

IN THE COURT OF APPEALS OF TENNESSEE
AT JACKSON

Assigned on Briefs June 2, 2026

FILED

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Clerk of the
Appellate Courts

VIRGINIA WILLIAMS v. BIG R ENTERPRISES, LLC ET AL.

Appeal from the Circuit Court for Shelby County
No. CT-3731-25 Judge Damita J. Dandridge

No. W2026-00028-COA-R3-CV

Plaintiff has been involved in multiple suits in connection with a foreclosure upon two properties she purchased in an office complex. Most of these actions were resolved adversely to her position prior to the circuit court's issuance of its ruling in this case. The circuit court dismissed Plaintiff's claims in the present case based upon res judicata principles, and it imposed sanctions. Plaintiff argues that the circuit court violated her due process rights in doing so and that it erred in the manner in which it ruled upon her pending motions. We affirm.

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

JEFFREY USMAN, J., delivered the opinion of the court, in which STEVEN W. MARONEY and WILLIAM E. PHILLIPS II, JJ., joined.

Virginia Williams, Arlington, Tennessee, Pro Se.

Peter D. Baskind and Brandon F. McNary, Memphis, Tennessee, for the appellees, Simmie Jones, Brandon Franklin McNary, Winchester Office Plaza Owners Association, Inc., Sonja Fields, Big R Enterprises, LLC, Access Home Health Care, LLC, and Marcus Payne.

OPINION

I.

The present case is, at a minimum, the third action in which Virginia Williams has brought claims related to a 2023 foreclosure proceeding on two commercial properties that she had purchased. The circuit court dismissed her suit on res judicata grounds. Ms. Williams, however, asserts that by doing so the circuit court violated her procedural due process rights. Her argument is grounded in the contention that the trial court erred by dismissing her suit and imposing sanctions following a hearing that had been set to address

another matter. Additionally, she contends that the trial court erred by failing to properly address her various pending motions prior to dismissing her suit.

The roots of this dispute trace to Ms. Williams's purchase of two commercial properties in the Winchester Office Plaza, managed by the Winchester Office Plaza Owners Association, Inc. (the Association). In May 2023, the Association sued Ms. Williams to enforce provisions of the Association's governing documents that it alleged Ms. Williams was violating. The Association asserted Ms. Williams was in breach of contract for violation of the Master Deed of the Association and sought injunctive relief to enjoin Ms. Williams from continuing to violate the Master Deed.

In response, Ms. Williams advanced her own claims against the Association; Marcus Payne, individually and in his official capacity as Acting Treasurer of the Association; Simmie Jones, individually and in his official capacity as President of the Association; Gail Starnes, individually and in her official capacity as Acting Secretary of the Association; the Association's law firm; and two attorneys employed by the Association's law firm, Wayne Mink and Brandon McNary. She alleged that the defendants had wrongfully pursued enforcement of the community rules against her, were arbitrarily choosing to enforce those rules against her, and had improperly charged her legal fees that were not justified for the enforcement. She brought claims for breach of contract regarding purported violations of the Association's governing documents, breach of contract "of the general standards for directors" by the officers of the board, fraud, breach of the implied covenant of good faith and fair dealing, fraud in selective enforcement and harassment, breach of contract for charging her legal fees without sufficient justification, and intentional infliction of emotional distress. She sought compensatory damages, attorney's fees, and punitive damages of \$200,000.

The trial court dismissed her counterclaims in March 2024. The Association non-judicially foreclosed on Ms. Williams's units in July 2024. As part of the foreclosure, the units were sold to Big R Enterprises, LLC (Big R Enterprises). The Association later voluntarily nonsuited its lawsuit against Ms. Williams.

In July 2024, Ms. Williams filed suit against the Association in Shelby County Chancery Court, advancing claims arising from the foreclosure. She brought claims for breach of contract regarding violations of the Association's governing documents, breach of fiduciary duty of the officers of the Association, breach of the implied covenant of good faith and fair dealing, harassment, breach of contract for unearned legal fees, and intentional infliction of emotional distress. She requested compensatory damages, civil damages, and punitive damages of \$1,500,000.

