

IN THE COURT OF APPEALS OF TENNESSEE
EASTERN SECTION

FILED

December 6, 1995

Cecil Crowson, Jr.
Appellate Court Clerk

DEBRA WHITE) KNOX COUNTY
) 03A01-9505-CV-00165
Plaintiff - Appellant)
)
v.) HON. WHEELER ROSENBALM
) JUDGE
)
ROBIN MERRITT, JUDY MERRITT,)
and BILL SHARP)
)
Defendants - Appellees) AFFIRMED AND REMANDED

DENNIS B. FRANCIS OF KNOXVILLE FOR APPELLANT

TERRY L. ADKINS OF KNOXVILLE FOR APPELLEE BILL SHARP

O P I N I O N

Goddard, P. J.

Pursuant to Rule 54 of the Tennessee Rules of Appellate Procedure, the Plaintiff, Debra White, appeals an order of summary judgment entered in favor of the Defendant, Bill Sharp. Ms. White sought damages she suffered as a result of a dog bite. The suit was brought against Mr. Sharp, the owner of the premises where the dog was kept, and his tenants, Robin Merritt and Judy

Merritt, the owners of the dog. A voluntary non-suit was taken as to Mr. Merritt and a default judgment was entered against Mrs. Merritt.

Mr. Sharp made a motion for summary judgment which was granted. Our review of the record persuades us this is an appropriate case for affirmance under Rule 10(a) of this Court.¹

The Trial Court is accordingly affirmed and the cause remanded for collection of costs below. Costs of appeal are adjudged against the Plaintiff and her surety.

Houston M Goddard, P. J.

CONCUR:

Herschel P. Franks, J.

Clifford E. Sanders, Sr. J.

¹ Rule 10. (a) Affirmance Without Opinion. The Court, with the concurrence of all judges participating in the case, may affirm the action of the trial court by order without rendering a formal opinion when an opinion would have no precedential value and one or more of the following circumstances exist and are dispositive of the appeal:

(1) the Court concurs in the facts as found or as found by necessary implication by the trial court.

(2) there is material evidence to support the verdict of the jury.

(3) no reversible error of law appears.

Such cases may be affirmed as follows: "Affirmed in accordance with Court of Appeals Rule 10(a)."

