



Tennessee Supreme Court
DISCRETIONARY APPEALS
Grants & Denials List
April 11, 2022 - April 15, 2022

GRANTS

| Style/Appeal Number | County/Trial Judge/ Trial Court No. | Intermediate Court | Supreme Court Action |
|--|--|---------------------------|--|
| <u>Nashville</u> | | | |
| EMERGENCY MEDICAL CARE FACILITIES, P.C. v. DIVISION OF TENNCARE ET AL. M2020-01358-SC-R11-CV | Davidson County Chancery Court Anne C. Martin 18-1017-II | Bennett, Andy D.: Reverse | GRANTED - Application of Emergency Medical Care Facilities, P.C.; Order Filed 4-14-2022 (see attached) |
| TREVOR SETH ADAMSON v. SARAH E. GROVE ET AL. M2020-01651-SC-R11-CV | Sumner County Circuit Court Joe Thompson 83CC1-2020-CV-616, 83CC1- 2020-CV-818, 83CC1-2020-CV- 906 | Bennett, Andy D.: Affirm | GRANTED AND REMANDED TO THE COURT OF APPEALS - Application of Trevor Seth Adamson; Order Filed 4-14-2022 (see attached) |

Jackson

STATE OF TENNESSEE v. TONY THOMAS and
LARONDA TURNER
W2019-01202-SC-R11-CD

Shelby County Criminal Court
J. Robert Carter, Jr.
17-00382, C17-00608

Thomas Jr., D. Kelly: Affirm
McMullen, Camille R.: Dissent

GRANTED - Applications of Tony
Thomas and Laronda Turner;

Order Filed 4-14-2022 (see
attached)

DENIALS

Style/Appeal Number

County/Trial Judge/ Trial Court No.

Intermediate Court

Supreme Court Action

Nashville

STATE OF TENNESSEE v. DEANGELO LEQUINTE
BERRY
M2020-00250-SC-R11-CD

Montgomery County Circuit Court
William R. Goodman, III
CC17-CR-462

Ogle, Norma McGee: Affirm

DENIED - Application of
DeAngelo Lequinte Berry;

Order Filed 4-13-2022

OLD HICKORY COACHES, LLC. v. STAR COACH
RENTALS, INC. ET AL.
M2020-00941-SC-R11-CV

Davidson County Chancery Court
Russell T. Perkins
16-930-IV

McGee, Carma Dennis: Affirm

DENIED - Application of Old
Hickory Coaches, LLC;

Order Filed 4-13-2022

STATE OF TENNESSEE v. JALEAN ROBERT
WILLIAMS AND MARKEIL LINSKEY WILLIAMS
M2020-01391-SC-R11-CD

Davidson County Criminal Court
Cheryl A. Blackburn
2016-B-1164

Dyer, J. Ross: Affirm

DENIED - Applications of Jalean
Robert Williams and Markeil
Linskey Williams;

Order Filed 4-13-2022

STATE OF TENNESSEE v. LEAVY L. JOHNSON
M2020-01443-SC-R11-CD

Davidson County Criminal Court
Monte Watkins
2017-A-116

Holloway Jr., Robert L.: Affirm

DENIED - Application of Leavy L.
Johnson;

Order Filed 4-13-2022

MARILYN JONES v. DANIEL MARSHALL
M2020-01627-SC-R11-CV

Davidson County Circuit Court
Joseph P. Binkley, Jr.
19C3024

Swiney, D. Michael: Affirm

DENIED - Application of Marilyn
Jones;

Order Filed 4-13-2022

DAVID L. LILES, ET AL v. MICHAEL E. YOUNG,
ET AL
M2020-01702-SC-R11-CV

Davidson County Chancery Court
Russell T. Perkins
18-467-IV

McClarty, John W.: Affirm

DENIED - Application of Michael
E. Young;

Order Filed 4-13-2022

BONNIE S. BODINE v. LONG JOHN SILVER'S
LLC
M2021-00168-SC-R11-CV

Marion County Circuit Court
Justin C. Angel
22462

Davis, Kristi M.: Affirm

DENIED - Application of Bonnie S.
Bodine;

