

RENDERED: NOVEMBER 9, 2007; 2:00 P.M.  
NOT TO BE PUBLISHED

# Commonwealth of Kentucky

## Court of Appeals

NO. 2005-CA-001617-MR

JOHN PETER VINCENT HOLLIS

APPELLANT

v. APPEAL FROM WOODFORD CIRCUIT COURT  
HONORABLE O. REED RHORER, SPECIAL JUDGE  
ACTION NO. 99-CI-00152

CHERYL LEE HOLLIS

APPELLEE

### OPINION AND ORDER DISMISSING

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BEFORE: LAMBERT, TAYLOR, AND WINE, JUDGES.

TAYLOR, JUDGE: John Peter Vincent Hollis brings this *pro se* appeal from an April 27, 2005, order of the Woodford Circuit Court concluding that Hollis's motion for modification of custody and visitation was frivolous and ordering him to pay Cheryl Lee Hollis's attorney, Hon. James L. Thomerson, fees in the amount of \$525.00. In the April 27, 2005, order, the circuit court's award of attorney fees was made directly to Cheryl's attorney, Thomerson.

Where an award of attorney fees is ordered to be paid directly to the attorney, the attorney is the “real party in interest and a necessary and indispensable party to any appeal from that order.” *Neidlinger v. Neidlinger*, 52 S.W.3d 513, 519 (Ky. 2001). From review of the record, it is clear that John failed to name Thomerson as an appellee in his notice of appeal. The failure to name an indispensable party in the notice of appeal results in dismissal of the appeal. *Com. v. Blincoe*, 34 S.W.3d 822 (Ky.App. 2000). Thus, we view John's failure to name Thomerson in the notice of appeal as fatal to this appeal.

Now therefore be it ORDERED that Appeal No. 2005-CA-001617-MR be and it is hereby DISMISSED.

ALL CONCUR.

ENTERED: \_\_\_\_\_

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JUDGE, COURT OF APPEALS

BRIEF FOR APPELLANT:

John Peter Vincent Hollis, *Pro Se*  
Frankfort, Kentucky

BRIEF FOR APPELLEE:

James L. Thomerson  
Lexington, Kentucky