

IN THE SUPREME COURT OF TENNESSEE
AT KNOXVILLE

FILED

08/29/2025

Clerk of the
Appellate Courts

BIOBELE GEORGEWILL v. JOSHUA M. BALL, ET AL.

**Circuit Court for Hamilton County
 No. 25C-293**

No. E2025-00911-SC-R10-CV

ORDER

This matter is before the Court on a recusal appeal filed by Biobele Georgewill. On June 12, 2025, Georgewill filed a motion in the Tennessee Court of Appeals seeking recusal of Court of Appeals Judge Kristi M. Davis. Judge Davis found no basis for recusal and entered an order denying the motion on June 25, 2025. Georgewill filed a motion for court review, which a panel of the Court of Appeals denied on July 18, 2025. Georgewill has now filed a Petition for Review and Supporting Brief, which we construe as a recusal appeal from the Court of Appeals pursuant to Tennessee Supreme Court Rule 10B § 3.02(c).

Based on our review of the record, we conclude that Judge Davis properly denied the motion to recuse. As Judge Davis recognized, the motion is defective because it does not “affirmatively state that it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.” Tenn. Supr. Ct. R. 10B, § 3.01. The motion also is not “supported by an affidavit under oath or a declaration under penalty of perjury on personal knowledge.” *Id.* Finally, even assuming the motion complied with these requirements, no person of ordinary prudence could reasonably question Judge Davis’s impartiality in this case. The mere fact that Judge Davis worked at Hodges, Doughty, & Carson PLLC eleven years ago is insufficient to require her recusal.

Georgewill filed a supplemental motion to recuse Judge Davis in the Court of Appeals on July 28, 2025, which largely made the same arguments as the first recusal motion. Judge Davis again found no basis for recusal and entered an order denying the motion on August 1, 2025. Georgewill did not file a motion in the Court of Appeals seeking court review of the August 1, 2025 order. Consequently, that order is not appealable to this Court under Rule 10B. *See* Tenn. Supr. Ct. R. 10B § 3.02(c) (allowing

an appeal to the Supreme Court where a motion for court review was denied or unavailable in the intermediate appellate court).

Accordingly, it is hereby ORDERED that this recusal appeal is DENIED. Costs are taxed to Biobele Georgewill, for which execution may issue if necessary.

PER CURIAM

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE

FILED

07/18/2025

Clerk of the
Appellate Courts

BOBELE GEORGEWILL v. JOSHUA M. BALL ET AL.

**Circuit Court for Hamilton County
No. 25C-293**

No. E2025-00911-COA-UNK-CV

ORDER

This matter is before the Court upon what this Court construed as a Tenn. Sup. Ct. R. 10B § 3.02(b) motion filed by the *pro se* appellant, Biobele Georgewill, for court review of an order entered by Judge Thomas R. Frierson, II, and an order entered by Judge Kristi M. Davis, wherein Judge Frierson and Judge Davis each denied Ms. Georgewill's motions seeking their recusal. The motion for court review was timely filed. Because the motion for review must be decided by three judges of this court who were not subjects of the recusal motions, *see* Tenn. Sup. Ct. R. 10B § 3.02(b), the motion for court review was assigned to Chief Judge D. Michael Swiney, Judge J. Steven Stafford, and Judge John W. McClarty.

Under Rule 10B § 3.02(b), the three-judge review panel must review the motion upon a *de novo* standard of review. "De novo" is defined as "anew, afresh, a second time." *Simms Elec., Inc. v. Roberson Assocs., Inc.*, No. 01-A-01-9011-CV-00407, 1991 WL 44279, at *2 (Tenn. Ct. App. Apr. 3, 1991) (quoting Black's Law Dictionary (5th ed. 1979)). As a consequence, we have examined the record anew, with no presumption of correctness, and reached our own conclusion. *Gentry v. Gentry*, No. M2016-01765-COA-R3-CV, 2016 WL 7176981, at *2 (Tenn. Ct. App. Dec. 9, 2016).

Upon consideration of the appellant's two motions seeking the recusal of Judge Frierson and Judge Davis, we conclude, as did Judge Frierson and Judge Davis, that the appellant's motions are not in compliance with Rule 10B in that they do not "affirmatively state that it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation" and the motions are not "supported by an affidavit under oath or a declaration under penalty of perjury on personal knowledge. . . ." Tenn. Sup. Ct. R. 10B, § 3.01. Rule 10B requires a litigant seeking the recusal of a judge to file a written motion that strictly complies with Rule 10B. *See Burkhart v. Burkhart*, No. M2023-01390-COA-T10B-CV, 2023 WL 6818637, at *4 (Tenn.

Ct. App. Oct. 17, 2023). The appellant has not complied with the requirements of Tenn. Sup. Ct. R. 10B.

