

FILED

05/28/2026

Clerk of the
Appellate Courts

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE
February 5, 2026 Session

KENNETH MARTIN v. NATASHA BARRETT ET AL.

Appeal from the Chancery Court for Montgomery County
No. MC-CH-CV-MG-24-11 Benjamin K. Dean, Chancellor

No. M2024-01947-COA-R3-CV

The plaintiff in this action sought to collaterally attack a child support judgment and raised allegations of constitutional and other violations of law by several named defendants, including Child Support Services, the plaintiff's former spouse, and the State of Tennessee. The trial court dismissed the complaint, determining, *inter alia*, that the plaintiff had failed to state a claim upon which relief could be granted. The plaintiff has appealed. Discerning no reversible error, we affirm.

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

THOMAS R. FRIERSON, II, J., delivered the opinion of the court, in which FRANK G. CLEMENT, JR., C.J., and W. NEAL MCBRAYER, J., joined.

Kenneth Martin, Killeen, Texas, Pro Se.

Natasha Barrett, Clarksville, Tennessee, Pro Se.¹

W. Timothy Harvey and Rebecca J. Garman, Clarksville, Tennessee, for the appellees, Judge Ashleigh Travis and Clerk and Master Heather L. Moore.

Jonathan Skrmetti, Attorney General and Reporter, and Clifton Wade Barnett, Assistant Attorney General, for the appellees, Montgomery County Chancery Court, Child Support Services, and the State of Tennessee.

¹ Ms. Barrett did not file a brief on appeal.

OPINION

I. Factual and Procedural Background

The plaintiff, Kenneth Martin, is the former husband of Natasha Barrett, one of the defendants in this action. The two were divorced in 2019 by order of the Montgomery County Chancery Court (“trial court”). In 2022, the State of Tennessee, on behalf of Ms. Barrett, filed a petition in the trial court seeking to set Mr. Martin’s child support obligation regarding his minor child. The record demonstrates that Mr. Martin was personally served with process respecting the child support petition. Mr. Martin appeared at a child support hearing, and the trial court entered a judgment against him setting child support. Mr. Martin did not appeal that judgment.

On June 3, 2024, Mr. Martin filed a complaint in the trial court under a separate docket number.² In the complaint, Mr. Martin lodged allegations against Ms. Barrett, Child Support Services, the trial court, the State of Tennessee, and other parties, such as the child support magistrate, who were included in the body of the complaint but not named as defendants. Mr. Martin’s principal allegations were that during the child support proceedings, all defendants had acted in concert to deprive Mr. Martin of his parental rights and due process and had violated state and federal law, including the United States Constitution. Mr. Martin’s overarching claim was that the underlying child support judgment was void due to a lack of personal jurisdiction. Mr. Martin sought monetary damages, cessation of his child support payments, a refund of all child support payments made by Mr. Martin, and dismissal of the child support action.

On August 2, 2024, Judge Ashleigh Travis, who had formerly served as a magistrate and who had presided over the underlying child support proceedings, filed a motion to dismiss pursuant to Tennessee Rule of Civil Procedure 12. On that same day, the trial court and its Clerk and Master, Heather Moore, also filed motions to dismiss pursuant to Tennessee Rule of Civil Procedure 12. The State of Tennessee and Child Support Services (“the State Defendants”) subsequently filed a joint motion to dismiss on September 9, 2024. All of these defendants argued that dismissal was warranted due to failure of service of process and failure to state a claim upon which relief could be granted.

Mr. Martin then filed a “Motion to Change Venue” on September 11, 2024, in which he alleged that he would not receive an impartial trial in the trial court and accordingly requested transfer of the action to the United States District Court for the Middle District of Tennessee. On October 2, 2024, Mr. Martin filed an amended complaint, wherein he largely restated the allegations of his original complaint. In response, all defendants except Ms. Barrett filed motions to dismiss the amended complaint. The trial court heard the

² Mr. Martin represented himself throughout this action and during the child support proceedings.

