

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE

KENNETH CARPENTER, v. DAVID METLER, et al.

Circuit Court for Knox County
No. 3-59-10 Hon. Wheeler A. Rosenbalm, Judge

No. E2011-00415-COA-R3-CV - FILED - MAY 12, 2011

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

HERSCHEL PICKENS FRANKS, P.J., CHARLES D. SUSANO, JR., J., and D. MICHAEL SWINEY, J.

Russell L. Egli, Knoxville, Tennessee, for the appellant, Kenneth Carpenter.

Matthew Joshua Evans, Knoxville, Tennessee, for the appellees, David Metler, State Farm Insurance and Cortese Tree Specialist, Inc.

MEMORANDUM OPINION¹

This appeal is pending before the Court on a "Motion to Dismiss the Appeal from a non-final Judgment."

¹The Court of Appeals' Rules provide:

Rule 10. Memorandum Opinion

(b) 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 When a case is decided by memorandum opinion it shall be designated "MEMORANDUM OPINION," shall not be published, and shall not be cited or relied on for any reason in any unrelated case.

Upon consideration of the record and the response of the plaintiff, this Court is without jurisdiction to consider an appeal of this case and, accordingly, the appeal is hereby Ordered dismissed, with the cost of the appeal assessed to Kenneth Carpenter.

PER CURIAM