

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE
May 19, 2026 Session

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Clerk of the
Appellate Courts

JOHN T. RANKIN v. HSM HOLDINGS LLC

Appeal from the Chancery Court for Cheatham County
No. 19439 Joshua Turnbow, Judge

No. M2025-01152-COA-R3-CV

This appeal requires us to determine whether the trial court erred in finding that Appellant lacked standing to bring his lawsuit. Because Appellant suffered no legal injury, we affirm.

Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Chancery Court
Affirmed and Remanded

STEVEN W. MARONEY, J., delivered the opinion of the court, in which J. STEVEN STAFFORD, P.J., W.S., and VALERIE L. SMITH, J., joined.

John T. Rankin, Nashville, Tennessee, appellant, pro se.

Daniel Gregory Werner and Gerald Charles Wigger, Nashville, Tennessee, for the appellee, HSM Holdings, LLC.

OPINION

I. Background

This case involves a dispute concerning a long-term, slip-lease agreement at an Ashland City marina. In 2006, the Department of the Army issued a Letter of Permission authorizing the Ashland City Port Authority (“ACPA”) to construct and operate a public marina in Ashland City. The ACPA then entered into a lease agreement with Harpeth Shoals Marina, LLC (“Harpeth Shoals”), giving Harpeth Shoals the right to construct and operate a commercial marina. Harpeth Shoals started selling long-term Personal Slip Licenses (“PSLs”) to individuals for 99-year terms.

In April of 2010, the Army Corps of Engineers determined that the 99-year PSLs

violated the public-availability requirement outlined in the 2006 Letter of Permission and threatened to terminate the agreement with the ACPA if the leases were honored. In 2011, the Cheatham County Chancery Court (“trial court”) determined that certain long-term PSL holders were valid lessees despite the Army Corps of Engineers’ assessment. The court’s order listed the lessees with valid 99-year PSLs, and Ben Gasser (not a party to this case) was identified as the lessee for Slip J-10, the slip at issue here.

Harpeth Shoals’ interests under the lease with ACPA were later transferred to HSM Holdings, LLC (“Appellee”) through foreclosure proceedings. The trial court approved the lease transfer and included a provision that the 99-year leases, which it had previously found to be valid, were still effective. The ACPA formally assigned the marina lease to Appellee on April 15, 2014. Among other things, the marina lease provided that Appellee was given the authority to issue new slip licenses (for one-year terms instead of 99-year terms) and to increase recurring license fees as approved by the ACPA.

In July of 2024, Appellee increased recurring license fees for PSL holders. Payments for Slip J-10 were made by the Gasser family in June and July of 2024. On July 19, 2024, the Gasser family entered into a private sub-lease agreement with Appellant John Rankin for Slip J-10.

On July 31, 2024, Appellant filed suit against Appellee, asserting causes of action for (1) conversion, and (2) violation of the Tennessee Consumer Protection Act. Specifically, Appellant claimed that Appellee violated the terms of its lease agreement with the ACPA because it did not have the right to raise fees for slip licenses. Appellee did not file an answer, and Appellant filed a motion for default judgment on September 17, 2024. The trial court set a hearing for November 1, 2024. However, on September 24, 2024, Appellee filed an answer, and the trial court removed the November hearing from the docket.

On November 21, 2024, Appellee filed a Tennessee Rule of Civil Procedure 12.03 motion for judgment on the pleadings, claiming Appellant lacked standing to pursue the claims raised, or, in the alternative, failed to state a claim. The motion was set for hearing on February 6, 2025. Appellant failed to appear, and the trial court continued the matter to February 28, 2025. On February 18, 2025, Appellant filed a response in opposition to Appellee’s motion, and nine days later Appellee filed a reply.

