9-11-54(b). Summary judgment orders which do not dispose of the entire case are considered interlocutory and remain within the breast of the court until a final judgment is entered. Wade v. Whalen, 232 Ga. App. 765, 504 S.E.2d 456 (1998). O.C.G.A. 9-11-54(b) provides in part that an interlocutory order is subject to revision at any time before the entry of judgment adjudicating all of the claims and the rights and liabilities of all the parties.

After motion duly made and considered, the Court finds that there is no just

reason for delay, and it is appropriate for this Court to amend the Summary Judgment Order to make the grant of summary judgment to Counterclaim Defendant Subhash Lathi a final judgment under Rule 54(b).

It is therefore ORDERED that the Summary Judgment Order is incorporated herein by reference and amended as follows: This Court makes an express determination that, with respect to this Court's grant of Summary Judgment to Counterclaim Defendant Subhash Lathi, there is "no just reason for delay," and therefore, the Summary Judgment Order with respect to Defendant Subhash Lathi is hereby made a final judgment under O.C.G.A. 9-11-54(b).

IT IS SO ORDERED, this 10 day of Oct., 2008.

Alice D. Bonner

Alice D. Bonner, Senior Judge
Superior Court of Fulton County
Atlanta Judicial Circuit