

No. 25-5754

IN THE
SUPREME COURT OF THE UNITED STATES

BIOBELE GEORGEWILL, PETITIONER
vs.
JOSHUA M. BALL, ET AL., RESPONDENT(S)

ON PETITION FOR WRIT OF CERTIORARI TO THE
TENNESSEE SUPREME COURT

RESPONSE TO PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

- I. WHETHER THERE EXISTS ANY FEDERAL QUESTION UPON WHICH TO BASE JURISDICTION IN THE REVIEW OF A ROUTINE MOTION TO RECUSE DURING THE PENDENCY OF A STATE COURT APPEAL WHERE RECUSAL WAS SOUGHT MERELY FOR THE FACT THAT A JUDGE HAD PREVIOUSLY WORKED FOR RESPONDENT LAW FIRM ELEVEN YEARS PRIOR AND THE APPEAL WAS ULTIMATELY DENIED UPON PROCEDURAL GROUNDS.
- II. WHETHER A PETITION FOR CERTIORARI PRESENTS COMPELLING REASONS FOR COURT REVIEW UNDER RULE 10 WHERE IT INVOLVES THE REVIEW OF A STATE ADMINISTRATIVE FUNCTION (RECUSAL OF A JUDGE), NOT INCONSISTENT WITH OTHER STATE PROCEDURES OR THE LAW OF THIS COURT.

LIST OF PARTIES TO THE PROCEEDINGS IN THE COURT WHOSE JUDGEMENT IS UNDER REVIEW

Petitioner failed to provide a “list of all parties to the proceeding in the court whose judgment is under review,” as the caption does not include all parties, as required by U.S. Sup. Ct. Rule 24(b). Following is a list of all parties:

Biobele Georgewill, Petitioner
Joshua Ball, Esq., Respondent
Hodges, Doughty & Carson, PLLC, Respondent

Hodges, Doughty & Carson, PLLC is a professional limited liability company organized and existing under the laws of the state of Tennessee. It has no parent corporation and is not subject to the ownership of any publicly held company.

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STATEMENT OF JURISDICTION

Petitioner asserts jurisdiction in this matter under the Due Processs Clause of the Fourteenth Amendment to the United States Constitution. Respectfully, Rerspondents disagree and assert that the Court does not have jurisdiction in this matter because the decision to not recuse was objectively reasonable. Further Petitioner did not seek review of the underlying Tennessee Court of Appeals decision which dismissed the appeal on procedural grounds and therefore there is no live case or controversy related to the ancillary recusal motion for which the Petitioner seeks review.

CONSTITUTIONAL PROVISIONS

14th Amendment:

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

STATEMENT OF CASE

The Circuit Court for Hamilton County, Tennessee granted Respondents' Motion to Dismiss in the underlying state court action filed in this matter, resulting in the chain of events which lead to the present Petition for Certiorari¹. While the underlying suit was on appeal, on June 12, 2025, Petitioner filed a Motion to Recuse Tennessee Court of Appeals Judge Kristi M. Davis on the grounds that, prior to joining the bench, Judge Davis had been employed by Respondent Hodges, Doughty & Carson, PLLC. *See Pet. Appendix Motion to Recuse Judge Kristi Davis.* Judge Davis denied that Motion finding that:

The motion [was] not in compliance with [Rule 10B of the Rules of the Supreme Court of Tennessee] in that it [did] 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 was not 'supported by an affidavit under oath or a declaration under penalty of perjury on personal knowledge' as required by the rule.

See Pet. Appendix June 25, 2025 Order. Moreover, Judge Davis found that even if Petitioner had complied with the requirements of Rule 10B, there were no grounds alleged in the motion which would require recusal. *Id.* Judge Davis noted she had not been employed by the Respondent law firm for eleven years and since that time she had no further affiliation with the firm. *Id.*

¹ Plaintiff does not provide any documentation in her Petition of the underlying lawsuit or its dismissal. Respondents would agree that the underlying lawsuit is essentially irrelevant to the substantive arguments made in this matter.