The trial court dismissed Ms. Williams's complaint in March 2025. The trial court noted that the complaint in that case was "substantially similar to the dismissed Counter-Complaint" from the original action initiated by the Association. The trial court further

instructed that “Ms. Williams is not permitted to file identical or nearly-identical complaints in multiple cases and courts.”

There were also related cases simultaneously pending in the Shelby County General Sessions court. After the non-judicial foreclosure, Big R Enterprises filed a Forcible Entry and Detainer in General Sessions court against Ms. Williams in July 2024. The court awarded possession to Big R Enterprises after a trial in August 2024. Ms. Williams appealed the decision to Circuit Court. Her appeal was dismissed by the trial court in October 2025, on several bases: for failure to post a bond prior to appealing the case, on the basis that her claims were barred by res judicata, and for failing to follow the trial court’s orders. In August 2024, Ms. Williams sued Big R Enterprises and a related company in General Sessions for “unjust enrichment in the foreclosure process.” Her case was dismissed, and she appealed to circuit court. She later nonsuited the appeal.

In June 2025, Ms. Williams filed a lawsuit in Shelby County Chancery Court against the Association arising from alleged governance failures of the Association. She nonsuited the case while the present case was pending.

On July 31, 2025, Ms. Williams filed this case in Shelby County Circuit Court. She sued Big R Enterprises; Access Home Health Care, LLC (the company she alleged began using her foreclosed units); the Association; Marcus Payne, in his official capacity as Acting Treasurer of the Association; Simmie Jones, in his official capacity as President of the Association; Sonja Fields, in her official capacity as Acting Secretary of the Association; and Brandon McNary, in his capacity as legal counsel and agent for Big R Enterprises, LLC (the Defendants). Through all of this litigation, Ms. Williams has represented herself pro se.

Ms. Williams’s claims in the instant case are substantially similar to those she made in past cases arising out of the same core facts. In this case, she brought multiple claims related to the foreclosure upon her units.¹ Defendants filed a motion to dismiss in which they argued that Ms. Williams’s suit was barred by res judicata. They asserted that the case was the fifth suit she had brought arising from “precisely the same facts and seeking similar relief.” Defendants argued, among other things, that res judicata barred these claims as they had already been litigated and resolved in previous cases. They noted that in a prior case her counterclaims for breach of contract were dismissed, and that in another case her complaint alleging wrongful foreclosure was dismissed. The Defendants asserted that the resolution of the cases served as res judicata, “not just for what Ms. Williams actually raised in her cases, but also as to all matters that could have been raised.”

¹ She alleged wrongful foreclosure, breach of fiduciary duty, unjust enrichment, breach “of [the Association’s] governing documents,” negligence, tortious interference with business expectancy, and abuse of process.

Defendants also filed a motion for sanctions. Defendants argued that the current case was a continuation of the pattern of Ms. Williams filing frivolous lawsuits intended to harass the parties after her claims had failed in previous suits. Defendants pointed to the fact that Ms. Williams's claims had been dismissed previously on the merits. They also asserted that she had emailed all of the parties during the pendency of the case to inform them that she would be filing yet another suit in federal court and of her intent to initiate criminal prosecution against them.² Defendants noted that Ms. Williams filed another suit in Shelby County Chancery Court after filing and litigating the current case before the Circuit Court.³ Though Defendants acknowledged that requests for sanctions should be rare, they argued that this was a rare case that justified the imposition of sanctions. Defendants requested that the trial court impose "robust sanctions against Ms. Williams including, but not limited to, financial penalties to prevent future complaints and to protect the Defendants and the Courts" as well as attorney's fees, and any other relief the trial court deemed appropriate. The Defendants noted that the "Court may find that an evidentiary hearing is needed or the Court may act sua sponte" to determine the merits of the motion.

