

IN THE COURT OF APPEALS OF TENNESSEE
AT JACKSON
April 21, 2026 Session

JONAH PAUL ANDERS v. MAYLA ANDERS

Appeal from the Circuit Court for Shelby County
No. CT-005367-14 Gina C. Higgins, Judge

No. W2025-00847-COA-R3-CV

In 2014, Husband filed for an annulment based on allegations of fraud by Wife; Wife denied the allegations but still sought a divorce. The trial court did not find any fraud that would invalidate the marriage and granted Wife the divorce in a 2016 decree. Husband appealed, and we affirmed the trial court's ruling. Then in 2024, Husband filed a petition to reopen the case, asserting that he now had evidence to support his original fraud allegations. The trial court denied the petition, finding that Husband's attempt to relitigate the issues raised in the first appeal was barred by res judicata. Husband has again appealed. Because Husband's petition to reopen the case, by all accounts a motion for relief from a final judgment under Tennessee Rule of Civil Procedure 60.02, was untimely, we affirm. Wife is awarded her reasonable attorney's fees and costs associated with this frivolous appeal.

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

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

Jonah Paul Anders, Memphis, Tennessee, Pro se.

Theresa H. Patterson, Memphis, Tennessee, for the appellee, Mayla Anders.

MEMORANDUM OPINION¹

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

I. FACTUAL AND PROCEDURAL BACKGROUND

Plaintiff/Appellant Jonah Paul Anders (“Husband”) and Defendant/Appellee Mayla Anders (“Wife”) were married in Nevada in July 2012; two children were born of the marriage. Husband then filed a complaint for an annulment or for divorce in the Shelby County Circuit Court (“the trial court”) in December 2014.² In support of his request for an annulment, Husband alleged that Wife had already been married at the time of the parties’ marriage. As grounds for divorce, Husband alleged that irreconcilable differences had arisen and that Wife had engaged in inappropriate marital conduct.

Wife responded that her earlier marriage had been annulled in 2002 pursuant to the law of the Philippines, but she also sought a divorce from Husband based on irreconcilable differences and Husband’s inappropriate marital conduct. Wife included both a marriage certificate and a final resolution of annulment as exhibits to her answer and countercomplaint. Husband argued that Wife’s documents were fraudulent and provided certified statements from the clerk of the relevant Philippine court from November 2014 and February 2015 in support of his argument. Various additional filings were exchanged.

Eventually, the trial court entered its final decree of divorce on October 28, 2016. The trial court decreed that the parties’ marriage was valid, specifically finding Husband not to be credible and declining to find the Philippine documentation evincing the annulment of Wife’s prior marriage to be fraudulent. Wife was awarded the divorce based on the trial court’s finding that Husband caused the breakup of the marriage. The trial court further distributed the parties’ assets, created a parenting schedule, and calculated Husband’s child support and alimony obligations. All outstanding motions were summarily denied, and all costs were taxed to Husband.

Husband filed both a motion for reconsideration of the order in the trial court and a notice of appeal of the order to this Court in November 2016. The appeal was dismissed in August 2017 for lack of jurisdiction as there was no final judgment resolving Husband’s motion to reconsider. No. W2016-02290-COA-R3-CV.

Then on June 11, 2018, Husband filed a motion to alter or amend the final divorce decree pursuant to Tennessee Rule of Civil Procedure 60.02, asserting that he had received “[n]ew authentication proof” from the Philippine embassy to show that Wife’s proof of the 2002 annulment of her previous marriage was fraudulent. In support of his motion,

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.

² Although Husband was represented by counsel when filing his complaint, his counsel was allowed to withdraw in July 2015, and all subsequent filings were made pro se.

Husband submitted the March 2016 affidavit of a Filipino attorney, the March 2016 renewed certified statement of the court clerk, the previously submitted certified statements, and several additional documents with dates ranging from January 2006 to January 2017. The trial court denied Husband's motion to alter or amend by order of September 19, 2018.³

Husband's November 2016 motion for reconsideration was similarly denied on November 9, 2018. The trial court expressly found that it was not the proper forum for determining the authenticity of documents certified by a Philippine tribunal in relation to annulment proceedings in the Philippines. Husband appealed the denial in December 2018.

