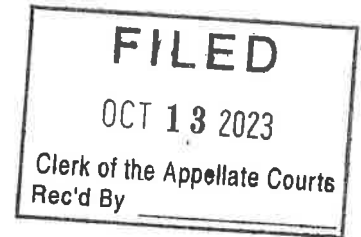


IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE
October 10, 2023

AKREM HASAN v. JIM BURROW ET AL.

**Appeal from the Circuit Court for Davidson County
No. 19C-1891 Thomas W. Brothers, Judge**



No. M2023-01354-COA-R3-CV

This is an appeal from an order denying a motion for relief under Tennessee Rule of Civil Procedure 60.02. Because the appellant did not file his notice of appeal within thirty days after entry of the order as required by Tennessee Rule of Appellate Procedure 4(a), we dismiss the appeal.

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

ANDY D. BENNETT, W. NEAL MCBRAYER, and JEFFREY USMAN, JJ.

Michael Howard Rowan, Goodlettsville, Tennessee, for the appellant, Akrem Hasan.

Martin A. Kooperman, Nashville, Tennessee, for the appellees, Jim Burrow and KSY Corporation.

MEMORANDUM OPINION¹

The appellees, Jim Burrow and KSY Corporation, have moved to dismiss this appeal as untimely. The appellant, Akrem Hasan, has not filed a response in opposition to the motion to dismiss.

Mr. Hasan has appealed from an order entered on August 23, 2023, denying his Tennessee Rule of Civil Procedure 60.02 motion to set aside a previously entered order granting summary judgment. Tennessee Rule of Appellate Procedure 4(a) requires that a notice of appeal be filed with the clerk of the appellate court within thirty days after entry of the judgment appealed. Mr. Hasan did not file his notice of appeal until September 25, 2023, thirty-three days after entry of the judgment.

¹ Under Tennessee Court of Appeals Rule 10, a case decided by memorandum opinion shall not be published and shall not be cited or relied on for any reason in any unrelated case.

The thirty-day time limit for filing a notice of appeal is mandatory and jurisdictional. *Albert v. Frye*, 145 S.W.3d 526, 528 (Tenn. 2004); *Binkley v. Medling*, 117 S.W.3d 252, 255 (Tenn. 2003). This Court can neither waive nor extend the time period. Tenn. R. App. P. 2 and 21(b); *Flautt & Mann v. Council of City of Memphis*, 285 S.W.3d 856, 868 n.1 (Tenn. Ct. App. 2008); *Jefferson v. Pneumo Servs. Corp.*, 699 S.W.2d 181, 184 (Tenn. Ct. App. 1985). The failure to file a timely notice of appeal deprives this Court of jurisdiction to hear the matter. *Flautt & Mann*, 285 S.W.3d at 869 n.1.

The appeal is dismissed for failure to file a timely notice of appeal. The case is remanded to the trial court for further proceedings consistent with this opinion. Akrem Hasan is taxed with the costs for which execution may issue.

PER CURIAM