Ms. Williams responded by denying that any of her claims were barred by res judicata. Ms. Williams also claimed that the Defendants' motion to dismiss was "procedurally defective." She argued that it was premature to file a motion to dismiss because it "is not the appropriate vehicle to contest disputed facts or evidentiary matters" that she averred were still at issue. Ms. Williams also contested the imposition of sanctions, arguing the record demonstrated that none of her filings were without merit because no court had ever reached the merits of her claims. She insisted that all of her suits had been filed "in good faith." Ms. Williams filed a variety of additional motions, addressing various matters, during the continuing pendency of this case before the trial court.⁴

² Pending before this court is the appeal of an order of dismissal and sanctions stemming from a case filed by Ms. Williams in chancery court in September 2025 and the appeal of an August 2026 order of contempt related to an injunction issued in that case. See *Virginia Williams v. Winchester Office Plaza Owners Association, Inc. et al.*, W2026-00361-COA-R3-CV; *Virginia Williams v. Big R Enterprises, LLC et al.*, W2026-01361-COA-R3-CV; see also *In re Adison P.*, No. W2014-01901-COA-R3-CV, 2015 WL 3430004, at *3 (Tenn. Ct. App. May 29, 2015) (citing *State v. Lawson*, 291 S.W.3d 864, 870 (Tenn. 2009) for the proposition that a court may take judicial notice of its own records).

³ The record includes an email Ms. Williams sent to Defendants on August 6, 2025, stating her intention to file a suit in federal court and pursue criminal prosecution for federal crimes arising from "the coordinating and unlawful scheme that resulted in the wrongful foreclosure" of her condominiums, "concealment of true parties-in-interest, and ongoing obstruction of equitable relief."

⁴ She filed a "Notice of Clarification Regarding Defendants," wherein she stated any reference to the individuals named in the Complaint were only referenced for clarity and were not being sued individually. She nevertheless filed for Default Judgment against Sonja Fields, Access Home Health Care, and Simmie Jones on the basis that they never filed an appearance. She also filed a "Notice Regarding Chancery Cases CH-23-0636 and CH-24-0899" and memorandum to clarify the procedural history of her

The trial court held a hearing on December 5, 2025. The record includes neither a transcript of the hearing nor a statement of the evidence summarizing this hearing, and a variety of documents related to this hearing do not appear in the record before this court. According to Ms. Williams's brief on appeal, she filed a motion for sanctions against Defendants that she set for hearing on December 5, 2025. Neither the motion nor the notice of hearing are included in the appellate record. The trial court denied Ms. Williams's motion to impose sanctions against Defendants. The trial court also dismissed Ms. Williams's case on the basis of res judicata and imposed sanctions prohibiting Ms. Williams from "filing or presenting any other lawsuit in Shelby County Circuit Court that arises from or is related to the facts and allegations of this case." The trial court noted that it was "aware that the facts and arguments in this matter have been litigated and resolved previously." It also noted that one of Ms. Williams's previous cases had been dismissed with prejudice and arose "under the same nucleus as the instant case."

Ms. Williams responded by filing multiple motions attempting to have the trial court reverse its dismissal of her case and its imposition of sanctions.⁵ The trial court denied

previous cases and to rebut the res judicata defense claimed by Defendants. She filed "Plaintiff's Motion to Disqualify Counsel for Conflict of Interest and to Require Winchester Office Plaza Owners Association, Inc. to Obtain Truly Independent Counsel," in which Ms. Williams argued that Defendants' law firm could not simultaneously represent Big R Enterprises, who purchased the foreclosed units that belonged to Ms. Williams, and the Association, who administered the foreclosure sale. She also proffered that the law firm's representation of the individual board members in her suit created "overlapping representations." She filed "Plaintiff's Motion to Deem Defendants' Motion to Dismiss Abandoned and Denied for Failure to Prosecute," stating that because more than 50 days had passed since it had been filed and because they had not set the motion for a hearing nor taken any "action to advance their motion," the trial court should consider it abandoned.

⁵ After the court's oral ruling dismissing Ms. Williams case, she then filed numerous motions in a time span of less than two weeks. We list them here. On December 5, 2025, she filed "Plaintiff's Motion to Clarify Ruling and Preserve Objections" and a notice setting the motion for a hearing for December 12, 2025.

Ms. Williams next filed an objection to defendants' proposed order from the December 5, 2025 hearing, along with her own proposed order for the court to issue. She then filed a "Motion to Deem Defendants' Unprosecuted Motions Abandoned and Denied for Failure to Prosecute (with Seven-Day Cure Period and Notice of Hearing)," in which she argued that the Defendants had filed multiple motions that were not set for hearing and had "no prosecution." She stated that she "hereby provide[d] Defendants **seven (7) days from service of this Motion** to either" set the motions for a hearing or withdraw the motions.