Numerous motions were filed in the trial court following Husband's notice of appeal, including additional motions to alter or amend by Husband. This Court ultimately remanded the matter to the trial court in November 2019, for the limited purpose of resolving Husband's post-judgment motions. No. W2018-02172-COA-R3-CV.

Husband filed another motion to alter or amend the divorce decree on November 21, 2019, asserting again that Wife's documentary proof was fraudulent and that Wife was facing criminal charges in the Philippines related to the alleged fraud. Wife moved to dismiss this latest motion as untimely. The trial court denied Husband's motion to alter or amend and granted Wife's motion to dismiss by order of March 4, 2021. The trial court found that Husband's motion was untimely and not supported by sufficient evidence to establish fraud that would render the October 2016 divorce decree void. The trial court highlighted that Husband's motion was based on the same facts at issue from the case's outset and that it had addressed such facts multiple times.

A final judgment having been entered, the matter was again brought before this Court. We issued a memorandum opinion affirming the trial court on November 22, 2021. *Anders v. Anders (Anders I)*, No. W2018-02172-COA-R3-CV, 2021 WL 5447051 (Tenn. Ct. App. Nov. 22, 2021), *perm. app. denied*, No. W2018-02172-SC-R11-CV (Tenn. 2022).⁴ Therein, we noted that although Husband had raised multiple issues related to the divorce decree on appeal, he had only offered any argument as to one question: "[w]hether the trial court abused its discretion in granting the parties a divorce instead of an annulment." *Id.* at *1 & n.4. We explained that "[d]espite Husband's repeated allegations of bigamy, the trial court determined that 'Husband is not credible' and that Wife was

³ However, the trial court subsequently granted Husband's second motion to alter or amend the divorce decree in relation to the distribution of certain property. Specifically, Husband's pre-marital vehicle was removed from Wife's award.

⁴ Rule 10 of the Rules of the Court of Appeals of Tennessee only prohibits the use of memorandum opinions in *unrelated* cases. *See, e.g., Khan v. Regions Bank*, 572 S.W.3d 189, 192 n.3 (Tenn. Ct. App. 2018) (noting that the Court could cite to a previous memorandum opinion for procedural context because the case was related); *Stark v. McLean*, No. W2023-00145-COA-R3-CV, 2023 WL 8614518, at *1 n.1 (Tenn. Ct. App. Dec. 13, 2023) (same).

divorced by the ‘standards and laws’ of the Philippines from her previous marriage[.]” indicating that “the trial court clearly considered Husband’s allegations concerning his request for an annulment and found them not to be valid.” *Id.* at *2. We also noted that although Husband attempted to challenge the trial court’s factual findings in light of the evidence presented at trial, his failure to provide a transcript or statement of the evidence engendered the assumption that “the record, had it been preserved, would have contained sufficient evidence to support the trial court’s factual findings.” *Id.* (quoting *Sherrod v. Wix*, 849 S.W.2d 780, 783 (Tenn. Ct. App. 1992)). We therefore affirmed the trial court’s decision to grant the parties a divorce instead of an annulment. Husband’s application for permission to appeal to the Tennessee Supreme Court was denied in March 2022. No. W2018-02172-SC-R11-CV.

Husband then filed a petition to re-open the case due to fraud on November 14, 2024, seeking an annulment and the vacating of all orders related to alimony. He asserted that while he had known of the alleged fraudulence of Wife’s prior annulment when filing his initial petition in December 2014, evidence thereof was not available until after January 5, 2022, when the matter was brought to the attention of the Philippine authorities.⁵ He acknowledged that he had “tried to obtain annulment in the State of Nevada, where the parties married, however, he has learned that since this court has already addressed this matter, Tennessee has continuing jurisdiction over this matter.”