Even reviewing the allegations in the motion for recusal, the appellant has not demonstrated that recusal is required in this appeal by either Judge Frierson or Judge Davis. As to Judge Frierson, the appellant states in her motion for recusal that she previously filed a judicial misconduct complaint against Judge Michael Jenne, who is the judge whose denial of recusal she is appealing in a separate but related appeal, *Biobele Georgewill v. CMH Homes, Inc.*, No. E2025-00865-COA-T10B-CV. The appellant argues that because Judge Frierson ruled on the previous judicial misconduct complaint, such involvement “raises a reasonable question as to his impartiality in this matter.” The motion does not specify in what capacity Judge Frierson had ruled on such judicial complaint against Judge Jenne. In a separate Motion to Transfer Venue or Panel Due to Conflict of Interest, the appellant further states that Judge Frierson had been on a panel of judges that had previously denied her petition for writ of mandamus, which allegedly had presented an appearance of bias and prejudgment.¹

In the aforementioned motions, the appellant’s allegations against Judge Frierson are essentially that he has participated in certain proceedings and ruled against her in the past. As Judge Frierson stated in his order denying recusal, our Supreme Court has held that adverse rulings, “even if erroneous, numerous and continuous, do not, without more, justify disqualification.” *Adams v. Dunavant*, 674 S.W.3d 871, 879 (Tenn. 2023) (quoting *Alley v. State*, 882 S.W.2d 810, 821 (Tenn. Crim. App. 1994)); see also *State v. Cannon*, 254 S.W.3d 287, 308 (Tenn. 2008); *State v. Reid*, 213 S.W.3d 792, 816 (Tenn. 2006); *Davis v. Liberty Mut. Ins. Co.*, 38 S.W.3d 560, 565 (Tenn. 2001).

In subsequent motions seeking a “rehearing en banc” and contesting the denial of recusal by Judge Frierson, the appellant expands her allegations against Judge Frierson to state that he is a current member of the Tennessee Board of Judicial Conduct, that he had participated in a review of the misconduct complaint of Judge Jenne, and that his knowledge and involvement with the judicial complaint created “a direct conflict of interest and a reasonable appearance of bias.” The allegation that Judge Frierson is a current member of the Tennessee Board of Judicial Conduct is a new allegation that was not in the original motion to recuse filed on June 12, 2025. Nonetheless, this Court takes judicial notice of the Administrative Office of the Courts’s website identifying the current members and officers of the Tennessee Board of Judicial Conduct, which does not list Judge Frierson as a member. See *Officers & Members*, Tennessee Administrative Office of the Courts,

¹ We note that the order denying the appellant’s petition for writ of mandamus to which the appellant refers is in a separate appeal, *Biobele Georgewill v. Clayton Homes, Inc.*, No. E2025-00308-COA-WRM-CV. That order, like nearly all orders of this Court, was entered “per curiam,” which literally translates to “by the court.” Per curiam orders are always decided by one or more judges of the Court, but do not identify the particular judges involved. It is unclear why the appellant believes Judge Thomas R. Frierson, II; Judge Kristi M. Davis; and Justice Jeffrey S. Bivens are the panel of judges deciding that appeal.

<https://tncourts.gov/boards-commissions/board-judicial-conduct/officers-members> (last visited July 17, 2025). Based on the foregoing, Ms. Georgewill has failed to demonstrate actual bias or produce evidence that would prompt a person of ordinary prudence in Judge Frierson's position, with knowledge of all facts known to Judge Frierson, to find a "reasonable basis for questioning [the judge's] impartiality." See *Adams*, 674 S.W.3d at 878. Therefore, we find no error in Judge Frierson's denial of Ms. Georgewill's motion for recusal.

As to the allegation against Judge Davis in the motion for recusal, the appellant simply argues that Judge Davis's previous affiliation with the law firm of Hodges, Doughty & Carson, PLLC, "raises a legitimate concern regarding impartiality" or creates an appearance of a conflict of interest that would undermine "public confidence in the integrity and neutrality of the judiciary." As Judge Davis pointed out, she had not been employed by such law firm for more than ten years, which does not by itself require recusal. See *Tyus v. Pugh Farms, Inc.*, No. W2011-00826-COA-R3-CV, 2012 WL 938509, at *4 (Tenn. Ct. App. Mar. 19, 2012). In her motion to recuse, the appellant provided no further evidence of a lack of impartiality other than pure speculation that such prior affiliation will affect Judge Davis's impartiality. Such speculation, by itself, is unlikely to be sufficient to require recusal. *Kelly M. v. Agness M.*, No. E2024-00629-COA-T10B-CV, 2024 WL 2564454, at *7 (Tenn. Ct. App. May 23, 2024). In the separate Motion to Transfer Venue or Panel Due to Conflict of Interest, the appellant further includes that Judge Davis had been on the panel of judges with Judge Frierson that had previously denied her petition for writ of mandamus, which allegedly presented an appearance of bias and prejudgment. Even if Judge Davis was on the panel of judges that had denied her petition for writ of mandamus, such action would be an adverse ruling, which, without more, does not justify disqualification of the judge. *Adams*, 674 S.W.3d at 879 (internal citations omitted).

In this case, the appellant's speculation that Judge Davis's prior affiliation with Hodges, Doughty & Carson, PLLC will somehow affect her ability to be impartial and the allegation that Judge Davis ruled against her as part of a panel of judges denying her petition for writ of mandamus in another appeal are insufficient to necessitate Judge Davis's recusal in this appeal. As such, Ms. Georgewill has failed to provide evidence that would prompt a person of ordinary prudence in Judge Davis's position, with knowledge of all facts known to Judge Davis, to find a "reasonable basis for questioning [the judge's] impartiality." See *Adams*, 674 S.W.3d at 878. Therefore, we find no error in Judge Davis's denial of Ms. Georgewill's motion for recusal.

