

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE
April 16, 2026 Session

FILED

08/04/2026

Clerk of the
Appellate Courts

ERIC S. ROBINSON v. STACI L. McCLELLAN, ET AL.

**Appeal from the Circuit Court for Hawkins County
No. 2023-CC-176 William Erwin Phillips II, Judge**

No. E2025-00512-COA-R3-CV

This is an appeal from the trial court's denial of a motion to set aside the judgment under Tennessee Rule of Civil Procedure 60.02. We affirm the trial court.

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

JOHN W. MCCLARTY, P.J., E.S., delivered the opinion of the court, in which THOMAS R. FRIERSON, II and KRISTI M. DAVIS, J.J., joined.

Eric Scott Robinson, Kingsport, Tennessee, pro se appellant.

James Christopher Rose and Sydney Brooke Gilbert, Kingsport, Tennessee, for the appellees, Staci L. McClellan and J. Matthew King.

Janet Strevel Hayes and William Paul Whitt, Knoxville, Tennessee for the appellees, Travis S. McMurray, Trinity Valuation Consulting Group, PLC, and Blackburn, Childers & Steagall, PLC.

OPINION

I. BACKGROUND

This is Plaintiff-Appellant Eric Robinson's third appeal related to the valuation of marital property during his divorce trial in 2020 from Appellee Staci McClellan. During the divorce proceedings, Ms. McClellan was represented by Appellee Matthew King, a partner of King & Spivey law firm. Attorney King retained Appellee Travis McMurray to provide an expert opinion on the valuation of three Subway franchises at issue in the divorce. Appellee McMurray was, at the time, a principal with Trinity Valuation

Consulting Group, PLC, and a partner with Blackburn, Childers & Steagall, PLC (collectively, the “Accountant Defendants”).

Following the divorce, Plaintiff appealed the trial court’s ruling. *See Robinson v. Robinson*, No. E2020-01535-COA-R3-CV, 2022 WL 2336504 (Tenn. Ct. App. June 29, 2022). This Court affirmed the trial court on most issues, including its valuation of the Subway franchises.¹ *Id.* at *6. Before his former wife, Ms. McClellan, filed her brief in the aforementioned appeal, Plaintiff filed in the trial court a motion for relief from judgment of final decree, claiming that the Subway “franchises were undervalued by the trial court due to [Ms. McClellan’s] misrepresentation of income and intentional fraud on the court resulting in an inequitable division of marital assets.” *Robinson v. Robinson*, No. E2023-00546-COA-R3-CV, 2024 WL 889557, at *1 (Tenn. Ct. App. Mar. 1, 2024). The motion was unsuccessful in the trial court, so Plaintiff again appealed to this Court, arguing “that the trial court erred because the final decree ‘encompasses intrinsic fraud due to [Ms. McClellan’s] misrepresentation of income and assets.’” *Id.* at *2. This Court disagreed with Plaintiff’s argument and held:

[T]here was no abuse of discretion by the trial court. Husband failed to present clear and convincing proof that Wife withheld evidence, offered perjured testimony, or misrepresented anything. But even were we to assume that Wife’s testimony was false or that Wife’s valuation expert knowingly relied on false data, that would not necessarily entitle Husband to relief. To be entitled to relief, “the fraud must have prevented the moving party from fully and fairly presenting his case.” 11 CHARLES ALAN WRIGHT & ARTHUR R. MILLER, FED. PRAC. & PROC. CIV. § 2860 (3d ed. 1998) (footnote omitted). Husband made no such showing. The question of the valuation of the franchises was fully litigated with Husband offering his own opinion of what they were worth. *Robinson*, 2022 WL 2336504, at *6. Husband’s motion appears to be “merely an attempt to relitigate the case,” which is not an appropriate basis for a Rule 60.02 motion.

Id.

In July 2023, Plaintiff filed the instant lawsuit, alleging that Ms. McClellan, her attorney, her expert, and their respective employers all engaged in fraud in undervaluing the Subway franchises in the divorce proceeding. Plaintiff alleged that Appellee McMurray’s employment at Blackburn, Childers & Steagall had been terminated and that the termination evidenced collusion among Appellees during the divorce proceeding.

¹ This Court modified the trial court’s ruling and remanded “with instructions for the trial court to enter judgment indicating that [Plaintiff] dissipated the marital estate in the amount of \$39,044.72, not \$65,000.” *Robinson*, 2022 WL 2336504, at *9.