“Motion to Change Venue” and all motions to dismiss on December 5, 2024. The trial court then entered an order denying the “Motion to Change Venue” on December 10, 2024. The trial court entered a subsequent order granting all pending motions to dismiss on December 12, 2024. At that point, the only parties who remained in the action were Mr. Martin and Ms. Barrett.

Mr. Martin filed a motion for default judgment on December 18, 2024, alleging that he had properly served Ms. Barrett with process and that her failure to file a responsive pleading constituted grounds for entry of a default judgment. On December 27, 2024, Mr. Martin filed a premature notice of appeal concerning the other defendants’ dismissals.

Ms. Barrett filed a Rule 12 motion to dismiss on February 11, 2025. Ms. Barrett averred that Mr. Martin had not properly served her with process and that Mr. Martin had also failed to state a claim against her upon which relief could be granted. The trial court heard Ms. Barrett’s motion to dismiss on April 10, 2025, and entered an order dismissing Mr. Martin’s complaint that same day. The court found that Mr. Martin had failed to state a claim against Ms. Barrett because his complaint was “an unlawful attempt to collaterally attack the underlying judgment in the parties’ child support case.” This appeal then proceeded.

II. Issues Presented

Mr. Martin raises numerous, lengthy issues in his brief, which we have restated as follows:

1. Whether Mr. Martin’s due process rights were violated in the underlying child support proceedings.
2. Whether the trial court maintained personal jurisdiction over Mr. Martin in the child support proceedings.
3. Whether a proper complaint was filed against Mr. Martin in the child support proceedings.
4. Whether Mr. Martin was properly served with process in the child support proceedings.
5. Whether the pleadings in the child support proceedings were required by law to have the court clerk’s signature and seal of the court.
6. Whether the Federal Rules of Civil Procedure apply in the trial court.

7. Whether Mr. Martin's right to equal protection was violated in the child support proceedings.
8. Whether Mr. Martin's fundamental parental rights were violated by the trial court.
9. Whether Ms. Barrett's child support claim failed to state a claim against Mr. Martin.
10. Whether Mr. Martin can collaterally attack a judgment wherein the trial court lacked personal jurisdiction and violated his constitutional rights.

The State Defendants and the trial court have raised the following additional issue:

11. Whether Mr. Martin has waived any challenge to the trial court's dismissal of his complaint.

III. Standard of Review

As this Court has previously explained regarding review of a motion to dismiss:

In ruling on a motion to dismiss pursuant to Tennessee Rule of Civil Procedure 12.02(6), the trial court must determine whether the pleadings state a claim upon which relief may be granted. A Rule 12.02(6) motion tests "only the legal sufficiency of the complaint, not the strength of the plaintiff's proof or evidence." *Webb v. Nashville Area Habitat for Humanity, Inc.*, 346 S.W.3d 422, 426 (Tenn. 2011). The resolution of such a motion is therefore determined by an examination of the pleadings alone. *Id.* The court should grant the motion to dismiss only if it appears that the plaintiff cannot establish any facts in support of the claim that would warrant relief. *Doe v. Sundquist*, 2 S.W.3d 919, 922 (Tenn. 1999). We review a trial court's resolution of a motion to dismiss de novo with no presumption of correctness. *Myers v. AMISUB (SFH), Inc.*, 382 S.W.3d 300, 308 (Tenn. 2012).

Woodruff by & through Cockrell v. Walker, 542 S.W.3d 486, 493 (Tenn. Ct. App. 2017).

We recognize that Mr. Martin is a *pro se* litigant and respect his decision to proceed self-represented. Regarding self-represented litigants, this Court has clarified:

Pro se litigants who invoke the complex and sometimes technical procedures of the courts assume a very heavy burden. Conducting a trial with a *pro se* litigant who is unschooled in the intricacies of evidence and trial practice can

be difficult. Nonetheless, trial courts are expected to appreciate and be understanding of the difficulties encountered by a party who is embarking into the maze of the judicial process with no experience or formal training.

