

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE
December 14, 2021

FILED 12/16/2021 Clerk of the Appellate Courts

**MIKE BEDSOLE D/B/A TINY HOUSE CHATTANOOGA v. SINCLAIR
BROADCAST GROUP, INC., ET AL**

**Appeal from the Circuit Court for Hamilton County
No. 20C649 Kyle E. Hedrick, Judge**

No. E2021-00431-COA-R3-CV

Because the order appealed from does not constitute a final judgment, this Court lacks jurisdiction to consider this appeal.

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

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

Phillip Eugene Fleenor, Chattanooga, Tennessee, for the appellant, Mike Bedsole.

Samuel David Lipshie, Nashville, Tennessee, for the appellees, The Walt Disney Company, Leticia Juarez, KABC-TV ABC 7 Eyewitness, ABC Holding Company, Inc., and Sinclair Broadcast Group, Inc.

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

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 When a case is decided by memorandum opinion it shall be designated “MEMORANDUM OPINION,” shall not be published, and shall not be cited or relied on for any reason in any unrelated case.

all the issues in the case, ‘leaving nothing else for the trial court to do.’” *In re Estate of 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 filed a response to our show cause order, but failed to show that the order appealed constitutes a final judgment.

The order appealed from does not appear to be a final appealable judgment as plaintiff sued a number of defendants, but the order addresses the claims against only The Walt Disney Company, American Broadcasting Companies, Inc., ABC Holding Company, Inc., KABC-TV ABC 7 Eyewitness News, and Leticia Juarez. The record is devoid of an order addressing any of the claims against Sinclair Broadcast Group, Inc., WTVC Licensee, LLC, WTVC-TV News Channel 9, Sam Luther, or Kelly Curtain.

“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, Mike Bedsole, for which execution may issue.

PER CURIAM