

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE

Assigned on Briefs August 4, 2025

ROBERT BROCK ET AL. v. GRACE WESSEL

Appeal from the Circuit Court for Knox County
No. 3-286-24, 63470-K Deborah C. Stevens, Judge

No. E2025-00109-COA-R3-CV

A general sessions court, on its own motion, set aside a default judgment in favor of the plaintiffs. After an unsuccessful attempt to reinstate the judgment, the plaintiffs appealed to the circuit court. The circuit court dismissed the appeal because the general sessions court had not entered a final judgment. We affirm.

Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Circuit Court Affirmed

W. NEAL MCBRAYER, J., delivered the opinion of the court, in which J. STEVEN STAFFORD, P.J., W.S., and JOHN W. MCCLARTY, P.J., E.S., joined.

Brett D. Stokes, Knoxville, Tennessee, for the appellants, Robert Brock and Carol Coburn.

James S. MacDonald, Knoxville, Tennessee, for the appellee, Grace Wessel.

OPINION

I.

Robert Brock and Carol Coburn thought they had won their personal injury case, stemming from “an auto collision,” by default. But two days after the entry of a judgment awarding each of them \$25,000, the general sessions court determined that it “may have allowed a default judgment which [could not] be supported based on the law and the procedural posture of the case.” So the court set aside the judgment.

Over two months later, Mr. Brock and Ms. Coburn responded with a “Motion to Set Aside Sua Sponte Order and Enforce Judgment.” They pointed out that the defendant, Grace Wessel, had not requested relief from the default judgment or filed an appeal to the

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circuit court. Thus, in their view, the general sessions court did not have “jurisdiction” to set aside its judgment. Ms. Wessel opposed the relief. She surmised that the court “realized that a fraud had been perpetrated upon the Court by Plaintiffs’ counsel in taking a default judgment . . . without advising the Court at any time that [Ms. Wessel] was represented by counsel of record.”

Following a hearing, the general sessions court denied the Motion to Set Aside Sua Sponte Order and Enforce Judgment. The court seemed concerned that the default judgment had exceeded the limits of its jurisdiction. *See* Tenn. Code Ann. § 16-15-501(d)(1) (2021) (providing that, with limited exceptions, “[t]he jurisdiction of courts of general sessions . . . extend[s] to the sum of twenty-five thousand dollars (\$25,000) in all civil cases, both law and equity”); *see also* *Ware v. Meharry Med. Coll.*, 898 S.W.2d 181, 184 (Tenn. 1995) (holding that, because general sessions courts are courts of limited jurisdiction, “[t]heir judgments cannot exceed their jurisdictional limits or their subject matter jurisdiction”). It described the default judgment as being “in the amount of \$50,000.00 (\$25,000.00 per Plaintiff).”¹ In addition to denying the Motion to Set Aside, the court directed that the case be reset for a trial on the merits.

Within ten days of the denial of their motion but nearly seven months after the general sessions court had set aside their default judgment, Mr. Brock and Ms. Coburn appealed to the circuit court. Ms. Wessel responded by moving to dismiss the appeal for lack of subject matter jurisdiction. She argued that the circuit court lacked subject matter jurisdiction “due to the absence of a final, appealable [o]rder.” She also asked that the court remand the case to the general sessions court for a trial on the merits.

The circuit court granted the motion to dismiss. It determined “that there was not a final judgment from the Sessions Court because the General Sessions Judge on March 14, 2024 sua sponte set aside a previous judgment entered March 12, 2024.” So the court concluded that it lacked subject matter jurisdiction and returned the case to the general sessions court for further proceedings.

II.

On appeal, Mr. Brock and Ms. Coburn raise two issues. They argue that the trial court erred in dismissing the appeal for lack of a final judgment because the default judgment was a final and enforceable judgment. This is so, as their other issue contends, because the general sessions court “was without jurisdiction” to set aside the default judgment on its own motion. For her part, Ms. Wessel contends that the circuit court

¹ At the hearing on the Motion to Set Aside Sua Sponte Order and Enforce Judgment, the court stated, “there was excusable neglect on my part because I probably should have been fastidious about insisting that there be a separate filing, with a separate docket number to accommodate two plaintiffs.” It then proposed that there should be “two docket numbers, two plaintiffs, one defendant—two cases involving the same factual circumstance being tried at the same time.”

correctly dismissed the appeal for lack of a final judgment. She also requests an award of her attorney's fees for a frivolous appeal.

