25-7345

DOCUMENT 2 —

SUPPLEMENTAL MEMORANDUM —

NO. 25-7345

IN THE SUPREME COURT OF THE UNITED STATES

ROHIT UPPAL, Petitioner,

v.

NEERA UPPAL, Respondent.

No. 25-7345
On Petition for Writ of Certiorari to the
Tennessee Court of Appeals, Eastern Section
(COA No. E2026-00826-COA-R3-CV;
TN SC No. E2026-00826-SC-R7-CV;
Trial Court No. F-24-159500)

SUPPLEMENTAL MEMORANDUM IN SUPPORT OF PENDING PETITION FOR WRIT OF CERTIORARI

NEW INTERVENING MATTERS: JUNE 13, 2026 TRIAL COURT ORDER;
JULY 1, 2026 TENNESSEE COURT OF APPEALS DENIED STAY;
AUGUST 24, 2026 IMMINENT PROPERTY SALE DEADLINE;

SUBJECT: SIX CATEGORIES OF ADMITTED CRIMINAL AND CONSTITUTIONAL MISCONDUCT NEVER ADDRESSED BY ANY TENNESSEE COURT ACROSS SIX DENIALS — SYSTEMATIC DENIAL OF DUE PROCESS REQUIRING THIS COURT'S INTERVENTION

(U.S. Const. amends. I, IV, XIV; SCOTUS Rule 23;
42 U.S.C. § 1983; 28 U.S.C. § 1651;
Mathews v. Eldridge, 424 U.S. 319 (1976);
Caperton v. A.T. Massey Coal Co., 556 U.S. 868 (2009))

I. Introduction — Why This Court's Intervention Is Now Required

Petitioner Rohit Uppal files this Supplemental Memorandum in support of his pending Petition for Writ of Certiorari, No. 25-7345, to bring to this Court's attention a pattern of constitutional violations that no Tennessee court — at any level — has addressed across six successive denials of relief. The Tennessee Court of Appeals' most recent order, entered July 1, 2026 (Exhibit A), denied Petitioner's stay motions without addressing any of the following:

the admitted false police report causing a warrantless home arrest;

the admitted fraudulent transfer of separate property seven days before the divorce filing;

the seven irreconcilable rulings establishing probability of actual bias;

the void final decree; or

the deliberately concealed controlling precedent of Brandenburg v. Hayes.

This Court's intervention is required not merely to correct the outcome in one case — but to address the federal constitutional standard for what constitutes meaningful due process in state domestic proceedings when a party's constitutional rights are systematically denied at every level.

II. Six Admissions and Constitutional Violations — Never Addressed by Any Tennessee Court Across Six Successive Denials

The following six categories of admitted criminal misconduct and constitutional violations were presented to: the trial court (which omitted all from its Final Decree and May 28 Order); the Tennessee Court of Appeals (which denied three times without addressing the merits); and the Tennessee Supreme Court (which denied on procedural grounds). Not one of the six categories has been addressed on the merits by any court at any level. Each category independently raises a federal constitutional question requiring this Court's attention.

Category I — Admitted False Police Report: Fourth, First, and Fourteenth Amendment Violations

On December 20, 2023, Respondent filed a false police report — later admitted under oath at trial in three sworn answers on May 11, 2026 — causing: (a) a warrantless entry and arrest of Petitioner inside his own home; (b) taser deployment inside his home against a person who had committed no offense; and (c) 24-hour detention without charges. The matter was discharged without any charges being filed — confirming zero probable cause from the outset.

Federal constitutional violations: Payton v. New York, 445 U.S. 573, 585 (1980) (warrantless home arrest violates Fourth Amendment — one of the most carefully protected constitutional guarantees); Graham v. Connor, 490 U.S. 386, 396 (1989) (excessive force — taser deployment against person committing no offense violates Fourth Amendment objective reasonableness standard); Nieves v. Bartlett, 587 U.S. 391 (2019) (retaliatory arrest at the moment Petitioner asserted his innocence violates First Amendment); County of Riverside v. McLaughlin, 500 U.S. 44, 56 (1991) (24-hour detention without probable cause determination violates Fourth Amendment); Carey v. Piphus, 435 U.S. 247, 257 (1978) (constitutional violations carry presumed damages). 42 U.S.C. § 1983 (federal civil rights cause of action — pending in EDTN). No Tennessee court has addressed these federal constitutional violations.

