

IN THE COURT OF APPEALS OF TENNESSEE
AT JACKSON

SUZANNE W. GIBSON,

Petitioner-Appellant,

Vs.

Shelby Chancery No. 103880-1
C.A. No. 02A01-9908-CH-00237

FILED

October 5, 1999

Cecil Crowson, Jr.
Appellate Court Clerk

JAMES E. PROKELL,

Respondent-Appellee.

OPINION AND ORDER

On August 30, 1999, the appellant, Suzanne W. Gibson, filed in this Court a Rule 10 T.R.A.P. application for extraordinary appeal and a Rule 7 T.R.A.P. motion to stay further proceedings in the trial court. Pursuant to the authority of Rule 10(d) T.R.A.P., this Court entered an Order on August 30, 1999, directing the appellee to file an answer. The appellee filed his answer on September 1, 1999. By Order entered September 2, 1999, the Court granted the appellant's Rule 10 T.R.A.P. application and stayed enforcement of the trial court's order of visitation pursuant to Rule 7 T.R.A.P.

On September 23, 1999, the appellee filed a motion to remand the cause to the trial court and also asked the Court for specific direction regarding preparation of the appeal. Appellant's response to the motion asserts that the grant of the T.R.A.P. 10 appeal encompasses numerous issues other than the act of the trial court granting specific visitation to appellee over the Labor Day weekend. We disagree with appellant's interpretation of the order of this Court granting the T.R.A.P. 10 application. This Court did

not intend to enlarge the scope of the T.R.A.P. 10 extraordinary appeal beyond the action of the trial court in granting specific visitation to appellee for the Labor Day weekend. If there is any doubt about the scope of the T.R.A.P. 10 application, that doubt is now erased. The order of this Court was specifically directed to the trial court's order granting unsupervised visitation over the Labor Day weekend without conducting an evidentiary hearing. The procedural history of the case is set out in this Court's order of September 2, 1999, and is incorporated herein by reference. This Court did not by its order of September 2, 1999 stay any further action by the trial court, nor did this Court undertake to consider any other interlocutory orders of the trial court. Accordingly, the purpose of the T.R.A.P. 10 appeal has been accomplished and there remains nothing further for this Court to consider.

Therefore, it is ordered that this cause be remanded to the trial court for such further proceedings as may be necessary, and the costs of this appeal are assessed to the appellee for which execution may issue, if necessary.

**W. FRANK CRAWFORD,
PRESIDING JUDGE, W.S.**

ALAN E. HIGHERS, JUDGE