For the foregoing reasons, this panel, having considered the Motion for Court Review filed by Ms. Georgewill, concludes that the motion is not well taken. It is, therefore, ordered that the motion is denied in all respects. The costs are assessed against the appellant, Biobele Georgewill, for which execution may issue.

PER CURIAM

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE

FILED

06/25/2025

Clerk of the
Appellate Courts

BIOBELE GEORGEWILL v. JOSHUA M. BALL ET AL.

Circuit Court for Hamilton County
No. 25C-293

No. E2025-00911-COA-UNK-CV

ORDER

On June 12, 2025, the appellant, Biobele Georgewill ("Appellant"), filed a motion pursuant to Rule 10B of the Rules of the Supreme Court of Tennessee seeking to have Judge Kristi M. Davis of the Tennessee Court of Appeals recused from hearing this appeal. The motion is not in compliance with the rule in that it does not "affirmatively state that it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation" and it is not "supported by an affidavit under oath or a declaration under penalty of perjury on personal knowledge. . . ." Tenn. Sup. Ct. R. 10B, § 3.01. Rule 10B requires a litigant seeking the recusal of a judge to file a written motion that strictly complies with Rule 10B. *See Burkhardt v. Burkhardt*, No. M2023-01390-COA-T10B-CV, 2023 WL 6818637, at *4 (Tenn. Ct. App. Oct. 17, 2023).

Furthermore, even if Appellant had complied with the requirements of Rule 10B, Appellant's motion alleges no grounds that would require recusal by the undersigned judge. Appellant's sole allegation for the undersigned judge's recusal stems from the undersigned judge's previous employment as a partner at the law firm of Hodges, Doughty & Carson, PLLC. However, the undersigned judge was last employed at Hodges, Doughty & Carson, PLLC, in 2014, which is eleven years ago. Since that time, the undersigned judge has had no further affiliation with the law firm. *See Tyus v. Pugh Farms, Inc.*, No. W2011-00826-COA-R3-CV, 2012 WL 938509, at *4 (Tenn. Ct. App. Mar. 19, 2012) (holding that recusal was not required when more than thirteen years had passed since the judge had any business dealings with his former law firm and over ten years had passed since the judge had received any compensation for outstanding legal matters owed to him by the law firm).

Rule 1.2 of the Code of Judicial Conduct as set forth in Rule 10 of the Rules of the Supreme Court of Tennessee provides that "a judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the

judiciary, and shall avoid impropriety and the appearance of impropriety.” Mere speculation that a judge’s ability to be impartial will be affected by a prior relationship between the judge and a party or witness is likely not sufficient to necessitate recusal of the judge. *Kelly M. v. Agness M.*, No. E2024-00629-COA-T10B-CV, 2024 WL 2564454, at *7 (Tenn. Ct. App. May 23, 2024). Instead, allegations of bias or prejudice “must be based on facts, not speculation or innuendo.” *Id.* (quoting *Runyon v. Runyon*, No. W2013-02651-COA-T10B-CV, 2014 WL 1285729, at *9 (Tenn. Ct. App. Mar. 31, 2014)).

The undersigned judge does not have an actual bias or prejudice against or toward Appellant in this appeal, nor is the undersigned judge biased in favor of the law firm of Hodges, Doughty & Carson, PLLC. In addition, no person of ordinary prudence in the undersigned judge’s position, knowing all of the facts as alleged in the motion and known to the undersigned judge, would find a reasonable basis to question the undersigned judge’s impartiality in this case. *Cf. Smith v. State*, 357 S.W.3d 322, 341 (Tenn. 2011) (noting that recusal is required, even if a judge subjectively believes he or she can be fair and impartial, whenever “the judge’s impartiality might be reasonably questioned because the appearance of bias is as injurious to the integrity of the judicial system as actual bias.” (quoting *Bean v. Bailey*, 280 S.W.3d 798, 805 (Tenn. 2009))).

Because Appellant’s motion to recuse does not comply with the requirements of Rule 10B and lacks a factual or legal basis, Appellant’s motion to recuse is hereby DENIED.


KRESTI M. DAVIS, JUDGE

IN THE TENNESSEE COURT OF APPEALS AT KNOXVILLE
Case No.: E2025-00911-COA-UNK-CV Date: September 3, 2025

**Biobele Georgewill, Plaintiff/Appellant v. Joshua M. Ball and Hodges Doughty and
Carson, PLLC, Defendants/Appellees**

**MOTION TO REFILE AND SUPPLEMENT RECORD WITH SUPPLEMENTAL MOTION TO
RECUSE JUDGE KRISTI M. DAVIS**

Comes now, the Plaintiff/Appellant, Biobele Georgewill, and respectfully moves this Court to accept and file the attached Supplemental Motion to Recuse Judge Kristi M. Davis, and to supplement the appellate record accordingly. In support of this Motion, Plaintiff states as follows:

- 1. Plaintiff previously prepared and submitted a Supplemental Motion to Recuse Judge Kristi M. Davis, which included a sworn affidavit affirming that the motion was not submitted for purposes of delay or harassment.**
- 2. Upon reviewing the appellate docket, Plaintiff discovered that the Supplemental Motion and accompanying affidavit, and evidence were never entered into the docket or included in the appellate record.**
- 3. Plaintiff now has access to the e-filing system and is refiling the Supplemental Motion to ensure it is properly docketed and considered by the Court.**
- 4. Plaintiff respectfully requests that this Court accept the refiling of the Supplemental Motion to Recuse, treat it as part of the original appellate filings, and supplement the record with this motion and the accompanying affidavit.**
- 5. Filing and docketing this motion is necessary to ensure a complete and accurate record for the Court's consideration of the recusal issue.**

WHEREFORE, Plaintiff respectfully requests that this Court:

- a) Accept and docket the attached Supplemental Motion to Recuse Judge Kristi M. Davis;**
- b) Supplement the appellate record to include the Supplemental Motion and affidavit as part of the original filings; and**
- c) Grant any other relief deemed appropriate.**

Respectfully submitted,



Biobele Georgewill - Plaintiff/ Appellant
423-561-5480

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion was served via email on the following parties on this 3rd day of September, 2025:

Jason Long, Esq.