Category II — Admitted Fraudulent Transfer of Separate Property and Home Title Seven Days Before Filing for Divorce: Fifth and Fourteenth Amendment Property Rights

Respondent removed Petitioner's separate property — gold rings, watches, and the original certificate of title to the marital residence — from a jointly maintained safe deposit box on March 21, 2024, exactly seven days before filing for divorce. She admitted this on three separate occasions: February 20, 2026 (open court admission); May 11, 2026 (sworn cross-examination); and May 11, 2026 (physical return of items in open court after 786 days). The certificate of title to the marital residence has never been returned.

The deprivation of Petitioner's separate property for 786 days — through criminal theft under Tenn. Code Ann. § 39-14-103 and bank fraud under 18 U.S.C. § 1344 (removal from federally insured institution without consent, up to 30 years) — implicates the Fourteenth Amendment's protection of property rights from deprivation without due process. Board of Regents v. Roth, 408 U.S. 564, 577 (1972) (property interests protected by the Fourteenth Amendment include those to which a person has a legitimate claim of entitlement). Mathews v. Eldridge, 424 U.S. 319, 333 (1976) (due process requires meaningful opportunity to be heard before deprivation of property). The trial court's Final Decree, entered without addressing this admitted 786-day deprivation, denies Petitioner the process he was constitutionally due. No Tennessee court has addressed this.

Category III — Identity Theft: Federal Criminal Statute Violations and Fourteenth Amendment

Respondent used Petitioner's Social Security Number and date of birth on a federal FAFSA application without his knowledge or consent — confirmed by a notarized university email that the trial court wrongly excluded as hearsay contrary to Tenn. R. Evid. 902(8). Federal criminal violations: 18 U.S.C. § 1028(a)(7) (identity theft — up to 15 years); 18 U.S.C. § 1028A (aggravated identity theft — no exceptions); 42 U.S.C. § 408(a)(7)(B) (misuse of Social Security Number); 26 U.S.C. § 7213 (unauthorized use of Federal Tax Information); 20 U.S.C. § 1097 (FAFSA fraud). The trial court's exclusion of the self-authenticating notarized evidence confirming this federal criminal offense — contrary to Tenn. R. Evid. 902(8) — deprived Petitioner of his right to present evidence in his defense, violating the Due Process Clause of the Fourteenth Amendment. Goldberg v. Kelly, 397 U.S. 254, 267 (1970) (right to present evidence is a fundamental component of due process). No Tennessee court has addressed this.

Category IV — Seven Irreconcilable Rulings: Caperton Probability of Actual Bias — Due Process Violation

The trial judge entered seven irreconcilable rulings — each verifiable from his own written orders — all systematically favorable to Respondent and adverse to Petitioner:

- Ruling 1: Characterized admitted fraudulent transfer as 'moving a couch' while simultaneously ordering return of the same items — mutually exclusive positions within one hearing day
- Ruling 2: Dismissed false police report motion on a non-existent legal ground ('affiant is a law enforcement officer, not Wife') that appears nowhere in Tenn. Code Ann. § 39-16-502
- Ruling 3: Excused Respondent's provably false motion on the ground that 'motions are not filed under oath' — contrary to courts' inherent sanctioning authority. Chambers v. NASCO, Inc., 501 U.S. 32, 44 (1991)
- Ruling 4: Attributed a fabricated police interaction to 'Husband's representations in pleadings' — a source containing no such statements — entered with actual notice of this pending SCOTUS petition
- Ruling 5: Asserted lock change as fact in the body of the order while Footnote 2 of the same order acknowledges it was never established in evidence — fatal self-contradiction
- Ruling 6: Dismissed Respondent's own sworn trial admissions as 'Husband's conclusions' — a misrepresentation of the sworn record
- Ruling 7: Praised Respondent's false statement; took no action when Respondent filed a sworn affidavit ten days later admitting she misled the court

