

IN THE COURT OF APPEALS OF TENNESSEE
AT JACKSON

February 10, 2026 Session

**ANGELA JOHNSON ET AL. v. SHELBY COUNTY HEALTHCARE
CORPORATION D/B/A REGIONAL ONE HEALTH ET AL.****Appeal from the Circuit Court for Shelby County
No. CT-4840-24 Valerie L. Smith, Judge**

No. W2025-00415-COA-R3-CV

Plaintiff's healthcare liability action against a hospital and several doctors was dismissed for failure to comply with the Tennessee Healthcare Liability Act and the expiration of the statute of limitations. Because of profound deficiencies in the plaintiff's appellate brief, we dismiss this appeal

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

J. STEVEN STAFFORD, P.J., W.S., delivered the opinion of the court, in which W. NEAL MCBRAYER, and CARMA DENNIS MCGEE, JJ., joined.

Angela Johnson, Jackson, Tennessee, Pro se.

Megan Lane and Hannah F. Scruggs, Memphis, Tennessee, for the appellee, Shelby County Healthcare Corporation.

Christopher L. Vescovo and Rachel McCallister, Memphis, Tennessee, for the appellees, Dr. Dhaval Patel, Dr. Alexander W. Rich, Dr. Muhammed Afzaal, Dr. Nathaniel Rogers, and Dr. Jenson Ma.

MEMORANDUM OPINION¹

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 When a case is decided by memorandum opinion it shall be designated "MEMORANDUM OPINION," shall not be published, and shall not be cited or relied on for any reason in any unrelated case.

I.

On November 15, 2024, Plaintiff/Appellant Angela Johnson (“Appellant”) filed a pro se complaint against Defendants/Appellees Shelby County Health Care Corporation d/b/a Regional One Health (“Regional One”), Dr. Dhaval Patel, Dr. Alexander W. Rich, Dr. Muhammed Afzaal, Dr. Nathaniel Rogers, and Dr. Jenson Ma (collectively, “the Doctors,” and together with Regional One, “Appellees”), as well as “Resident Dr.” Camille Milton, Dr. Kaan Yagmurlmu, and Dr. Stephanie Modert (collectively, “Defendants”), in the Shelby County Circuit Court (“the trial court”).² The complaint alleged that Appellant’s father, David Franklin Johnson, died on February 23, 2023, as a result of the negligence of Defendants. The complaint was signed both by Appellant and Mr. Johnson’s widow, Beverly Jane Johnson, but did not name Mrs. Johnson as a plaintiff.³ Attached to the complaint were two Regional One Acknowledgement of Receipt of Notice of Privacy Practices forms, a medical journal article, copies of photographs, and portions of Mr. Johnson’s medical records.

The complaint was accompanied by a document entitled “Request For Permission To File Out Of Standard Time with Cause and Proof of Intent to Sue” in which Appellant noted that she had previously filed a lawsuit in February 2024, also alleging negligent medical care by Appellees in Madison County, Tennessee; Appellant asserted, however, that the original lawsuit was not heard because the Madison County judge found that proper jurisdiction was in Shelby County. Appellant further asserted that although the Madison County court was required to transfer her case, that was not done in a reasonable time. So Appellant asked that “in the Light of Justice and with all Respect for Righteous Adjudication, this case is heard and filed and accepted to be heard out of standard time for the above mentioned reasons.” Appellant attached as an exhibit to her motion a July 31, 2024 order dismissing with prejudice a lawsuit by Appellant against Regional One in the Madison County Circuit Court due to (1) improper venue; and (2) Appellant’s failure to comply with the requirements of the Tennessee Healthcare Liability Act (“THCLA”). In a later filing, Appellant provided a copy of a February 24, 2025 order from the Madison County Circuit Court dismissing with prejudice claims against the Doctors on the same bases.

