

**FOURTH DIVISION
ELLINGTON, P. J.,
BRANCH and 14LASTNAME, JJ.**

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September 24, 2015

In the Court of Appeals of Georgia

A14A0718. LEGACY ACADEMY, INC. et al v. MAMILOVE, JE-038
LLC et al.

ELLINGTON, Presiding Judge.

In *Legacy Academy, Inc. v. Mamilove, LLC*, 328 Ga. App. 775 (761 SE2d 880) (2014), this Court affirmed the jury's verdict in favor of plaintiffs Mamilove, LLC, Michele Reymond, and Lorraine Reymond (collectively, "Mamilove"). In *Legacy Academy, Inc. v. Mamilove, LLC*, 297 Ga. 15 (771 SE2d 868) (2015), the Supreme Court of Georgia reversed Divisions 4 and 5 of this Court's opinion, finding that Legacy Academy, Inc. and its officers, Frank and Melissa Turner (collectively, "Legacy"), were entitled to a directed verdict on Mamilove's claims for rescission, fraud, negligent misrepresentation, and violation of the Georgia RICO statute.

Accordingly, we vacate Divisions 4 and 5 of our opinion and adopt the opinion of our Supreme Court as our own in place of those divisions.

In light of the foregoing, Divisions 2, 3, 9, 10, and 11 of our previous opinion address issues which are now moot; accordingly, we vacate these divisions. The Supreme Court did not address Divisions 1, 6, and 8. The analysis in Division 7 of our opinion, in which we considered whether the trial court erred in denying Legacy's motion for a directed verdict on its counterclaim for breach of contract, was based on two alternate grounds. That portion of Division 7 which is based on our conclusion that the jury found that the franchise agreement was rescinded, particularly the second sentence of the first paragraph of Division 7 and the accompanying citation, is inconsistent with the opinion of the Supreme Court. That portion of Division 7 is therefore vacated. See *Shadix v. Carroll County*, 274 Ga. 560, 563-564 (1) (554 SE2d 465) (2001).

In accordance with the directive of the Supreme Court, the jury's verdict, "in its entirety," must be reversed and the case remanded for a new trial on the parties' claims, other than for rescission, fraud, negligent misrepresentation, and violation of the Georgia RICO statute.

Judgment reversed and case remanded with direction. Andrews, P. J., Barnes, P. J., Phipps, P. J., McFadden, Ray and McMillian, JJ., concur.