

FILED

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Clerk of the
Appellate Courts

IN THE COURT OF APPEALS OF TENNESSEE
AT JACKSON

Assigned on Briefs June 1, 2023

LARRY INMAN v. CINDY CRAVEN INMAN

**Appeal from the Chancery Court for Shelby County
No. CH-15-1083 Gadson W. Perry, Chancellor**

No. W2022-01056-COA-R3-CV

This appeal stems from a lawsuit over a void marriage. Larry Inman (“Plaintiff”) sued Cindy Craven Inman (“Defendant”) for divorce in the Circuit Court for Shelby County (“the Circuit Court”). However, it emerged during the lawsuit that Defendant never divorced her previous spouse. The Circuit Court entered an agreed final order holding that the parties’ marriage was void and dismissing the complaint. Plaintiff later sued Defendant in the Chancery Court for Shelby County (“the Trial Court”) asserting various causes of action stemming from his being misled into believing he was married. Defendant filed a motion to dismiss, which the Trial Court granted on res judicata grounds. Plaintiff appeals. Plaintiff could have asserted his claims in the previous divorce lawsuit, but he did not. Thus, the doctrine of res judicata bars Plaintiff’s claims. We affirm.

**Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Chancery Court Affirmed;
Case Remanded**

D. MICHAEL SWINEY, C.J., delivered the opinion of the court, in which CARMA DENNIS MCGEE and JEFFREY USMAN, JJ., joined.

Daniel J. Mickiewicz, Memphis, Tennessee, for the appellant, Larry Inman.

Bruce M. Smith, Memphis, Tennessee, for the appellee, Cindy Craven Inman.

MEMORANDUM OPINION¹

Background

In January 1998, Plaintiff and Defendant purported to marry. In September 2013, Plaintiff sued Defendant for divorce in the Circuit Court. In October 2013, Defendant filed a motion to dismiss, arguing that the parties' marriage was void because she never divorced her previous spouse. In March 2014, the Circuit Court granted a petition for declaratory judgment filed by Defendant's intervening spouse. The Circuit Court held that Plaintiff and Defendant's marriage was void *ab initio*. In September 2014, the Circuit Court entered its "Consent Order on Amended Motion to Dismiss Complaint for Divorce." The Circuit Court held, in part:

The marriage of Plaintiff and Defendant was void *ab initio* in that Defendant lacked the capacity to marry because her first marriage to Intervener was never dissolved and the public policy in Tennessee dictates that bigamous marriages are void. Therefore, the Complaint for Divorce filed by Plaintiff, Larry Thomas Inman, must be dismissed in this cause.

In August 2015, Plaintiff sued Defendant in the Trial Court, asserting breach of implied partnership, breach of contract, negligent and intentional infliction of emotional distress, fraudulent inducement to contract and marry, conversion, fraudulent inducement to contract, bigamy, and division of equitable trust. Plaintiff alleged that he had "detrimentally relied on his assumed married status and did not save the income he earned, allowing it to go to defendant for payment of household expenses." Defendant filed an answer in opposition. In October 2017, Defendant filed a motion to dismiss, asserting the doctrine of *res judicata*. In July 2022, after a hearing, the Trial Court entered its final order granting Defendant's motion to dismiss. The Trial Court stated, as relevant:

The Court finds and holds that Plaintiff's claims and Causes Of Action enumerated in the Complaint for (i) Breach of implied partnership, (ii) Breach of Contract, (iii) Negligent and intentional infliction of emotional distress, (iv) Fraudulent Inducement to Contract and Marry, (v) Conversion, and (vi) Fraudulent Inducement to Contract could have been raised and asserted by Plaintiff in the prior cause of action Larry Inman v. Cindy Craven

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."

Inman (Circuit Court of Tennessee for the Thirtieth Judicial District at Memphis, Docket No. CT-003813-13) and were not, and are barred by *res judicata*.

The Court further finds and holds that Plaintiff alleges that Circuit Court lacks jurisdiction to hear the claims in Plaintiff's Complaint as to Bigamy, and that Plaintiff provided no authority for his allegation. The Court finds and holds that Circuit Court and Chancery Court have concurrent jurisdiction as to divorces; that Circuit Court could have heard Plaintiff's claim as to Bigamy in the prior cause of action Larry Inman v. Cindy Craven Inman, [(Circuit Court of Tennessee for the Thirtieth Judicial District at Memphis, Docket No. CT-003818-13); and that *res judicata* also attaches as to Plaintiff's Bigamy claim and bars same.

The Court further finds and holds that . . . Circuit Court could have heard Plaintiff's claim as to Division of Equitable Trust in the prior cause of action Larry Inman v. Cindy Craven Inman, [(Circuit Court of Tennessee for the Thirtieth Judicial District at Memphis, Docket No. CT-003818-13); and that *res judicata* also attaches as to Plaintiff's Division of Equitable Trust claim and bars same.

