

IN THE COURT OF APPEALS OF TENNESSEE
AT JACKSON

TINA L. MILAM, ET AL. V. TITLEMAX OF TENNESSEE, ET AL.

**Appeal from the Circuit Court for Shelby County
No. CT00210412 John R. McCarroll, Jr., Judge**

No. W2013-02675-COA-R3-CV - Filed September 12, 2014

Because the order appealed is not a final judgment, we dismiss this appeal for lack of jurisdiction.

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

J. STEVEN STAFFORD, P.J., W.S., DAVID R. FARMER, J., AND HOLLY M. KIRBY, J., NOT PARTICIPATING.

Tina L. Milam, Memphis, Tennessee, pro se.

Roger Alden Stone, Memphis, Tennessee, for the appellee, Dealer's Automobile Auction of the South, LLC.

MEMORANDUM OPINION¹

Pursuant to the mandates of Rule 13(b) of the Tennessee Rules of Appellate Procedure, we reviewed the appellate record for this matter to determine if the Court has subject matter jurisdiction to hear this matter. After this review, it appeared to the Court that it does not have jurisdiction. Specifically, the order appealed disposes of the claims of Plaintiff/Appellant Tina L. Milam as to Defendant/Appellee Dealer's Auto Auction of the

¹ Rule 10 of the Rules of the Court of Appeals of Tennessee 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 When a case is decided by memorandum opinion it shall be designated "MEMORANDUM OPINION", shall not be published, and shall not be cited or relied on for any reason in any unrelated case.

South, LLC, but does not dispose of the claims as to Defendant Titlemax of Memphis. The order appealed is not certified as a final judgment as to Defendant/Appellee Dealer's Auto Auction of the South, LLC, pursuant to Rule 54.02 of the Tennessee Rules of Civil Procedure.²

By Order entered on June 23, 2014, the Court directed Appellant to obtain entry of a final judgment in the trial court within ten (10) days of the entry of that Order or else show cause why this appeal should not be dismissed for failure to appeal an appealable order or judgment. Appellant filed a response to our Order on July 11, 2014, but as of this date, the Clerk of this Court has not received a supplemental record containing a final judgment.

Rule 3 of the Tennessee Rules of Appellate Procedure provides that if multiple parties or multiple claims are involved in an action, any order that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties is not final or appealable. Except where otherwise provided, this Court only has subject matter jurisdiction over final orders. *See Bayberry Assoc. v. Jones*, 783 S.W.2d 553 (Tenn. 1990). Clearly, the order appealed does not dispose of all parties and is not a final judgment. Consequently, this appeal must be dismissed for lack of jurisdiction.

Conclusion

Because no final judgment exists, the appeal is dismissed without prejudice and the case remanded to the trial court for further proceedings consistent with this Opinion. Should a new appeal be filed, the Clerk of this Court shall, upon request of either party, consolidate the record in this appeal with the record filed in the new appeal. Costs of this appeal are taxed to the appellant, Tina L. Milam, for which execution may issue if necessary.

PER CURIAM

² Rule 54.02 of the Tennessee Rules of Civil Procedure provides:

When more than one claim for relief is present in an action, whether as a claim, counterclaim, cross-claim, or third party claim, or when multiple parties are involved, the court, whether at law or in equity, may direct the entry of a final judgment as to one or more but fewer than all of the claims or parties only upon an express determination that there is no just reason for delay and upon an express direction for the entry of judgment. In the absence of such determination and direction, any order or other form of decision, however designated, that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties shall not terminate the action as to any of the claims or parties, and the order or other form of decision is subject to revision at any time before the entry of the judgment adjudicating all the claims and the rights and liabilities of all the parties.