Relying upon Rule 1.2 of the Tennessee Code of Judicial Conduct, Judge Davis noted that Tennessee provides “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.” *Id.* Citing Tennessee law, *Kelly M. v. Agness M.*, No. E2024-00629-COA-T10B-CV, 2024 WL 2564454 at *7 (Tenn. Ct. App. May 23, 2024), Judge Davis stated that “[m]ere 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.” *Id.* In addition to no actual bias, Judge Davis found that “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.” *Id.* (citing *Smith v. State*, 357 S.W.3d 322, 341 (Tenn. 2011) (quoting *Bean v. Bailey*, 280 S.W.3d 798, 805 (Tenn. 2009)).

On July 18, 2025 the Tennessee Court of Appeals issued a *per curium* Order on Petitioner’s Motion for Court review of the denial of recusal by Judge Davis, among other matters. *See Pet. Appendix July 18, 2025 Order.* The Order affirmed the decision of Judge Davis in all respects. *Id.*

On September 3, 2025 Petitioner filed a Motion to Refile and Supplement Record with Supplemental Motion to Recuse Judge Kristi M. Davis. *See Pet. Appendix Pet. Mot. to Refile.* The Supplemental Motion was attached, dated July 24, and contained the affirmation required by Rule 10B. *Id.* Petitioner claims the

Supplemental Motion and affirmation had been prepared but, for an unknown reason, were not previously filed with the court. *Id.*

Judge Davis, noting that the Supplemental Motion still exclusively relied upon her prior employment, denied the Supplemental Motion to Recuse for the same reasons previously stated. *See Pet. Appendix Aug. 1, 2025 Order.* In that Order, Judge Davis noted that “[f]ollowing her initial departure from Hodges, Doughty & Carson, PLLC, [she] voluntarily recused herself from presiding over cases as circuit court judge² involving the law firm for at least a year. However, [she now] has had no affiliation with Hodges, Doughty & Carson, PLLC for eleven years.” *Id.*

Petitioner sought review of the denial of recusal by the Tennessee Supreme Court, pursuant to Tennessee Supreme Court Rule 10B § 3.02(c). *See Pet. Appendix Aug. 29, 2025 Supreme Court Order.* The Tennessee Supreme Court entered a *per curiam* opinion upholding the decision of Judge Davis not to recuse. *Id.* That Court again reiterated that “[t]he mere fact that Judge Davis had worked at Hodges, Doughty & Carson, PLLC eleven years ago is insufficient to require her recusal.” *Id.* It is from this Order that Petitioner seeks review by this Court.

Notably, the underlying appeal was dismissed by the Tennessee Court of Appeals on August 11, 2025 on other grounds. *See Resp. Appendix Aug. 11, 2025 Order.* Specifically, the Tennessee Court of Appeals found, *per curiam*, that

² Judge Davis was first appointed to the trial court bench after her departure from Hodges, Doughty & Carson, PLLC before taking a position with the Tennessee Court of Appeals.

Petitioner failed to follow necessary procedure and had not filed her Notice of Appeal with the proper court. *Id.* Petitioner subsequently filed a Motion to Reinstate the Appeal, which was denied by the court on September 17, 2025. *See Resp. Appendix Sept. 17, 2025 Order.* The Petitioner never sought review of this decision.

SUMMARY OF ARGUMENT

This Court has recognized, in *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), that in extraordinary circumstances, the denial of a motion to recuse a state judge may rise to the level of a violation of the Due Process Clause of the Fourteenth Amendment. This case does present such extraordinary circumstances. The only assertions made by Petitioner in support of her Motion to Recuse Judge Davis is that the judge, prior to ascending to the bench, was employed by the Respondent law firm. Judge Davis made clear that she had not worked for Hodges, Doughty & Carson, PLLC in eleven years and had no other ties with the firm. Relying upon the Tennessee Code of Judicial Conduct, and applying both a subjective and objective standard for review, as required by *Caperton*, Judge Davis found no actual bias and further noted “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.” This decision was properly upheld by the Tennessee Supreme Court. The facts of this case simply do not rise to the level of egregious conduct required by *Caperton* to constitutionalize the issue of recusal. As such, the Court is without jurisdiction in this case.

Moreover, the Petitioner does not seek appeal from the underlying decision, but rather from a motion to recuse made during the course of proceedings. The underlying appeal, in which the recusal was sought, was dismissed on procedural grounds for Petitioner’s failure to file the Notice of Appeal with the proper court.