Email: JLong@lewisthomason.com and SYeary@lewisthomason.com



Blouele Georgewill

423 561 5480

Bloueleorgewill@gmail.com

IN THE TENNESSEE COURT OF APPEALS AT KNOXVILLE

Biobele Georgewill
Plaintiff,

v.

Joshua M. Ball and Hodges, Doughty, and Carson PLLC
Defendants.

Case No.: E2025- 00911- COA- UNK- CV

Date: July 24, 2025

Supplemental Motion for Recusal of Judge Kristi Davis

Plaintiff respectfully moves this Court to order the recusal of Judge Kristi Davis from any further proceedings in this matter due to a reasonable question regarding her impartiality arising from her prior partnership with the law firm Hodges, Doughty, and Carson PLLC, which is a Defendant in this case.

Grounds for Recusal

1. Publicly available records confirm that Judge Kristi Davis was previously a partner at Hodges, Doughty, and Carson PLLC, the same law firm that is a Defendant in this case.
2. The nature of a partnership involves financial interests, shared client networks, and professional relationships that extend beyond mere employment, creating an appearance of partiality or bias.
3. The Court's implication that the Plaintiff must demonstrate actual bias or a continuing relationship with the defendant misinterprets the proper standard for judicial disqualification. The issue is not whether the judge continues to work with the law firm, the issue is that Hodges, Doughty & Carson, PLLC is a named defendant in this matter, and the judge formerly practiced law at that same firm.
 - a) See Exhibit A, a screenshot of publicly available records demonstrating Judge Kristi Davis's former partnership with the Defendant law firm, Hodges, Doughty, and Carson PLLC, establishing a direct professional relationship between the judge and the defendant in this matter.

b) According to public records, Judge Kristi Davis was sworn in to the Tennessee Court of Appeals on August 3, 2020, after serving as a circuit court judge since 2014. Prior to her judicial career, she was a partner at Hodges, Doughty & Carson PLLC in Knoxville for approximately 14 years. This long-standing professional association with the law firm, currently a defendant in this matter, raises a reasonable question about her impartiality. Such an extensive connection goes beyond mere past employment and presents an appearance of bias, warranting recusal under applicable legal standards.

This is a direct and disqualifying prior relationship with a party to the case.

c) Under Rule 10, Canon 2.11(A)(1) of the Tennessee Code of Judicial Conduct, a judge must disqualify herself in any proceeding where her impartiality might reasonably be questioned. In this case, Judge Davis is presiding over an appeal in which her former law firm is the named defendant. Although she may not have personally worked on the matter, her current role in reviewing claims that could impact the rights or liabilities of her former firm creates an appearance of impropriety. This situation gives rise to a direct constitutional concern under the Fourteenth Amendment's Due Process Clause, which guarantees litigants a fair and impartial tribunal.

4. The appearance of impropriety alone, arising from the judge's prior professional affiliation with a current defendant, is sufficient to warrant mandatory recusal. The standard is not whether Appellant can prove actual bias, but whether a reasonable person would question the judge's impartiality. That threshold is undeniably met here.

5. Under 28 U.S.C. § 455(a), a judge must recuse himself or herself if the judge's impartiality might reasonably be questioned. The United States Supreme Court has recognized in *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), that even the appearance of bias violates due process.

4. Under Tenn. Sup. Ct. R. 10, RJC 2.11(A), the test for judicial recusal is whether "a person of ordinary prudence in the judge's position, knowing all facts, would reasonably question the judge's impartiality."

5. In *Bean v. Bailey*, 280 S.W.3d 798 (Tenn. 2009), the Tennessee Supreme Court reaffirmed that the appearance of bias is as injurious as actual bias. The Court held that a judge must disqualify himself or herself when their prior professional relationship with a party creates an appearance of impropriety, regardless of whether actual bias exists. In the present case, Judge Davis's former partnership with the defendant raises legitimate concerns about impartiality under this standard.

6. The Tennessee Court of Appeals has consistently held that reasonable questions regarding impartiality require recusal to preserve public confidence in the judiciary.

7. Even patterns of rulings that seem consistently unfavorable, tone, attitude, or other conduct can support a reasonable perception of bias.

8. Under Tennessee law and the Code of Judicial Conduct (Rule 10, Tenn. Sup. Ct. R. 10), a judge must recuse herself whenever her impartiality might reasonably be questioned, regardless of whether actual bias is proven. This includes situations where a judge has prior professional ties or any relationship that creates an appearance of impropriety.

