

IN THE STATE COURT OF FULTON COUNTY  
STATE OF GEORGIA

MYOSHI M. HORNE,  
Plaintiff,

vs.

DONNA LEE JACQUES,  
Defendant.

CIVIL ACTION FILE

NO.: 19EV002436

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**ORDER DENYING CONSENT MOTION TO OPEN DEFAULT**

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This case is before the Court on the parties' Consent Motion to Open Default filed on March 17, 2020. This case came before the Court on its January 31, 2020 One (1) Day Civil Bench/Default (Evidentiary Hearing) Calendar. Plaintiff and Defendant failed to appear at the call of the Calendar and the Court entered an Order Dismissing Action Without Prejudice pursuant to O.C.G.A. § 9-11-41(b). "It is well-settled that the dismissal of a lawsuit generally deprives the trial court of jurisdiction to take further action in a case." Barnes v. Cannon, 347 Ga. App. 517, 518, 802 S.E.2d 155 (2018). "Thus, a dismissal operates to divest the court of jurisdiction, after which the trial court has no authority to enter additional orders..." Id. at 518-19. Importantly, the Court dismissed this case; the case is not in default. Accordingly,

**IT IS HEREBY ORDERED** that the parties' Consent Motion to Open Default is **DENIED**.

This 18<sup>th</sup> day of March, 2020.

/s/Susan E. Edlein  
Susan E. Edlein  
Judge, State Court of Fulton County