

ATTACHMENT 3

Tennessee Court of Appeals'
Notice and Order, July 13, 2023



Court of Appeals – Middle Division
Appellate Court Clerk's Office - Nashville
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219-1407
(615) 741-2681

Deborah S. Evans
136 Franklin Street
Suite 300
Clarksville TN 37040

Re: M2022-00759-COA-R3-CV - JEREMY N. MILLER v. CASI A. MILLER

Notice: Order - Answer/Response Requested by Court

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: Deborah S. Evans
Donald N Capparella
Stephanie Renee Reavers

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

JEREMY N. MILLER v. CASI A. MILLER

**Montgomery County Chancery Court
MC CH CV DI 11-121**

No. M2022-00759-COA-R3-CV

Date Printed: 07/13/2023

Notice / Filed Date: 07/13/2023

NOTICE - Order - Answer/Response Requested by Court

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 NASHVILLE

FILED

07/13/2023

Clerk of the
Appellate Courts

JEREMY N. MILLER v. CASI A. MILLER

**Chancery Court for Montgomery County
No. MC CH CV DI 11-121**

No. M2022-00759-COA-R3-CV

ORDER

This appeal was heard on July 11, 2023. It concerns the treatment of veterans' disability benefits as income for purposes of calculating child support. Among other things, Appellant, Jeremy N. Miller, contends that treating his disability benefits as income is error because federal law preempts the relevant provision of the Tennessee Child Support Guidelines. *See* Tenn. Comp. R. & Regs. 1240-02-04-.04(3)(a)(1). He advanced the preemption argument in the trial court, but counsel conceded at oral argument that the Tennessee Attorney General and Reporter was not notified. Appellant also failed to serve a copy of his appellate brief on the Attorney General.

"When the validity of a . . . regulation of this state is drawn in question in any appeal to which the state or an officer or agency is not a party," the party challenging the regulation's validity must "serve a copy of the party's brief on the Attorney General." TENN. R. APP. P. 32(a). By rule, we may "not dispose of an appeal until notice has been given and the Attorney General has been given such opportunity to respond as shall be set by the court." TENN. R. APP. P. 32(d).

It is, therefore, ordered that Appellant shall provide the office of the Tennessee Attorney General and Reporter with copies of his brief and the brief of the Appellee, Casi A. Miller, within five (5) days following entry of this order. He will certify his compliance by filing proof of service with this Court.

It is further ordered that within fifteen (15) days of service, the office of the Tennessee Attorney General and Reporter shall notify this Court if it wishes to be heard in this appeal. The response shall specify if the Attorney General wishes to participate and, if so, what relief is appropriate in light of the lack of compliance with Tennessee Code Annotated § 29-14-107, Tennessee Rule of Civil Procedure 24.04, and Tennessee Rule of

Appellate Procedure 32. The clerk of this Court shall provide a copy of this order to the office of the Tennessee Attorney General and Reporter.

PER CURIAM