On April 4, 2025, the trial court entered an order granting Appellee’s motion. The trial court found that Appellant did not have standing to pursue his claims because: (1) he had not suffered an injury; (2) there was no causal connection between the disputed conduct and any alleged injury; and (3) the injunctive relief Appellant sought would not address the injury he claimed. The trial court’s analysis rested on the following facts: (1) Appellant was not the validated lease holder of Slip J-10 pursuant to the 2011 court order; (2) Appellant never paid Appellee for the use of Slip J-10; (3) no contractual agreement existed

between Appellant and Appellee; and (4) Appellant was not a member of any of the groups he claimed were defrauded by the rate increase, except for being a member of the general public.

On May 5, 2025, Appellant filed a motion to reconsider, wherein he raised four arguments. First, in *Case v. Wilmington Tr., N.A.*, 703 S.W.3d 274 (Tenn. 2024), the Tennessee Supreme Court held that, in private rights cases, plaintiffs need only show a legal injury. As such, Appellant argued that he satisfied the injury requirement because Appellee violated the Tennessee Consumer Protection Act by raising fees and locking Appellant out of the slip / marina without authorization. Second, Appellant argued for standing under Tennessee Code Annotated section 47-2A-531, which provides that a lessee may sue a third party if the third party's conduct caused an actionable injury to the leased property. Third, Appellant argued that the trial court failed to take the factual allegations made by Appellant as true and failed to make all reasonable inferences in his favor. Finally, Appellant argued that the trial court violated his right to due process by removing the November 1, 2024 hearing on his motion for default judgment from the docket. Appellee opposed the motion.

On June 30, 2025, the trial court heard Appellant's motion to reconsider. As set out in its July 1, 2025 order denying the motion, the trial court construed Appellant's filing as a motion to alter or amend pursuant to Tennessee Rule of Civil Procedure 59.04.¹ The trial court considered *Case v. Wilmington Tr.* and determined that the case fit within the parameters of a public rights case; however, it held that Appellant still was required to show an injury in fact but had failed to do so. The trial court declined to reexamine its ruling on causation because there were no grounds to do so under Rule 59.04. The trial court also found that it properly considered all facts and assertions raised in Appellant's pleadings. Finally, the trial court determined that because Appellee filed an answer prior to the hearing on Appellant's motion for default judgment, removing the hearing from the docket was not improper.

II. Issues

Appellant raises the following issues as stated in his brief:

1. Whether the trial court erred in granting the Defendant/Appellee's Motion for Judgment on the Pleadings?
2. Whether the trial court erred in its interpretation of *Case v. Wilmington [Tr., N.A.]* 703 S.W.3d 274 (Tenn. 2024); and specifically whether the

¹ Appellant's motion was styled a "Motion to Reconsider." Due to the confusion caused by the imprecision of that phrase, our courts have cautioned against its use. *See, e.g., Regions Bank v. Prager*, 625 S.W.3d 842, 845 (Tenn. 2021). Regardless, courts are to consider the substance of a motion rather than its title or form. *Id.* We agree with the trial court that Appellant's May 5, 2025 motion should be construed as a Rule 59.04 motion to alter or amend the trial court's April 4, 2025 order.

- trial court erred in categorizing this case as a public rights case?
3. Whether the trial court erred in requiring the Plaintiff/Appellant to show an injury in fact rather than an injury at law?
 4. Whether the trial court erred in its analysis of causation as to whether a tenant can ascribe liability to a third party?
 5. Whether the trial court erred in accepting the Defendant/Appellee's facts as true as opposed to taking the Plaintiff/Appellant's pleaded facts as true with the benefit of all inferences and weight?
 6. Whether the trial court erred when it struck the Plaintiff/Appellant's Motion for Default from the docket on November 1, 2024; and without hearing or notice?

Appellee states the issues as follows:

1. Whether the [Appellant] waived the new legal theories—specifically his reliance on *Case v. Wilmington*[*Tr., N.A.*], and Tennessee Code Annotated § 47-2A-531—by raising them for the first time in his Motion to Alter or Amend.
2. Whether the Chancery Court correctly granted [Appellee's] Motion for Judgment on the Pleadings under Tennessee Rule of Civil Procedure 12.03.
3. Whether the Chancery Court acted within its discretion in striking [Appellant's] Motion for Default Judgment from the docket once [Appellee] filed its Answer.
4. Whether [Appellant's] appellate brief fails to comply with the Tennessee Rules of Appellate Procedure thereby waiving the issues presented and warranting dismissal of the appeal.