9. Judge Kristi Davis served as a partner at Hodges, Doughty & Carson PLLC for approximately 14 years, a substantial and significant period during which she forged deep professional relationships, financial interests, and lasting loyalties. Although she has not been formally affiliated with the firm since 2014, such a lengthy and intimate association cannot simply be dismissed or wiped away. The enduring influence and connections established over those years remain relevant and potent.

10. This case involves Hodges, Doughty & Carson PLLC appearing as a defendant facing claims for substantial damages. Furthermore, one of the defendant lawyers, affiliated with the same firm, faces potential disciplinary action. These high stakes heighten the appearance of bias and raise an undeniable conflict of interest for Judge Davis to preside over the case.

11. Her participation on the appellate panel directly threatens Plaintiff's constitutional right to a fair and impartial hearing. The very presence of Judge Davis in this case, given her long-standing ties to a defendant with much to lose, creates an overwhelming perception of partiality.

12. More troubling, however, is Judge Davis's steadfast refusal to recuse herself despite these glaring conflicts. This insistence only deepens the suspicion and raises serious questions about her motivations for clinging to this case. If the perception of bias is as evident as it appears, then the refusal to step aside only magnifies the appearance of impropriety and undermines public confidence in the judiciary.

13. Plaintiff respectfully asserts that this refusal infringes upon the due process rights guaranteed under the Constitution and demands immediate recusal to preserve the integrity of these proceedings.

14. *Kinard v. Kinard*, 986 S.W.2d 220 (Tenn. Ct. App. 1998) establishes that a judge must recuse not only when they are actually biased, but when their impartiality might reasonably be questioned.

"The integrity of the judicial system is dependent upon the public's confidence in its judges. Therefore, to protect the public's trust, courts must avoid both actual bias and the appearance of bias or impropriety."

In Kinard, the court reversed a trial judge's decision after determining that the circumstances could lead a reasonable person to question the judge's impartiality, even though there was no proof of actual bias.

15. Davis v. Liberty Mutual, 38 S.W.3d 560 (Tenn. 2001) affirms that an objective appearance of bias, even without personal bias, can warrant recusal.

16. Plaintiff contends that Judge Davis's former partnership with the Defendant, Hodges, Doughty & Carson, PLLC, creates a legitimate and reasonable basis for questioning her impartiality in this matter. This is not mere speculation, it is a direct and disqualifying fact that gives rise to the appearance of bias, which is independently sufficient for disqualification under Tenn. Sup. Ct. R. 10, Canon 2.11(A)(1).

17. The Court's suggestion that Plaintiff must prove actual bias or an ongoing relationship with the Defendant in order to obtain recusal is legally incorrect and fundamentally disregards the constitutional and ethical protections at issue. The disqualification standard does not require proof of subjective bias; it requires only that the judge's impartiality might reasonably be questioned.

18. To dismiss this concern as speculative is to ignore the critical facts raised by Plaintiff and to undermine Plaintiff's fundamental right to a fair and impartial tribunal, as guaranteed by the Due Process Clause of the Fourteenth Amendment to the United States Constitution. The judiciary's integrity demands that even the appearance of impropriety be taken seriously, especially when a judge has previously maintained a professional and financial partnership with a party currently before the court. Accordingly, recusal is not only appropriate, it is mandatory.

19. Given the serious appearance of bias and the clear conflict arising from Judge Davis's former partnership with the Defendant law firm, it is fundamentally improper for Judge Davis to decide this Motion to Recuse. The impartiality of the tribunal is called into question, and allowing the judge to rule on her own recusal would undermine public confidence in the integrity and neutrality of the judiciary.

20. Plaintiff therefore respectfully requests that this Court assign the decision on this Motion to Recuse to another, impartial judge, that Judge Davis recuse herself immediately from ruling on this matter, and that all further rulings or proceedings in this case be stayed until this recusal issue is resolved.

Good Faith Certification

This motion is filed in good faith and not for purposes of harassment or delay.

Prayer for Relief

Wherefore, Plaintiff respectfully requests that:

1. The Court order Judge Kristi Davis to recuse herself from this case;
2. Any further proceedings be assigned to a different judge;
3. The Court stay any further rulings or proceedings pending resolution of this Motion to Recuse; and
4. Such other relief as the Court deems just and proper.

Respectfully submitted,



Biobele Georgewill
Plaintiff
423-561-5480
Biogeorgewill@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of July, 2025, a true and correct copy of the foregoing SUPPLEMENTAL MOTION TO RECUSE JUDGE KRISTI DAVIS as served via email on.

Counsel for Defendant,
Jason Long, Esq.
Email: JLong@lewisthomasson.com and SYeary@lewisthomasson.com



Biobele Georgewill
Plaintiff
423 561 5480

Sworn Affidavit of Biobele Georgewill

I, Biobele Georgewill, declare under penalty of perjury under the laws of the State of Tennessee that the foregoing statements are true and correct to the best of my knowledge and belief.

I further certify that this motion is made in good faith and not for the purpose of harassment or undue delay.

Executed this 24th day of July, 2025.


Biobele Georgewill
Plaintiff

Notary Acknowledgment

State of Tennessee

County of Hamilton

Subscribed and sworn to before me on this 24th day of July, 2025, by Biobele Georgewill

Notary Public Signature Alyssa Colon

My commission expires: January 9, 2028



Judge Kristi Davis Joins the Court of Appeals

August 3, 2020

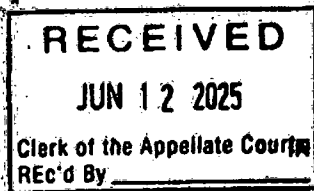
Judge Kristi Davis was sworn in today as Tennessee's newest member of the Court of Appeals. She was appointed to the Court by Governor Bill Lee just over 60 days ago.