A.

Whether the circuit court had subject matter jurisdiction to consider Mr. Brock's and Ms. Coburn's appeal from general sessions court is "a threshold inquiry." *Redwing v. Catholic Bishop for Diocese of Memphis*, 363 S.W.3d 436, 445 (Tenn. 2012). Subject matter jurisdiction refers to "a court's power to adjudicate a particular type of case or controversy." *Benson v. Herbst*, 240 S.W.3d 235, 238-39 (Tenn. Ct. App. 2007) (citing *Osborn v. Marr*, 127 S.W.3d 737, 739 (Tenn. 2004); *Toms v. Toms*, 98 S.W.3d 140, 143 (Tenn. 2003); *First Am. Trust Co. v. Franklin-Murray Dev. Co.*, 59 S.W.3d 135, 140 (Tenn. Ct. App. 2001)). A court derives subject matter jurisdiction—"either explicitly or by necessary implication"—from our Constitution or legislative acts. *Id.* at 239. If subject matter jurisdiction is lacking, the court must dismiss the case. *Dishmon v. Shelby State Cmty. Coll.*, 15 S.W.3d 477, 480 (Tenn. Ct. App. 1999). Whether a court lacks subject matter jurisdiction is a question of law, which we review de novo. *Chapman v. DaVita, Inc.*, 380 S.W.3d 710, 712-13 (Tenn. 2012).

Circuit courts are granted subject matter jurisdiction over appeals from general sessions court by statute. The statute provides that "[a]ny party may appeal from a decision of the general sessions court to the circuit court of the county within a period of ten (10) days." Tenn. Code Ann. § 27-5-108(a)(1) (Supp. 2025); *Ken Smith Auto Parts v. Thomas*, 599 S.W.3d 555, 560 (Tenn. 2020). We have interpreted the statute as including a finality requirement, meaning that an appeal only lies from a final judgment. *See, e.g., Bradley v. Pesce*, No. W2023-00583-COA-R3-CV, 2023 WL 8765709, at *5 (Tenn. Ct. App. Dec. 19, 2023) (holding that a general sessions court judgment "was not final and appealable until all the claims of all the parties were adjudicated"); *U.S. Bank Nat. Ass'n v. Rzezutko*, No. E2011-00058-COA-R3-CV, 2011 WL 5051428, at *3 (Tenn. Ct. App. Oct. 25, 2011) (recognizing "the need for a final judgment from the general sessions court in order to file an appeal pursuant to Tenn. Code Ann. § 27-5-108"); *Jackson Energy Auth. v. Diamond*, 181 S.W.3d 735, 740 (Tenn. Ct. App. 2005) (concluding that "the ten-day period for seeking a de novo review in the Circuit Court began to run when the General Sessions final judgment was entered"). A final judgment is a judgment that "decides and disposes of the whole merits of the case leaving nothing for the further judgment of the court." *Saunders v. Metro. Gov't of Nashville & Davidson Cnty.*, 383 S.W.2d 28, 31 (Tenn. 1964).

Mr. Brock and Ms. Coburn submit that the default judgment entered by the general sessions court was a final judgment. It decided and disposed of the whole merits of their case, leaving nothing for the further judgment of the general sessions court. *See id.* Although they acknowledge that the general sessions court did make a further judgment by setting aside its default judgment, they argue it lacked jurisdiction to do so.

Their argument, however, is from another era. Before 2007, general sessions courts did lack jurisdiction to set aside a judgment, but that changed with the enactment of “Tenn. Code Ann. § 16-15-727(b), authorizing general sessions courts to rule on motions for relief from a judgment pursuant to Tenn. R. Civ. P. 60.02.” *Tenn. Prot. Agency, Inc. v. Mathies*, No. M2009-01775-COA-R3-CV, 2010 WL 2889316, at *2 (Tenn. Ct. App. July 23, 2010). Under Tennessee Code § 16-15-727(b), a general sessions court may “relieve a party or the parties’ legal representative from a final judgment” for any reason set out in Tennessee Rule of Civil Procedure 60.02. Tenn. Code Ann. § 16-15-727(b) (2021).