We perceive that there is one dispositive issue, which we state as follows: Whether the trial court erred in finding that Appellant lacked standing.

III. Standard of Review

We first acknowledge that Appellant is proceeding pro se in this appeal. It is well-settled that pro se litigants are “entitled to fair and equal treatment by the courts.” *Young v. Barrow*, 130 S.W.3d 59, 62 (Tenn. Ct. App. Sept. 16, 2003) (citing *Whitaker v. Whirlpool Corp.*, 32 S.W.3d 222, 227 (Tenn. Ct. App. Mar. 16, 2000); *Paehler v. Union Planters Nat’l Bank, Inc.*, 971 S.W.2d 393, 396 (Tenn. Ct. App. Aug. 22, 1997)). Although we “take into account” the fact that “many pro se litigants have no legal training and little familiarity with the judicial system,” we are also “mindful of the boundary between fairness to a pro se litigant and unfairness to the pro se litigant’s adversary.” *Young*, 130 S.W.3d at 63. As such, we will “not excuse pro se litigants from complying with the same substantive and procedural rules that represented parties are expected to

observe.” *Id.* (citing *Edmundson v. Pratt*, 945 S.W.2d 754, 755 (Tenn. Ct. App. Dec. 23, 1996); *Kaylor v. Bradley*, 912 S.W.2d 728, 733 n.4 (Tenn. Ct. App. Aug. 4, 1995)).

We review the trial court’s order granting Appellee’s motion for judgment on the pleadings using “the same standard of review we use to review orders granting a Tenn. R. Civ. P. 12.02(6) motion to dismiss for failure to state a claim.” *Young*, 130 S.W.3d at 63 (citing *Waller v. Bryan*, 16 S.W.3d 770, 773 (Tenn. Ct. App. Oct. 18, 1999)). That requires us to “review the trial court’s decision de novo without a presumption of correctness, *Stein v. Davidson Hotel Co.*, 945 S.W.2d 714, 716 (Tenn. 1997), and we must construe the complaint liberally in favor of the non-moving party and take all the factual allegations in the complaint as true.” *Bilyeu v. Volunteer State Bank*, 2006 WL 1005130 (Tenn. Ct. App. Apr. 17, 2006). Accordingly, “[w]e should uphold granting the motion only when it appears that the plaintiff can prove no set of facts in support of a claim that will entitle him or her to relief.” *Id.*

Finally, “[w]e review a trial court’s denial of a Tenn. R. Civ. P. 59.04 motion to alter or amend a judgment for abuse of discretion.” *Kerr v. Henderson*, No. E2020-00112-COA-R3-CV, 2020 WL 5778767, at *6 (Tenn. Ct. App. Sept. 28, 2020) (quoting *Robinson v. Currey*, 153 S.W.3d 32, 38 (Tenn. Ct. App. 2004)). “A court abuses its discretion when it causes 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.” *Lee Med., Inc. v. Beecher*, 312 S.W.3d 515, 524 (Tenn. 2010) (internal citations omitted).

IV. Analysis

As set out above, we perceive that the dispositive issue is whether Appellant had standing to pursue his claims. If Appellant lacks standing, then all other issues are moot. As such, we will address Appellant’s standing as a threshold matter.