Order Filed 4-13-2022

PHILLIP DANIEL MORTON v. STATE OF
TENNESSEE
M2021-00171-SC-R11-PC

Davidson County Criminal Court
Cheryl A. Blackburn
2012-D-3049

Wedemeyer, Robert W.: Affirm

DENIED - Application of Phillip
Daniel Morton;
DISMISSED - Pro Se Application
of Phillip Daniel Morton;

Order Filed 4-13-2022

GAI D. KUOT v. STATE OF TENNESSEE
M2021-00197-SC-R11-HC

Wayne County Circuit Court
Christopher V. Sockwell
16919

Holloway Jr., Robert L.: Affirm

DENIED - Application of Gai D.
Kuot;

Order Filed 4-13-2022

MITCH KINDER DEVELOPMENT, LLC v.
DEBORAH AKERS ET AL.
M2021-01550-SC-R10-CV

Davidson County Circuit Court
Amanda Jane McClendon
21C2005

DENIED - Motion to Proceed
as an Indigent Person on Appeal
pursuant to TRAP Rule 13(e);
Order Filed 4-13-2022

Knoxville

STATE OF TENNESSEE v. KEVIN BRAZELTON
E2019-00992-SC-R11-CD

Knox County Criminal Court
Bobby R. McGee
107785

Ogle, Norma McGee: Affirm

DENIED - Application of Kevin
Brazelton;

Order Filed 4-13-2022

STATE OF TENNESSEE v. BYRON HARTSHAW
AND GARY LEE EMORY
E2019-02200-SC-R11-CD

Knox County Criminal Court
Steven Wayne Sword
111537

Wedemeyer, Robert W.: Affirm

DENIED - Application of Byron
Hartshaw and Gary Lee Emory;

Order Filed 4-14-2022

STATE OF TENNESSEE v. GARY DEWAYNE
GLASGOW
E2020-00196-SC-R11-CD

Hamblen County Circuit Court
Alex E. Pearson
17CR556

Ogle, Norma McGee: Affirm

DENIED - Application of Gary
Dewayne Glasgow;

Order Filed 4-14-2022

ANTONIO DEWAYNE SIVELS v. STATE OF
TENNESSEE
E2020-01733-SC-R11-PC

Knox County Criminal Court
Kyle A. Hixson
111306, 116379

Montgomery Jr., Robert H.: Affirm

DENIED - Application of Antonio
Sivels;

Order Filed 4-14-2022

CHARLES STROMSNES ET AL. v. RRM ET AL.
E2021-00246-SC-R11-CV

Loudon County Circuit Court
Michael S. Pemberton
2020-CV-7

Swiney, D. Michael: Affirm

DENIED - Application of Charles
Stromsnes and Penny
Stromsnes;

Order Filed 4-14-2022

STATE OF TENNESSEE v. ADAM DEWAYNE
HOLMES
E2021-00326-SC-R11-CD

Knox County Criminal Court
Steven Wayne Sword
109529

Witt Jr., James Curwood: Affirm

DENIED - Application of Adam
Dewayne Holmes;

Order Filed 4-13-2022

JENNIFER SUSAN BENNETT v. DUNCAN
GEOFFREY BENNETT
E2021-01086-SC-R11-CV

McMinn County Chancery Court
Jerri Bryant
2013-CV-189

Per Curiam: Dismiss

DENIED - Application of Duncan
Geoffrey Bennett;
Order Filed 4-13-2022

Jackson

IN RE ESTATE OF ALYS HARRIS LIPSCOMB
W2018-01935-SC-R11-CV

Shelby County Probate Court
Karen D. Webster
PR-1541

Stafford, J. Steven: Affirm

DENIED - Application of Carnita
F. Atwater;
Order Filed 4-14-2022 (see
attached)

