

IN THE COURT OF APPEALS OF TENNESSEE
AT JACKSON

FILED

09/18/2026

Clerk of the
Appellate Courts

**KEITHLEY ENTERPRISES, INC. ET AL. v. MAURICIO HERNANDEZ
ET AL.**

**Appeal from the Chancery Court for Shelby County
No. CH-24-1501 JoeDae L. Jenkins, Chancellor**

No. W2026-00391-COA-R3-CV

Appellants have appealed an order of the Shelby County Chancery Court that was entered on February 18, 2026. We determine that the trial court's order does not constitute a final appealable judgment. As a result, this Court lacks jurisdiction to consider this appeal. The appeal is, therefore, dismissed.

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

J. Steven Stafford, P.J., W.S.; Carma Dennis McGee, J.; Valerie L. Smith, J.

Edward T. Autry, Memphis, Tennessee, for the appellants, Bartlett Landscape Spray, LLC, and Keithley Enterprises, Inc.

Kevin Washburn, Memphis, Tennessee, for the appellees, One Source Irrigation and Landscape Lighting, LLC, and Mauricio Hernandez.

MEMORANDUM OPINION¹

Pursuant to Tenn. R. App. P. 13(b), the Court has reviewed the record on appeal in this case to determine whether the Court has subject matter jurisdiction over the appeal. The order to which the Notice of Appeal is directed does not appear to be "a final judgment

¹ Rule 10 of the Rules of the Court of Appeals provides:

This Court, with the concurrence of all judges participating in the case, may affirm, reverse or modify the actions of the trial court by memorandum opinion when a formal opinion would have no precedential value. When a case is decided by memorandum opinion it shall be designated "MEMORANDUM OPINION," shall not be published, and shall not be cited or relied on for any reason in any unrelated case.

adjudicating all the claims, rights, and liabilities of the parties” from which an appeal as of right would lie. *See* Tenn. R. App. P. 3(a). A party is entitled to an appeal as of right only after the trial court has entered a final judgment. Tenn. R. App. P. 3(a). A final judgment is a judgment that resolves all the claims between all the parties, “leaving nothing else for the trial court to do.” *In re Est. of Henderson*, 121 S.W.3d 643, 645 (Tenn. 2003) (quoting *State ex rel. McAllister v. Goode*, 968 S.W.2d 834, 840 (Tenn. Ct. App. 1997)). An order that adjudicates fewer than all the claims between all the parties is subject to revision at any time before the entry of a final judgment and is not appealable as of right. Tenn. R. App. P. 3(a); *In re Estate of Henderson*, 121 S.W.3d at 645.

The Notice of Appeal in this matter denotes Appellant’s intent to appeal an order of the trial court entered on February 18, 2026, which granted Appellees’ motion for summary judgment. However, upon review of the record, it is evident that there is still a pending counterclaim before the trial court. Moreover, the order does not contain language that satisfies Rule 54.02 of the Tennessee Rules of Civil Procedure, which permits a trial court to make an otherwise interlocutory order final by “an express determination that there is no just reason for delay and upon an express direction for the entry of the judgment.”

On July 30, 2026, this Court entered an order directing Appellants to, within thirty (30) days, either supplement the appellate record with a final judgment or otherwise show cause in this Court why the appeal should not be dismissed for lack of jurisdiction. The order warned: “If Appellants fail to comply with this Order within the time allowed herein, this appeal may be dismissed without further notification of the Court, with costs taxed to Appellants.” Appellants failed to supplement the record or file a response.

As the order appealed does not constitute a final appealable judgment, this Court lacks jurisdiction to consider this appeal. Thus, the appeal is hereby DISMISSED. Costs on appeal are taxed to Appellants, Bartlett Landscape Spray, LLC and Keithley Enterprises, Inc., for which execution may issue.

PER CURIUM