Standing “is a justiciability doctrine that guides a court in determining ‘whether a particular litigant is entitled to have the court decide the merits of his . . . dispute.’” *Houghton v. Malibu Boats, LLC*, 737 S.W.3d 334, 346 (Tenn. 2025) (quoting *Wilmington Tr.*, 703 S.W.3d at 281. As the Tennessee Supreme Court has explained, the doctrine of standing

“precludes courts from adjudicating an action at the instance of one whose rights have not been invaded or infringed.” [*Wilmington Tr.*], 703 S.W.3d at 281 (quoting *Am. C.L. Union of Tenn. V. Darnell*, 195 S.W.3d 612, 619 (Tenn. 2006)); see also *Warth [v. Seldin]*, 422 U.S. [490, 498-99] 95 S. Ct. 2197[, 2205 (1975)] (identifying the standing question as “whether the plaintiff has ‘alleged such a personal stake in the outcome of the controversy’ as to warrant” invocation of the court’s jurisdiction (quoting *Baker v. Carr*,

369 U.S. 186, 204, 82 S. Ct. 691, 7 L.E.2d 663 (1962))). The standing inquiry may turn on the nature of the claim, but it is distinct from any inquiry into the merits of the claim. [*Wilmington Tr.*], 703 S.W.3d at 281.

Houghton, 737 S.W.3d at 346. For a significant period of time, our “constitutional standing doctrine ‘was adopted wholesale’ from federal judicial precedents and required all plaintiffs to satisfy a three-element test to establish standing.” *Wygant v. Lee*, No. M2023-01686-SC-R3-CV, 2025 WL 3537313, at *16 (Tenn. 2025) (quoting *Wilmington Tr.*, 703 S.W.3d at 282). The federal test for standing required a plaintiff to “show (1) that he [or she] suffered an injury in fact; (2) that the injury is fairly traceable to the challenged conduct; and (3) that a favorable judicial decision would redress the injury.” *Wygant*, 2025 WL 3537313, at *16 (citing *City of Memphis v. Hargett*, 414 S.W.3d 88, 98 (Tenn. 2013)). An injury in fact is “an invasion of a legally protected interest which is (a) concrete and particularized, and (b) actual or imminent, not conjectural or hypothetical.” *Wilmington Tr.*, 703 S.W.3d at 283 (citing *Lujan v. Defs. Of Wildlife*, 504 U.S. 555, 560-561, 112 S.Ct. 2130, 119 L.Ed.2d 351 (1992)).

However, in 2024, the Tennessee Supreme Court “reconsidered our standing doctrine in light of the specific requirements of the Tennessee Constitution.” *Wygant*, 2025 WL 3537313, at *16 (citing *Wilmington Tr.*, 703 S.W.3d at 282-92). That reconsideration led the Court to differentiate between public rights cases and private rights cases. *Wilmington Tr.*, 703 S.W.3d at 282-92. The Court noted that because a “state courts’ role is inherently different from the role of federal courts of limited jurisdiction,” we have “separate parameters on [the] standing doctrine” at the state-court level. *Id.* at 286.

“We have deeply ingrained in our jurisprudence the principle that there can be ‘no wrong without a remedy,’ and that remedy must provide for judicial review ‘in some form or fashion.’” *Id.* at 287 (quoting William C. Koch, Jr., *Reopening Tennessee’s Open Courts Clause: A Historical Reconsideration of Article I, Section 17 of the Tennessee Constitution*, 27 U. MEM. L. REV. 333, 449 (1997)). The Tennessee Supreme Court has also “found that the open courts provision provides a citizen ‘the right to have all questions touching his [or her] life, liberty or property heard, passed upon, and determined by the regular and constitutional courts of the State,’ and that ‘such right is inalienable.’” *Id.* (quoting *Louisville & Nashville R.R. Co. v. Bate*, 80 Tenn. 573, 577 (1883)).

The open courts provision of the Tennessee Constitution allows a private citizen, who seeks to adjudicate a private right, to come into the court without injury in fact. *Id.* (“[A]n injury to a private right warrant[s] redress by the courts even in the absence of an injury in fact.”) In *Wilmington Tr.*, the Court observed that the open courts provision “does not require those pursuing a claim for injury to their lands, goods, person or reputation to have an injury in fact However, they still . . . must have an injury in law to access the courts.” *Id.* at 288 (citing *Barnes v. Kyle*, 306 S.W.2d 1, 4 (Tenn. 1957)). An

injury in law, or legal injury, refers to a violation of the complainant’s legal rights in some way, or a violation of law that affects the complainant adversely, regardless of the presence or absence of damages. See *Wilmington Tr.*, 703 S.W.3d at 287 (citing *Barnes*, 306 S.W.2d at 3).