Ms. Williams filed a "Motion to Alter or Amend and to Vacate Order Pursuant to Tennessee Rule of Civil Procedure 59," in which she argued that the dismissal and imposition of sanctions took place without notice and an opportunity to be heard, that the ruling went beyond the matters before the court, that pending motions filed by her were still pending, and that the order relied on cases that were not before the court. She also filed a "Notice of Filing - Hearing Statement and Supporting Materials with Exhibits A-

these motions. The trial court also denied “[a]ny and all pending Motions” filed by Ms. Williams. The trial court further enjoined Ms. Williams from “submitting any new cases in Circuit Court on this subject matter or submitting any further motions on the matter.” The court noted that it had explained to Ms. Williams that res judicata had “attached to all of her claims and any other claims and parties which may arise from the nucleus of fact argued or alleged here.”

After filing her notice of appeal, Ms. Williams filed a designation of the record with the trial court in which she specifically requested certain filings to be included in the record. Notably, she did not designate her own motion for sanctions or the notice of the hearing setting it for December 5, 2025. She also filed a “Notice of No Transcript and Statement Regarding Record (Pursuant to Tenn. R. App. P.24).” In that notice, Ms. Williams specifically indicated that she intentionally did not designate any transcripts for the appellate record because “the issues on appeal concern purely legal and procedural errors appearing on the face of the written record” and that “[n]o evidentiary testimony was required to resolve these issues, and the dispositive rulings were made based upon written filings and procedural posture rather than contested factual determinations.”

While the appeal was pending, Ms. Williams, however, changed course and filed two motions to supplement the record with this court. On March 20, 2026, noting Tennessee Rule of Appellate Procedure 24(e), we entered an Order in which we instead directed her to “within ten (10) days of the entry of this Order, file the motion to supplement the record with the trial court.” No additional supplementation of the record before this court, however, has occurred, nor has Ms. Williams filed any additional motions following up on this matter with this court.

On appeal, Ms. Williams states the issue that she is raising before this court as follows: “Whether the trial court erred by entering a dispositive order dismissing the case and imposing sanctions without notice or an opportunity to be heard, by granting relief not properly before it, and by failing to adjudicate pending motions.” In addition to arguing in support of the trial court’s ruling, the Defendants assert Ms. Williams’s appeal is frivolous and seek attorney’s fees.

II.

D,” which she stated was to “ensure the accuracy and completeness of the record for the Court’s consideration of Ms. Williams’s Rule 59 Motion” and to “correct the confusion surrounding the mistaken dismissal of this case based on facts and procedural history from an entirely different case.”

The hearing for Ms. Williams’s Rule 59 motion was held on December 12, 2025. According to the court order, the trial court warned Ms. Williams that any further filings in Circuit Court would result in criminal contempt.

Ms. Williams is representing herself in this appeal as she did in the Shelby County Circuit Court. Pro se litigants “are entitled to fair and equal treatment by the courts.” *Vandergriff v. ParkRidge E. Hosp.*, 482 S.W.3d 545, 551 (Tenn. Ct. App. 2015). Courts should be mindful that pro se litigants often lack any legal training and many are unfamiliar with the justice system. *State v. Sprunger*, 458 S.W.3d 482, 491 (Tenn. 2015). Accordingly, courts should afford some degree of leeway in considering the briefing from a pro se litigant, *Young v. Barrow*, 130 S.W.3d 59, 63 (Tenn. Ct. App. 2003), and should consider the substance of the pro se litigant’s filing. *Poursaied v. Tennessee Bd. Of Nursing*, 643 S.W.3d 157, 165 (Tenn. Ct. App. 2021). Pro se litigants, however, may not “shift the burden of litigating their case to the courts.” *Whitaker v. Whirlpool Corp.*, 32 S.W.3d 222, 227 (Tenn. Ct. App. 2000). Additionally, “[i]t is not the role of the courts, trial or appellate, to research or construct a litigant’s case or arguments for him or her.” *Sneed v. Bd. of Pro. Resp. of the Sup. Ct. of Tenn.*, 301 S.W.3d 603, 615 (Tenn. 2010). In considering appeals from pro se litigants, the court cannot write the litigants’ briefs for them, create arguments, or “dig through the record in an attempt to discover arguments or issues that [they] may have made had they been represented by counsel.” *Murray v. Miracle*, 457 S.W.3d 399, 402 (Tenn. Ct. App. 2014). It is imperative that courts remain “mindful of the boundary between fairness to a pro se litigant and unfairness to the pro se litigant’s adversary.” *Hessmer v. Hessmer*, 138 S.W.3d 901, 903 (Tenn. Ct. App. 2003).