Wife moved to dismiss the petition as barred by res judicata. She argued that the issues raised in the petition were resolved by the trial court’s October 2016 divorce decree, which had been affirmed in full on appeal. She noted that Husband had not provided any legal authority that would allow the case to be reopened and the issues reviewed a second time. Wife also argued that Husband’s “clear pattern and practice of annoyance, embarrassment, harassment, oppression, and undue burden and expense toward [her]” amounted to abusive civil action and harassment, and she requested a protective order enjoining Husband from filing any further pleadings seeking an annulment on the basis of fraud. She additionally requested her attorney’s fees associated with defending against Husband’s repeated filings.

By order of May 9, 2025, the trial court granted Wife’s motion to dismiss Husband’s petition to reopen the case. The trial court stated that it was treating Husband’s petition as seeking relief pursuant to Rule 60.02 and found no basis for reopening the case due to fraud. The trial court concluded that the issues of fraud and annulment were res judicata, finding that “[t]his matter was heard and ruled upon by the Tennessee Court of Appeals for the Western District and that is where the case ended. This [c]ourt has no authority to

⁵ Under separate cover, Husband filed four exhibits in connection with his motion, namely the parties’ 2012 marriage certificate from Nevada, the parties’ 2012 affidavit for application for marriage license from Nevada, an October 2009 certification from a records officer with the Philippine court of the annulment of Wife’s previous marriage, and the documents related to the criminal charges pending against Wife in the Philippines.

reopen the appeal or to overrule the appellate court's decision." The trial court further concluded that Husband's pattern of repeated filings was abusive civil action pursuant to Tennessee Code Annotated section 29-41-101(1) and imposed certain pre-filing restrictions on any future papers Husband sought to file.⁶ The trial court awarded Wife \$1,000.00 in attorney's fees and assessed all costs to Husband.⁷ This appeal followed.

II. ANALYSIS

Although Husband raises eleven issues in his appellate brief, the ultimate question before us involves the propriety of the trial court's dismissal of Husband's November 2024 petition to reopen the case due to fraud. The trial court treated Husband's petition as a motion for relief from a final judgment under Tennessee Rule of Civil Procedure 60.02, and Husband does not contest this characterization. As relevant here, Rule 60.02 provides that a final judgment may be set aside on the basis of "fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party[.]" Tenn. R. Civ. P. 60.02(2). Additionally, Rule 60.02 states that a motion seeking post-judgment relief under its terms "shall be made within a reasonable time, and for reasons (1) and (2) not more than one year after the judgment, order or proceeding was entered or taken." Tenn. R. Civ. P. 60.02.

It is well established that relief under Rule 60.02 is an "exceptional remedy." *Nails v. Aetna Ins. Co.*, 834 S.W.2d 289, 294 (Tenn. 1992). A party seeking relief under Rule 60 "must describe the basis of relief with specificity," *Minor Miracle Prods., LLC v. Starkey*, No. M2011-00072-COA-R3-CV, 2012 WL 112593, at *7 (Tenn. Ct. App. Jan. 12, 2012) (citing *Hopkins v. Hopkins*, 572 S.W.2d 639, 640 (Tenn. 1978)), and prove its entitlement to such relief by clear and convincing evidence. *Henderson v. SAIA, Inc.*, 318 S.W.3d 328, 336 (Tenn. 2010) (citing *McCracken v. Brentwood United Methodist Church*, 958 S.W.2d 792, 795 (Tenn. Ct. App. 1997)). "Evidence is clear and convincing when it leaves 'no serious or substantial doubt about the correctness of the conclusions drawn.'" *Id.* (quoting *Goff v. Elmo Greer & Sons Constr. Co.*, 297 S.W.3d 175, 187 (Tenn. 2009)). Thus, "[t]he bar for obtaining relief is set very high, and the burden borne by the moving party is heavy." *DeLong v. Vanderbilt Univ.*, 186 S.W.3d 506, 511 (Tenn. Ct. App. 2005) (citation omitted).