As to a public rights case, the separation-of-powers principle, under Article II, section 1 of the Tennessee Constitution, “functions as a check-rein to our courts’ jurisdiction.” *Id.* at 288. That provision divides the state government “into three distinct departments: Legislative, Executive, and Judicial” and prohibits any of the departments from “exercise[ing] any of the powers belonging to either of the others, except in the cases herein directed of permitted.” Tenn. Const. art. II, section 1; Tenn. Const. art. II, §§ 1-2. “Thus, the separation of powers provision expressly prohibits the judicial branch from exercising any powers belonging to the executive or legislative branches.” *Wilmington Tr.*, 703 S.W.3d at 288. Our Supreme Court has said that “we only decide ‘legal controversies.’” *Id.* at 289. Consequently, “Tennessee courts have refrained from deciding cases when doing so would violate separation of powers.” *Id.* (quoting *White v. Kelton*, 144 Tenn. 327, 232 S.W. 668, 670 (1921)). In order to uphold the separation-of-powers provision, we require citizens seeking “redress [for] a public right” to be able to “show[] [a] special injury ‘not common to the body of the citizens.’” *Id.* at 289 (quoting *Patten v. City of Chattanooga*, 65 S.W. 414, 420 (1901)).

As the Court summarized in *Wilmington Tr.*, “all claims must allege an ‘injury.’ In private rights claims, injury in law is sufficient. In public rights claims, there must also be an injury in fact, in addition to the causation and redressability elements[.]” *Id.* at 291. With the foregoing in mind, we turn to review the trial court’s analysis regarding Appellant’s standing.

In its April 4, 2025 order granting Appellee’s motion for judgment on the pleadings, the trial court concluded that Appellant lacked standing. The trial court correctly noted that its “first step . . . is to determine whether the [Appellant] suffered any injury.” The trial court considered the following facts as set out in the parties’ pleadings: (1) Appellant was “in possession” of Slip J-10; (2) Appellant was not the PSL holder; (3) “[t]he rental agreement was between [Appellant] and the Gassers”; (4) the Appellee “was not involved in any way with that agreement”; (5) Appellant’s only legal relationship with the Appellee was as a member of the general public; and (6) Appellant’s rental money was not paid to Appellee; it was paid to the Gassers under the separate rental agreement, and the Gassers (who are not parties to the lawsuit) paid Appellee. Based on the foregoing facts, the trial court concluded that “[e]ven taking the [Appellant’s] assertions as true that raising the rates was not proper, the Court does not find that the [Appellant] suffered *any injury*.”²

² In the alternative, the trial court considered facts and arguments that Appellant included in an affidavit that did not fall within the “pleadings” as defined by Tennessee Rule of Civil Procedure 7.01. Considering those facts and arguments would have required the trial court “to convert [the] proceeding into

(emphasis added).

On May 5, 2025, Appellant filed a motion asking the trial court to “reconsider the [April 4, 2025] Order based on a current view of ‘injury[.]’” Relying on the *Wilmington Tr.* Court’s statement “that to establish standing in private rights cases, the Tennessee Constitution only requires a legal injury, not an actual injury,” 703 S.W.3d 274 (Tenn. 2024), Appellant maintained that he suffered a legal injury insofar as Appellee “violated the Tennessee Consumer Protection Act and also did not have the right to raise fees unilaterally or [to] lock out boaters.” Accordingly, he contends that he suffered the only type of injury required in a private rights case under the holding in *Wilmington Tr.*

In opposing Appellant’s motion, Appellee argued, inter alia, that “[u]nder *Whalum v. Marshall*, 224 S.W.3d 169, 175 (Tenn. Ct. App. 2006),” a motion to alter or amend “may only be granted when (1) there has been a change in controlling law before the judgment becomes final [;] (2) previously unavailable evidence becomes available; or (3) for sui generis reasons, the judgment should be amended to correct a clear error of law or to prevent injustice.” Appellee contends that none of the foregoing criteria are met. Primarily, Appellee takes issue with Appellant’s reliance on *Wilmington Tr.* as “a change in controlling law” that might necessitate reconsideration of the trial court’s rulings.