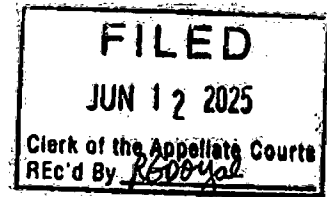
Judge Davis, who has been a circuit court judge in the Sixth Judicial District in Knoxville since 2014, is the second female judge to serve on the Court of Appeals from the Eastern Division and the sixth woman to serve on the Court of Appeals. She fills the vacancy left by the retirement of the Honorable Charles D. Susano Jr. in April 2020. Prior to her judicial career, she was a partner at the firm of Hodges, Doughty & Carson in Knoxville, where she practiced for 14 years. She is a graduate of the University of Tennessee College of Law.

"We are excited to have Judge Davis join the Court of Appeals," Chief Judge D. Michael Swiney said. "We are fortunate that her experience will enable her to hit the ground running, which is an important benefit to the people of Tennessee and the Court of Appeals. We look forward to August 3 finally getting here."

An unconventional path to the appellate court



E2025-00911-COA-UNK-CV



THE COURT OF APPEALS OF TENNESSEE AT KNOXVILLE

Biobele Georgewill,
Plaintiff-Appellant,
V.

Joshua M. Ball Esq., and Hodges Doughty and Carson PLLC
Defendant-Appellee.

CERTIFIED MAIL
6-6-25

Case No. 25C293

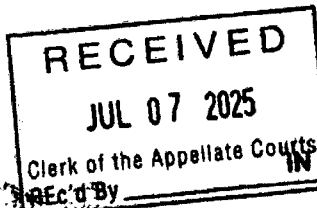
Date: June 6, 2025

MOTION TO RECUSE JUDGE KRISTI M. DAVIS

COMES NOW the Plaintiff/Appellant, Biobele Georgewill, and respectfully moves this Honorable Court to recuse the Honorable Judge Kristi M. Davis from presiding over the above-captioned matter, pursuant to Tennessee Supreme Court Rule 10, Code of Judicial Conduct, Canon 2.11(A), on the following grounds:

1. Judge Kristi M. Davis was previously employed as a partner at the law firm of Hodges, Doughty & Carson, PLLC, a law firm which is currently involved in this case as legal counsel for the Defendant/Appellee CMH Homes Inc., dba Clayton Homes, or otherwise maintains an interest in the outcome of the litigation.
2. Judge Davis's prior association with the firm raises a legitimate concern regarding impartiality, or at minimum, creates the appearance of a conflict of interest that undermines public confidence in the integrity and neutrality of the judiciary.
3. Canon 2.11(A)(6)(a) of the Tennessee Code of Judicial Conduct provides that a judge shall disqualify herself in any proceeding in which the judge's impartiality might reasonably be questioned, including when the judge previously practiced law with a firm currently representing a party before the court.
4. Given Judge Davis's longstanding history with Hodges, Doughty & Carson, and the firm's known involvement in this matter, her continued participation could give rise to an appearance of bias and diminish confidence in the fairness of these proceedings.

7/2
CERTIFIED MAIL



**IN THE TENNESSEE COURT OF APPEALS
EASTERN SECTION AT KNOXVILLE**

Biobele Georgewill,
Plaintiff/Appellant,

v.

CMH Homes Inc., dba Clayton Homes,
Defendant/Appellee.

Case Number: E2025-00865-COA-T10B

And

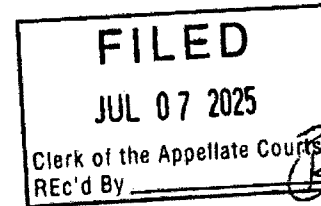
Biobele Georgewill,
Plaintiff/Appellant,

v.

Joshua M. Ball Esq., and Hodges Doughty and Carson PLLC,
Defendant/Appellee.

Case Number: E2025- 00911-COA-UNK-CV

Date: July 2, 2025



**SUPPLEMENTAL MOTION TO RECUSE THE HONORABLE JUDGE KRISTI DAVIS, IN
SUPPORT OF PLAINTIFF'S PETITION FOR REHEARING EN BANC**

COMES NOW the Plaintiff, respectfully submitting this Supplemental Motion for Recusal pursuant to Tennessee Supreme Court Rule 10, Code of Judicial Conduct Rule 2.11, and in further support of Plaintiff's Petition for Rehearing En Banc, and would show this Honorable Court as follows:

I. INTRODUCTION

Plaintiff has previously moved for the recusal of Judge Kristi Davis on the grounds that her impartiality might reasonably be questioned due to her prior professional affiliation with Hodges, Doughty & Carson, PLLC, the law firm representing Defendant Clayton Homes. Judge Davis denied that motion, citing the passage of time and asserting that no actual bias exists. However, recusal does not require actual bias, only the appearance of possible bias, which is clearly present in this case.

This motion supplements the original request, reinforces the necessity of recusal, and respectfully requests either reconsideration by Judge Davis herself or corrective action by the full Court through en banc review or reassignment.

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE

FILED

07/18/2025

Clerk of the
Appellate Courts

BOBELE GEORGEWILL v. JOSHUA M. BALL ET AL.