The consistent direction of these seven rulings — all systematically favoring Respondent, each requiring fabrication of facts, invention of non-existent legal standards, or deliberate mischaracterization of sworn testimony — establishes the probability of actual bias that this Court held requires recusal as a constitutional mandate. Caperton v. A.T. Massey Coal Co., 556 U.S. 868, 872 (2009). In re Murchison, 349 U.S. 133, 136 (1955) (due process requires a neutral and detached judge — 'no man can be a judge in his own cause and no man is permitted to try cases where he has an interest in the outcome'). Withrow v.

Larkin, 421 U.S. 35, 46 (1975). State v. Austin, 87 S.W.3d 447, 470 (Tenn. 2002). No Tennessee court has addressed this Caperton violation.

Category V — Void Final Decree: Jurisdictional Defect Never Addressed by Any Court

The May 26, 2026 Final Decree is void ab initio — entered while two Rule 59.04 motions suspended the trial court's jurisdiction by operation of law. Albert v. Frye, 145 S.W.3d 526, 528 (Tenn. 2004). State v. Brown, 479 S.W.3d 200, 211 (Tenn. 2015). Tenn. R. Civ. P. 60.02(3). This is a pure question of law requiring only examination of undisputed dates on the official docket sheet. Not one Tennessee court — trial court, Court of Appeals (six times), or Supreme Court — has addressed this jurisdictional void argument on its merits. The execution of a void order under color of state law — depriving Petitioner of his home, his property rights, and his liberty interests — constitutes a deprivation of property without due process of law in violation of the Fourteenth Amendment. U.S. Const. amend. XIV, § 1; Mathews v. Eldridge, 424 U.S. 319 (1976); 42 U.S.C. § 1983.

Category VI — Fabricated Findings Entered with Actual Notice of This Pending SCOTUS Petition

The trial court's May 18, 2026 order entered four fabricated findings — including attributing a police interaction to 'Husband's representations in pleadings,' a source that contains no such statements — with actual knowledge that Petitioner's case was pending before this Court as No. 25-7345. A state court judge who fabricates factual findings in a judicial order while aware of a pending petition for certiorari in the United States Supreme Court presents an extraordinary circumstance that directly implicates this Court's supervisory authority over the integrity of judicial proceedings in cases under its review. Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238, 246 (1944) ('Tampering with the administration of justice in the manner described involves far more than an injury to a single litigant. It is a wrong against the institutions set up to protect and safeguard the public, and in order to preserve their integrity, courts have inherent power to investigate and correct such fraud'). 28 U.S.C. § 1651 (All Writs Act — this Court's authority to issue all writs necessary to aid its jurisdiction and protect its proceedings from interference).

III. The Systematic Pattern —Six Levels of Review, Zero Addressment of Federal Constitutional Issues

The following table documents the complete appellate history and demonstrates that not one court at any level has addressed the federal constitutional issues on their merits:

- Trial Court — May 26, 2026 Final Decree: Zero reference to admitted FPR, FT, identity theft, fabricated findings, Caperton, or Brandenburg. Fourteen categories of admitted misconduct omitted entirely.
- Trial Court — May 28, 2026 Denial Order: Dismissed Rule 59.04 motion as 'relitigation' without engaging with new trial admissions. Never addressed any federal constitutional argument.
- COA — June 1, 2026 Denial: Procedural — Rule 7(a) only. No merits.
- COA — June 9/11, 2026 Denial: Procedural — Rule 7(a) only. No merits.
- TN Supreme Court — June 24, 2026 Denial: Procedural — no COA decision yet. No merits.
- COA — July 1, 2026 Denial: 'Insufficient grounds to reverse' — no reference to FPR, FT, identity theft, Caperton, void decree, or Brandenburg. No federal constitutional analysis whatsoever.

