

IN THE COURT OF APPEALS OF TENNESSEE
AT JACKSON

KHADIJEH NARAGHIAN v. DARRYLE K. WILSON

**Appeal from the Circuit Court for Shelby County
No. CT00119609 Robert Samuel Weiss, Judge**

No. W2014-00515-COA-R3-CV - Filed September 12, 2014

Because the order appealed is not a final judgment, we dismiss this appeal for lack of jurisdiction.

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

J. STEVEN STAFFORD, P.J.W.S., DAVID R. FARMER, J., AND HOLLY M. KIRBY, J., NOT PARTICIPATING.

Walter Lee Bailey, Jr., Memphis, Tennessee, for the appellant, Khadijeh Naraghian.

William M. Jeter, Memphis, Memphis, Tennessee, for the appellee, Darryle K. Wilson.

MEMORANDUM OPINION¹

Pursuant to the mandates of Rule 13(b) of the Tennessee Rules of Appellate Procedure, we reviewed the appellate record to determine if the Court has subject matter jurisdiction to hear this matter. After this review, it appears to the Court that it does not have jurisdiction. Specifically, we can find nothing in the record reflecting that the trial court assessed costs and there was no adjudication of the pleading styled “Motion to Assess Court

¹Rule 10 of the Rules of the Court of Appeals of Tennessee 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 When a case is decided by memorandum opinion it shall be designated “MEMORANDUM OPINION”, shall not be published, and shall not be cited or relied on for any reason in any unrelated case.

Costs” filed by Appellant/Defendant Darryle K. Wilson and Defendant Jennifer Wilson in the trial court on November 26, 2013. Moreover, there was no adjudication of the claims against Defendant Jennifer Wilson as set forth in the Complaint filed by Appellee/Plaintiff Khadijeh Naraghian in the trial court on March 10, 2009.

By Order entered on June 2, 2014, the Court directed Appellant to obtain entry of a final judgment in the trial court within ten (10) days of the entry of that Order or else show cause why this appeal should not be dismissed for failure to appeal an appealable order or judgment. On or about June 19, 2014, the Clerk of this Court received a supplemental record from the trial court clerk containing the trial court’s order of June 9, 2014. That order denied the “Motion to Assess Court Costs”, but was silent as to the claims against Defendant Jennifer Wilson. At this time, there is nothing in the record indicating that the trial court adjudicated the claims against Defendant Jennifer Wilson.

Rule 3 of the Tennessee Rules of Appellate Procedure provides that if multiple parties or multiple claims are involved in an action, any order that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties is not final or appealable. Except where otherwise provided, this Court only has subject matter jurisdiction over final orders. *See Bayberry Assoc. v. Jones*, 783 S.W.2d 553 (Tenn. 1990). Clearly, the order appealed is not a final judgment, and therefore, this Court lacks jurisdiction.

Conclusion

Because the trial court has not yet entered a final judgment, the appeal is dismissed without prejudice and the case remanded to the trial court for further proceedings consistent with this Opinion. Should a new appeal be filed, the Clerk of this Court shall, upon request of either party, consolidate the record in this appeal with the record filed in the new appeal. Costs of this appeal are taxed to the appellant, Khadijeh Naraghian, and the surety for which execution may issue if necessary.

PER CURIAM