STATE OF TENNESSEE v. SEAN MITCHELL
A.K.A. ANTWON RAINER
W2020-01488-SC-R11-CD

Shelby County Criminal Court
Lee V. Coffee
15-03420

Holloway Jr., Robert L.: Affirm

DENIED - Application of Sean
Mitchell;
Order Filed 4-14-2022

JOSHUA HILL-WILLIAMS v. STATE OF
TENNESSEE
W2021-00090-SC-R11-PC

Shelby County Criminal Court
John Wheeler Campbell
13-146776, 14-03966

Easter, Timothy L.: Affirm

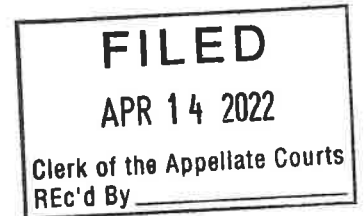
DENIED - Application of Joshua
Hill-Williams;
GRANTED - Motion of Joshua Hill-
Williams to accept late-filed
application;
Order Filed 4-13-2022

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

EMERGENCY MEDICAL CARE FACILITIES, P.C. v. DIVISION OF
TENNCARE ET AL.

Chancery Court for Davidson County
No. 18-1017-II

No. M2020-01358-SC-R11-CV



ORDER

Upon consideration of the application for permission to appeal of Emergency Medical Care Facilities, P.C. and the record before us, the application is granted.

The Clerk is directed to place this matter on the docket for oral argument upon the completion of briefing.

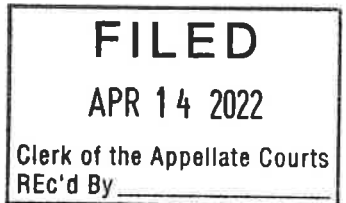
PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

TREVOR SETH ADAMSON v. SARAH E. GROVE ET AL.

Circuit Court for Sumner County
No. 83CC1-2020-CV-906, 83CC1-2020-CV-616, 83CC1-2020-CV-818

No. M2020-01651-SC-R11-CV



ORDER

On July 9, 2020, Appellant Trevor Adamson filed a complaint against Sarah Grove, Deborah Sangetti, and Karl Bolton in the Circuit Court for Sumner County. The complaint was assigned case number 83CC1-2020-CV-616. It was amended once as a matter of course and on August 24, 2020, was dismissed without prejudice on Mr. Adamson's motion. On September 11, 2020, Defendants filed a combined motion to alter or amend the judgment and Tennessee Public Protection Act ("TPPA") petition, seeking to have the complaint dismissed with prejudice under the TPPA, and seeking to recover their attorney's fees and costs.

On September 29, 2020, Mr. Adamson and his fiancé Samantha Meyers, acting pro se at that time, filed a pleading titled "Verified Petition of Trevor Adamson and Samantha Myers to Dismiss Tenn. R. Civ. P. 27.01(1)," naming the same three Defendants, as well as their attorney. The record reflects that this pleading was filed under 83CC1-2020-CV-616, and was also entered under a new case number, 83CC1-2020-CV-906. At a hearing, Mr. Adamson informed the trial court that he had intended the pleading to be a response to Defendants' combined motion to alter or amend and TPPA petition in case number 83CC1-2020-CV-616.

On October 16, 2020, the trial court entered an order stating that it would treat the September 29 pleading "as a Response and construe it liberally as such," and ordered the two cases be consolidated. The trial court further stated that because Mr. Adamson had "voluntarily dismissed his Amended Complaint in this action, the Court finds that the Plaintiff cannot now add new parties and claims to it through his Response to the Defendants' pending Motion and Petition. Accordingly, the Court finds that Samantha Myers and Daniel Horowitz—referenced by the Plaintiff in his Response—are not proper parties to this action, and as such, it is ORDERED that Samantha Myers, Daniel Horowitz,

and any claims regarding them should be and are hereby STRICKEN from this action.” Thus, it was clear from this order that although the September 29 pleading had been assigned a separate case number, the trial court was treating the September 29 pleading only as a responsive document in “this action.”