Six successive denials. Zero engagement with the federal constitutional substance. This is not an appellate process that has considered and rejected Petitioner's federal claims. It is an appellate process that has systematically avoided them. This Court has held that the exhaustion of state remedies required before federal review means only that the state court must have had a fair opportunity to address the federal claim — not that the state court must have addressed it correctly, or at all. O'Sullivan v. Boerckel, 526 U.S. 838, 844 (1999). Petitioner has presented his federal constitutional claims at every level. The state courts have had ample opportunity. This Court's review is now warranted.

IV. Federal Questions Presented for This Court's Review

This Supplemental presents the following federal questions to supplement the pending petition:

QUESTION 1: Whether a state court violates the Due Process Clause of the Fourteenth Amendment by entering a final judgment that: (a) contains fabricated factual findings; (b) omits fourteen categories of admitted criminal misconduct; (c) ignores its own controlling precedent; and (d) was entered while the court's jurisdiction was suspended — in a proceeding where the opposing party has committed admitted federal criminal offenses against the appellant. Mathews v. Eldridge, 424 U.S. 319 (1976); Goldberg v. Kelly, 397 U.S. 254 (1970).

QUESTION 2: Whether the Caperton probability of actual bias standard — established by this Court in Caperton v. A.T. Massey Coal Co., 556 U.S. 868 (2009) — applies where a trial judge enters seven irreconcilable rulings all systematically favoring one party, fabricates factual findings, invents non-existent legal standards, and praises a false statement later admitted under oath — without any corrective action by any level of the state appellate system.

QUESTION 3: Whether a state court's execution of a void judgment — entered without jurisdiction while a Rule 59 motion was pending — constitutes a deprivation of property without due process of law under the Fourteenth Amendment where the property at risk is the appellant's sole asset and only home, and the sale is legally irreversible under state law's innocent purchaser doctrine. U.S. Const. amend. XIV, § 1; Board of Regents v. Roth, 408 U.S. 564 (1972); Tenn. Code Ann. § 66-5-103.

QUESTION 4: Whether 42 U.S.C. § 1983 provides a cause of action against the individual who filed a demonstrably false police report — later admitted under oath — causing a warrantless home arrest, taser deployment, and 24-hour detention without probable cause, where the matter was discharged without charges and no state court has addressed the federal constitutional violations. Payton v. New York, 445 U.S. 573 (1980); Graham v. Connor, 490 U.S. 386 (1989); Monroe v. Pape, 365 U.S. 167 (1961).

V. Irreparable Harm — The 90-Day Window

The COA's July 1, 2026 order reveals that the trial court's May 26, 2026 Final Decree gave Petitioner 90 days to pay Respondent her claimed share to prevent the house sale. If this Court does not act before that date, the master's sale of 7922 Knowledge Lane may proceed. Once that sale closes to a third-party purchaser, Tennessee's innocent purchaser doctrine makes it legally irreversible — permanently depriving Petitioner of his home and foreclosing this Court's ability to provide effective relief. Marital real property is unique. Money held in trust — the only protection the trial court and COA provided — does not restore

Petitioner's home or cure his homelessness. Dolan v. City of Tigard, 512 U.S. 374, 393 (1994); Hicks v. Hicks, 176 S.W.3d 371, 377 (Tenn. Ct. App. 2005); Morrison v. Smith, 757 S.W.2d 678 (Tenn. Ct. App. 1988); Tenn. Code Ann. § 66-5-103; Elrod v. Burns, 427 U.S. 347, 373 (1976); Ohio v. EPA, 603 U.S. 279 (2024). SCOTUS Rule 23(a): this Court may grant a stay pending certiorari where reasonable probability of certiorari, fair prospect of reversal, and irreparable harm are shown. Hollingsworth v. Perry, 558 U.S. 183, 190 (2010); Nken v. Holder, 556 U.S. 418, 434 (2009). All three elements are established here.