On November 9, 2023, the trial court granted motions to dismiss filed by the various defendants. Plaintiff moved to alter or amend the final judgment under Tennessee Rule of Civil Procedure 59. Following a hearing, the trial court denied Plaintiff's Rule 59 motion by order entered on March 27, 2024.

On January 15, 2025, Plaintiff filed a motion pursuant to Tennessee Rule of Civil Procedure 60.02, which he styled "Motion for Relief from Judgment Based on Fraud Upon the Court." All defendants filed responses opposing Plaintiff's motion. Plaintiff also filed a subpoena *duces tecum*, seeking financial records, partnership agreements, and internal communications related to the operations of the Accountant Defendants and communications and personnel records related to the employment and ownership interest of Appellee McMurray. Plaintiff also filed a Motion to Compel Compliance with Subpoena. The Appellees filed motions to quash.

In his Rule 60.02 motion, Plaintiff cited Rule 60.02(5), which allows a court to grant relief from a final judgment for "any other reason justifying relief from the operation of the judgment." Tenn. R. Civ. P. 60.02(5). Plaintiff alleged that Appellee McMurray's employment was "terminated on or about January 5, 2024" and had been "concealed" by the Appellees during the Rule 59 proceedings, which he alleged constituted fraud upon the court. Plaintiff claimed that he learned this information in July 2024, after the trial court denied his Rule 59 motion.

The trial court held a hearing on February 28, 2025, during which it questioned Plaintiff extensively regarding the evidentiary basis for his Rule 60.02 motion. By order entered March 14, 2025, the trial court denied Plaintiff's Rule 60.02 motion and motion to compel and denied the Appellees' motions to quash as moot. The trial court subsequently entered an amended order on September 15, 2025, which incorporated its findings made on the record at the hearing and denied as moot the request for sanctions filed by Appellees.

The trial court found that Plaintiff had repeatedly challenged the valuation of the Subway franchises since the 2020 divorce litigation, even though the trial court's valuation had been affirmed on appeal. Although Plaintiff framed his motion as a request under Rule 60.02(5), the trial court observed that it was, in substance, a request for relief based on fraud under Rule 60.02(2). The trial court noted that a motion for fraud under Rule 60.02(2) must be filed within one year of entry of the judgment but ultimately did not base its ruling on Plaintiff's motion being untimely filed. Rather, the trial court found that Plaintiff failed to present any proof that Appellee McMurray's employment had been terminated or that his later departure from the firm in 2024 bore any connection to his expert testimony during the divorce proceedings. The trial court observed that Plaintiff's motion "hinges upon something that happened long after the Court decided this matter and could not have then had any bearing" on the trial court's decision. The trial court found that Plaintiff "presented no evidence or a cogent argument" that fraud existed during the

divorce proceedings.

Plaintiff appealed. After Plaintiff appealed, he filed in the trial court a “Motion to Correct or Clarify the Record and Provide Findings of Fact and Conclusions of Law to Amend the Order to Comply with the Court of Appeals Order for a Show Cause Hearing.” The trial court interpreted Plaintiff’s motion as being filed pursuant to Tennessee Rules of Civil Procedure 52.02 and 59 and denied the motion by order entered November 21, 2025.

II. ISSUES

We restate the issues raised by the parties as follows:

- A. Whether the trial court erred in denying Plaintiff’s Rule 60.02 motion.
- B. Whether the trial court erred in denying Plaintiff’s motion to compel compliance with subpoenas issued to Appellees.

III. DISCUSSION

A.

Plaintiff argues that the trial court erred in denying his Rule 60.02 motion. We review a trial court’s ruling on a Tennessee Rule of Civil Procedure 60.02 motion for relief from a final judgment for abuse of discretion. *Discover Bank v. Morgan*, 363 S.W.3d 479, 487 (Tenn. 2012); *Henry v. Goins*, 104 S.W.3d 475, 479 (Tenn. 2003). Under this standard, we are not permitted to “substitute [our] judgment for that of the trial court[,]” and the trial court’s ruling will be upheld unless it affirmatively appears that the “decision was against logic or reasoning, and caused an injustice or injury to the party complaining.” *Eldridge v. Eldridge*, 42 S.W.3d 82, 85 (Tenn. 2001); *Battleson v. Battleson*, 223 S.W.3d 278, 283 (Tenn. Ct. App. 2006). The appellate court should “review a [trial] court’s discretionary decision to determine (1) whether the factual basis for the decision is properly supported by the evidence in the record, (2) whether the [trial] court properly identified and applied the most appropriate legal principles applicable to the decision, and (3) whether the [trial] court’s decision was within the range of acceptable alternative dispositions.” *Lee Med., Inc. v. Beecher*, 312 S.W.3d 515, 524–25 (Tenn. 2010) (internal citations omitted).