A trial court's denial of a Rule 60 motion is reviewed for an abuse of discretion. *Underwood v. Zurich Ins. Co.*, 854 S.W.2d 94, 97 (Tenn. 1993). "Under the abuse of

⁶ Specifically, the trial court ruled that the court clerk would have to conclude in writing that the proposed filing did not raise any issues that had been previously ruled upon or contained in any of Husband's previous pleadings in this case. The trial court also prohibited Husband from instituting a civil action against Wife without the court's permission, a limitation that would remain in effect for no more than seventy-two months or until dissolved by the trial court. Husband did not raise any issues related to this aspect of the trial court's ruling on appeal.

⁷ Similarly, Husband did not appeal this aspect of the trial court's ruling.

discretion standard, a trial court's ruling 'will be upheld so long as reasonable minds can disagree as to propriety of the decision made.'" *Eldridge v. Eldridge*, 42 S.W.3d 82, 85 (Tenn. 2001) (quoting *State v. Scott*, 33 S.W.3d 746, 752 (Tenn. 2000); *State v. Gilliland*, 22 S.W.3d 266, 273 (Tenn. 2000)). An abuse of discretion occurs only when the trial court "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) (citations omitted).

The thrust of Husband's appellate argument is that the trial court erred in granting Wife a divorce rather than granting Husband an annulment. He argues that the trial court failed to consider all of his evidence in reviewing his petition to reopen the case, leading to its failure to find that Wife's documentation related to the annulment of her prior marriage was fraudulent, leading in turn to its failure to find that the parties' marriage was void ab initio and thus subject to annulment. Wife argues that the trial court correctly concluded that the issues raised in his November 2024 petition to reopen the case were fully resolved in *Anders I*, such that its dismissal of that petition as barred by res judicata should be affirmed.⁸ Our review has revealed a separate issue important to our consideration of the dismissal of Husband's petition, however. Namely, Rule 60.02 requires any motion seeking relief from a final judgment on the basis of fraud to be filed both within a reasonable time and no more than one year after the judgment was entered. Tenn. R. Civ. P. 60.02.

Here, Husband's petition to reopen the case sought relief from the October 28, 2016 divorce decree. Although the appeal in *Anders I* was not finally resolved until the Tennessee Supreme Court issued its mandate on March 28, 2022, the relevant date for determining the timeliness of Husband's Rule 60.02 motion is the March 4, 2021 entry of the trial court's final judgment. Specifically, this Court has held that although a trial court loses jurisdiction while a case is on appeal, "[t]his does not affect the requirement that a motion based on fraud must be filed within one year of the judgment from which relief is sought." *Ellison v. Alley*, 902 S.W.2d 415, 417 n.3 (Tenn. Ct. App. 1995). Instead, the

⁸ Husband offers no meaningful argument regarding the application of the res judicata doctrine to his petition. We have repeatedly held that an appellant's failure to craft a more-than-skeletal argument that is actually responsive to the trial court's ruling may result in waiver on appeal. See *McNeill v. Blount Mem'l Hosp. Inc.*, No. E2022-00209-COA-R3-CV, 2022 WL 16955177, at *7 (Tenn. Ct. App. Nov. 16, 2022) (holding that an argument was subject to waiver when the appellant's "brief contain[ed] no argument that address[ed] the actual basis for the trial court's grant of summary judgment"); *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 the appellant 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 v. Bradley Cnty. Sheriff's Off.*, 598 S.W.3d 220, 226–27 (Tenn. Ct. App. 2019) ("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.").

proper procedure is to seek a remand from the appellate court for the trial court to consider a Rule 60.02 motion. *Id.* (citing *Spence v. Allstate Ins. Co.*, 883 S.W.2d 586, 596 (Tenn. 1994)). So then, any Rule 60.02 motion raising allegations of fraud needed to be filed within one year of the March 4, 2021 final judgment to be considered timely.⁹ See *Reliant Bank v. Bush*, No. M2018-00510-COA-R3-CV, 2018 WL 6828881, at *3 (Tenn. Ct. App. Dec. 28, 2018) (considering the timeliness of the Rule 60.02 motion in relation to the entry of the trial court’s order of judgment rather than the entry of the appellate court’s opinion affirming the judgment or the issuance of the mandate from the appellate court). Husband’s November 14, 2024 petition to reopen the case was filed decidedly after this one-year limitation period for fraud-based Rule 60.02 motions had expired.¹⁰ This untimeliness proves fatal to his claims.

