

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE

Assigned on Briefs February 4, 2026

JOSEPH BRIAN SIDDENS v. MAKENZIE (JOY) COOPER SIDDENS**Appeal from the Chancery Court for Knox County**
No. 204877-3 Christopher D. Heagerty, Jr., Chancellor

No. E2023-01339-COA-R3-CV

This appeal arises out of a divorce proceeding. After the trial court entered a mediated final judgment of divorce on stipulated grounds, the husband, who is pro se, filed a Rule 60 motion seeking to set it aside on the basis of fraud by the wife. The trial court denied the motion. Due to significant deficiencies in the husband's brief on appeal, we conclude that he waived consideration of any issue and hereby dismiss the appeal.

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

CARMA DENNIS MCGEE, J., delivered the opinion of the court, in which ANDY D. BENNETT and KRISTI M. DAVIS, JJ., joined.

Joseph Brian Siddens, White Pine, Tennessee, pro se.

Joshua S. Reed, Knoxville, Tennessee, for the appellee, Makenzie (Joy) Cooper Siddens.

MEMORANDUM OPINION¹**I. FACTS & PROCEDURAL HISTORY**

Joseph Brian Siddens ("Husband") filed a complaint for divorce in 2022, and

¹ 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 When a case is decided by memorandum opinion it shall be designated "MEMORANDUM OPINION," shall not be published, and shall not be cited or relied on for any reason in any unrelated case.

Makenzie Cooper Siddens (“Wife”) filed a countercomplaint. When Husband failed to appear on the date of the divorce trial, the trial court heard from Wife’s witnesses and granted her a divorce. The divorce decree was entered on August 29, 2023. Husband timely filed a notice of appeal to this Court.

Husband also filed a motion to set aside the divorce decree in the trial court, claiming that he was not notified of the trial date. The trial court granted the motion to set aside. The parties were referred to mediation, where they ultimately resolved all issues. On February 15, 2024, the trial court entered a mediated final judgment of divorce, declaring the parties divorced on stipulated grounds and dividing the parties’ marital estate.

This Court entered an order stating that we had been notified by the trial court clerk that the original divorce decree had been set aside and that a new final order had been entered. Due to the existence of a final order, this Court explained that the appeal could proceed if the appellant still wished to pursue it, but if he did not, then he could follow the procedures to voluntarily dismiss the appeal.

Husband subsequently filed a handwritten “Statement of Evidence.” Therein, Husband admitted that there was no transcript of the original hearing of which he had no notice. He then wrote:

1b) Please include the transcript from the Dis[s]olution of Marriage Hearing

2a) I’ve requested the trial court to include:

(Designation of Record)	All papers relating to discovery by defendant including depositions, interrogatories, and answers thereto, requests to admit, and all notices, motions or orders relating thereto, trial briefs. Any paper relating to discovery + offered in evidence for any purpose shall be clearly identified + treated as an exhibit.
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He also referenced the existence of “fraudulent documents” and “falsified information.” In addition, Husband filed a motion for an extension to file his brief on appeal, stating that he had requested from the trial court “all transcripts, papers related to discovery by defendant,” depositions, etc., and that these documents had not been provided in order for him to be able to cite them. He included a handwritten notation regarding a “Motion to Supplement Appellate Record.” This Court entered an order construing the filing, at least in part, as a motion to supplement the record on appeal. We remanded to the trial court to determine whether and to what extent the record required supplementation.

Following a hearing in the trial court, it entered an order reiterating that the court

had entered a mediated agreement resolving the issues between the parties. To the extent that Husband alleged some sort of fraud in connection with the mediated agreement, the trial court instructed him that he could file a Rule 60 motion.² In March 2025, this Court granted a motion filed by Husband to remand to the trial court for consideration of a Rule 60 motion. Our order stated that if Rule 60 relief was not granted by the trial court, it should then address the unresolved motion to supplement the record on appeal.

After a hearing on the Rule 60 motion, the trial court entered an order denying the motion on July 29, 2025. The court clarified that, given the mediated agreement resolving all issues in this case, the court was presented with “no documentary evidence of any kind,” and no testimony was heard (aside from that of Wife at the initial hearing when Husband did not appear, but the order from that hearing had been set aside). The trial court also noted that no discovery responses were filed by either party prior to the entry of the mediated divorce decree. The trial court recognized Husband’s argument regarding falsified documents but explained that none of those documents were ever adduced as evidence at any point in this case. The court also noted that no depositions were taken. In fact, the court noted, the parties’ mediated divorce decree expressly stated that they were waiving their rights to discovery in this action. As such, the court found no basis for any relief under Rule 60.