That decision was issued *per curiam* by the Tennessee Court of Appeals and Petitioner never sought review of that decision by the Tennessee Supreme Court. With the dismissal of the underlying action and no appeal therefrom, there is no live action or controversy for review by this Court.

Even if jurisdiction existed in this matter, the question for review by the Petitioner is not of the type normally reviewed or subject to a writ of certiorari by this Court. The issue is one of state administrative procedure. The state of Tennessee in this case applied its own rules of judicial conduct, employing both a subjective and objective analysis, as required by *Caperton*, to determine no recusal was necessary. The Plaintiff cannot point to an important question of federal law or a conflict between the state court ruling or the precedent of this Court for which a writ of certiorari is appropriate.

ARGUMENT

III. THERE IS NO FEDERAL QUESTION INVOLVED IN THE REVIEW OF A ROUTINE MOTION TO RECUSE DURING THE PENDENCY OF A STATE COURT APPEAL UPON WHICH THIS COURT COULD BASE JURISDICTION.

A. Petitioner Suffered No Constitutional Deprivation When A Court Of Appeals Judge Declined To Recuse Herself From Proceedings On Appeal Where The Only Basis Asserted For Recusal Was That She Had Worked At Defendant Law Firm Eleven Years Prior To The Filing Of The State Court Litigation And Therefore There Is No Federal Question Upon Which This Court Could Base Jurisdiction.

Jurisdiction of this Court to review the decisions of state courts is limited.

- (a) Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where *any title, right, privilege, or immunity is specially set up or claimed under the Constitution* or the treaties or statutes of, or any commission held or authority exercised under, the United States.

28 U.S.C. § 1257 (emphasis added). In the present case, the Petitioner points to no federal law upon which her application for writ of certiorari is based. Rather, she relies exclusively upon the Court's decision in *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009) to assert that the review of a decision in state court regarding recusal (traditionally exclusively a state function) can rise to the level of a constitutional violation of the Due Process Clause of the Fourteenth Amendment to the Constitution. As noted by this Court in the *Caperton* decision, it was an extreme case. Standard recusal determinations, such as the one at issue in this

case, simply do not rise to the level of constitutional concern and therefore the Court is without jurisdiction over the issue.

The *Caperton* case presents a unique set of circumstances in which a traditionally state court function can rise to the level of a constitutional deprivation. In August of 2002 a West Virginia jury returned a verdict of \$50 million in compensatory and punitive damages against A.T. Massey Coal Co. in a case alleging fraudulent misrepresentation, concealment, and tortious interference with contract. *Id.* at 872. “After the verdict but before the appeal, West Virginia held its 2004 judicial elections.” *Id.* at 873. Massey supported Brent Benjamin, a candidate for the Supreme Court of Appeals, in that election with contributions of approximately \$3 million to the campaign. *Id.* at 873. This was more than was contributed by all other supporters of Benjamin and three times the amount spent by the candidate’s own committee. *Id.* at 873. Benjamin won the election by less than 50,000 votes. *Id.* at 873.

Caperton subsequently moved to disqualify Justice Benjamin from hearing the case on appeal under the Due Process Clause and the West Virginia Code of Judicial Conduct. *Id.* at 873-74. Justice Benjamin denied the motion. *Id.* at 874. In December of 2006, Massey filed a petition appealing the jury verdict and review was granted by the West Virginia Supreme Court of Appeals. *Id.* at 874. The Court reversed the verdict, with Justice Benjamin voting with the 3-2 majority, essentially providing the deciding vote. *Id.* at 874. A rehearing was requested and granted and Caperton again moved to recuse Justice Benjamin. *Id.* at 875. The

motion to recuse was again denied and the reversal was upheld at rehearing. *Id.* at 875.

This Court noted that “most matters relating to judicial disqualification [do] not rise to a constitutional level.” *Id.* at 876 (quoting *FTC v. Cement Institute*, 333 U.S. 693, 702 (1948)). Pointing to the leading case on the issue, *Tumey v. Ohio*, 273 U.S. 510 (1927), this Court reiterated that “matters of kinship, personal bias, state policy, remoteness of interest, would seem generally to be matters of merely legislative discretion.” *Id.* at 876 (quoting *Tumey* at 523). The *Tumey* Court found that the Due Process Clause was implicated where it is shown that a judge has “a direct, personal, substantial, pecuniary interest’ in a case.” *Id.* at 876 (quoting *Tumey* at 523). Notably, “[p]ersonal bias or prejudice ‘alone would not be sufficient basis for imposing a constitutional requirement under the Due Process Clause.’” *Id.* at 877 (quoting *Aetna Life Ins. Co. v. Lavoie*, 475 U.S. 813, 820 (1986)).

