

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE
October 15, 2026

FILED

10/22/2026

Clerk of the
Appellate Courts

KELLY BROOKE MARTIN v. NGHIA TRONG VAN

Appeal from the General Sessions Court for Loudon County
No. 2022-DV-53 Henry E Sledge, Magistrate

No. E2026-00416-COA-R3-CV

Because the order from which the appellant has filed an appeal does not constitute a final appealable judgment, this Court lacks jurisdiction to consider this appeal.

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

JOHN W. MCCLARTY, P.J., E.S.; THOMAS R. FRIERSON, II, J.; AND KRISTI M. DAVIS, J.

Kelly Brooke Martin, Lenoir City, Tennessee, Pro Se Appellant.

Ben H. Houston, II, Knoxville, Tennessee, for the appellee, Nghia Trong Van.

MEMORANDUM OPINION¹

The *pro se* appellant, Kelly Brooke Martin, filed a notice of appeal with this Court in March 2026, which states that the appellant is appealing the February 26, 2026 order of the Loudon County General Sessions Court (“the trial court”). Upon receiving the appellate record in this appeal, this Court reviewed the record on appeal to determine if the Court has subject matter jurisdiction over the appeal pursuant to Tennessee Rule of Appellate Procedure 13(b).

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 When a case is decided by memorandum opinion it shall be designated “MEMORANDUM OPINION,” shall not be published, and shall not be cited or relied on for any reason in any unrelated case.

In the underlying proceedings, the appellee, Nghia Trong Van, filed a petition in January 2026 alleging civil contempt against the appellant and enforcement of the trial court's December 2024 Final Order of Divorce. The appellant subsequently filed a motion seeking relief from the Final Order of Divorce, pursuant to Tennessee Rule of Civil Procedure 60.02(5). In response to the Rule 60.02 motion, the appellee filed a response in opposition and requested an award of attorney's fees for having to defend against the appellant's Rule 60.02 motion. Although the trial court denied the appellant's "Motion for Relief from Judgment" in its February 26, 2026 order, the trial court rescheduled the hearing on the pending "Petition for Civil Contempt and Enforcement of the Final Order of Divorce," as well as the pending request for attorney's fees filed by the appellee.

Because it appeared that there was no final judgment in the underlying trial court proceedings, this Court entered a show cause order on June 10, 2026, providing Appellant thirty days to obtain a final judgment or else show cause why this appeal should not be dismissed for lack of subject matter jurisdiction. The appellant requested extensions of time to obtain a final judgment, which were granted twice. The appellant's most recent filing in this Court stated the trial court would not enter a final judgment and requested this Court require the trial court to consider and rule on the appellant's motion. Alternatively, the appellant requested this Court remand this case to the trial court to resolve the underlying issues or grant a further extension of time for her to obtain a final judgment. To date, the appellant has not supplemented the appellate record with a final order.

"A final judgment is one that resolves all the issues in the case, 'leaving nothing else for the trial court to do.'" *In re Estate of Henderson*, 121 S.W.3d 643, 645 (Tenn. 2003) (quoting *State ex rel. McAllister v. Goode*, 968 S.W.2d 834, 840 (Tenn. Ct. App. 1997)). This Court does not have subject matter jurisdiction to adjudicate an appeal as of right if there is no final judgment. *See Bayberry Assocs. v. Jones*, 783 S.W.2d 553, 559 (Tenn. 1990) ("Unless an appeal from an interlocutory order is provided by the rules or by statute, appellate courts have jurisdiction over final judgments only.").

In addition to the appellee's unresolved petition seeking civil contempt against the appellant, the pending motion for attorney's fees related to the appellant's request for relief from the Final Order of Divorce prevents a final judgment. *See e.g., E. Solutions for Buildings, LLC v. Knestrick Contractor, Inc.* No. M2017-00732-COA-R3-CV, 2018 WL 1831116, at *4 (Tenn. Ct. App. April 17, 2018) (finding that order directing parties to re-submit requests for attorney's fees after appeal was "improvidently certified as final," and holding that because the trial court did not dispose fully and finally of claim for attorney's fees, this Court lacked jurisdiction); *Grand Valley Lakes Property Owners' Assoc., Inc. v. Gunn*, No. W2008-01116-COA-R3-CV, 2009 WL 981697, at *3 (Tenn. Ct. App. April 13, 2009) (stating "the circuit court did not resolve Grand Valley's request for attorney's fees As we have stated, except as otherwise permitted in Rule 9 and in Rule 54.02, an order adjudicating fewer than all the claims of the parties is not a final, appealable order.").

The court order from which the appellant seeks to appeal does not constitute a final appealable judgment. Therefore, this Court lacks jurisdiction to consider this appeal. The appeal is hereby dismissed without prejudice to the appellant's ability to file a new appeal when a final judgment is entered by the trial court in the proceedings below. Costs on appeal are taxed to the appellant, Kelly Brooke Martin, for which execution may issue.

PER CURIAM