

IN THE COURT OF APPEALS OF TENNESSEE  
AT KNOXVILLE  
January 17, 2013 Session

**IN RE: JEREMIAH P.A.**

**Appeal from the Chancery Court for Knox County  
No. 180883-3 Michael W. Moyers, Chancellor**

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**No. E2012-01961-COA-R3-JV-FILED-JANUARY 17, 2013**

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This appeal is from an order of the trial court entered on August 14, 2012, which order terminated the parental rights of Jeremy A. to his son, Jeremiah P.A., based upon Jeremy A.'s joining in the petition for adoption filed by Donna J. P., the child's biological maternal grandmother, on September 20, 2011. See Tenn. Code Ann. § 39-1-117(f). The order appealed from does not resolve all issues raised in the petition for adoption, or the petition to intervene and adopt filed by Charles R., the child's biological maternal grandfather. As such, the order is not a final order and this appeal is dismissed for lack of jurisdiction.

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

CHARLES D. SUSANO, JR., P.J., D. MICHAEL SWINEY, AND JOHN W. MCCLARTY, JJ.

William L. Gribble, II, Maryville, Tennessee, for the appellants, Donna J. P. and Jeremy A.

Ronald Jay Attanasio, Knoxville, Tennessee, for the appellee, Charles R.

Dennis B. Francis, Knoxville, Tennessee, Guardian Ad Litem.

**MEMORANDUM OPINION<sup>1</sup>**

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<sup>1</sup>Rule 10 of the Rules of the Court of Appeals provides as follows:

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 When a case is decided by memorandum opinion it shall be designated "MEMORANDUM OPINION," shall not be published, and shall not be cited or relied on for any reason in any unrelated case.

The Notice of Appeal in this case states that “Co-Petitioners, Donna [P.] and Jeremy [A.], hereby appeal[] the ruling of the trial court terminating the parental rights of Jeremy [A.]” The Notice of Appeal was filed on September 13, 2012. After Donna P. filed her initial petition to adopt the minor child, Charles R. filed in the proceedings below a petition to intervene and adopt the minor child. Donna P. and Charles R. are the biological parents of the minor child’s deceased mother, Kristin E. R. Donna P. and Charles R. are not married to one another.

On September 24, 2012, after the entry of the order terminating Jeremy A.’s parental rights, the trial court entered an order denying and dismissing Donna P.’s petition and amended petition to adopt the minor child. The order allowed Donna P. to continue as the temporary custodian of the minor child pending resolution of the issue of which one of the maternal grandparents should be granted permanent custody of the child. Neither the September 24, 2012 order nor the August 14, 2012 order contain any attempt by the trial court to certify the orders as final judgments pursuant to Rule 54.02 of the Rules of Civil Procedure.

“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)). “[A]ny order that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties is not enforceable or appealable and is subject to revision at any time before entry of a final judgment adjudicating all the claims, rights, and liabilities of all parties.” Tenn. R. App. P. 3(a). This court does not have subject matter jurisdiction to adjudicate an appeal 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.”).

Because there is no final order from which an appeal as of right would lie, this appeal is dismissed. Costs on appeal are taxed to Donna J. P. and Jeremy A., for which execution may issue if necessary.

**PER CURIAM**