The trial court entered a separate order addressing the motion to supplement the record, in September 2025. The order states that, during the hearing below, Husband admitted that he no longer wanted a statement of evidence from the first hearing, which had resulted in the order that was set aside. The trial court then addressed the next part of Husband’s motion to supplement, which requested “all papers relating to discovery” and other matters. The court observed that this request tracked the language of Tennessee Rule of Appellate Procedure 24(a), which provides, in pertinent part:

(a) Content of the Record. The record on appeal shall consist of: (1) copies, certified by the clerk of the trial court, of all papers filed in the trial court except as hereafter provided; (2) the original of any exhibits filed in the trial court; (3) the transcript or statement of the evidence or proceedings, which shall clearly indicate and identify any exhibits offered in evidence and whether received or rejected; (4) any requests for instructions submitted to the trial judge for consideration, whether expressly acted upon or not; and (5) any other matter designated by a party and properly includable in the record as provided in subdivision (g) of this rule.

The following papers filed in the trial court are excluded from the record: (1) subpoenas or summonses for any witness or for any defendant

² The order also stated that Husband agreed to dismiss his appeal and that it was “hereby dismissed.” In January 2025, this Court entered an order stating that Husband had not filed any documentation in this Court that would accomplish the dismissal of the appeal, and a trial court has no authority to do so.

when there is an appearance for such defendant; (2) *all papers relating to discovery, including depositions, interrogatories and answers thereto, reports of physical or mental examinations, requests to admit, and all notices, motions or orders relating thereto*; (3) any list from which jurors are selected; (4) trial briefs; and (5) minutes of opening and closing of court. Any paper relating to discovery and offered in evidence for any purpose shall be clearly identified and treated as an exhibit.

Tenn. R. App. P. 24(a) (emphasis added). The trial court explained, “None of that is in the Court’s file.” He explained that there was no discovery, no trial briefs, etc. In other words, “[n]one of that was in the record to start with.” As a result, the trial court explained, there was nothing in that category of requested documents to include in the record on appeal. The trial court explained that none of the documents Husband requested were considered by the court. Therefore, the trial court denied the motion to supplement the record on appeal. This Court subsequently directed Husband to file his brief on appeal.

II. DISCUSSION

On appeal, Husband asks this Court to grant him relief “from the judgment of the Final Divorce Decree of FEBRUARY 2024 AND of Chancery Court’s decision to deny relief to the Plaintiff in August 2025 after this case was remanded to it by Appellate Court in order to make the Plaintiff whole for the reasons Mr. Siddens presented under Rule 60.02.” He also discusses his requests to supplement the record on appeal. Unfortunately, however, our ability to review this appeal is hindered by the state of Husband’s brief. It does not contain a statement of the issues presented for review, a single citation to the record on appeal, a reference to any legal authority aside from mentioning “Rule 60.02,” or other necessary components.

Tennessee Rule of Appellate Procedure 27 states, in pertinent part:

(a) Brief of the Appellant. The brief of the appellant shall contain under appropriate headings and in the order here indicated:

(1) A table of contents, with references to the pages in the brief;
(2) A table of authorities, including cases (alphabetically arranged), statutes and other authorities cited, with references to the pages in the brief where they are cited;

...

(4) A statement of the issues presented for review;
(5) A statement of the case, indicating briefly the nature of the case, the course of proceedings, and its disposition in the court below;
(6) A statement of facts, setting forth the facts relevant to the issues presented for review with appropriate references to the record;
(7) An argument, which may be preceded by a summary of argument, setting

forth:

- (A) the contentions of the appellant with respect to the issues presented, and the reasons therefor, including the reasons why the contentions require appellate relief, with citations to the authorities and appropriate references to the record (which may be quoted verbatim) relied on; and
- (B) for each issue, a concise statement of the applicable standard of review (which may appear in the discussion of the issue or under a separate heading placed before the discussion of the issues);
- (8) A short conclusion, stating the precise relief sought.