VI. Prayer for Relief

Petitioner respectfully requests this Court:

- GRANT an immediate stay of all provisions of the May 26, 2026 Final Decree ordering or authorizing the sale, transfer, listing for sale, or encumbrance of 7922 Knowledge Lane, Knoxville, TN 37938 — on the ground that: (1) the decree is void ab initio; (2) its execution while this petition is pending would deprive this Court of the ability to provide effective relief; and (3) the 90-day window creates an emergency requiring action before that date. SCOTUS Rule 23; 28 U.S.C. § 1651
- **EXTEND full emergency stay specifically to the provisions ordering or authorizing the sale, transfer, encumbrance, or distribution of the marital residence at 7922 Knowledge Lane, Knoxville, TN 37938 as ordered in the May 26, 2026 Final Divorce Decree, pending: (a) full resolution of this Appeal; and (b) ninety (90) calendar days following the District Court's adjudication of Appellant's 42 U.S.C. § 1983 claims in the parallel federal proceeding. SCOTUS Rule 13(1); SCOTUS Rule 23**
- GRANT certiorari on the four federal questions presented in this Supplemental and in the pending petition No. 25-7345, to address the systematic denial of federal constitutional rights across six successive state court denials without any engagement with the federal constitutional substance
- NOTE for the record that the fabricated findings in the trial court's May 18, 2026 order were entered with actual notice of this pending SCOTUS petition — engaging this Court's authority under 28 U.S.C. § 1651 and Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238 (1944)
- GRANT leave to proceed In Forma Pauperis. 28 U.S.C. § 1915; Boddie v. Connecticut, 401 U.S. 371 (1971)

Respectfully submitted,

rohit uppal

Rohit Uppal, Pro Se / Petitioner

7922 Knowledge Lane, Knoxville, TN 37938

Email: ruppal45@gmail.com

Dated: July 21, 2026

ATTACHMENTS

Exhibit A — COA Per Curiam Order, July 1, 2026, No. E2026-00826-COA-R3-CV (most recent lower court ruling — no federal constitutional analysis)

Exhibit B — TN Supreme Court Per Curiam Order, June 24, 2026, TN SC No. E2026-00826-SC-R7-CV

Exhibit C — May 26, 2026 Final Decree (void order)

Exhibit D — Docket Sheet confirming two Rule 59.04 motions pending May 26, 2026

Exhibit E — Emergency Motion filed June 22, 2026

Exhibit F — Emergency Motion filed June 26, 2026

CERTIFICATE OF SERVICE

I certify that on July 22, 2026, I served this Supplemental Memorandum and all Exhibits upon

Mr. D John Sauer

Counsel of Record

U.S. Department of Justice

950 Pennsylvania Ave, NW

Washington, DC - 20530

[X] Mail

Rohit Uppal

Rohit Uppal

Dated: July 21, 2026

FILED
07/01/2026
Clerk of the
Appellate Courts

IN THE COURT OF APPEALS OF TENNESSEE AT KNOXVILLE

NEERA UPPAL v. ROHIT UPPAL

Circuit Court for Knox County
No. F-24-159500

No. E2026-00826-COA-R3-CV

ORDER

The *pro se* appellant, Rohit Uppal, has filed several documents requesting a stay of the trial court's judgment, pursuant to Tennessee Rule of Appellate Procedure 7. The appellant previously filed motions requesting similar relief that were denied by this Court for failure to comply with Rule 7 because he did not first seek such relief in the trial court prior to seeking review by this Court under Rule 7.

The trial court entered its order granting in part and denying in part the appellant's request for a stay of the judgment. We note that in its May 26, 2026 order, the trial court provided the appellant with ninety (90) days to acquire the funds to pay Neera Uppal the amount of money to equitably divide the marital estate to prevent the sale of the property. In its order regarding stay of the judgment, the trial court denied the appellant's request that the sale of the property be stayed pending this appeal. However, the trial court granted the motion for a stay to the extent that should Rohit Uppal not provide funds to Neera Uppal equivalent to her portion of the marital property, the proceeds from the sale of the property will be held in trust by the Clerk and Master and such funds will only be dispersed at the conclusion of the pending appeal. The trial court found that "staying the distribution of the funds required by its ruling will sufficiently protect Husband, while also ensuring that the funds due to Wife are readily available to her following the conclusion of the appeal."