Specifically, Appellee argues that “[t]he Supreme Court Opinion cited by [Appellant] in his argument was filed on November 14, 2024, and was therefore available for use by the [Appellant] during the hearing for the Motion for Judgment on the Pleadings on February 28, 2025.” Thus, Appellee contends that there was no change in the controlling law, and that Appellant’s reliance on *Wilmington Tr.* Constitutes a “newly asserted legal theor[y] . . . [which is] waived and should not be considered on appeal.”

In denying Appellant’s motion, the trial court noted that “it did not discuss [*Wilmington Tr.*] in its order from April, so it w[ould] now look to see if the failure to discuss it in the order was a clear error of law or amounted to an injustice.” Although Appellant did not raise *Wilmington Tr.* to argue his claims fell within the confines of a private right in his *initial* response to Appellee’s motion to dismiss, the trial court did not err in considering Appellant’s motion to alter or amend.³ *Wilmington Tr.* was the controlling law at the time it ruled Appellant had no standing. In choosing to consider Appellant’s motion to alter or amend, the trial court was appropriately considering whether

a summary judgment proceeding[.]” It declined to do so, but it did note that “[e]ven if [it] were to consider [the] Affidavit as part of the Complaint,” Appellant still lacked standing. Because we affirm the trial court based on its analysis of the facts and arguments contained in the pleadings, the trial court’s decision not to treat this as a summary judgment case does not constitute reversible error.

³ “It is the duty of this Court to apply the controlling law, for which there is a basis in the record, whether or not cited or relied upon by the parties.” *Kocher v. Bearden*, 546 S.W.3d 78, 85 n.8 (Tenn. Ct. App. 2017) (quoting *Coffee v. Peterbilt of Nashville, Inc.*, 795 S.W.2d 656, 658 n.1 (Tenn. 1990)).

there had been a clear error of law in its non-application of *Wilmington Tr.*'s private-versus-public right standing requirements. Appellee's arguments on this point are not persuasive.

In reviewing whether Appellant's claims were public or private rights, the trial court relied on the following language from *Wilmington Tr.*:

(1) the open courts provision requires litigants to allege injury to a recognized legal right, and (2) the separation of powers provision requires litigants in public rights cases to allege an injury in fact not common to the public. *See* Tenn. Const. art I, § 17; *[I]d.* art. II §§ 1-2; *Barnes*, 306 S.W.2d at 4; *[American Civil Liberties Union of Tenn. v.] Darnell*, 195 S.W.3d [612,] 620 [(Tenn. 2006)]. A simpler way to say this is that all claims must allege an "injury." In private rights claims, injury in law is sufficient. In public rights claims, [] there must also be an injury in fact, in addition to the causation and redressability elements required by *Darnell* and *City of Memphis*. *Darnell*, 195 S.W.3d at 620; *City of Memphis [v. Hargett]*, 414 S.W.3d [88,] 98 [(Tenn. 2013)].

Wilmington Tr., 703 S.W.3d at 291. Applying the foregoing holdings, the trial court analyzed "whether this case [concerns] . . . a public right or private right" such that Appellant need only show he suffered an injury at law. From the facts alleged in the complaint, the trial court reached the following conclusion concerning the issue of Appellant's standing:

[Appellant] allege[d] a number of people or entities he believed the [Appellee] defrauded: the Ashland City Port Authority, the validated slip holders, the public, and others who paid the [Appellee] any monies except for the issuance of invalidated slip licenses. *As the Court found in its April order, the [Appellant] is not anywhere among this group of people except for the public, making this [a] public rights case.* A violation of a public right requires a showing of an injury in fact as well as the other elements required by *City of Memphis*. As the Court found in the April order, the [Appellant] has not alleged an injury in fact; therefore, it is the Court's opinion that the [Appellant] is without standing and the Motion to Alter or Amend should be respectfully denied on this issue.

