

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE
May 10, 2023

FILED
05/10/2023
Clerk of the
Appellate Courts

BETHANY MICHELLE LOVELADY v. NICHOLAS HEATH LOVELADY

Appeal from the Circuit Court for Blount County
No. CE-30058 Tammy M. Harrington, Judge

No. E2023-00020-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

D. MICHAEL SWINEY, C.J.; JOHN W. MCCLARTY, J.; AND KRISTI M. DAVIS, J.

Jessica Maydrin Ramsey, Knoxville, Tennessee, for the appellant, Nicholas Heath Lovelady.

Vanessa Samano, Knoxville, Tennessee, for the appellee, Bethany Michelle Lovelady.

MEMORANDUM OPINION¹

Pursuant to the requirements of Rule 13(b) of the Tennessee Rules of Appellate Procedure, the Court directed the 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 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*

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 When a case is decided by memorandum opinion it shall be designated “MEMORANDUM OPINION,” shall not be published, and shall not be cited or relied on for any reason in any unrelated case.

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.”).

Appellant responded to our show cause order and admitted that a final judgment has not been entered. Specifically, the order appealed from does not appear to be a final appealable judgment as Bethany Michelle Lovelady filed a petition for criminal and civil contempt on July 30, 2021, a petition for criminal and civil contempt on October 7, 2021, and a petition for criminal and civil contempt on March 8, 2022. The record is devoid of orders disposing of these petitions for contempt. Additionally, in its January 4, 2023 Final Order as to the Remaining Issues, the Trial Court found Nicholas Heath Lovelady in “direct contempt for cussing in Court,” and “reserved . . . sentencing.” The record is devoid of an order sentencing Nicholas Heath Lovelady for this direct contempt.

“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, Nicholas Heath Lovelady, for which execution may issue.

PER CURIAM