



Court of Appeals – Western Division  
Appellate Court Clerk's Office - Jackson  
Supreme Court Building  
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Jackson, TN 38301  
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Clarence James Gideon  
315 Deaderick Street  
Suite 1100  
Nashville TN 37238

RECEIVED  
SEP 14 2020

Re: W2020-00702-COA-R3-CV - DOROTHY COOK ET AL. v. DR. GEORGE THOMAS ET AL.

Notice: Case Dispositional Decision - Dismissing Appeal (Involuntary)

Attached to this cover letter, please find the referenced notice issued in the above case. If you have any questions, please feel free to call our office at the number provided.

cc: Isaac T Conner  
Clarence James Gideon  
Judge Kyle C. Atkins  
Madison County Circuit Court

**IN THE COURT OF APPEALS OF TENNESSEE  
AT JACKSON**

**DOROTHY COOK ET AL. v. DR. GEORGE THOMAS ET AL.**

**Madison County Circuit Court  
C-18-210**

**No. W2020-00702-COA-R3-CV**

**Date Printed: 09/10/2020**

**Notice / Filed Date: 09/10/2020**

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**NOTICE - Case Dispositional Decision - Dismissing Appeal (Involuntary)**

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The Appellate Court Clerk's Office has entered the above action.

James M. Hivner  
Clerk of the Appellate Courts

IN THE COURT OF APPEALS OF TENNESSEE  
AT JACKSON

FILED

09/10/2020

Clerk of the  
Appellate Courts

**DOROTHY COOK ET AL. v. DR. GEORGE THOMAS ET AL.**

**Circuit Court for Madison County  
No. C-18-210**

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**No. W2020-00702-COA-R3-CV**

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**ORDER**

On May 11, 2020, the Appellants filed a Notice of Appeal with this Court appealing an April 6, 2020 order of the Madison County Circuit Court. On June 9, 2020, the Appellees filed a Motion to Dismiss the appeal asserting that the Appellant's Notice of Appeal was untimely and therefore this Court lacked jurisdiction to entertain the appeal. On June 17, 2020, the Appellants filed a Response opposing dismissal of the appeal and asserting they should be granted relief from the April 6, 2020 judgment as provided by Tenn. R. Civ. P. 60.02.

On June 24, 2020, this Court issued a Show Cause order stating, in relevant part: "[f]rom our review of the Notice of Appeal filed May 11, 2020, and the certified copy of a final judgment entered April 6, 2020, it appears to the Court that it does not have jurisdiction. Specifically, it appears that the Notice of Appeal was not timely filed." This Order also noted that relief from a judgment pursuant to Rule 60 of the Tennessee Rules of Civil Procedure must be sought in the trial court. Accordingly, this Court permitted the Appellant opportunity to seek whatever relief it found appropriate in the trial court, and directed the Appellant to "file with this Court a copy of any order they may obtain from the trial court granting relief under Rule 60 of the Tennessee Rules of Civil Procedure."

On August 24, 2020, the Madison County Circuit Court Clerk transmitted to this Court the record on appeal. This Record contained an Order Denying Plaintiffs' Motion for Relief under Rule 60.02, entered July 23, 2020. This order stated, in pertinent part, that the "Plaintiffs' Motion for Relief Under rule 60.02 is DENIED. The original order granting summary judgment, entered April 6, 2020, is not modified."

On August 26, 2020, this Court issued a second Show Cause Order directing the Appellants to show cause why this appeal should not be dismissed for failure to timely appeal an appealable order or judgment. On September 3, 2020, the Appellants filed a Response requesting that the appeal be allowed to go forward, citing to the extraordinary circumstances stemming from the COVID-19 pandemic and the resulting disruptions.

A notice of appeal must be filed within thirty days after the date of entry of the final judgment. *See* Tenn. R. App. P. 4. This 30-day requirement may not be waived. *American Steinwinter Investor Group v. American Steinwinter, Inc.*, 964 S.W.2d 569 (Tenn. Ct. App. 1997). An appellate court cannot extend the time for filing a notice of appeal. Tenn. R. App. P. 2; *see also Cobb v. Beier*, 944 S.W.2d 343, 344 n. 2 (Tenn. 1997) (“Rule 2, T.R.A.P., which deals with ‘suspension of rules’ does not permit an extension of time for filing a notice of appeal, as prescribed in Rule 4.”). “In civil cases, the failure to timely file a notice of appeal deprives the appellate court of jurisdiction to hear the appeal.” *Arfken & Associates, P.A. v. Simpson Bridge Co., Inc.*, 85 S.W.3d 789, 791 (Tenn. Ct. App. 2002) (citations omitted). In fact, “[i]f the notice of appeal is not timely filed, the appellate court is required to dismiss the appeal.” *Id.*

In light of the foregoing, this appeal is hereby dismissed. Costs of this matter are assessed to the Appellants, Dorothy Cook and Clarissa Anderson, for which execution may issue, if necessary. **It is SO ORDERED.**

PER CURIAM