**Circuit Court for Hamilton County
No. 25C-293**

No. E2025-00911-COA-UNK-CV

ORDER

This matter is before the Court upon what this Court construed as a Tenn. Sup. Ct. R. 10B § 3.02(b) motion filed by the *pro se* appellant, Biobele Georgewill, for court review of an order entered by Judge Thomas R. Frierson, II, and an order entered by Judge Kristi M. Davis, wherein Judge Frierson and Judge Davis each denied Ms. Georgewill's motions seeking their recusal. The motion for court review was timely filed. Because the motion for review must be decided by three judges of this court who were not subjects of the recusal motions, *see* Tenn. Sup. Ct. R. 10B § 3.02(b), the motion for court review was assigned to Chief Judge D. Michael Swiney, Judge J. Steven Stafford, and Judge John W. McClarty.

Under Rule 10B § 3.02(b), the three-judge review panel must review the motion upon a *de novo* standard of review. "De novo" is defined as "anew, afresh, a second time." *Simms Elec., Inc. v. Roberson Assocs., Inc.*, No. 01-A-01-9011-CV-00407, 1991 WL 44279, at *2 (Tenn. Ct. App. Apr. 3, 1991) (quoting Black's Law Dictionary (5th ed. 1979)). As a consequence, we have examined the record anew, with no presumption of correctness, and reached our own conclusion. *Gentry v. Gentry*, No. M2016-01765-COA-R3-CV, 2016 WL 7176981, at *2 (Tenn. Ct. App. Dec. 9, 2016).

Upon consideration of the appellant's two motions seeking the recusal of Judge Frierson and Judge Davis, we conclude, as did Judge Frierson and Judge Davis, that the appellant's motions are not in compliance with Rule 10B in that they do not "affirmatively state that it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation" and the motions are not "supported by an affidavit under oath or a declaration under penalty of perjury on personal knowledge. . . ." Tenn. Sup. Ct. R. 10B, § 3.01. Rule 10B requires a litigant seeking the recusal of a judge to file a written motion that strictly complies with Rule 10B. *See Burkhart v. Burkhart*, No. M2023-01390-COA-T10B-CV, 2023 WL 6818637, at *4 (Tenn.

Ct. App. Oct. 17, 2023). The appellant has not complied with the requirements of Tenn. Sup. Ct. R. 10B.

Even reviewing the allegations in the motion for recusal, the appellant has not demonstrated that recusal is required in this appeal by either Judge Frierson or Judge Davis. As to Judge Frierson, the appellant states in her motion for recusal that she previously filed a judicial misconduct complaint against Judge Michael Jenne, who is the judge whose denial of recusal she is appealing in a separate but related appeal, *Biobele Georgewill v. CMH Homes, Inc.*, No. E2025-00865-COA-T10B-CV. The appellant argues that because Judge Frierson ruled on the previous judicial misconduct complaint, such involvement “raises a reasonable question as to his impartiality in this matter.” The motion does not specify in what capacity Judge Frierson had ruled on such judicial complaint against Judge Jenne. In a separate Motion to Transfer Venue or Panel Due to Conflict of Interest, the appellant further states that Judge Frierson had been on a panel of judges that had previously denied her petition for writ of mandamus, which allegedly had presented an appearance of bias and prejudgment.¹

In the aforementioned motions, the appellant’s allegations against Judge Frierson are essentially that he has participated in certain proceedings and ruled against her in the past. As Judge Frierson stated in his order denying recusal, our Supreme Court has held that adverse rulings, “even if erroneous, numerous and continuous, do not, without more, justify disqualification.” *Adams v. Dunavant*, 674 S.W.3d 871, 879 (Tenn. 2023) (quoting *Alley v. State*, 882 S.W.2d 810, 821 (Tenn. Crim. App. 1994)); see also *State v. Cannon*, 254 S.W.3d 287, 308 (Tenn. 2008); *State v. Reid*, 213 S.W.3d 792, 816 (Tenn. 2006); *Davis v. Liberty Mut. Ins. Co.*, 38 S.W.3d 560, 565 (Tenn. 2001).

In subsequent motions seeking a “rehearing en banc” and contesting the denial of recusal by Judge Frierson, the appellant expands her allegations against Judge Frierson to state that he is a current member of the Tennessee Board of Judicial Conduct, that he had participated in a review of the misconduct complaint of Judge Jenne, and that his knowledge and involvement with the judicial complaint created “a direct conflict of interest and a reasonable appearance of bias.” The allegation that Judge Frierson is a current member of the Tennessee Board of Judicial Conduct is a new allegation that was not in the original motion to recuse filed on June 12, 2025. Nonetheless, this Court takes judicial notice of the Administrative Office of the Courts’s website identifying the current members and officers of the Tennessee Board of Judicial Conduct, which does not list Judge Frierson as a member. See *Officers & Members*, Tennessee Administrative Office of the Courts,

¹ We note that the order denying the appellant’s petition for writ of mandamus to which the appellant refers is in a separate appeal, *Biobele Georgewill v. Clayton Homes, Inc.*, No. E2025-00308-COA-WRM-CV. That order, like nearly all orders of this Court, was entered “per curiam,” which literally translates to “by the court.” Per curiam orders are always decided by one or more judges of the Court, but do not identify the particular judges involved. It is unclear why the appellant believes Judge Thomas R. Frierson, II; Judge Kristi M. Davis; and Justice Jeffrey S. Bivens are the panel of judges deciding that appeal.