On November 17, 2020, the trial court entered an order on Defendants’ combined motion to alter or amend the judgment and TPPA petition. The trial court found that Defendants’ combined motion and petition were well taken and should be granted, and that Mr. Adamson’s amended complaint should be dismissed with prejudice. The trial court awarded Defendants \$15,000 in attorney’s fees and assessed Mr. Adamson \$24,000 in sanctions. The trial court further stated that a “final judgment shall be ENTERED in Case Nos. 83CC1-2020-CV-616, 83CC1-2020-CV-818, and 83CC1-2020-CV-906 pursuant to Tenn. R. Civ. P. 58.”¹ The caption of the order also reflects these three case numbers. However, the appellate record reflects that the order was only entered under 83CC1-2020-CV-906, and not under 83CC1-2020-CV-616.

On December 11, 2020, Mr. Adamson filed a notice of appeal listing a single case number: 83CC1-2020-CV-906. Defendants moved to dismiss the appeal, arguing the appeal was either barred by res judicata or moot given that Mr. Adamson had not appealed 83CC1-2020-CV-616. The Court of Appeals deferred ruling on the motion until after briefing and oral argument. The Court of Appeals ultimately found that Mr. Adamson “had not appealed the court’s judgment in case 83CC1-2020-CV-616, and we are without jurisdiction to consider the host of issues he raises, as they all arise from the court’s now final decision in case number 83CC1-2020-CV-616 and not the case actually before us. Mr. Adamson’s appeal does not raise a single issue stemming from the dismissal of his pro se complaint in case number 83CC1-2020-CV-906 and therefore renders this appeal moot.” The Court of Appeals also awarded Defendants their attorney’s fees under the TPPA, Tenn. Code Ann. § 20-17-107(a), and the frivolous appeal statute, Tenn. Code Ann. § 27-1-122. Mr. Adamson timely filed an application for permission to appeal.

Tennessee Rule of Appellate Procedure 3(f) governs the content of a notice of appeal and requires that the notice specify the party taking the appeal, designate the judgment appealed from, and name the court to which the appeal is taken. The rule further provides that “[a]n appeal should not be dismissed for informality of form or title of notice of appeal.” The advisory comments to subdivision (f) further state:

The purpose of the notice of appeal is simply to declare in a formal way an intention to appeal. As long as this purpose is met, it is irrelevant that the paper filed is deficient in some other respect. Similarly, the notice of appeal plays no part in defining the scope of appellate review.

¹ Case number 83CC1-2020-CV-818 was a separate action that was not consolidated. That case is irrelevant to the issues before us.

Our courts have explained that “the guiding principle must be whether the notice of appeal provided the notice which is its purpose,” and look to whether the appellee was taken by surprise or prejudiced. *In re NHC—Nashville Fire Litig.*, 293 S.W.3d 547, 559 (Tenn. Ct. App. 2008) (quoting *Thompson v. Logan*, No. M2005-02379-COAR3-CV, 2007 WL 2405130 at *16 (Tenn. Ct. App. Aug. 23, 2007)).

The Court of Appeals concluded that the failure to include case number 83CC1-2020-CV-616 on the face of the notice was not an informality of form or title. Instead, the Court of Appeals found that Mr. Adamson misunderstood the concept of consolidation. The Court of Appeals relied on *Rainbow Ridge Resort, LLC v. Branch Banking and Trust Co.*, 525 S.W.3d 252, 258 (Tenn. Ct. App. 2016), which stated that consolidation does not create one action, but simply allows joint discovery and a single trial of common issues for purposes of judicial economy. In *Rainbow Ridge*, a group of real estate developers had sued a bank in circuit court. *Id.* at 254. The bank separately filed an action in chancery court and joined the developers as parties. *Id.* at 255. The two cases were consolidated, the bank filed a motion to dismiss in each case, and the trial court filed two orders—one in the circuit court suit and one by interchange in the chancery court action—granting the bank's motions. *Id.* The developers only appealed the circuit court order. *Id.* The Court of Appeals, observing that two separate orders of dismissal had been entered, found that the “developers’ appeal of the order of dismissal in the circuit court case does not constitute an appeal of the chancery court case.” *Id.* at 258-59 (internal quotations and citations omitted). Thus, the Court of Appeals ultimately found that the chancery court action was a final judgment and the appeal of the circuit court action was barred by res judicata. *Id.* at 265. Relying on *Rainbow Ridge*, the Court of Appeals found that “Mr. Adamson’s appeal of case number 83CC1-2020-CV-906 does not constitute an appeal of case number 83CC1-2020-CV-616.”