Irvin v. City of Clarksville, 767 S.W.2d 649, 652 (Tenn. Ct. App. 1988) (internal citations omitted). Parties proceeding without benefit of counsel are “entitled to fair and equal treatment by the courts,” but we “must not excuse pro se litigants from complying with the same substantive and procedural rules that represented parties are expected to observe.” *Hessmer v. Hessmer*, 138 S.W.3d 901, 903 (Tenn. Ct. App. 2003). This Court must “be mindful of the boundary between fairness to a pro se litigant and unfairness to the pro se litigant’s adversary.” *Id.* Furthermore, “[p]ro se litigants are not . . . entitled to shift the burden of litigating their case to the courts.” *See Chiozza v. Chiozza*, 315 S.W.3d 482, 487 (Tenn. Ct. App. 2009) (quoting *Whitaker v. Whirlpool Corp.*, 32 S.W.3d 222, 227 (Tenn. Ct. App. 2000)).

IV. Waiver

As a threshold matter, we consider the waiver argument presented by the State Defendants and the trial court, who urge that Mr. Martin’s brief does not comply with Tennessee Rule of Appellate Procedure 27(a) because, *inter alia*, he has failed to make appropriate citations to the record. Upon our review of Mr. Martin’s appellate brief, we decline to hold that he has waived the substantive issues raised on appeal.

We recognize that “[c]ourts have routinely held that the failure to make appropriate references to the record and to cite relevant authority in the argument section of the brief as required by Rule 27(a)(7) constitutes a waiver of the issue.” *Bean v. Bean*, 40 S.W.3d 52, 55 (Tenn. Ct. App. 2000). This Court has previously admonished that “parties cannot expect this court to do its work for them” and that this Court is “under no duty to verify unsupported allegations in a party’s brief, or for that matter consider issues raised but not argued in the brief.” *Id.* at 56. Although we may suspend the requirements of Rule 27 for “good cause,” “the Supreme Court has held that it will not find this Court in error for not considering a case on its merits where the plaintiff did not comply with the rules of this Court.” *Id.* at 54-55. Nevertheless, we also recognize that “[t]he Tennessee Rules of Appellate Procedure should be construed to afford all parties a hearing on the merits.” *Paehler v. Union Planters Nat’l Bank*, 971 S.W.2d 393, 397 (Tenn. Ct. App. 1997) (deciding the appeal on the merits despite acknowledging that the appellant failed to comply with Rule 27); *see* Tenn. R. App. P. 1 (“These rules shall be construed to secure the just, speedy, and inexpensive determination of every proceeding on its merits.”).

Although Mr. Martin has indeed failed to provide specific citations to the record in his initial brief on appeal, we determine that he has not failed to comply with Rule 27 so substantially as to waive the crux of his appeal. *See Total Garage Store, LLC v. Moody*, No. M2019-01342-COA-R3-CV, 2020 WL 6892012, at *6 (Tenn. Ct. App. Nov. 24, 2020)

(declining to impose the “heavy penalty of dismissal” even though the appellant’s brief was not “a model for record citation”). In an effort to proceed in accordance with this Court’s construction of Tennessee’s Rules of Appellate Procedure, we exercise our discretion to decide this action on its merits. *See, e.g., FedTrust Fed. Credit Union v. Brooks*, No. W2022-01119-COA-R3-CV, 2023 WL 3994520, at *2 (Tenn. Ct. App. June 14, 2023) (“In this case, the legal analysis is relatively straightforward, and we perceive no prejudice to [the plaintiff] or the administration of justice from considering [the defendant’s] arguments despite her Rule 27 violations.”).

V. Collateral Attack of Underlying Judgment

Although Mr. Martin has raised numerous issues on appeal, we determine that his final issue, which questions whether the underlying child support judgment could be collaterally attacked as void, is dispositive of this appeal. Mr. Martin urges that the trial court’s underlying child support judgment was subject to collateral attack because the trial court lacked personal jurisdiction over him. Indeed, this appears to be Mr. Martin’s overarching argument in this appeal.