The *Caperton* Court concluded that the determination of whether an allegation of judicial bias rises to the level of a constitutional issue contains an objective component which does not require the showing of actual bias. *Id.* at 883. Noting that *Caperton* presented an “exceptional case” the Court found that the size of Massey’s campaign contributions, in comparison to total contributions, the narrow margin of victory, and the temporal relationship of the contributions to the pendency of the underlying case were substantial factors in the analysis. *Id.* at 885-86. The Court found “[o]n these extreme facts the probability of actual bias rises to an unconstitutional level.” *Id.* at 886-87.

The Court in *Caperton* was careful to note that the decision was based upon extreme circumstances and that “[j]udicial integrity is, in consequence, a state interest of the highest order.” *Id.* at 889 (quoting *Republican Party of Minn. V. White*, 536 U.S. 765, 793 (2002)(Kennedy, J., concurring)). “Because the codes of judicial conduct provide more protection than due process requires, most disputes over disqualification will be resolved without resort to the Constitution. Application of the constitutional standard . . . will thus be confined to rare instances.” *Id.* at 890.

With due respect to the arguments of the Petitioner, the concerns she raises regarding the participation of Judge Davis on appeal simply do not rise to an egregious level sufficient to invoke the protections under the Due Process Clause. Here, she only complains that Judge Davis was formerly employed by Respondent law firm some eleven years ago. There is no indication or suggestion that Judge Davis would receive any benefit, financial or otherwise, related to Respondent law firm. Judge Davis, the panel of the Tennessee Court of Appeals, and the Tennessee Supreme Court all reviewed this matter applying an objective standard as required by *Caperton* and all agreed with Judge Davis’ determination that “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.” *Pet. Appendix June 25, 2025 Order* (citing *Smith v. State*, 357 S.W.3d 322, 341 (Tenn. 2011) (quoting *Bean v. Bailey*, 280 S.W.3d 798, 805 (Tenn. 2009)); *Pet. Appendix July 18,*

2025 Order; Pet. Appendix Aug. 29, 2025 Supreme Court Order. The Petitioner has not, and cannot, suggest any reasonable interpretation of these facts which would lead a person to conclude that Judge Davis cannot hear her claim without bias or prejudice.

Petitioner's application for writ of certiorari presents precisely the scenario warned of by Respondent Massey and its amici in the *Caperton* decision. That is, by adopting an objective standard and recognizing a constitutional violation, the Court risked a "flood of recusal motions." *Caperton*, 556 U.S. at 887. The Court at that time expressed its belief that the finding of a constitutional violation would be limited by the extreme circumstances which are "more likely to cross constitutional limits." *Id.* Finding that the Due Process Clause, and therefore the jurisdiction of this Court is implicated in a matter as benign as the present one would fully open those floodgates for any party who believed it was aggrieved by a recusal denial, no matter how minimal the basis of the request. The Respondents respectfully request that the Court decline to elevate the facts of this case to a constitutional violation and therefore deny Petitioner's application for a lack of jurisdiction.

B. Petitioner Never Sought Review of the Dismissal of Her Appeal and Therefore the Denial of her Motion for Recusal Does Not Present a Live Action or Controversy.

The Petitioner in this case does not seek review of a final order from the highest court of the state regarding the dismissal of her underlying appeal. That appeal was dismissed on procedural grounds by the Tennessee Court of Appeals and the Petitioner never sought further review of that decision by the Tennessee Supreme

Court. *See Resp. Appendix Aug. 11, 2025 Order.* Rather, Petitioner seeks a review of the Order denying recusal of an appellate court judge made ancillary to the underlying proceedings. It is axiomatic that in order to invoke the jurisdiction of this Court, there must be a “live case or controversy” at the time the Court will act. *See Burke v. Barnes*, 479 U.S. 361, 363 (1987). With the dismissal of Petitioner’s appeal on procedural grounds and the failure to seek review of that decision by the Tennessee Supreme Court, there is no longer a live case or controversy at issue here and Petitioner’s request must be denied.

