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Clerk of the
Appellate Courts

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE
April 15, 2026 Session

ZACHARY C. CROUCH v. UNIVERSITY OF TENNESSEE

Appeal from the Chancery Court for Knox County
No. 205117-3 Christopher D. Heagerty, Jr., Chancellor

No. E2025-00764-COA-R3-CV

This matter concerns a plaintiff’s effort to revive a discrimination lawsuit. Having determined that the plaintiff’s principal appellate brief is not compliant with the relevant rules of briefing in this Court, we conclude that his issues purportedly raised on appeal are waived. The appeal is dismissed.

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

KRISTI M. DAVIS, J., delivered the opinion of the Court, in which THOMAS R. FRIERSON, II, and WILLIAM E. PHILLIPS, II, JJ., joined.

Zachary C. Crouch, Columbia, South Carolina, pro se appellant.

Caitlyn Luedtke Elam, Knoxville, Tennessee, for the appellee, The University of Tennessee.

MEMORANDUM OPINION¹

BACKGROUND

On July 20, 2022, Zachary C. Crouch (“Plaintiff”) filed a lawsuit against the University of Tennessee (“Defendant”) in the Knox County Chancery Court (“the trial

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 When a case is decided by memorandum opinion it shall be designated “MEMORANDUM OPINION”, shall not be published, and shall not be cited or relied on for any reason in any unrelated case.

court”). Plaintiff alleged that, in August 2019, he contracted with Defendant to work as a research assistant. According to the complaint, “[t]his contract of employment was breached in January of 2020, but intermittent funding continued through July 2021. Plaintiff was fired, without due cause, and lost his stipend, his tuition waiver, and medical insurance.” In total, Plaintiff alleged three separate claims: (1) breach of contract, (2) “firing because of a disability,” and (3) “firing because of discrimination.” In support of the latter two claims, Plaintiff pointed to his autism and sexual orientation, respectively, as Defendant’s reasons for firing him.

On September 7, 2022, Defendant filed a motion to dismiss pursuant to Rules 12.02(1) and 12.02(6) of the Tennessee Rules of Civil Procedure. Defendant argued that, based on sovereign immunity, the trial court lacked subject matter jurisdiction over Plaintiff’s claims. Defendant argued further that Plaintiff’s discrimination claims were barred by the one-year statute of limitations found at Tennessee Code Annotated section 4-21-311(d) of the Tennessee Human Rights Act. On January 4, 2023, the trial court heard Defendant’s motion to dismiss.

On January 24, 2023, the trial court entered an order granting Defendant’s motion to dismiss. The trial court held that, based on sovereign immunity, it lacked subject matter jurisdiction to hear Plaintiff’s breach of contract claim, and the Tennessee Claims Commission had exclusive jurisdiction to adjudicate a claim for breach of a written contract against the state.² Regarding Plaintiff’s discrimination claims, the trial court stated that these could be characterized as falling under either the Tennessee Disability Act, at Tennessee Code Annotated section 8-50-103, or the Tennessee Human Rights Act, at Tennessee Code Annotated sections 4-21-302 thru 4-21-311. The trial court determined that, under either statutory framework, the one-year statute of limitations found at section 4-21-311(d) was applicable. The trial court concluded that Plaintiff’s discrimination claims were time-barred because he filed suit more than one year after January 2020 when the alleged discriminatory acts took place. Plaintiff appealed the trial court’s order of dismissal. In *Crouch v. Univ. of Tennessee*, No. E2023-00023-COA-R3-CV, 2024 WL 2319652 (Tenn. Ct. App. May 22, 2024), *perm. app. denied* (Sept. 12, 2024), we affirmed the trial court.

On June 4, 2024, following the issuance of our Opinion affirming the trial court, Plaintiff filed an amended complaint against Defendant in the same case using the same docket number. On June 20, 2024, Defendant filed a motion to strike the amended complaint. On July 24, 2024, Plaintiff withdrew his amended complaint. On February 3, 2025, Plaintiff filed another amended complaint in this matter, again using the same docket number as the original complaint. In his latest pleading, Plaintiff reasserted the claims of

² The University of Tennessee at Knoxville has been described by this Court as an “arm of the State.” *M.R.D. v. Univ. of Tennessee at Knoxville*, 689 S.W.3d 826, 833 n.1 (Tenn. Ct. App. 2023).

his original complaint plus four new ones: bribery, fraud, “intimidation to faculty,” and “intimidation to plaintiff Zachary Crouch.” On February 19, 2025, Defendant filed a motion to strike Plaintiff’s February 3, 2025 amended complaint. In its motion, Defendant argued that “Plaintiff’s filing of an Amended Complaint in a cause of action that has been dismissed by the Court is improper and a futile attempt to continue litigating a case that has been decisively adjudicated through appeal.”

On May 5, 2025, the trial court heard Defendant’s motion to strike. On May 12, 2025, the trial court entered an order dismissing Plaintiff’s February 3, 2025 amended complaint. In its order, the trial court concluded that the doctrine of res judicata barred Plaintiff’s February 3, 2025 amended complaint as Plaintiff could have, but failed, to raise his new claims in the earlier proceedings. Plaintiff timely appealed to this Court.

DISCUSSION

As he did before the trial court, Plaintiff proceeds pro se in this appeal. Nonetheless, he “must comply with the same standards to which lawyers must adhere.” *Watson v. City of Jackson*, 448 S.W.3d 919, 926 (Tenn. Ct. App. 2014). As this Court has explained:

Parties who decide to represent themselves are entitled to fair and equal treatment by the courts. The courts should take into account that many pro se litigants have no legal training and little familiarity with the judicial system. However, the courts must also be mindful of the boundary between fairness to a pro se litigant and unfairness to the pro se litigant’s adversary. Thus, the courts must not excuse pro se litigants from complying with the same substantive and procedural rules that represented parties are expected to observe.