This Court has previously explained that only a void judgment may be collaterally attacked in another action/forum. *See Gentry v. Gentry*, 924 S.W.2d 678, 680 (Tenn. 1996) (“All decrees not thus appearing on their face to be void are absolutely proof against collateral attack, and no parol proof is admissible on such an attack to show any defect in the proceedings, or in the decree.” (quoting William H. Inman, *Gibson’s Suits in Chancery* § 228 at 219-20 (7th ed. 1988))). A void judgment is a judgment that is “invalid on its face because the issuing court either lacked subject matter or personal jurisdiction over the proceedings, or the judgment itself was outside of the pleadings.” *Hood v. Jenkins*, 432 S.W.3d 814, 825 (Tenn. 2013) (emphasis added).

As our Supreme Court has explained:

The lawful authority of a court to adjudicate a controversy brought before it depends upon that court having jurisdiction of the subject matter and jurisdiction of the parties. Subject matter jurisdiction refers to the power of a court to adjudicate the particular category or type of case brought before it. Personal jurisdiction refers to the power of a court over the parties to the controversy to render a binding judgment. The concepts of subject matter jurisdiction and personal jurisdiction are fundamentally different.

* * *

[P]ersonal jurisdiction recognizes and protects an individual liberty interest that flows from the Due Process Clause and requires that maintenance of the suit “not offend ‘traditional notions of fair play and substantial justice.’” *Ins.*

Corp. of Ireland [v. Compagnie des Bauxites de Guinee], 456 U.S. [694,] 702, 102 S. Ct. 2099 [(1982)] (quoting *Int'l Shoe Co. v. Washington*, 326 U.S. 310, 316, 66 S. Ct. 154, 90 L. Ed. 95 (1945)). “It represents a restriction on judicial power not as a matter of sovereignty, but as a matter of individual liberty.” *Id.* at 703, 102 S. Ct. 2099. Because the requirement of personal jurisdiction functions to protect an individual right, it can, like other such rights, be waived. *Id.*; *Landers [v. Jones]*, 872 S.W.2d [674,] 675 [(Tenn. 1994)].

Turner v. Turner, 473 S.W.3d 257, 269-70 (Tenn. 2015) (other internal citations omitted). In determining whether the child support judgment was void, our consideration must be limited to the face of the judgment “and the record of the proceedings from which the judgment emanated.” *Id.* at 275.

Here, Mr. Martin has not argued that the trial court lacked subject matter jurisdiction or that the underlying child support judgment was wholly outside the pleadings, and the record demonstrates that neither of these circumstances are present. Instead, Mr. Martin has asserted only that the trial court lacked personal jurisdiction over him because he was never properly served with process in the child support proceedings. However, the appellate record belies his assertion inasmuch as it contains a return of service demonstrating that the summons filed by the State on Ms. Barrett’s behalf was personally served upon Mr. Martin. In addition, Mr. Martin appeared and provided evidence at the child support hearing, as he admitted during the trial court proceedings herein, without having filed any type of pleading objecting to personal jurisdiction. Accordingly, Mr. Martin consented to the trial court’s exercise of personal jurisdiction over him in the underlying child support matter. *See Tenn. Dep’t of Human Servs. v. Daniel*, 659 S.W.2d 625, 626 (Tenn. Ct. App. 1983) (“When the defendant makes an appearance in a pending matter without attacking *in personam* jurisdiction, and seeks affirmative relief from the court, or acts in a manner inconsistent with the claim of absence of jurisdiction, he had made a general appearance and consents to the jurisdiction of the court over his person.”).

Having determined that the trial court maintained personal jurisdiction over Mr. Martin in the child support proceedings and that the underlying judgment was not void, we conclude that it may not be collaterally attacked by Mr. Martin in the instant action. Accordingly, the trial court properly dismissed Mr. Martin’s complaint pursuant to Tennessee Rule of Civil Procedure 12.02. All remaining issues are therefore pretermitted as moot.

VI. Conclusion

For the foregoing reasons, we determine that the trial court's judgment of dismissal should be affirmed. We remand this matter to the trial court for collection of costs assessed below. Costs on appeal are taxed to the plaintiff, Kenneth Martin.

s/Thomas R. Frierson, II

THOMAS R. FRIERSON, II, JUDGE