The Court further finds and holds that the Circuit Court in the aforesaid prior cause of action (Larry Inman v. Cindy Craven Inman, Circuit Court of Tennessee for the Thirtieth Judicial District at Memphis, Docket No. CT-003818-13) retained jurisdiction only as to the parties' then minor children; that the Circuit Court's retention of jurisdiction as to the parties' minor children had nothing to do with whether the claims asserted in Plaintiff's Complaint could have been adjudicated in the prior cause of action, and that Plaintiff did not have to consent to entry of the Consent Order On Amended Motion To Dismiss Complaint For Divorce on September 5, 2014 in the prior cause of action.

Plaintiff timely appealed to this Court.

Discussion

Although not stated exactly as such, Plaintiff raises the following issue on appeal: whether the Trial Court erred in dismissing Plaintiff's complaint based on *res judicata*. Regarding our standard of review, the Tennessee Supreme Court has instructed:

A motion to dismiss a complaint for failure to state a claim for which relief may be granted tests the legal sufficiency of the plaintiff's complaint. The motion requires the court to review the complaint alone. Dismissal under Tenn. R. Civ. P. 12.02(6) is warranted only when the alleged facts will

not entitle the plaintiff to relief, or when the complaint is totally lacking in clarity and specificity.

A Tenn. R. Civ. P. 12.02(6) motion admits the truth of all the relevant and material factual allegations in the complaint but asserts that no cause of action arises from these facts. Accordingly, in reviewing a trial court's dismissal of a complaint under Tenn. R. Civ. P. 12.02(6), we must construe the complaint liberally in favor of the plaintiff by taking all factual allegations in the complaint as true. We review the trial court's legal conclusions regarding the adequacy of the complaint de novo without a presumption of correctness.

SNPCO, Inc. v. City of Jefferson City, 363 S.W.3d 467, 472 (Tenn. 2012) (citations omitted). In *Lien v. Couch*, this Court discussed res judicata as follows:

Res judicata is a claim preclusion doctrine that promotes finality in litigation. It bars a second suit between the same parties or their privies on the same cause of action with respect to all the issues which were or could have been litigated in the former suit.

Parties asserting a res judicata defense must demonstrate that (1) a court of competent jurisdiction rendered the prior judgment, (2) the prior judgment was final and on the merits, (3) the same parties or their privies were involved in both proceedings, and (4) both proceedings involved the same cause of action. A prior judgment or decree does not prohibit the later consideration of rights that had not accrued at the time of the earlier proceeding or the reexamination of the same question between the same parties when the facts have changed or new facts have occurred that have altered the parties' legal rights and relations.

The principle of claim preclusion prevents parties from splitting their cause of action and requires parties to raise in a single lawsuit all the grounds for recovery arising from a single transaction or series of transactions that can be brought together. The principle is subject to certain limitations, one of which is that it will not be applied if the initial forum did not have the power to award the full measure of relief sought in the later litigation.

Lien v. Couch, 993 S.W.2d 53, 55-56 (Tenn. Ct. App. 1998) (citations omitted).

Plaintiff argues that until the divorce lawsuit was dismissed and the parties' marriage declared void, no other cause of action existed for him. However, a review of the

timeline shows otherwise. As early as October 2013, in the midst of the divorce lawsuit, Plaintiff was made aware by Defendant's motion to dismiss that the parties' marriage might be void. Nevertheless, Plaintiff did not amend his complaint to assert the causes of action he now asserts. In addition, in March 2014, the Circuit Court entered an order holding that Plaintiff and Defendant's marriage was void. This was some six months before entry of the Circuit Court's agreed order dismissing Plaintiff's complaint. Again, Plaintiff did not amend his complaint. He instead chose to accept the agreed order of dismissal.

In *Lien v. Couch*, we set out the elements of res judicata. We apply them here. First, a court of competent jurisdiction, the Circuit Court, rendered the agreed order. Second, while the agreed order was not designated final under Tenn. R. Civ. P. 54.02, it resolved all outstanding issues between the parties. The agreed order was a final judgment on the merits. Third, the same parties, Plaintiff and Defendant, are before us. Finally, both proceedings concern and arise out of the parties' void marriage. While Plaintiff did not assert his present claims in the divorce litigation, he could have done so. His claims are thus barred by res judicata. We, therefore, affirm the judgment of the Trial Court.

Conclusion

The judgment of the Trial Court is affirmed, and this cause is remanded to the Trial Court for collection of the costs below. The costs on appeal are assessed against the Appellant, Larry Inman, and his surety, if any.

D. MICHAEL SWINEY, CHIEF JUDGE