We find the instant case to be distinguishable from *Rainbow Ridge*, 525 S.W.3d 252, where two separate motions to dismiss were filed, and the trial court entered two separate orders, one for each respective motion. Here, Defendants filed one combined motion to alter or amend the judgment and TPPA petition, and the trial court entered a single order granting that motion and petition, which resolved the two consolidated cases. The record on appeal also reflects that the order was then entered only under 83CC1-2020-CV-906, which is the number Mr. Adamson used on his notice of appeal. Moreover, the trial court’s consolidation order had made clear that it was treating Mr. Adamson’s September 29 filing solely as a responsive document, not as a separate complaint. Therefore, we find under the particular facts of this case, the notice of appeal was sufficient to provide Defendants with notice that Mr. Adamson was appealing the final order entered on the combined motion to alter or amend the judgment and TPPA petition, and to give the Court of Appeals jurisdiction to hear the issues raised by Mr. Adamson arising from that single final order.

Accordingly, upon consideration of the application for permission to appeal of Mr. Adamson and the record before us, the application is granted, the judgment of the Court of Appeals is vacated, and the case is remanded to the Court of Appeals for further review consistent with this Order.

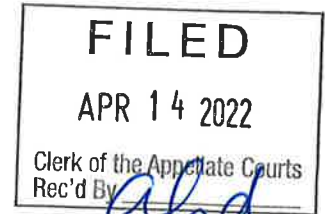
PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT JACKSON

IN RE ESTATE OF ALYS HARRIS LIPSCOMB

**Probate Court for Shelby County
No. PR-1541**

No. W2018-01935-SC-R11-CV



ORDER

On June 1, 2020, Carnita F. Atwater filed an application for permission to appeal under Tennessee Rule of Appellate Procedure 11. Ms. Atwater had previously filed a petition for Chapter 13 bankruptcy on May 19, 2020, in the United States Bankruptcy Court for the Western District of Tennessee in case number 20-22880. As a result, on June 30, 2020, this Court entered a stay pursuant to the automatic stay provisions of 11 U.S.C. section 362(a). On February 7, 2022, the Bankruptcy Court entered an order dismissing the bankruptcy case with prejudice and prohibiting Ms. Atwater from refileing under any chapter of the Bankruptcy Code for three years. On February 24, 2022, the Bankruptcy court entered an order closing the case. Therefore, it is ordered that the stay in the present case is lifted.

Ms. Atwater has filed a “Motion for Leave to Amend the Application to Appeal to the Supreme Court of Tennessee” and “Motion Additional Time to Submit Amended Application for Leave to Appeal.” Upon due consideration, the motions are denied. Ms. Atwater also filed a “Motion for Copies of Exhibits in the Record,” which is denied as moot. Upon consideration of the application for permission to appeal of Ms. Atwater and the record before us, the application is denied.

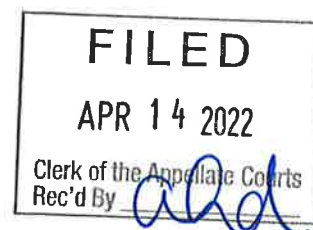
PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT JACKSON

STATE OF TENNESSEE v. TONY THOMAS and LARONDA TURNER

**Criminal Court for Shelby County
No. C17-00608, 17-00382**

No. W2019-01202-SC-R11-CD



ORDER

Upon consideration of the application for permission to appeal of Tony Thomas, and Laronda Turner and the record before us, the application is granted as to the following issues:

1) Whether the prosecution breached its constitutional duty of production under *Brady v. Maryland*, 373 U.S. 83 (1963), by failing to produce statements made by a co-defendant in proffer conferences, which were allegedly inconsistent with the co-defendant's formal statement to law enforcement.

2) Whether the evidence was sufficient to support Laronda Turner's convictions for first-degree murder.

The Clerk is directed to place this matter on the docket for oral argument upon the completion of briefing.

PER CURIAM