Regional One filed a motion to dismiss and memorandum on January 13, 2025, arguing that Appellant’s complaint was not accompanied by a certificate of good faith, that Appellant failed to comply with the pre-suit notice requirements of the THCLA, and that

² Various issues with the names of the Defendants as named in the complaint have been corrected to reflect the undisputed actual names of the parties for purposes of this appeal.

³ Although Mrs. Johnson signed the notice of appeal and brief in this matter along with Appellant, there was no motion to amend Appellant’s complaint to add her as a plaintiff. As such, we will refer to Ms. Angela Johnson as the sole appellant. Regardless, our ruling herein is equally applicable if Mrs. Johnson should have been considered a named appellant.

Appellant's claims were barred by the statute of limitations. Specifically, Regional One alleged that Appellant's attempt at providing pre-suit notice via a "letter of intent" sent on July 29, 2024, occurred well over a year after Mr. Johnson was last discharged from Regional One; Regional One therefore argued that the letter was untimely and did not extend the applicable statute of limitations. Moreover, Regional One argued that Appellant's "letter of intent" did not comply with the THCLA because it did not include a HIPAA authorization and did not contain other information required by the statute. Regional One asked that the complaint be dismissed with prejudice.

The Doctors filed their own motion to dismiss and memorandum on January 22, 2025, raising substantially similar arguments concerning the THCLA and the statute of limitations.

Appellant responded in opposition to the motions, and a hearing was held on February 21, 2025. At the start of the hearing, the trial court denied Appellant's oral motion to continue on the ground that not all Defendants had been served; the trial court explained that it was proper to adjudicate the motions to dismiss by Regional One and the Doctors despite not all Defendants having yet been served. During the hearing, Appellant admitted that no certificate of good faith was ever signed by a doctor; Appellant explained that she was not aware of that requirement. Appellant further argued that her claims were timely and that Regional One were "the doctors" and that "[w]e cannot sign for them to have authorization to see their own medical records." Appellant further asserted that discovery was necessary to gain access to all of Mr. Johnson's records and that her pre-suit notice provided Appellees with all the information needed to evaluate this case.

After orally ruling in favor of Appellees, the trial court reviewed, adopted, and signed an order prepared by counsel for the Doctors, which was filed the same day, February 21, 2025. Therein, the trial court concluded that Appellant failed to give Appellees proper pre-suit notice under the THCLA and failed to file a certificate of good faith with her complaint or demonstrate extraordinary cause to excuse her from doing so. The trial court further found that Appellant's claims against Appellees were barred by the applicable statute of limitations. So the trial court dismissed Appellant's complaint against Appellees with prejudice and designated its ruling as final and appealable pursuant to Rule 54.02 of the Tennessee Rules of Civil Procedure.⁴ Appellant filed a timely notice of appeal with this Court.

II.

Appellant raises a host of issues in this case, *inter alia*, challenging the use of pre-prepared orders by the trial court, arguing that the trial court disregarded her rights as a pro se litigant, asserting that the trial court wrongly relied on *res judicata*, and asserting that

⁴ The judgment was later amended to correct an error with regard to the certificate of service.

the trial court's ruling amounted to the "illegal hastening of case before expert witnesses[.]"⁵ In addition to arguing that the trial court's ruling was correct in all respects, Appellees assert that Appellant's appeal should be dismissed due to the profound deficiencies in her appellate brief. We agree.

The Tennessee Rules of Appellate Procedure and the Rules of the Court of Appeals set forth rules regarding appellate practice, including the form and content of a party's brief. Specifically, Rule 27 of the Tennessee Rules of Appellate Procedure provides as follows:

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;
- (3) A jurisdictional statement in cases appealed to the Supreme Court directly from the trial court indicating briefly the jurisdictional grounds for the appeal to the Supreme Court;
- (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.

Tenn. R. App. P. 27(a). Similarly, Rule 6 of the Rules of the Tennessee Court of Appeals provides as follows:

- (a) Written argument in regard to each issue on appeal shall contain:

⁵ Appellant has also asked that Judge Valerie Smith, who was the trial judge in this case, be recused from hearing this matter on appeal. Judge Smith has not participated in this appeal.

