

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE
April 28, 2023

FILED
05/02/2023
Clerk of the
Appellate Courts

WAYNE C. LANCE v. ALCOA HOTEL HOSPITALITY

Appeal from the Chancery Court for Knox County
No. 190497-2 Clarence E. Pridemore, Jr., Chancellor

No. E2022-01430-COA-R3-CV

Because the order appealed from does not constitute a final appealable judgment, this Court lacks jurisdiction to consider this appeal.

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

KRISTI M. DAVIS, J.; D. MICHAEL SWINEY, C.J.; AND THOMAS R. FRIERSON, II,
J.

Robin M. McNabb, Knoxville, Tennessee, for the appellant, Alcoa Hotel Hospitality, LLC.

Wayne C. Lance, Louisville, Tennessee, pro se appellee.

MEMORANDUM OPINION¹

Pursuant to the requirements of Rule 13(b) of the Tennessee Rules of Appellate Procedure, the Court directed the appellant, Alcoa Hotel Hospitality, LLC (“Appellant”), to show cause why this appeal should not be dismissed for lack of subject matter jurisdiction after it became clear that there was no final judgment from which an appeal as

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 When a case is decided by memorandum opinion it shall be designated “MEMORANDUM OPINION,” shall not be published, and shall not be cited or relied on for any reason in any unrelated case.

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.”).

The order appealed from does not appear to be a final appealable judgment as Alcoa Hotel Hospitality, LLC filed a motion for Rule 11 sanctions on January 5, 2018; a motion to compel and for sanctions or contempt on October 29, 2018; and a motion for sanctions on May 3, 2019; and Wayne C. Lance filed a motion to compel and for contempt on November 9, 2018. The record is devoid of an order or orders addressing these motions.

Appellant responded to our show cause order and admitted that the Trial Court held these motions in abeyance, and that no orders have been entered by the Trial Court disposing of these motions. Appellant avers that the Trial Court impliedly denied the unresolved issues and motions by entering an order styled “Final Judgment” after trial. The appellee, Wayne C. Lance, filed a response and motion to dismiss this appeal for lack of a final judgment. Appellee asserted that it is his “intention to address the open motion filed on November 9, 2018, after all of the Rule 11. [sic] alleged violations are known.”

The notice of appeal filed by Appellant states that Appellant is attempting to appeal an order entered by the Trial Court on September 16, 2022. The record reveals that the Trial Court entered two orders on September 16, 2022. Neither of those orders is styled “Final Judgment.” More importantly, the order appealed clearly does not “resolve[] all the issues in the case, ‘leaving nothing else for the trial court to do.’” *In re Estate of Henderson*, 121 S.W.3d at 645 (quoting *State ex rel. McAllister v. Goode*, 968 S.W.2d at 840. “Except where otherwise provided, this Court only has subject matter jurisdiction over final orders.” *Foster-Henderson v. Memphis Health Center, Inc.*, 479 S.W.3d 214, 222 (Tenn. Ct. App. 2015). As the order appealed from does not constitute a final appealable judgment, this Court lacks jurisdiction to consider this appeal. The appeal is hereby dismissed. Costs on appeal are taxed to the appellant, Alcoa Hotel Hospitality, LLC, for which execution may issue.

PER CURIAM