III.

While Ms. Williams states her challenge on appeal as a singular issue, she is actually asserting two distinct challenges: (1) a due process challenge and (2) a purported failure to address pending motions challenge. We turn first to Ms. Williams’s due process argument. She alleges the trial court’s dismissal of her suit and imposition of sanctions without notice and an opportunity to be heard violated her procedural due process rights. She argues that she did not have proper notice that the trial court would be considering dismissal and sanctions at the hearing because she had set the hearing for addressing an unrelated motion. Because the hearing was set by her for addressing a different motion, Ms. Williams asserts that the trial court could not properly dismiss her case or impose sanctions, as such issues were not “properly before the court.” She also argues that she did not have an opportunity to be heard because the trial court did not allow her to argue the motion she had set for the hearing. She claims that she “expressly objected” to the court’s decision to dismiss her case and impose sanctions based on lack of notice and opportunity to respond, but that the trial court proceeded to dismiss her suit and impose sanctions.

Defendants counter that the trial court had authority to dismiss the case without need of holding a hearing. They point to Shelby County Local Rule of Practice 6, titled “Dispositive Motions,” which gives parameters for how trial courts should adjudicate motions for summary judgment and dismissal. Rule 6(B) states that a court “may, in its discretion, hear motions on briefs and not grant oral argument.” The Defendants filed

motions seeking dismissal and sanctions. Ms. Williams filed written responses. The Defendants also argue that Ms. Williams cannot have suffered a violation of her due process rights because her claims have been litigated and rejected in prior proceedings.

The Tennessee and United States Constitutions prohibit the government from depriving a person of liberty or property without due process. U.S. Const. amend. V; Tenn. Const. art. I, § 8. Procedural due process “ensures that litigants are ‘given an opportunity to have their legal claims heard at a meaningful time and in a meaningful manner.’” *In re Walwyn*, 531 S.W.3d 131, 138 (Tenn. 2017) (quoting *Lynch v. City of Jellico*, 205 S.W.3d 384, 391 (Tenn. 2006)). The opportunity to have legal claims heard via oral presentation is not necessarily a requirement of procedural due process but may be required if “written submissions are inadequate to provide a party a fair hearing.” *In re Int’l Fid. Ins. Co.*, No. 03C01-9811-CR-00398, 1999 WL 619548, at *4 (Tenn. Crim. App. Aug. 17, 1999).

Ms. Williams has failed to provide this court with a sufficient record to allow full consideration of her argument. The appellate court’s review “is limited to the appellate record,” and “it is incumbent upon the appellant to provide a record that is adequate for a meaningful review.” *Tanner v. Whiteco, L.P.*, 337 S.W.3d 792, 796 (Tenn. Ct. App. 2010) (citing Ten. R. App. P. 24(b)); *see also, e.g., Taylor v. Allstate Ins. Co.*, 158 S.W.3d 929, 931 (Tenn. Ct. App. 2004); *Jennings v. Sewell-Allen Piggly Wiggly*, 173 S.W.3d 710, 713 (Tenn. 2005). “Parties have the responsibility to see to it that the record contains the evidence necessary to support their arguments on appeal. Where the record is incomplete and does not contain a transcript of the relevant portion of the proceedings or the portions of the record upon which the party relies, an appellate court cannot consider the issue.” *Levine v. March*, 266 S.W.3d 426, 439 (Tenn. Ct. App. 2007).