- (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. R. Ct. App. 6.

Respectfully, Appellant's brief fails to substantially comply with either Rule 27(a) or Rule 6.⁶ First, while Appellant's brief does contain a table of contents, the table of contents contains no page numbers for the various sections contained there, except for the table of authorities and the jurisdictional statement. *See* Tenn. R. App. P. 27(a)(1). The brief also does not actually contain a separate table of authorities, but the cover of Appellant's brief contains a list of purported authorities, again without the page numbers of where these authorities are cited. *See* Tenn. R. App. P. 27(a)(2). Moreover, some of the authorities listed are not specific or proper authorities. For example, Appellant has cited "TCA Code 29 Et Al"; "TCA Code 42 Et Al"; and several online databases.

In a similar vein, Appellant's brief also contains very few appropriate references to the appellate record. *See* Tenn. R. App. P. 27(a)(6), (7); Tenn. R. Ct. App. 6. Appellant largely focuses on the transcript of the February 21, 2025 hearing on Appellees' motions to dismiss. But even when the transcript is cited, Appellant often cites to the transcript as a whole without citing to a specific page or line number. "The obligation to provide appropriate references to the record is not a mere technicality, but instead promotes the

⁶ Briefs submitted to this Court must also include a certificate of compliance indicating that the filer complied with our applicable word limitations. *See* Tenn. R. App. P. 30(e). Appellant's brief does not contain the required certificate of compliance. Regional One asserts that Appellant's brief exceeds the 15,000-word limit by over 10,000 words.

important consideration of judicial economy.” *McAllister v. Rash*, No. E2014-01283-COA-R3-CV, 2015 WL 3533679, at *6 (Tenn. Ct. App. June 5, 2015). Many other assertions are not supported by any citations to the record. Respectfully, Appellant’s sporadic references to the record on appeal does not constitute substantial compliance with Rules 27 and 6.

Appellant also cites to a number of documents that were attached to her brief; she admits, however, that these documents were not included in the official appellate record. Of course, we may not consider documents merely attached to briefs that were not properly made a part of the record in the trial court or properly supplemented on appeal.⁷ See *Carney v. State*, No. M2006-01740-CCA-R3-CO, 2007 WL 3038011, at *4 (Tenn. Crim. App. Oct. 17, 2007) (stating that “documents attached to an appellate brief but not included in the record on appeal cannot be considered by this court as part of the record on appeal” (internal citation omitted)); *Forrest v. Rees*, No. 01C01-9411-CC-00387, 1996 WL 571765, at *3 (Tenn. Crim. App. Oct. 8, 1996) (stating that “attachments to briefs are not evidence and will not be considered by the appellate courts”); *Pinney v. Tarpley*, 686 S.W.2d 574, 579 (Tenn. Ct. App. 1984) (stating that “[m]erely attaching a document to a pleading does not place that document in evidence”).

Next, while Appellant’s brief does purport to contain a statement of issues, the issues are often not responsive to what actually occurred in the trial court and reference facts that are not contained in the record. See Tenn. R. App. P. 27(a)(4); see also *Murray v. Miracle*, 457 S.W.3d 399, 402 (Tenn. Ct. App. 2014) (holding that an appellant’s brief did not comply with Rule 27 when the issues section contained “generalized questions, fragments, and groups of words ending with a question mark, not a statement of specific issues that would justify appellate review” and was “comprised of run-on sentence fragments typed entirely in capital letters that [was] difficult to read and mostly unintelligible”). Moreover, both Appellant’s statement of the case and statement of facts sections essentially reproduce Appellant’s statement of issues nearly verbatim.⁸

To the extent that the trial court’s rulings are actually challenged in the issues section, however, they are not supported by appropriate argument elsewhere in Appellant’s brief. For example, in Issue 6 as designated by Appellant, Appellant questions the requirement that an expert, rather than a family member, sign a certificate of good faith before discovery into the matter has even begun. Appellant states that “[i]f that is the sole

⁷ In her reply brief, Appellant does discuss supplementation of the record. However, she filed no motion to supplement the record either in the trial court or in this Court. A reply brief is not a vehicle for raising new arguments. See *Owens v. Owens*, 241 S.W.3d 478, 499 (Tenn. Ct. App. 2007) (“A reply brief is a response to the arguments of the appellee. It is not a vehicle for raising new issues.”).