It is true that “Rule 60.02 acts as an escape valve from possible inequity that might otherwise arise from the unrelenting imposition of the principle of finality imbedded in our procedural rules.” *Thompson v. Firemen’s Fund Ins. Co.*, 798 S.W.2d 235, 238 (Tenn. 1990). Nevertheless, based on “the importance of this principle of finality, the escape valve should not be easily opened.” *Toney v. Mueller Co.*, 810 S.W.2d 145, 146 (Tenn. 1991) (internal quotation marks omitted) (quoting *Thompson*, 798 S.W.2d at 238). This effort to balance fairness and finality has led Tennessee courts to hold that compliance with the one-year limitation period for motions under sections (1) and (2) is crucial to a motion’s success. See, e.g., *Furlough v. Spherion Atl. Workforce, LLC*, 397 S.W.3d 114, 131 (Tenn. 2013) (“Because Employee’s April 18, 2008 petition was filed more than one year after the June 21, 2006 settlement, the petition was not timely filed, and relief is not available under Rule 60.02(1).”); *Rogers v. Est. of Russell*, 50 S.W.3d 441, 445 (Tenn. Ct. App. 2001) (“One year is the ‘outer limit on the time allowed for filing the motion’ under

⁹ Even if we were to accept the March 28, 2022 issuance of the mandate as the relevant date, Husband’s November 14, 2024 petition would not be timely, as it was filed more than two years later.

¹⁰ Husband’s petition was similarly not filed within a reasonable time. In his petition, Husband specifically stated that he was aware of the facts giving rise to his allegations as early as his December 2014 complaint but had only obtained evidence to support the allegations in January 2022, after criminal proceedings were brought against Wife in the Philippines. While the supposedly newly acquired documents Husband provided with his petition were accompanied by certifications of authenticity dated January 2022, the documents themselves were from October 2019. Indeed, Husband had produced these same documents, albeit not accompanied by the same form of authentication, as exhibits to his November 21, 2019 motion to alter or amend. Husband offered no explanation as to why it took more than two years for him to receive the additional certificates of authenticity for these documents. Nor did he provide any clarification regarding the additional two years that elapsed between his receipt of the authenticated copies and his petition to reopen the case. See *Thompson v. Firemen’s Fund Ins. Co.*, 798 S.W.2d 235 (Tenn. 1990) (finding unnecessary delay where the movant failed to explain why the evidence supporting the Rule 60.02 motion was generated three years after entry of the final judgment and the motion itself was not filed for another four years beyond that). Moreover, as part of its March 2021 order, the trial court expressly found that Husband’s November 2019 motion to alter or amend the divorce decree, also brought under Rule 60.02, was filed “well beyond the time limit allowed by the rule.” The timeliness of the November 2024 petition to reopen the case, admittedly based on the same allegations and evidently supported by the same documents, was not improved by the subsequent passage of five years.