Id. at 926–27 (quoting *Jackson v. Lanphere*, No. M2010-01401-COA-R3-CV, 2011 WL 3566978, at *3 (Tenn. Ct. App. Aug. 12, 2011)).

Defendant contends that Plaintiff’s brief is so deficient that his purported issues are waived. This is the threshold issue. Rule 27 of the Tennessee Rules of Appellate Procedure requires:

The brief of the appellant shall contain under appropriate headings and in the order here indicated:

- (1) A table of contents, with references to the pages in the brief;

(2) A table of authorities, including cases (alphabetically arranged), statutes and other authorities cited, with references to the pages in the brief where they are cited;

* * *

(4) A statement of the issues presented for review;

(5) A statement of the case, indicating briefly the nature of the case, the course of proceedings, and its disposition in the court below;

(6) A statement of facts, setting forth the facts relevant to the issues presented for review with appropriate references to the record;

(7) An argument, which may be preceded by a summary of argument, setting forth:

(A) the contentions of the appellant with respect to the issues presented, and the reasons therefor, including the reasons why the contentions require appellate relief, with citations to the authorities and appropriate references to the record (which may be quoted verbatim) relied on; and

(B) for each issue, a concise statement of the applicable standard of review (which may appear in the discussion of the issue or under a separate heading placed before the discussion of the issues);

(8) A short conclusion, stating the precise relief sought.

Tenn. R. App. P. 27(a). “[R]eference in the briefs to the record shall be to the pages of the record involved.” Tenn. R. App. P. 27(g). Rule 6 of the Rules of the Court of Appeals provides further appellate briefing requirements. Failure to comply with the Rules of Appellate Procedure or the rules of this Court can result in waiver of a litigant’s issues. *Bean v. Bean*, 40 S.W.3d 52, 55 (Tenn. Ct. App. 2000). As especially pertinent to this appeal, “[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.” *Id.*

The most serious issue with Plaintiff’s brief is that it is not at all responsive to the trial court’s dispositive ruling. Plaintiff sets out his issue on appeal as “[w]hether the Chancery Court erred in holding that The University of Tennessee can use sovereign immunity and/or the statute of limitations for the counts listed in the Amended Complaint of the Chancery Court record. . . .” However, that is not what the trial court held in the

order now being appealed. In the trial court’s May 12, 2025 order—the order Plaintiff currently appeals—the trial court concluded that the doctrine of res judicata barred Plaintiff’s February 3, 2025 amended complaint.³ While the trial court’s entire rationale was based on res judicata, Plaintiff does not address res judicata in his brief. Instead, he discusses other subjects, such as his belief in the unconstitutionality of sovereign immunity; his contention that the statute of limitations should not apply to his case; and a request that any of his health records received by the court be sealed.

Thus, Plaintiff’s brief effectively ignores the trial court’s May 12, 2025 order, including its dispositive ruling. Instead, Plaintiff argues the merits of his underlying claims. Toward this end, Plaintiff cites a federal case concerning presidential immunity; Article VI and the Fourteenth Amendment of the United States Constitution; and the Health Insurance Portability and Accountability Act of 1996, or HIPAA. Again, none of this is responsive to the order being appealed, which was based on res judicata. Plaintiff’s statement of the case fails to cite the record or acknowledge the trial court’s May 12, 2025 order, and launches immediately into argument on the merits. Plaintiff’s statement of facts is no better and lacks appropriate citations to the record. Contrary to Rule 27(a)(7), Plaintiff has failed to support his contentions with proper citations to the record or to any *relevant* legal authority.

An appellant’s failure to include in his or her brief a “properly supported argument responsive to the trial court’s dispositive ruling” will “generally result in a waiver on appeal.” *Augustin v. Bradley Cnty. Sheriff’s Off.*, 598 S.W.3d 220, 226–27 (Tenn. Ct. App. 2019). “[W]e cannot write [an appellant’s] brief for them, and we are not able to create arguments or issues where none otherwise are set forth.” *Murray v. Miracle*, 457 S.W.3d 399, 402 (Tenn. Ct. App. 2014). By failing to address the trial court’s dispositive ruling regarding res judicata in the May 12, 2025 order now being appealed, and otherwise failing to develop or support his arguments with any relevant authority, Plaintiff has waived his purported issues on appeal. The appeal is dismissed.

³ “The doctrine of *res judicata* applies when ‘an existing final judgment rendered upon the merits, without fraud or collusion, by a court of competent jurisdiction, is conclusive of rights, questions and facts in issue as to the parties and their privies, in all other actions in the same or any other judicial tribunal of concurrent jurisdiction.’” *In re Heaven L.F.*, 311 S.W.3d 435, 439 (Tenn. Ct. App. 2010) (quoting *Galbreath v. Harris*, 811 S.W.2d 88, 90 (Tenn. Ct. App. 1990)). “Principles of res judicata bar ‘a second suit . . . on the same cause of action with respect to all issues which were or could have been litigated in the former suit.’” *Nobes v. Earhart*, 769 S.W.2d 868, 873 (Tenn. Ct. App. 1988) (quoting *Massengill v. Scott*, 738 S.W.2d 629, 631 (Tenn. 1987)).

CONCLUSION

For the foregoing reasons, the appeal is dismissed. Costs of this appeal are taxed to the appellant, Zachary C. Crouch, for which execution may issue if necessary.

KRISTI M. DAVIS, JUDGE