⁸ The statement of the case section does contain an additional paragraph explaining the claim and asserting that the trial court “contemptuously and presumptuously and prematurely and illegally dismissed [the] case, trying to bar it with a final order before ever being heard to begin with[.]” The paragraph also states that Appellant’s civil action has “a possible criminal adjunct claim.”

interpretation of the Law then that is erroneous, because [it] abuses Justice[.]” Appellant further argues that she has no reason to believe that Mr. Johnson’s treating team “don’t want to be expert witnesses, but [she] do[es] believe that they must be judicially subpoenaed” and urges the court to do so. But the argument section of Appellant’s brief never produces any argument supported by citations to relevant legal authority to support this assertion.

The same is generally true of the other arguments contained in the body of Appellant’s brief. For example, after quoting portions of the trial court’s February 21, 2025 order, Appellant states as follows:

ALL of those statements are ABSOLUTELY FALSE, except the last one which is what We are appealing, and obviously service of process is a cause for delay. The proof of Letter of Intent to Sue and Good Faith Statement (See Court Record p.78-79). We find the Order grossly erroneous, disrespectful and infuriating as well as completely disheartening. How can anyone find Justice in that court?!?!

Again, however, no legal authority is cited in support of these assertions.

Respectfully, Appellant’s arguments are not sufficient. For one, hypothetical questions and rhetorical statements are not legal arguments. *Cf. Skytop Meadow Cmty. Ass’n v. Paige*, 177 A.3d 377, 384 (Pa. Commw. Ct. 2017) (holding that an argument was waived when the party’s brief “pose[d] a litany of rhetorical and hypothetical questions, along with undeveloped arguments that invite this Court to rule in their favor”). Moreover, essentially none of Appellant’s assertions are supported by proper legal argument. Appellant does correctly cite the statute containing the applicable statute of limitations in this matter. And she cites a Tennessee criminal statute concerning a type of theft. But Appellant also cites to law admittedly generated by “AI” sources rather than actual Tennessee statutes or caselaw.⁹ Of course, “[b]arring a paradigm shift in the reliability of this tool[.]” purported statements of law citing only to artificial intelligence databases are neither controlling nor persuasive in this Court. *J.G. v. New York City Dep’t of Educ.*, 719 F. Supp. 3d 293, 308 (S.D.N.Y. 2024). When this “law” is cited, however, it is often non-responsive to the issues in this case. For example, Appellant has chosen to cite AI-generated “law” concerning forum non conveniens and res judicata, neither of which were cited by the trial court in its written order of dismissal. *See Williams v. City of Burns*, 465 S.W.3d 96, 119 (Tenn. 2015) (“It is well-settled that a trial court speaks through its written orders—not through oral statements contained in the transcripts—and that the appellate

⁹ To the extent that Appellant has attempted to cite additional law in her reply brief, reply briefs may not be used to correct deficiencies in initial briefs. *Augustin v. Bradley Cnty. Sheriff’s Off.*, 598 S.W.3d 220, 227 (Tenn. Ct. App. 2019). In addition to a few citations to Tennessee law, Appellant again relies on AI-generated law in her reply brief, which in turn cites law from outside our jurisdiction.

court reviews the trial court's written orders." (citation omitted)). And the majority of Appellant's assertions are not supported by citation to any legal authority of any kind, much less any cogent legal argument demonstrating how her cited authority entitles her to reversal of the trial court's ruling at issue. *See, e.g., Hawkins v. Hart*, 86 S.W.3d 522, 531 (Tenn. Ct. App. 2001) ("In order for an issue to be considered on appeal, a party must, in his brief, develop the theories or contain authority to support the averred position as required by Tennessee Rules of Appellate Procedure 27(a)."); *see also Lacy v. Vanderbilt Univ. Med. Ctr.*, No. M2018-00832-COA-R3-CV, 2019 WL 1450390, at *3 (Tenn. Ct. App. Apr. 1, 2019) (noting that the appellant's brief was deficient in that while some cases were cited, the appellant failed to provide "any analysis of the cases or discuss how they relate to her position").