<https://tncourts.gov/boards-commissions/board-judicial-conduct/officers-members> (last visited July 17, 2025). Based on the foregoing, Ms. Georgewill has failed to demonstrate actual bias or produce evidence that would prompt a person of ordinary prudence in Judge Frierson's position, with knowledge of all facts known to Judge Frierson, to find a "reasonable basis for questioning [the judge's] impartiality." See *Adams*, 674 S.W.3d at 878. Therefore, we find no error in Judge Frierson's denial of Ms. Georgewill's motion for recusal.

As to the allegation against Judge Davis in the motion for recusal, the appellant simply argues that Judge Davis's previous affiliation with the law firm of Hodges, Doughty & Carson, PLLC, "raises a legitimate concern regarding impartiality" or creates an appearance of a conflict of interest that would undermine "public confidence in the integrity and neutrality of the judiciary." As Judge Davis pointed out, she had not been employed by such law firm for more than ten years, which does not by itself require recusal. See *Tyus v. Pugh Farms, Inc.*, No. W2011-00826-COA-R3-CV, 2012 WL 938509, at *4 (Tenn. Ct. App. Mar. 19, 2012). In her motion to recuse, the appellant provided no further evidence of a lack of impartiality other than pure speculation that such prior affiliation will affect Judge Davis's impartiality. Such speculation, by itself, is unlikely to be sufficient to require recusal. *Kelly M. v. Agness M.*, No. E2024-00629-COA-T10B-CV, 2024 WL 2564454, at *7 (Tenn. Ct. App. May 23, 2024). In the separate Motion to Transfer Venue or Panel Due to Conflict of Interest, the appellant further includes that Judge Davis had been on the panel of judges with Judge Frierson that had previously denied her petition for writ of mandamus, which allegedly presented an appearance of bias and prejudgment. Even if Judge Davis was on the panel of judges that had denied her petition for writ of mandamus, such action would be an adverse ruling, which, without more, does not justify disqualification of the judge. *Adams*, 674 S.W.3d at 879 (internal citations omitted).

In this case, the appellant's speculation that Judge Davis's prior affiliation with Hodges, Doughty & Carson, PLLC will somehow affect her ability to be impartial and the allegation that Judge Davis ruled against her as part of a panel of judges denying her petition for writ of mandamus in another appeal are insufficient to necessitate Judge Davis's recusal in this appeal. As such, Ms. Georgewill has failed to provide evidence that would prompt a person of ordinary prudence in Judge Davis's position, with knowledge of all facts known to Judge Davis, to find a "reasonable basis for questioning [the judge's] impartiality." See *Adams*, 674 S.W.3d at 878. Therefore, we find no error in Judge Davis's denial of Ms. Georgewill's motion for recusal.

For the foregoing reasons, this panel, having considered the Motion for Court Review filed by Ms. Georgewill, concludes that the motion is not well taken. It is, therefore, ordered that the motion is denied in all respects. The costs are assessed against the appellant, Biobele Georgewill, for which execution may issue.

PER CURIAM

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE

FILED

08/01/2025

Clerk of the
Appellate Courts

BOBELE GEORGEWILL v. JOSHUA M. BALL ET AL.

Circuit Court for Hamilton County
No. 25C-293

No. E2025-00911-COA-UNK-CV

ORDER

The undersigned judge entered an order on June 25, 2025, denying the *pro se* appellant's first motion for recusal, which was based upon the undersigned judge's former affiliation with Hodges, Doughty & Carson, PLLC. The appellant subsequently filed a motion, which the Court construed as a motion for court review, pursuant to Tennessee Supreme Court Rule 10B, section 3.02. A panel of three other judges were appointed to review the undersigned judge's denial of the appellant's first recusal motion. The panel of judges consisting of Chief Judge D. Michael Swiney, Judge J. Steven Stafford, and Judge John W. McClarty determined that the appellant's motion for court review was not well taken and denied such motion.

The appellant has now filed a supplemental motion seeking the undersigned judge's recusal for a second time. This motion again is based on the undersigned judge's previous employment as a partner of Hodges, Doughty & Carson, PLLC, that the appellant alleges causes an appearance of impropriety requiring recusal. Rule 1.2 of the Code of Judicial Conduct as set forth in Rule 10 of the Rules of the Supreme Court of Tennessee provides that "a judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety." Mere speculation that a judge's ability to be impartial will be affected by a prior relationship between the judge and a party or witness is likely not sufficient to necessitate recusal of the judge. *Kelly M. v. Agness M.*, No. E2024-00629-COA-T10B-CV, 2024 WL 2564454, at *7 (Tenn. Ct. App. May 23, 2024). Instead, allegations of bias or prejudice "must be based on facts, not speculation or innuendo." *Id.* (quoting *Runyon v. Runyon*, No. W2013-02651-COA-T10B-CV, 2014 WL 1285729, at *9 (Tenn. Ct. App. Mar. 31, 2014)).

Following her initial departure from Hodges, Doughty & Carson, PLLC, the undersigned judge voluntarily recused herself from presiding over cases as circuit court judge involving the law firm for at least a year. However, the undersigned judge has had no affiliation with Hodges, Doughty & Carson, PLLC for eleven years.