Ms. Williams’s argument rests upon two foundational pillars as to which the record before us is silent. Turning to the first pillar, Ms. Williams asserts that the December 5 hearing was set via a motion she filed to address her sanctions motion against the Defendants. The record, however, does not contain her motion for sanctions against the Defendants, nor does it contain a notice of the hearing. There is also no transcript of the hearing, nor is there a Rule 24 Statement of Evidence addressing this matter and reflecting the actual nature of the proceedings before the trial court at the December 5 hearing.

During the pendency of this appeal, Ms. Williams became aware of the incompleteness of the record as to this matter, and she did initiate an attempt to supplement the record. She filed two motions to supplement the record with this court. She noted that “[t]hese pleadings relate to the hearing conducted on December 5, 2025, and are necessary to ensure that the appellate record accurately reflects the proceedings before this Court.” On March 20, 2026, this court entered an order in which we instructed Ms. Williams, pursuant to Tennessee Rule of Appellate Procedure 24(e), to file any requests to supplement the record with the trial court within ten days of the entry of this court’s order.

Ms. Williams filed her appellate brief almost a month after this court's order was entered. In her brief, she expressly referenced the documents not appearing in the record. Notably, she asserted, "The Rule 24(e) omissions are not clerical; they are dispositive. The omission conceals the scope of the only noticed hearings." She listed the documents that are omitted: her motion for sanctions filed November 24, 2025; the notice of hearing filed November 24, 2025; and the notice of hearing setting her motion to deem Defendants' motions abandoned for hearing on December 19, 2025.

Nevertheless, in the six months that followed the entry of this court's order regarding supplementation, the record was not supplemented. Furthermore, no additional motions or notices following up on this matter have been filed with this court.

As for the second pillar of her argument, Ms. Williams contends that the trial court did not give her an adequate opportunity to respond to court's dismissal of her suit and imposition of sanctions in the December 5 hearing. Ms. Williams, however, did not provide this court with a transcript from the hearing. Additionally, this court has not been provided with a Rule 24 Statement of Evidence addressing this matter. To the contrary, Ms. Williams provided notice that there would be no transcript or Rule 24 Statement. In her designation of the record, she stated:

Plaintiff/Appellant does **not** designate any transcripts at this time because the issues on appeal concern **purely legal and procedural errors** appearing on the face of the written record

No evidentiary testimony was required to resolve these issues, and the dispositive rulings were made based upon written filings and procedural posture rather than contested factual determinations.

Accordingly, a transcript is not necessary for meaningful appellate review.

In other words, the record is silent as to the two foundational pillars upon which Ms. Williams's argument rests. Ms. Williams recognized the deficiencies and that the absent documents were, in her own view, "dispositive," and that the absence of the documents "conceals the scope of the noticed hearing." Nevertheless, Ms. Williams has failed to follow through on supplementing the record in this matter.

Furthermore, procedural due process does not necessarily guarantee an opportunity to be heard in the form of an oral presentation. *In re Int'l Fid. Ins. Co.*, 1999 WL 619548, at *4. Rather, the required opportunity to be heard may be satisfied by written argumentation. *Id.* Ms. Williams has failed to develop an argument addressing how the proceedings of the case below violated either one of these requirements given the written filings in this case. Defendants filed motions to dismiss Ms. Williams's case and a motion for sanctions. Ms. Williams filed written responses to both motions. Ms. Williams filed

in opposition to Defendants' motion to dismiss on September 30, 2025, and in opposition to the motion for sanctions on November 6, 2025. Both of these filings were submitted prior to the trial court's dismissal of Ms. William's case and imposition of sanctions.

In this case, Ms. Williams had notice that the Defendants sought to have her case dismissed and to have sanctions imposed against her. She had an opportunity to be heard on both the Defendants' motions and, in fact, submitted written responses to the trial court. Ms. Williams failed to develop an argument explaining why the written responses she submitted were inadequate opportunities to be heard. Additionally, Ms. Williams does not challenge Shelby County local rule that allows trial courts to determine motions to dismiss on the briefs without oral argument.

Given the deficiencies in the record and her argumentation, we conclude that Ms. Williams has failed to establish the circuit court committed reversible error.

IV.

