

**SECOND DIVISION  
MILLER, P. J.,  
BROWN and PIPKIN, JJ.**

**NOTICE: Motions for reconsideration must be physically received in our clerk's office within ten days of the date of decision to be deemed timely filed.  
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**June 3, 2021**

## In the Court of Appeals of Georgia

A18A1249. THE MEDICAL CENTER, INC. v. BOWDEN.

MILLER, Presiding Judge.

In Divisions (C) (2) and (C) (3) (b) of our opinion in *The Med. Center, Inc. v. Bowden*, 348 Ga. App. 165 (820 SE2d 289) (2018) (physical precedent only), this Court affirmed the trial court's grant of Danielle Bowden's petition for class certification and we also affirmed the trial court's denial of summary judgment to The Medical Center on Bowden's claims for fraud and negligent misrepresentation. In *Bowden v. The Med. Center, Inc.*, 309 Ga. 188 (845 SE2d 555) (2020), the Supreme Court of Georgia reversed these holdings. Accordingly, we first vacate Division (C) (2) of our earlier opinion and adopt the opinion of the Supreme Court with respect to that division as our own. Secondly, insofar as we affirmed the trial court's denial of summary judgment to The Medical Center on Bowden's fraud and negligent

misrepresentation claims, we vacate Division (C) (3) (b) of our earlier opinion and adopt the opinion of the Supreme Court with respect to that division as our own.

In Division (C) (3) (a) of our earlier opinion, we determined that The Medical Center was entitled to summary judgment on Bowden's claim for violations of Georgia's Racketeer Influenced and Corrupt Organizations (RICO) Act. Because the Supreme Court affirmed this decision, *Bowden*, supra, 309 Ga. at 202 (II) (3), it becomes binding on the trial court upon the return of the remittitur.<sup>1</sup>

Therefore, in accordance with the Supreme Court's opinion, we reverse the trial court's grant of Bowden's petition for class certification and the trial court's denial of summary judgment to The Medical Center on Bowden's claims for fraud and negligent misrepresentation.

*Judgment affirmed in part and reversed in part. Brown and Pipkin, JJ., concur.*

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<sup>1</sup> The Supreme Court did not address any other portion of our earlier opinion. Because none of these unaddressed portions of our earlier opinion are inconsistent with the Supreme Court's opinion, those portions also become binding upon the return of the remittitur. *Callaway v. Garner*, 333 Ga. App. 747, 748 n.1 (776 SE2d 829) (2015); *Shadix v. Carroll County*, 274 Ga. 560, 563 (1) (554 SE2d 465) (2001).