



TSAC filed a Motion to Dismiss and/or for Summary Judgment on the grounds of *res judicata*, sovereign immunity, and failure to state a claim. The chancellor granted TSAC's motion. It is from this decision that this appeal arises.

Appellants filed a motion with the Court of Appeals, Middle Section, to consider as post-judgment facts certain documents indicating that TSAC assigned the notes to the U.S. Department of Education and, therefore, was not the holder of the notes at the time of the 1992 judgment. Judge Cantrell denied Appellants' motion, noting that the alleged assignments did not occur after the trial court's judgment, and therefore were not post-judgment facts pursuant to T.R.A.P. 14. Consequently, the Court found that the documents were inappropriate for consideration under T.R.A.P. 14.

Appellants have raised two issues for our consideration on appeal. The first is whether the trial court erred in granting Appellee's Motion to Dismiss and/or for Summary Judgment. According to Appellants, there exist genuine issues of material fact with respect to whether Appellee was the holder of the notes at the time the 1992 judgment was entered. Appellants' second assertion of error is that the trial court abused its discretion by denying Appellants Motion for Continuance on the hearing of TSAC's Motion to Dismiss and/or for Summary Judgment. Appellants contend that they should have been permitted to introduce newly discovered evidence indicating that TSAC was not the holder of the notes at the time of the previous judgment.

Because this Court has denied Appellants' motion for consideration of post-judgment facts, we are precluded from considering any proffered documents relating to Appellants' allegation that TSAC was not the holder of the notes. Moreover, there is insufficient evidence contained in the record before us to sustain such a contention. Accordingly, Appellant's first issue is without merit as there existed no disputed issue of material fact as to whether TSAC was the holder of the notes at the time judgment was entered.

With respect to Appellants' second issue, a trial judge will not be put in error for denying a motion for continuance in the absence of a showing of abuse of discretion. Moorehead v. State, 40-9 S.W.2d 357 (Tenn. 1956); Kerney v. Cobb, 658 S.W.2d 128, 131 (Tenn. App. 1983).

The record does not reveal upon what basis the chancellor denied Appellants' Motion for Continuance. Concomitantly, we find nothing in the record to suggest the chancellor abused his discretion in denying such motion. We therefore affirm the trial court's denial of Appellants' Motion for Continuance.

The judgment is accordingly affirmed. Costs on appeal are taxed to Appellants.

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HIGHERS, J.

CONCUR:

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TOMLIN, J.

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FARMER, J.