Husband's brief wholly fails to comply with Rule 27. The entire brief consists of seven pages. It does not contain a table of contents, citation to the record, sufficient citation to authority, a table of authorities, statement of the issues, statement of the case, statement of facts, designated argument section, or conclusion.

"[A]n issue may be deemed waived . . . when the brief fails to include an argument satisfying the requirements of Tenn. R. App. P. 27(a)(7)." *Trezevant v. Trezevant*, 696 S.W.3d 527, 530 (Tenn. 2024) (quoting *Hodge v. Craig*, 382 S.W.3d 325, 335 (Tenn. 2012)). "[O]ur courts have routinely held that the failure to make appropriate references to the record as required by Rule 27(a)(7) constitutes a waiver of the issue." *Boswell v. Young Men's Christian Ass'n of Middle Tenn.*, No. M2018-00180-COA-R3-CV, 2019 WL 1422926, at *5 (Tenn. Ct. App. Mar. 29, 2019) (citing *Bean v. Bean*, 40 S.W.3d 52, 55 (Tenn. Ct. App. 2000)); see, e.g., *Duracap Asphalt Paving Co. Inc. v. City of Oak Ridge*, 574 S.W.3d 859, 871 (Tenn. Ct. App. 2018) ("Duracap's failure to provide appropriate citations [to the record] regarding this matter results in a waiver of the issue."). Rule 6 of the Rules of the Court of Appeals of Tennessee provides,

- (a) Written argument in regard to each issue on appeal shall contain:
 - (1) A statement by the appellant of the alleged erroneous action of the trial court which raises the issue and a statement by the appellee of any action of the trial court which is relied upon to correct the alleged error, with citation to the record where the erroneous or corrective action is recorded.
 - (2) A statement showing how such alleged error was seasonably called to the attention of the trial judge with citation to that part of the record where appellant's challenge of the alleged error is recorded.
 - (3) A statement reciting wherein appellant was prejudiced by such alleged error, with citations to the record showing where the resultant prejudice is recorded.
 - (4) A statement of each determinative fact relied upon with citation to the record where evidence of each such fact may be found.
- (b) No complaint of or reliance upon action by the trial court will be considered on appeal unless the argument contains a specific reference to the page or pages of the record where such action is recorded. No assertion of

fact will be considered on appeal unless the argument contains a reference to the page or pages of the record where evidence of such fact is recorded.

Tenn. Ct. App. R. 6(a)-(b) (emphasis added).

Moreover, “[i]t is not the role of the courts, trial or appellate, to research or construct a litigant’s case or arguments for him or her, and where a party fails to develop an argument in support of his or her contention or merely constructs a skeletal argument, the issue is waived.” *Sneed v. Bd. of Pro. Resp. of Supreme Ct.*, 301 S.W.3d 603, 615 (Tenn. 2010); *see also Lacy v. Big Lots Stores, Inc.*, No. M2019-00419-COA-R3-CV, 2023 WL 163974, at *3 (Tenn. Ct. App. Jan. 12, 2023) (“Generally, when a party fails to cite to relevant authority, we consider that issue waived.”); *Berry v. City of Memphis*, No. W2014-01236-COA-R3-CV, 2015 WL 1650763, at *4 (Tenn. Ct. App. Apr. 13, 2015) (“Our courts have repeatedly held that the failure to cite to relevant legal authority to support an argument may result in a waiver of the argument on appeal.”). Husband presents no discernible argument regarding how the trial court erred in its entry of the mediated divorce decree or its order denying the Rule 60 motion.

“[A]ppellate courts may properly decline to consider issues that have not been raised and briefed in accordance with the applicable rules.” *Waters v. Farr*, 291 S.W.3d 873, 919 (Tenn. 2009) (Koch, J., concurring in part and dissenting in part). Recently, the Tennessee Supreme Court addressed this issue, with the following instruction to appellate courts:

Appellate litigants have an obligation to file briefs that comply with all applicable rules *See* Tenn. R. App. P. 27(a)(6), (7); Tenn. Ct. App. R. 6(a)(4), (b). But this Court has repeatedly emphasized that the overall intent of the appellate rules is “to disregard technicality in form in order to determine every appellate proceeding on its merits.” *Trezevant v. Trezevant*, 696 S.W.3d 527, 530 (Tenn. 2024). “A court’s construction and application of the rules should further that intent and should enhance, not impede, the search for justice.” *Johnson v. Hardin*, 926 S.W.2d 236, 238-39 (Tenn. 1996). Given “the importance of applying the Rules of Appellate Procedure to reach a just result,” *Trezevant*, 696 S.W.3d at 531, Tennessee courts must reasonably exercise their discretion to excuse technical deficiencies that do not significantly impede the appellate process, *see* Tenn. R. App. P. 2 (giving appellate court discretion to suspend rules); Tenn. Ct. App. R. 1(b) (same for Court of Appeals rules).