(emphasis added). Appellant avers that the trial court erroneously categorized this as a public rights case. Instead, he argues that "this entire case concerns the private rights of certain persons at a certain marina under private agreements[,]" and that this case "is a complaint between a private resident of Tennessee and a private Tennessee [limited liability company.]" Appellee notes that Appellant's "own Complaint demonstrates that he is not asserting a violation of any personal private right at all: he alleges that [Appellee's]

actions harmed ‘the ACPA, the validated slip holders, the public, and others who paid the [Appellee] money’ – and conspicuously omits himself.” Appellee also argues that Appellant does not “possess any private legal right enforceable against” Appellee because he “had no contract with [Appellee], paid [Appellee] no slip fees, held no PSL, and owned no property interest in Slip J-10.”

As set out in its July 1, 2025 order, the trial court found that this is a “public rights case.” The demarcation line between a public rights case and a private rights case is not clearly developed. *See Wilmington Tr.*, 703 S.W.3d at 291, fn. 16. However, from our caselaw, we can discern certain distinctions between the two.

For example, where the parties to the case are private entities pursuing claims incident to private agreements (e.g., real estate agreements or business contracts), our case law has held those are private rights cases. *See Wilmington Tr.*, 703 S.W.3d at 291-92; *Houghton*, 737 S.W.3d at 348. Where one party is a government official being sued in his or her official capacity, we tend to classify those as public rights cases. *See Harris v. Lee*, No. M2025-01915-COA-R9-CV, 2026 WL 1144357, at *2 (Tenn. Ct. App. Apr. 28, 2026).

However, the classification not only rests on the relationship between the parties, but also on the types of rights at issue. For example, in cases where a party is seeking to enforce rights or powers enshrined in our constitution, we have found those to be public rights cases. *See Wygant*, 2025 WL 3537313, at *17; *McKay v. State*, 706 S.W.3d 338, 339 (Tenn. 2025). Thus, the question is whether Appellant is seeking recovery for legal rights that are generally available to the public, or whether he is attempting to recover legal rights unique to a private party.

Here, the trial court determined that this matter fell within the confines of a public rights case even though Appellant was neither suing a government official in his or her official capacity, nor raising a legal right generally available to the public. Rather, because Appellant’s was no differently situated, vis-à-vis his relationship with Appellee, than any other member of the general public, the trial court determined that this was a public rights case.

As noted above, Appellant raised claims for conversion of Slip J-10 and violation of the Tennessee Consumer Protection Act. As to conversion, Appellant is not suing either the government or a public official. Although Appellee is responsible for the maintenance and management of the marina on behalf of a government entity, Appellant’s allegation of conversion is confined to Slip J-10, a parcel of property generally not available to the public, but only to the Gassers as the Personal Slip Licensees.

As a ground for his Tennessee Consumer Protection Act claim, Appellant alleged that, “[i]n the course of its business the [Appellee] unfairly and unconscionably defrauded the ACPA, the validated slip holders, the public, and others who paid the [Appellee] any

monies except for the issuance of invalidated slip licenses.” Although Appellant invoked “the public” in his complaint, the Tennessee Consumer Protection Act does not create a public cause of action. Instead, the statute “authorizes a *private* cause of action on behalf of ‘any person who suffers an ascertainable loss of money or property . . . as a result of the use or employment by another person of an unfair or deceptive act or practice.’” **Bridgeport Music, Inc. v. 11C Music**, 154 F.Supp.2d 1330, 1332 (M.D. Tenn. Aug. 2, 2001) (quoting Tenn. Code Ann. § 47-18-109(a)(1)) (emphasis added); *see also* **ATS Southeast, Inc. v. Carrier Corp.**, 18 S.W.3d 626, (Tenn. 2000) (finding corporations “have standing to bring a *private cause* of action for treble damages under Tenn. Code Ann. § 47-18-109(a)” (emphasis added)).