II. EVEN IF JURISDICTION DID EXIST IN THIS CASE, THE PETITION DOES NOT PRESENT COMPELLING REASONS TO BE CONSIDERED FOR A GRANT OF CERTIORARI UNDER U.S. SUP. CT. R. 10.

Rule 10 of the United States Supreme Court Rules makes clear that a “writ of certiorari is not a matter of right, but of judicial discretion [and] will be granted only for compelling reasons.” U.S. Sup. Ct. R. 10. The Court set forth in its rules the character of reasons which will justify a grant of certiorari:

- (a) a United States court of appeals has entered a decision in conflict with the decision of another United States court of appeals on the same important matter; has decided an important federal question in a way that conflicts with a decision by a state court of last resort; or has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court’s supervisory power;
- (b) a state court of last resort has decided an important federal question in a way that conflicts with the decision of another state court of last resort or of a United States court of appeals;
- (c) a state court or a United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court.

U.S. Sup. Ct. R. 10. The Petition does not deal with a decision from a United States court of appeals and therefore the reasons set forth in subparagraph (a) of Rule 10 are inapplicable.

There is no indication that the decision of the Tennessee Supreme Court to affirm the decision not to recuse was in conflict with another state court of last resort or a United States court of appeals. The Petitioner asserts that the decision of the Tennessee Supreme Court is at odds with this Court's decision in *Caperton*. However, as explained above, *Caperton* presents a unique and extreme set of facts where recusal of a state court judge may rise to the level of a constitutional violation. In the present case, the only stated justification for disqualification is the fact that the appellate judge worked for the Respondent law firm eleven years ago. There is no indication of actual prejudice and no reasonable person would assume bias or prejudice would exist under only those circumstances. The Tennessee Supreme Court appropriately evaluated the recusal request under the state judicial code of conduct, applying both a subjective and objective analysis, as required by and consistent with this Court's decision in *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009). As such, subparagraphs (b) and (c) of Rule 10 do not apply in this case.

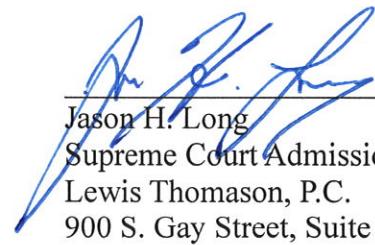
Rather, the Petitioner apparently believes that the Tennessee Supreme Court misapplied the law of *Caperton*. While the Respondents disagree and would maintain that the facts of the present case are simply not in any way similar to

Caperton which would justify disqualification, even if this assessment is wrong, this Court disfavors exercising a writ of certiorari simply to correct “erroneous factual findings or the misapplication of a properly stated rule of law.” U.S. Sup. Ct. R. 10. The Petitioner has presented no compelling reasons for this Court to grant a writ of certiorari and the same should be denied.

CONCLUSION

The Petitioner has provided no basis for this Court to exercise jurisdiction to issue a writ of certiorari. The meager and mundane facts of this case which led to a denial of a motion to recuse are in no way similar to the egregious circumstances of *Caperton*, where the failure to disqualify a judge rose to the level of a constitutional violation. Furthermore, with the dismissal of Petitioner's underlying appeal and her failure to seek review of the same, there is no longer a live controversy upon which this Court could base jurisdiction. Finally, even if jurisdiction were appropriate, this case does not present a compelling reason for Supreme Court review and therefore a writ of certiorari would be inappropriate. Respondents respectfully request that the Petition for a Writ of Certiorari be denied.

Respectfully submitted this 10th day of November, 2025.



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APPENDIX

08/11/25 Order of Tennessee Court of Appeals dismissing appeal – Biobele Georgewill v. Joshua M. Ball, et al., No. E2025-00911-COA-UNK-CV, Tennessee Court of Appeals

09/17/25 Order of the Tennessee Court of Appeals denying Motion to Reinstate Appeal - Biobele Georgewill v. Joshua M. Ball, et al., No. E2025-00911-COA-UNK-CV, Tennessee Court of Appeals