Mr. Brock and Ms. Coburn assert that Tennessee Code § 16-15-727(b) has no application here because Ms. Wessel filed no motion for relief under Tennessee Rule of Civil Procedure 60.02. Subsection (b) of the statute, unlike subsection (a) which authorizes general sessions courts to correct mistakes in the same manner as provided in Tennessee Rule of Civil Procedure 60.01, refers to “[a] motion under the general sessions court’s authority under Tenn. R. Civ. P. 60.02.” *Id.* In this respect, subsection (b) echoes the language of Rule 60.02, which provides that “[o]n motion and upon such terms as are just, the court may relieve a party or the party’s legal representative from a final judgment.” TENN. R. CIV. P. 60.02 (emphasis added). Elsewhere Rule 60.02 provides that “the procedure for obtaining relief from a judgment shall be by motion as prescribed in these rules or by an independent action.” *Id.*

Despite the language of Rule 60.02, a court may grant relief under the rule without motion or independent action. Specifically, “in connection with Rule 60.02(1) relief, . . . when facts and circumstances indicating a necessity for such relief come to the attention of the Court, there is no necessity to await the filing of a formal motion.” *Jerkins v. McKinney*, 533 S.W.2d 275, 281 (Tenn. 1976). So, contrary to Mr. Brock’s and Ms. Coburn’s assertion, “[t]he trial court may [s]ua sponte grant the relief [under Rule 60.02(1)].”² *Id.* Rule 60.02(1), which predicates relief from a final judgment based on “mistake, inadvertence, surprise or excusable neglect,” is not limited “to acts of omission or commission of the parties.” TENN. R. CIV. P. 60.02; *Jerkins*, 533 S.W.2d at 281. It can also apply to instances in which a court makes a mistake or is guilty of excusable neglect. *See Jerkins*, 533 S.W.2d at 281.

Here, the general sessions court was apparently operating under the impression that it had mistakenly entered a default judgment in excess of its jurisdiction. Whether that impression was correct is not before us. We only decide that the general sessions court may act on its own motion to set aside a default judgment under Tennessee Code § 16-15-

² This Court has concluded that a court may also grant relief from a final judgment, order or proceeding on its own motion under Tennessee Rule of Civil Procedure 60.02(5). *Sellers v. Sellers*, 221 S.W.3d 43, 48 (Tenn. Ct. App. 2006). “Rule 60.02(5) functions as a catch-all to provide equitable relief when relief is not available under the other subsections.” *Hussey v. Woods*, 538 S.W.3d 476, 485 (Tenn. 2017) (citing *Duncan v. Duncan*, 789 S.W.2d 557, 564 (Tenn. Ct. App. 1990)).

727(b) if the court deemed the relief a necessity under Tennessee Rule of Civil Procedure 60.02(1) due to mistake, inadvertence, surprise, or excusable neglect.

Because the general sessions court could set aside its default judgment under Tennessee Code § 16-15-727(b), the circuit court correctly determined that there was no final judgment. The lack of final judgment precluded Mr. Brock's and Ms. Coburn's appeal and deprived the circuit court of subject matter jurisdiction.³

B.

Ms. Wessel requests an award of attorney's fees and expenses claiming this appeal was frivolous. *See* Tenn. Code Ann. § 27-1-122 (2017) (authorizing an award of damages against an appellant if an appeal appears to be "frivolous or taken solely for delay"). As her counsel states, "there seems to be no explanation for this pointless odyssey from Sessions to Circuit to this [Court] other than personal pique."

A frivolous appeal is "utterly devoid of merit," *Combustion Eng'g, Inc. v. Kennedy*, 562 S.W.2d 202, 205 (Tenn. 1978), or lacks a "reasonable chance of success," *Davis v. Gulf Ins. Grp.*, 546 S.W.2d 583, 586 (Tenn. 1977). While we might find the strategy in pursuing the appeal perplexing, the appeal was not frivolous.

III.

Because the general sessions court had set aside its default judgment, the circuit court properly dismissed the appeal for lack of subject matter jurisdiction. Ms. Wessel's request for an award of attorney's fees and expenses incurred on appeal is denied. The case is remanded for further proceedings as may be necessary and consistent with this opinion.

s/ W. Neal McBrayer
W. NEAL MCBRAYER, JUDGE

³ An appeal is available if "filed within ten (10) days of the general sessions court's ruling on the motion to relieve a party or the parties' legal representative from a final judgment, order or proceeding in the same manner as provided in Tenn. R. Civ. P. 60.02." Tenn. Code Ann. § 16-15-727(b).