

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE
April 2, 2003 Session

**JOHANN ROSHE WOLMARANS v. LIFESTYLE FURNISHINGS,
a/k/a/UNIVERSAL FURNITURE LIMITED, INC.**

**Appeal from the Circuit Court for Hamblen County
No. 01-CV-147 John K. Wilson, Judge**

FILED JUNE 25, 2003

No. E2002-01783-COA-R3-CV

Johann Roshe Wolmarans sues Lifestyle Furnishings, a/k/a Universal Furniture Limited, Inc., for an injury he received on its premises. The complaint as amended seeks damages under the theory of premises liability and also under the Worker's Compensation Statute. The Trial Court found that the Plaintiff was an independent contractor and dismissed his worker's compensation claim. Thereafter, a jury trial was held as to the premises liability claims and the jury found that the injury received by the Plaintiff was due entirely to his own fault. The Plaintiff appeals, raising a host of issues which we find are without merit and affirm the judgment of the Trial Court.

**Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Circuit Court Affirmed;
Cause Remanded**

HOUSTON M. GODDARD, P.J., delivered the opinion of the court, in which HERSCHEL P. FRANKS and CHARLES D. SUSANO, JR., JJ., joined.

Johann Roshe Wolmarans, Appellant, *Pro Se*

Joseph J. Doherty, Morristown, Tennessee, for the Appellee, Lifestyle Furnishings, a/k/a Universal Furniture Limited, Inc.

MEMORANDUM OPINION

Our affirmance is based on a number of factors. First, there is no transcript of the evidence and all factual issues in connection with either claim may not be considered, because under our case law we are required to conclusively presume evidence adduced at trial supports the Trial Court's and jury's determinations. *J. C. Bradford & Co. v. Martin Construction Co.*, 576 S.W.2d 586 (Tenn.

1979); *In re Rockwell*, 673 S.W.2d 512 (Tenn. Ct. App. 1983). Second, no motion for a new trial was made as to the premises liability claim which under Rule 13 precludes many other issues being considered by this Court. Finally, at least one of the issues raised is frivolous.¹

For the foregoing reasons the judgment of the Trial Court is affirmed and the cause remanded for collection of costs below. Costs of appeal are adjudged against Johann Roshe Wolmarans.

HOUSTON M. GODDARD, PRESIDING JUDGE

¹ Whether the appellate court erred in allowing defendant's counsel to check out the appellate court record?