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE

FILED

08/11/2025

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

Upon review of the documents filed in this case, there has been no notice of appeal filed by Biobele Georgewill. In June 2025, Ms. Georgewill filed an “Appellant’s Brief” with this Court, in addition to several motions requesting recusal of appellate court judges. The recusal motions have each been resolved prior to entry of this order, including the most recent recusal motion filed by Ms. Georgewill. Therefore, Ms. Georgewill’s motion to stay this appeal pending resolution of judicial disqualification is DENIED. We note that the appellant is *pro se* in this appeal. “Parties who decide to represent themselves are entitled to fair and equal treatment by the courts . . . ,” but “the courts must not excuse *pro se* litigants from complying with the same substantive and procedural rules that represented parties are expected to observe.” *Murray v. Miracle*, 457 S.W.3d 399, 402 (Tenn. Ct. App. 2014) (quoting *Young v. Barrow*, 130 S.W.3d 59, 62-63 (Tenn. Ct. App. 2003)).

Pursuant to Tennessee Rules of Appellate Procedure 3(e) and 4(a), an appeal is initiated by the timely filing of a notice of appeal that must be filed with the appellate court clerk, not the trial court clerk. Although the appellees state in their motion to strike that the appellant filed a notice of appeal with the trial court on June 5, 2025, the notice of appeal was not filed with this Court as required by Rules 3 and 4. A notice of appeal filed with the trial court clerk is a nullity and does not initiate an appeal as of right in this Court. Without the filing of a notice of appeal with the appellate court, no appeal has been initiated in this Court. Therefore, this case is hereby DISMISSED. Costs on appeal are taxed to Biobele Georgewill for which execution may issue if necessary.

PER CURIAM

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE

FILED

09/17/2025

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

This Court entered an order dismissing this case because no notice of appeal was filed with this Court. The *pro se* appellant, Biobele Georgewill, has filed a motion to reinstate an appeal on the basis of “excusable neglect, good faith reliance, and equitable treatment,” as well as supplemental authority in support of the motion, which this Court collectively construes as a petition for rehearing under Tennessee Rule of Appellate Procedure 39. In her motion, the appellant cites to Tennessee Rule of Civil Procedure 60.02; however, the appellant’s reliance on Rule 60 is misplaced because the Tennessee Rules of Civil Procedure are not applicable to vacate orders of this Court.¹ *See* Tenn. R. App. P. 1; Tenn. R. Civ. P. 1. The appellant further cites to Tennessee Rules of Appellate Procedure 2 and 4(a).

The appellant argues that she mistakenly filed her notice of appeal with the Hamilton County Circuit Court instead of with this Court. As such, the appellant states that, pursuant to Rule 2, this Court should consider her defective notice of appeal that was filed with the trial court clerk “in good faith” and reinstate the appeal. However, in order to initiate an appeal to this Court, Rule 4(a) requires the filing of a notice of appeal with the Court of Appeals, not with the trial court. A notice of appeal filed with the trial court clerk is a nullity and does not initiate an appeal as of right in this Court or extend the time for filing a notice of appeal with the appellate court.² To the extent the appellant argues that this Court should have alerted the appellant to the defective notice of appeal filed in the wrong court so that she could correct the filing, Rule 2 states that this Court is not permitted to extend the time for filing a notice of appeal with this Court as provided in Rule

¹ Any relief requested pursuant to Tennessee Rule of Civil Procedure 60 must be sought in the trial court.

² Although the 2017 amendment to Rule 4 included a transitional provision for parties who mistakenly file their notice of appeal with the trial court clerk, that provision expired in June 2018.

4. Upon consideration of the appellant's petition to rehear, the motion is hereby DENIED. The appellant also filed a motion to stay the appeal pending the filing of her petition of writ of certiorari with the United States Supreme Court, which is DENIED. To the extent the appellant seeks further relief in her motions, such relief is DENIED. Costs of the motions are taxed to the appellant, Biobele Georgewill, for which execution may issue if necessary.

Upon the denial of the appellant's petition for rehearing, the appellant's remedies in this Court have been exhausted, and there is nothing further for this Court to do. The Appellate Court Clerk is directed not to accept any further filings by the appellant, Biobele Georgewill, in this Court of Appeals case. To the extent the appellant wishes to seek further review of this Court's order, she may file an application seeking permission to appeal to the Tennessee Supreme Court, pursuant to Tennessee Rule of Appellate Procedure 11.

PER CURIAM