

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

PAMELA F. JONES,  
PLAINTIFF/APPELLANT,

v.

MIDDLE TENNESSEE PUBLISHING  
COMPANY AND CNA INSURANCE  
COMAPNIES,

DEFENDANTS/APPELLEES.

) SUMNER CHANCERY NO. 97C-1

) HON. TOM E. GRAY, CHANCELLOR

) M1999-00697-SC-WCH-CV

) AFFIRMED

**FILED**

**February 29, 2000**

**Cecil Crowson, Jr.  
Appellate Court Clerk**

**JUDGMENT**

This case is before the Court upon motion for review pursuant to Tenn. Code Ann. § 50-6-225(e)(5)(B), the entire record, including the order of referral to the Special Workers' Compensation Appeals Panel, and the Panel's Memorandum Opinion setting forth its findings of fact and conclusions of law, which are incorporated herein by reference;

Whereupon, it appears to the Court that the motion for review is not well taken and should be denied; and

It is, therefore, ordered that the Panel's findings of fact and conclusions of law are adopted and affirmed, and the decision of the Panel is made the judgment of the Court.

Costs will be paid by Plaintiff, for which execution may issue if necessary.

IT IS SO ORDERED.

PER CURIAM

BIRCH, J. NOT PARTICIPATING

IN THE SUPREME COURT OF TENNESSEE  
SPECIAL WORKERS' COMPENSATION APPEALS PANEL  
AT NASHVILLE  
(September 23, 1999 Session)

PAMELA F. JONES,

Plaintiff/Appellant,

v.

MIDDLE TENNESSEE PUBLISHING  
COMPANY and CNA INSURANCE  
COMPANIES,

Defendants/Appellees.

SUMNER CHANCERY  
NO. 97C-1

M1999-00697-SC-WCM-CV

HON. TOM E. GRAY

FOR THE APPELLEES:  
APPELLANT:

NICOLE B. CLAYTON  
JONES, Pro Se  
Manier & Herrod  
150 Fourth Avenue North, Suite 2200  
Tennessee 37074  
Nashville, Tennessee 37219-2494

FOR THE

PAMELA F.  
P. O. Box 425  
Hartsville,

**FILED**

February 29, 2000

Cecil Crowson, Jr.  
Appellate Court Clerk

MEMORANDUM OPINION

Members of Panel:

Justice Adolpho A. Birch, Jr.  
Senior Judge F. Lloyd Tatum  
Special Judge Carol L. McCoy

**AFFIRMED**

**F. LLOYD TATUM, SENIOR JUDGE**

## OPINION

This workers' compensation appeal has been referred to the Special Worker's Compensation Panel of the Supreme Court in accordance with Tennessee Code Annotated § 50-6-225(e) for a hearing and reporting to the Supreme Court of findings of fact and conclusions of law.

This is a pro se appeal of the plaintiff, Pamela F. Jones, from the action of the trial court in dismissing her suit for failure to comply with the court's orders to respond to Interrogatories and Requests for Production of Documents.

The plaintiff has filed a lengthy document purporting to be a brief, which does not clearly state an issue or otherwise comply with Rule 27(a), Tennessee Rules of Appellate Procedure. This document contains statements by the appellant as to the merits of her worker's compensation case, and includes documents that appear to be copies of medical reports, letters, and other matters extraneous to the cause of dismissal of her case. No transcript or statement of the evidence or proceedings has been filed. We have before us only certified copies of papers filed in the trial court, which was formerly referred to as the Technical Record.

At the time the suit was filed, the plaintiff was represented by counsel. However, the trial court granted a motion by plaintiff's counsel to withdraw from the case. Thereafter, the plaintiff proceeded pro se.

Defendants' Interrogatories and Requests for Production of Documents were served on the plaintiff April 16, 1998. On August 5, 1998, the defendants filed a Motion to Compel, alleging that the plaintiff had not responded to the Interrogatories and Requests for Production of Documents served on April 16, 1998. On August 20, 1998, an order was entered granting the Motion to Compel and ordering the plaintiff to respond to discovery within fifteen (15) days. The order also stated that if plaintiff had not responded to discovery by September 2, 1998, the defendants "may proceed with filing a Motion for Sanctions, and/or a Motion to Dismiss plaintiff's case."

On September 23, 1998, the defendants filed a Motion to Suppress alleging that the plaintiff had not complied with the court's order requiring her to respond to the defendants' discovery request. On October 28, 1998, the court entered an order dismissing the plaintiff's case for failure to comply with the court's previous orders regarding discovery.

On November 18, 1998, the plaintiff filed a document which the trial court treated as a Motion for Relief of the Order of Dismissal pursuant to Rule 60, Tennessee Rules of Civil Procedure. On December 9, 1998, the court entered an order reciting that plaintiff had not established any legitimate reason under Rule 60.02 of the Rules of Tennessee Civil Procedure to set aside the Judgment of Dismissal previously entered and denied the plaintiff's motion.

An order was entered on March 30, 1999, denying motions of both parties to supplement the record. This order recited that, at the time of the hearing on plaintiff's Motion to Set Aside the Order Dismissing her case, she admitted receiving the orders of the trial court but stated to the court "that she was not going to answer the questions because it was a "trick" and she had been advised by an attorney not to answer the questions."

Though no issue was specifically stated by the plaintiff, the defendants have recognized that the only possible issue is for the trial court abused its discretion in refusing to set aside the judgment dismissing the plaintiff's case pursuant to Rule 60.02, Tennessee Rules of Civil Procedure.

The record reveals that the plaintiff's refusal to obey the orders of the court with respect to discovery was intentional. We have nothing before us which would authorize a finding that the trial judge abused his discretion. We must affirm the judgment of the trial court, at plaintiff's cost.

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F. LLOYD TATUM, SENIOR JUDGE

CONCUR:

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ADOLPHO A. BIRCH, JR., JUSTICE

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CAROL L. MCCOY, SPECIAL JUDGE