

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE
August 22, 2023 Session

FILED
08/31/2023
Clerk of the
Appellate Courts

CHAD AARON REAGAN v. RACHEL BOGART REAGAN

**Appeal from the Circuit Court for Sevier County
No. 21-CV-443-1 Carter Scott Moore, Judge**

No. E2023-00499-COA-R3-CV

The March 9, 2023 order from which the appellant has appealed was not effectively entered. Therefore, there is no final appealable judgment, and 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.

Vanessa Samano, Knoxville, Tennessee, for the appellant, Rachel Bogart Reagan.

Rebecca Denise Slone, Dandridge, Tennessee, for the appellee, Chad Aaron Reagan.

MEMORANDUM OPINION¹

Pursuant to the requirements of Rule 13(b) of the Tennessee Rules of Appellate Procedure, the Court directed the appellant, Rachel Bogart Reagan (“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 effective final judgment from which an appeal as of right would lie. However, Appellant failed to respond to this Court’s show cause order.

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 When a case is decided by memorandum opinion it shall be designated “MEMORANDUM OPINION,” shall not be published, and shall not be cited or relied on for any reason in any unrelated case.

“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 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)). The failure of the parties and the court to adhere to the requirements of Tennessee Rule of Civil Procedure 58 prevents a court’s judgment from becoming effective. *Blackburn v. Blackburn*, 270 S.W.3d 42, 49 (Tenn. 2008). 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.”).

The Trial Court’s March 9, 2023 judgment, from which Appellant has filed a notice of appeal, does not comply with Tennessee Rule of Civil Procedure 58 regarding entry of judgment in that while it contains the signature of the judge and the signature of counsel for the appellee, it fails to contain either the signature of counsel for Appellant or a certificate of service showing that the order was served upon all parties or counsel. Failure to comply with Tennessee Rule of Civil Procedure 58 “impedes the finality and appealability of the judgment.” *In re Omari T.*, No. M2018-02227-COA-R3-JV, 2019 WL 5078882, at *4 (Tenn. Ct. App. Oct. 10, 2019).

As such, the March 9, 2023 order could not constitute a final judgment which could be appealed because it was not validly entered in compliance with Tennessee Rule of Civil Procedure 58. *See State ex rel. Taylor v. Taylor*, No. W2004-02589-COA-R3-JV, 2006 WL 618291, *3 (dismissing appeal for lack of a final judgment where order appealed from did not comply with Rule 58). Because it is clear that the order on review is not a final judgment, we hereby dismiss this appeal. Costs on appeal are taxed to the appellant, Rachel Bogart Reagan, for which execution may issue if necessary.

PER CURIAM