



# SUPREME COURT OF GEORGIA

Case No. S17D0335

Atlanta, October 28, 2016

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed.

## LELAND JOHN PAUL LUTZ v. DEBORAH PENSO LUTZ

Upon consideration of the application for discretionary appeal filed in the above-styled case, the application is hereby determined to have possible merit by a majority of the Court and is, therefore, granted pursuant to this Court's Rule 34 (4) regulating applications to appeal in certain divorce and alimony cases.

The Court is particularly concerned with the following issues:

1. Whether the trial court erred in determining petitioner's gross income.
2. Whether the trial court violated petitioner's constitutional right to due process by prohibiting him from presenting evidence at the attorney fee hearing. See United States Const., Amend. XIV, Sec.1; Ga. Const. of 1983, Art. I, Sec. I, Par. I.

The appellant's notice of appeal must be filed in the trial court within ten days of the date shown above. Once the record is received from the trial court and docketed in this Court, notices will be mailed to all counsel showing the date of docketing and the case number assigned. The appellant's enumeration of errors and briefs will be due in this Court within 20 days of docketing; the appellee's briefs will be due within 40 days of docketing, or within 20 days of the filing of appellant's briefs, whichever is later. See Rule 12.

All the Justices concur.

**SUPREME COURT OF THE STATE OF GEORGIA**

Clerk 's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

*Lu C. Fulton* , Chief Deputy Clerk