Rule 60.02 permits a trial court to set aside a final judgment for, among other things, “fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party.” Tenn. R. Civ. P. 60.02(2). Relief under Rule 60.02 is “an exceptional remedy.” *Nails v. Aetna Ins. Co.*, 834 S.W.2d 289, 294 (Tenn. 1992). The rule “was designed to strike a proper balance between the competing principles of finality

and justice.” *Jenkins v. McKinney*, 533 S.W.2d 275, 280 (Tenn. 1976). It “acts as an escape valve from possible inequity that might otherwise arise from the unrelenting imposition of the principal of finality imbedded in our procedural rules.” *Thompson v. Firemen’s Fund Ins. Co.*, 798 S.W.2d 235, 238 (Tenn. 1990). “This escape valve ‘should not be easily opened.’” *Hussey v. Woods*, 538 S.W.3d 476, 483 (Tenn. 2017) (quoting *Toney v. Mueller Co.*, 810 S.W.2d 145, 146 (Tenn. 1991)). The moving party must prove “that it is entitled to relief by clear and convincing evidence.” *Henderson v. SAILA, Inc.*, 318 S.W.3d 328, 336 (Tenn. 2010). Evidence sufficient to grant relief under Rule 60.02 is only clear and convincing “when it leaves no serious or substantial doubt about the correctness of the conclusions drawn.” *Hussey*, 538 S.W.3d at 483 (internal quotations omitted).

In this case, the trial court found that Appellee McMurray’s alleged termination occurred in 2024, after the trial court had dismissed Plaintiff’s complaint for failure to state a claim upon which relief could be granted and nearly four years after his divorce trial. The trial court found “no discernible evidentiary nexus between [Appellee] McMurray’s departure from his accounting firm and his valuation of Plaintiff’s marital business other than Plaintiff’s wholly unsupported declarations.” The trial court observed that “Plaintiff’s argument that the Court . . . was defrauded because [Appellees] did not inform the Court that [Appellee] McMurray would part ways with his firm in the future is simply nonsensical.” In the trial court’s view, Plaintiff’s motion “hinges upon something that happened long after the Court decided this matter and could not have then had any bearing.” The trial court found “no inkling, not even the suggestion of any evidence of the fraud being perpetrated upon the Court.”

We agree with the trial court. Plaintiff’s argument rests on speculation, unfounded accusations, and irrelevant information concerning events which allegedly occurred years after the underlying proceedings. Tennessee law requires clear and convincing evidence before relief under Rule 60.02 may be granted. *See Hussey*, 538 S.W.3d at 483. Plaintiff provided no such proof. Plaintiff theorized that Appellees “failed to disclose” an alleged employment change involving an expert witness who testified in his divorce case. Plaintiff alleged that Appellee McMurray was “terminated” from his employment which “suggests concealment of valuation-related misconduct. . . .” However, as noted by the trial court, Plaintiff identified no evidence that Appellee McMurray’s employment was terminated, much less that Appellees had knowledge of it, concealed it, owed a duty to report it, or that it had any effect on the trial court’s valuation decision in the divorce case. Upon thorough questioning by the trial court, Plaintiff could not explain how the alleged end of Appellee McMurray’s employment with his firm in 2024 resulted in a fraud upon the court in 2020.

Plaintiff’s motion and argument during the hearing reflect his continued disagreement with the court’s valuation of the Subway franchises during his divorce. However, Rule 60.02 does not permit relief simply because a litigant disagrees with the result of a prior proceeding or wishes to re-litigate matters already decided. Rule 60.02 is not an avenue for relitigating issues, revisiting credibility disputes, or rearguing the merits

of a case. *See generally Hussey*, 538 S.W.3d at 482. We conclude that the trial court did not abuse its discretion by denying Plaintiff's Rule 60.02 motion.²

Plaintiff also contends that the trial court erred by denying him an evidentiary hearing on his Rule 60.02 motion. We disagree. The trial court noticed and held a hearing on Plaintiff's motion. The trial court noted that it had "contemplated resolving this based upon the pleadings only," but nonetheless allowed Plaintiff to "come here and convince me otherwise." The transcript of the hearing demonstrates that the trial court extensively questioned Plaintiff regarding the evidence in support of his allegations of fraud. However, the trial court found "no inkling, not even the suggestion" of such evidence before denying Plaintiff's motion. The trial court afforded Plaintiff a full opportunity to be heard; however, Plaintiff failed to proffer any material factual dispute that live testimony could resolve. We discern no error.