60.02(1) or 60.02(2).” (quoting *Ellison*, 902 S.W.2d at 417)); *Wright v. Quillen*, 75 S.W.3d 413, 418 (Tenn. Ct. App. 2001) (reversing the trial court’s decision to grant a Rule 60.02(2) motion because the motion was “clearly not filed in a timely manner” when filed almost five years after the entry of the final decree of divorce); *Wallace v. Aetna Life & Cas. Co.*, 666 S.W.2d 66, 67 (Tenn. 1984) (“As the basis of the appellant’s position was mistake, it had to have been brought within one year of entry of the final judgment. It was not. Accordingly, any relief based upon subsection (1) of T.R.C.P. 60.02 is barred.”). And as section (5) has been construed narrowly to apply “only to circumstances other than those contemplated in sections (1) through (4)[,] . . . an untimely request under Rule 60.02(1) [or Rule 60.02(2)] may not be asserted under Rule 60.02(5).” *Holiday v. Shoney’s S., Inc.*, 42 S.W.3d 90, 94 (Tenn. Ct. App. 2000) (“Ms. Holiday’s request for relief under Rule 60.02(1) was untimely. Ms. Holiday may not assert this untimely request under Rule 60.02(5).”); see also *Thompson*, 798 S.W.2d at 238 (noting that Rule 60.02 does not “permit a litigant to slumber on her claims and then belatedly attempt to relitigate issues long since laid to rest”).

As Husband’s November 2024 petition to reopen the case based on fraud was untimely, we conclude that the trial court did not abuse its discretion in granting Wife’s motion to dismiss the petition. See *In re Est. of Trigg*, 368 S.W.3d 483, 502 n.63 (Tenn. 2012) (explaining that an appellate court “may affirm the judgment on grounds different from those relied upon by the lower courts when the lower courts have reached the correct result”); *Cont’l Cas. Co. v. Smith*, 720 S.W.2d 48, 50 (Tenn. 1986) (providing that an appellate court “will affirm a decree correct in result, but rendered upon different, incomplete, or erroneous grounds”). We find the remaining substantive issues pretermitted by this decision and therefore decline to discuss either the application of the res judicata doctrine to the facts of this case or the arguments raised by Husband on appeal. See, 572 S.W.2d at 640–41 (“Having found that plaintiff did not plead and prove a state of facts upon which the trial judge could have exercised the discretionary power vested in him to grant relief from a final judgment, we deem it unnecessary to discuss the grounds upon which he denied the application or the grounds upon which the Court of Appeals reversed.”).

Consequently, the only remaining issue to resolve is Wife’s request for her attorney’s fees and costs associated with defending against this appeal. Pursuant to Tennessee Code Annotated section 27-1-122,

When it appears to any reviewing court that the appeal from any court of record was frivolous or taken solely for delay, the court may, either upon motion of a party or of its own motion, award just damages against the appellant, which may include, but need not be limited to, costs, interest on the judgment, and expenses incurred by the appellee as a result of the appeal.

“An appeal is frivolous when it ‘has no reasonable chance of success’ or is ‘so utterly

devoid of merit as to justify the imposition of a penalty.” *Stokes v. Stokes*, No. M2018-00174-COA-R3-CV, 2019 WL 1077263, at *10 (Tenn. Ct. App. Mar. 7, 2019) (quoting *Chiozza v. Chiozza*, 315 S.W.3d 482, 493 (Tenn. Ct. App. 2009)). An award of appellate attorney’s fees is within this Court’s sole discretion, though the statute is meant to be applied sparingly “to avoid discouraging legitimate appeals.” *Id.* (citing *Chiozza*, 315 S.W.3d at 493).

From Husband’s appellate brief and the record as a whole, it is clear that the purpose of this appeal was to prolong this dispute by attempting to relitigate arguments that have been dismissed time and again. And yet Husband’s delay in bringing the most recent petition has resulted in the pretermittting of all of his appellate issues. As such, the appeal was both taken solely for delay and without any reasonable chance of success. We therefore exercise our discretion to award Wife her reasonable attorney’s fees and costs associated with this frivolous appeal.

III. CONCLUSION

The judgment of the Shelby County Circuit Court is affirmed, and this matter is remanded to the trial court for further proceedings consistent with this Opinion, including the calculation of the reasonable attorney’s fees and costs incurred by Appellee Mayla Anders in this appeal. Costs of this appeal are taxed to Appellant Jonah Paul Anders, for which execution may issue if necessary.

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