

IN THE COURT OF APPEALS OF TENNESSEE
AT JACKSON
February 16, 2024

FILED
02/21/2024
Clerk of the
Appellate Courts

BRANDI MICHELLE ROSE v. TIMOTHY ELVIN ROSE

**Appeal from the Chancery Court for Hardin County
No. CH-607 Vicki Hodge Hoover, Chancellor**

No. W2023-01445-COA-R3-CV

Appellants, Rose Sawmill, Inc. and Shiloh Golf Course, Inc., have appealed an order of the Hardin County Chancery Court that was entered on September 14, 2023. We determine that the September 14, 2023 order does not constitute a final appealable judgment. Therefore, this Court lacks jurisdiction to consider the appeal. The appeal is dismissed.

Tenn. R. App. P. 3 Appeal as of Right; Appeal Dismissed.

George Douglas Norton, Jr., Savannah, Tennessee, for the Appellants, Rose Sawmill, Inc. and Shiloh Golf Course, Inc.

Ryan Michael Hagenbrook, Bolivar, Tennessee, for the Appellee Brandi Michelle Rose.

David Wayne Camp, Jackson, Tennessee, for the Appellee Timothy Elvin Rose.

MEMORANDUM OPINION¹

On October 12, 2023, Appellants initiated this matter by filing a Notice of Appeal

¹ Rule 10 of the Rules of the Court of Appeals provides:

This Court, with the concurrence of all judges participating in the case, may affirm, reverse or modify the actions of the trial court by memorandum opinion when a formal opinion would have no precedential value. When a case is decided by memorandum opinion it shall be designated “MEMORANDUM OPINION,” shall not be published, and shall not be cited or relied on for any reason in any unrelated case.

in this Court. The Notice of Appeal related to an order of the Hardin County Chancery Court that was entered on September 14, 2023. On November 8, 2023, Appellee, Brandi Michelle Rose, filed a Motion to Dismiss the appeal, asserting that the appeal should be dismissed for lack of subject matter jurisdiction because there was no final judgment from which an appeal as of right would lie. “A final judgment is one that resolves all the issues in the case, ‘leaving nothing else for the trial court to do.’” *In re Estate of Henderson*, 121 S.W.3d 643, 645 (Tenn. 2003) (quoting *State ex rel. McAllister v. Goode*, 968 S.W.2d 834, 840 (Tenn. Ct. App. 1997)). This Court does not have subject matter jurisdiction to adjudicate an appeal as of right if there is no final judgment. *See Bayberry Assocs. v. Jones*, 783 S.W.2d 553, 559 (Tenn. 1990) (“Unless an appeal from an interlocutory order is provided by the rules or by statute, appellate courts have jurisdiction over final judgments only.”).

Specifically, Appellants have appealed an order of the trial court entered on September 14, 2023, which denied Appellants’ motion to quash a subpoena issued to The Hardin County Bank for Appellants’ updated financial records. This is not an order of final judgment, as it does not resolve any claims between any parties. Although Appellants filed a Response to the Motion to Dismiss on November 12, 2023, the Response failed to show good cause why this appeal should not be dismissed for lack of a final judgment. On December 12, 2023, this Court entered an Order deferring adjudication of the Motion to Dismiss until such time as the Court received and reviewed the appellate record. The appellate record was filed with the Clerk of this Court on January 8, 2024.

After review of the Notice of Appeal, Appellee’s Motion to Dismiss, Appellants’ Response to the Motion to Dismiss, and the record as a whole, we conclude that the Court lacks jurisdiction to consider this appeal. Thus, the appeal is hereby DISMISSED. Costs on appeal are taxed to Appellants, Rose Sawmill, Inc. and Shiloh Golf Course, Inc., for which execution may issue if necessary.

PER CURIUM