Tennessee courts have repeatedly held that it "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 Sup. Ct.*, 301 S.W.3d 603, 615 (Tenn. 2010). Moreover, waiver is appropriate when an appellant fails to properly address the dispositive issue in his or her appeal. *See Payne v. Bradley*, No. M2019-01453-COA-R3-CV, 2021 WL 754860, at *7–8 (Tenn. Ct. App. Feb. 26, 2021) (holding that the appellant's argument was waived where she provided "only a skeletal argument actually addressing the very foundation of the trial court's ruling against her" and therefore had "not properly appealed the dispositive issue in this appeal"); *Augustin*, 598 S.W.3d at 226–27 ("As such, Appellant's initial brief contains no properly supported argument responsive to the trial court's dispositive ruling in this case. This failure would generally result in a waiver on appeal."); *Davis v. Lewelling*, No. M2016-00730-COA-R3-CV, 2016 WL 6311799, at *5 (Tenn. Ct. App. Oct. 27, 2016) ("In this case, Appellants have simply failed to draft any argument regarding the dispositive issue in this appeal: whether the trial court erred in granting [the movant's] dispositive motions regarding the claim of assault."). And we have repeatedly held that failure to substantially comply with the briefing requirements of this Court will result in waiver of the appellant's appeal. *See, e.g., Com. Bank, Inc. v. Summers*, No. E2010-02170-COA-R3-CV, 2011 WL 2673112, at *2 (Tenn. Ct. App. July 11, 2011) ("We have previously held that a litigant's appeal should be dismissed where his brief does not comply with the applicable rules, or where there is a complete failure to cite to the record.").

We recognize that Appellant is proceeding pro se in this appeal and therefore may not be fluent in the Rules of this Court. As such, she is granted "a certain amount of leeway in drafting [her] pleadings and briefs." *Young v. Barrow*, 130 S.W.3d 59, 63 (Tenn. Ct. App. 2003) (citations omitted). Yet, it is well settled that "[p]ro se litigants must comply with the same substantive and procedural law to which represented parties must adhere." *Chiozza v. Chiozza*, 315 S.W.3d 482, 487 (Tenn. Ct. App. 2009). So "[w]hile a party who chooses to represent himself or herself is entitled to the fair and equal treatment of the courts, '[p]ro se litigants are not . . . entitled to shift the burden of litigating their case to

the courts.” *Id.* (first citing *Hodges v. Tenn. Att’y Gen.*, 43 S.W.3d 918, 920 (Tenn. Ct. App. 2000); and then quoting *Whitaker v. Whirlpool Corp.*, 32 S.W.3d 222, 227 (Tenn. Ct. App. 2000)); *see also Irvin v. City of Clarksville*, 767 S.W.2d 649, 652 (Tenn. Ct. App. 1988) (“*Pro se* litigants who invoke the complex and sometimes technical procedures of the courts assume a very heavy burden.”).

In this case, Appellant’s brief is woefully deficient. As a result, she has failed to substantially comply with the rules of this Court, and there is no good cause to proceed in the absence of a properly supported argument. *See generally* Tenn. R. App. P. 2. As such, we agree with Appellees that Appellant’s appeal must be dismissed.

III.

Based on the foregoing, we dismiss this appeal and remand to the trial court for further proceedings consistent with this Opinion. Costs of this appeal are taxed to Appellant Angela Johnson, for which execution may issue if necessary.

S/ J. Steven Stafford
J. STEVEN STAFFORD, JUDGE