We turn next to Ms. Williams's argument that the trial court erred in failing to adjudicate pending motions prior to dismissing Ms. Williams's case. In considering Ms. Williams's contention, it is important to understand that the trial court did deny all of Ms. Williams's pending motions. Ms. Williams's contention appears to be that the trial court was required to substantively address the merits of each of her pending motions before the trial court could dismiss her case based upon res judicata principles rather than summarily dismissing her motions in connection with the court's dismissal of her suit.

This argument, however, is stated in a conclusory manner. Ms. Williams fails to develop or support her contention. "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*, 301 S.W.3d at 615. Her unsupported conclusory assertion invites this court to abandon its neutral role and instead to advocate for her, which is not something that we can properly do. *See Hamadani v. Meshreky*, No. M2023-01161-COA-R3-CV, 2024 WL 3466977, at *3 (Tenn. Ct. App. July 19, 2024) ("To consider this appeal on the merits would necessitate shifting this court's role on appeal from neutral reviewer to advocate for the appellant."). Accordingly, we conclude that issue has been waived.

V.

Defendants request attorney's fees pursuant to the frivolous appeal statute, Tennessee Code Annotated section 27-1-122, which provides:

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.

The frivolous appeal statute “must be interpreted and applied strictly so as not to discourage legitimate appeals.” *Davis v. Gulf Ins. Grp.*, 546 S.W.2d 583, 586 (Tenn. 1977); *Wakefield v. Longmire*, 54 S.W.3d 300, 304 (Tenn. Ct. App. 2001); *see also, e.g., GSB Contractors, Inc. v. Hess*, 179 S.W.3d 535, 547 (Tenn. Ct. App. 2005). “A frivolous appeal is one that is devoid of merit, or one that has no reasonable chance of succeeding.” *Logan v. Est. of Cannon*, 602 S.W.3d 363, 387 (Tenn. Ct. App. 2019) (quoting *Young*, 130 S.W.3d at 67)).

“[I]mposing a penalty for a frivolous appeal is a remedy which is to be used only in obvious cases of frivolity and should not be asserted lightly or granted unless clearly applicable—which is rare.” *Conder v. Salyers*, 421 S.W.3d 589, 597 (Tenn. Ct. App. 2013) (quoting *Henderson v. SAIA, Inc.*, 318 S.W.3d 328, 342 (Tenn. 2010)). Nevertheless, “[s]uccessful litigants should not have to bear the expense and vexation of groundless appeals.” *Davis*, 546 S.W.2d at 586; *see also, e.g., Glanton v. Lord*, 183 S.W.3d 391, 401 (Tenn. Ct. App. 2005); *Jackson v. Aldridge*, 6 S.W.3d 501, 504 (Tenn. Ct. App. 1999). In considering pro se filings, as noted above, it is imperative that courts remain “mindful of the boundary between fairness to a pro se litigant and unfairness to the pro se litigant's adversary.” *Hessmer*, 138 S.W.3d at 903. Ultimately, “[t]he award of damages for the filing of a frivolous appeal lies within the sound discretion of this Court.” *GSB Contractors, Inc.*, 179 S.W.3d at 547; *see also, e.g., Chiozza v. Chiozza*, 315 S.W.3d 482, 493 (Tenn. Ct. App. 2009).

The failure to provide a sufficient record to allow for meaningful appellate review can be a potential basis for a determination that an appeal is frivolous. *See, e.g., Williams v. Williams*, 286 S.W.3d 290, 297 (Tenn. Ct. App. 2008) (“An appeal in which the appellate court’s ability to address the issues raised is undermined by the appellant’s failure to provide an adequate record may be deemed frivolous.”); *see also, e.g., Georgopoulos v. Ferrell*, No. M2024-01400-COA-R3-CV, 2025 WL 3083441, at *8 (Tenn. Ct. App. Nov. 5, 2025).

We decline, however, in the present case to conclude that this appeal is frivolous. Ms. Williams, acting pro se, recognized the deficiency in the record and did endeavor to supplement the record. The ultimate reason for her failure to do so is not apparent from the record before us. We exercise our discretion in the present case to decline to award damages.

VI.

For the aforementioned reasons, we affirm the judgment of the Circuit Court for Shelby County. Costs of this appeal are taxed to the appellant, Virginia Williams, for which execution may issue if necessary.

s/ Jeffrey Usman

JEFFREY USMAN, JUDGE