Finally, Plaintiff argues that the trial court's findings of fact and conclusions of law were inadequate, citing Tennessee Rule of Civil Procedure 52.01, which provides:

In all actions tried upon the facts without a jury, the court shall find the facts specially and shall state separately its conclusions of law and direct the entry of the appropriate judgment. The findings of a master, to the extent that the court adopts them, shall be considered as the findings of the court. If an opinion or memorandum of decision is filed, it will be sufficient if the findings of fact and conclusions of law appear therein. Findings of fact and conclusions of law are unnecessary on decisions of motions under Rules 12 or 56 or any other motion except as provided in Rules 41.02 and 65.04(6).

Tenn. R. Civ. P. 52.01.

By the plain language of Rule 52.01, the trial court was not required to enter findings of fact and conclusions of law when ruling on a motion under Rule 60.02. "The underlying rationale for [Rule 52.01's] mandate is that it facilitates appellate review by affording a reviewing court a clear understanding of the basis of a trial court's decision, and in the absence of findings of fact and conclusions of law, this court is left to wonder on what basis the court reached its ultimate decision." *Gooding v. Gooding*, 477 S.W.3d 774, 782 (Tenn. Ct. App. 2015) (internal quotations omitted). Although the trial court was not required by Rule 52.01 to make findings of fact and conclusions of law, the trial court's amended order is comprehensive and its reasoning well-articulated. The amended order, which includes

² In their appellate briefs, the parties argue over whether Plaintiff's motion was untimely filed. A motion filed under Rule 60.02(2) for fraud must be filed "not more than one year after the judgment, order or proceeding was entered or taken" while a motion filed under Rule 60.02(5) "for any other reason justifying relief" may be filed "within a reasonable time." Tenn. R. Civ. P. 60.02. The trial court ruled on the merits of the motion and specifically did not address whether the motion was time-barred. Likewise, we affirm the trial court's decision without addressing whether the motion was also untimely.

the trial court's oral bench ruling from the February 28, 2025 hearing, identifies the factual basis for the court's decision, explains the legal conclusions supporting the result, and provides a clear record for appellate review. Upon Plaintiff's "Motion to Correct or Clarify the Record and Provide Additional Findings of Fact and Conclusions of Law . . .", the trial court entered a subsequent order further explaining its decision. We discern no error with the stated basis for the trial court's decision.

B.

Plaintiff next argues that the trial court erred by denying his motion to compel compliance with subpoena, which he contends "prevented the discovery of critical evidence related to the fraud upon the court." Plaintiff's subpoena sought documents related to Appellee McMurray's employment with the accounting firm. Plaintiff filed a motion to compel related to the discovery of the documents sought by the subpoena. The Appellees filed motions to quash.

Decisions pertaining to discovery are subject to an abuse of discretion standard of review. *Lee Med., Inc.*, 312 S.W.3d at 524. Under this standard, we review the trial court's discretionary decision to ascertain whether the trial court "cause[d] an injustice to the party challenging the decision by (1) applying an incorrect legal standard, (2) reaching an illogical or unreasonable decision, or (3) basing its decision on a clearly erroneous assessment of the evidence." *Id.*

Here, the trial court denied Plaintiff's motion to compel and denied as moot the motions to quash filed by Appellees. As noted by the trial court, Appellee McMurray's employment status with his firm in 2024 had no bearing on the trial court's decision related to the valuation of the Subway franchises in 2020. Any information that Plaintiff may have learned from documents received from the subpoena would have been immaterial to the trial court's denial of Plaintiff's Rule 60.02 motion. We conclude that the trial court properly denied Plaintiff's motion to compel and affirm its discretionary decision.

IV. CONCLUSION

For the foregoing reasons, we affirm the trial court's judgment. The case is remanded for such further proceedings as may be necessary and consistent with this opinion. Eric S. Robinson's May 11, 2026, and May 18, 2026, motions are denied as moot. Costs of the appeal are taxed to the appellant, Eric S. Robinson.

s/ John W. McClarty

JOHN W. MCCLARTY, JUDGE