Therefore, we agree with Appellant that the trial court erroneously classified the instant case as a public rights case. Because Appellant raised private causes of action against a private company pursuant to private lease agreements, this lawsuit clearly constitutes a private rights case. As such, Appellant needed to show only that he suffered an injury in law.

Regardless of the trial court’s erroneous classification of the case, we nonetheless affirm its ruling that Appellant lacked standing. **Clark v. Metro. Gov’t of Nashville and Davidson County**, 827 S.W.2d 312, 317 (Tenn. Ct. App. Oct. 11, 1991) (“If a Trial Court reaches the correct result, its judgment is entitled to affirmance irrespective of the reasons stated.”); **Benson v. U.S. Steel Corp.**, 465 S.W.2d 124 (Tenn. 1971)). Indeed, in its April 4, 2025 order, the trial court found that Appellant had not “suffered *any* injury[.]” (emphasis added). We agree. Thus, application of the delineation drawn in **Wilmington Tr.** concerning the type of injuries required for public rights case versus private rights cases is unnecessary where, as here, the plaintiff has suffered no injury at all.

The private rights at issue in this case center around contractual agreements between the ACPA, Appellee, and validated PSL holders. Appellant is not a party to any of these agreements. His complaint alleges that “[a]ny rents, monies, value received by the [Appellee] from its inception up to now have been and are being converted *from validated slip license holders*.” (emphasis added). As the trial court noted, Appellant is neither a validated slip license holder, nor did he ever pay Appellee rent for the lease of Slip J-10. Simply put, as to the conversion cause of action, Appellant sought to vindicate an alleged right regarding slip rental fees that belonged to the validated slip license holders, but he was not among them.⁴ Reading all facts in the light most favorable to Appellant, and assuming, arguendo, there has been an injury at law, Appellant is not the party who suffered that legal injury.

⁴ Because we agree with the trial court’s analysis that Appellant failed to establish standing on the pleadings, we decline to consider the trial court’s alternative analysis that includes facts from Appellant’s later-filed affidavit.

As to the Tennessee Consumer Protection Act claim, Appellant alleged that Appellee “unfairly and unconscionably defrauded the ACPA, the validated slip holders, the public, and others who paid the Defendant any monies except for the issuance of invalidated slip licenses.” As we have previously held, a plaintiff “has no standing to assert a claim on behalf of” another party under the Tennessee Consumer Protection Act. ***Foster Business Park, LLC v. J & B Investments, LLC***, 269 S.W. 3d 50, 56 (Tenn. Ct. App. Jan. 30, 2008)). As such, the only question is whether Appellant, as a member of the public, has suffered the type of legal injury contemplated by the Tennessee Consumer Protection Act such that he has standing to proceed.

We have previously held that the Tennessee Consumer Protection Act “reveals no requirement that there be privity of contract between a consumer and an entity the consumer has charged with unfair or deceptive practices under the Act.” ***Murphy v. Savage***, E2005-01441-COA-R3-CV, 2006 WL 1864403, at *4 (Tenn. Ct. App. July 6, 2006). However, the legal right to bring an action under the Act requires that the plaintiff “suffer[] an ascertainable loss of money or property . . . as a result of the use . . . of an unfair or deceptive act or practice” as defined in the statute. Tenn. Code Ann. § 47-18-109. In order to show he suffered a legal injury under the Tennessee Consumer Protection Act, Appellant necessarily had to show “an ascertainable loss of money or property[.]” As a member of the public, Appellant alleged no facts that he lost money or property as a result of Appellee’s rental rate increase. As such, he has no standing to proceed on this claim

IV. Conclusion

For the foregoing reasons, we affirm the trial court’s order. The case is remanded for such further proceedings as may be necessary and are consistent with this opinion. Costs of the appeal are assessed to the Appellant, John T. Rankin. Execution for costs may issue, if necessary.

s/ Steven W. Maroney
STEVEN W. MARONEY, JUDGE