

**THIRD DIVISION
ELLINGTON, P. J.,
DILLARD and MCFADDEN, JJ.**

**NOTICE: Motions for reconsideration must be
physically received in our clerk's office within ten
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June 28, 2016

In the Court of Appeals of Georgia

A15A0792. RTT ASSOCIATES, INC. v. GEORGIA DEPARTMENT OF LABOR. JE-037

ELLINGTON, Presiding Judge.

RTT Associates, Inc. brought this action in the Superior Court of Fulton County against the Georgia Department of Labor for breach of contract and breach of the implied covenants of good faith and fair dealing. In an earlier appeal, we reversed the trial court's grant of summary judgment in the Department's favor on the basis of sovereign immunity. *RTT Associates, Inc. v. Georgia Dept. of Labor*, 333 Ga. App. 173, 173-179 (1) (775 SE2d 644) (2015). We also affirmed the trial court's denial of RTT's motion for judgment on the pleadings. *Id.* at 179-180 (2).

The Supreme Court of Georgia granted the Department's petition for a writ of certiorari to determine whether we erred in reversing the trial court's order granting

summary judgment in the Department's favor. The Supreme Court found as a matter of law that RTT failed to meet its burden of showing a waiver of sovereign immunity and reversed. *Georgia Dept. of Labor v. RTT Associates, Inc.*, _ Ga. _ (1), (2), (3) (Case No. S15G1780, decided May 23, 2016). Accordingly, our decision in *RTT Associates, Inc. v. Georgia Dept. of Labor*, 333 Ga. App. at 173-179 (1), is vacated, and the judgment of the Supreme Court is made the judgment of this Court.

The writ of certiorari did not reach Division 2 of our decision. We have reviewed Division 2 of our decision and conclude that it is consistent with the Supreme Court's ruling. As a result, our decision in *RTT Associates, Inc. v. Georgia Dept. of Labor*, 333 Ga. App. at 179-180 (2), became binding upon return of the remittitur and remains the judgment of this Court. See *Center for a Sustainable Coast, Inc. v. Georgia Dept. of Natural Resources*, 326 Ga. App. 288, 289 (2), (3) (756 SE2d 554) (2014).

Accordingly, both of the trial court's rulings are affirmed.

Judgment affirmed. Dillard and McFadden, JJ., concur.