DiNovo v. Binkley, 706 S.W.3d 334, 336 (Tenn. 2025). For instance, although courts have routinely held that the failure to make appropriate references to the record as required by Rule 27 constitutes a waiver of the issue, such cases “usually involve egregious errors that prejudice the opposing party, force the court to act as a party’s counsel, or otherwise significantly frustrate the court’s ability to decide an appeal.” *Id.* at 337. “[C]ourts always

must reasonably exercise their discretion in this context, keeping firmly in mind Tennessee’s longstanding policy favoring resolution of appeals on the merits.” *Id.*

Although our Supreme Court cautioned that “this Court should exercise its discretion to dismiss an appeal for failure to comply with Tenn. R. App. P. 27 in the case of ‘egregious errors that prejudice the opposing party, force the court to act as a party’s counsel, or otherwise significantly frustrate the court’s ability to decide an appeal,’” we have continued to do so where the litigant’s briefing “falls into this category and warrants dismissal.” *Wallace v. First Cash Inc.*, No. E2024-01096-COA-R3-CV, 2025 WL 842174, at *3 n.2 (Tenn. Ct. App. Mar. 18, 2025) (quoting *DiNovo*, 706 S.W.3d at 337); *see, e.g., Mary Walker Towers (CHA) v. Abdul-Hakim*, No. E2025-00259-COA-R3-CV, 2025 WL 2418441, at *2 (Tenn. Ct. App. Aug. 21, 2025) (“[A]ny review in the present case would require this court to abandon its role of impartial reviewer and become instead an advocate for Appellant, which is something we cannot do.”). “When a party fails to comply with Tenn. R. App. P. 27, this court has the authority to dismiss the appeal.” *Riebsame v. Schemel*, No. E2018-01798-COA-R3-CV, 2019 WL 4667586, at *4 (Tenn. Ct. App. Sept. 24, 2019) (citing *Bean*, 40 S.W.3d at 54-55). “We have previously held that a litigant’s appeal should be dismissed . . . where there is a complete failure to cite to the record.” *Commercial Bank, Inc. v. Summers*, No. E2010-02170-COA-R3-CV, 2011 WL 2673112, at *2 (Tenn. Ct. App. July 11, 2011).

Husband’s brief falls into this category. It contains no citations to the record and no citation to legal authority. “Courts have routinely held that the failure to make appropriate references to the record and to cite relevant authority . . . constitutes a waiver of the issue.” *Bean*, 40 S.W.3d at 55. Attempting to address the merits of this appeal “would impermissibly shift the burden of creating [the appellant’s] legal argument onto this Court.” *Wallace*, 2025 WL 842174, at *3.

We recognize that Husband is *pro se* on appeal. “Parties who decide to represent themselves are entitled to fair and equal treatment by the courts,” but we cannot “excuse pro se litigants from complying with the same substantive and procedural rules that represented parties are expected to observe.” *Hessmer v. Hessmer*, 138 S.W.3d 901, 903 (Tenn. Ct. App. 2003). “All filers, including pro se filers, must comply with Rule 27’s basic requirements.” *Thomas v. Bank of Am., N.A.*, No. M2015-01849-COA-R3-CV, 2017 WL 2859813, at *3 (Tenn. Ct. App. July 5, 2017) (citing *Murray v. Miracle*, 457 S.W.3d 399, 404 (Tenn. Ct. App. 2014)).

III. CONCLUSION

For the aforementioned reasons, this appeal is dismissed for failure to comply with Tennessee Rule of Appellate Procedure 27 and Rule 6 of the Rules of the Court of Appeals of Tennessee. Costs of this appeal are taxed to the appellant, Joseph Brian Siddens, for which execution may issue if necessary.

s/ Carma Dennis McGee
CARMA DENNIS MCGEE, JUDGE