Having reviewed the appellant's motions and supporting documents seeking review of the trial court's order, we find insufficient grounds to reverse the trial court's ruling denying in part and granting in part the requested stay of the judgment. It is, therefore, ordered that the appellant's motions filed pursuant to Tennessee Rule of Appellate Procedure 7 are DENIED.

The appellant also has filed documents wherein the appellant takes issue with certain decisions made by the trial court and the validity of the trial court's final judgment. Such issues regarding alleged errors by the trial court in the proceedings below may be raised in the appellate brief the appellant will file in this Court pursuant to Tennessee Rule of Appellate Procedure 29. To the extent the appellant seeks further relief in his multiple filings before this Court, such relief is DENIED.

PER CURIAM

FILED
06/24/2026
Clerk of the
Appellate Courts

IN THE SUPREME COURT OF TENNESSEE
AT KNOXVILLE

NEERA UPPAL v. ROHIT UPPAL

Circuit Court for Knox County
No. F-24-159500

No. E2026-00826-SC-R7-CV

ORDER

On June 15, 2026, Rohit Uppal filed a motion seeking review of a Court of Appeals order denying his request for a stay of execution pursuant to Tennessee Rule of Appellate Procedure 7. Mr. Uppal's June 15 motion seeks to prevent the sale of a home ordered as part of a final divorce decree. At the time of filing, Mr. Uppal apparently had not received the trial court's order, dated June 13, 2026, denying Mr. Uppal's stay request in relevant part. Consequently, Mr. Uppal sought relief in this Court under Tennessee Rule of Appellate Procedure 7(a), arguing that it was "not practicable" to obtain a decision from the trial court. Because the trial court has now filed an order acting on Mr. Uppal's stay request, his June 15 motion seeking a stay from this Court is DENIED as MOOT.

On June 22 and 23, 2026, Mr. Uppal filed motions challenging the trial court's June 13 order acting on his stay request. Mr. Uppal, however, does not identify any Court of Appeals decision addressing the trial court's stay order that this Court can review under Tennessee Rule of Appellate Procedure 7. Consequently, Mr. Uppal's June 22 and 23 motions are DENIED without prejudice to refiling if the Court of Appeals enters a decision addressing the trial court's stay order.

PER CURIAM

IN THE FOURTH CIRCUIT COURT FOR KNOX COUNTY, TENNESSEE

FILED
MAY 26 2026
MIKE HAMMOND, CLERK
4TH CIRCUIT COURT

NEERA UPPAL,

Plaintiff,

v. No. 159500

ROHIT UPPAL,

Defendant.

ORDER

This cause came on to be heard for trial upon the Wife's Complaint for divorce, Husband's Answer and Counterclaim, the testimony of the parties, and the record as a whole, from all of which the Court finds and orders as follows:

1. Following the conclusion of the parties' trial on May 11, 2026, Husband filed on May 15, 2026, a pleading entitled "DEFENDANT'S ANWER OPPOSING GRANT OF DIVORCE AND OBJECTION TO PLAINTIFF'S GROUNDS FOR DIVORCE; MOTION TO DENY DIVORCE OR, IN THE ALTERNATIVE, FOR DISMISSAL OF COMPLAINT ON GROUNDS OF UNCLEAN HANDS." This case commenced when Wife filed her Complaint seeking a divorce on March 28, 2024. Husband filed an Answer and Counter-Complaint on May 1, 2024. In his Answer, Husband denied each of Wife's averments. His Answer did not raise any of the affirmative defenses that Husband seeks to assert in the pleading filed on May 15, 2026. Rule 8.03 of the Tennessee Rules of Civil Procedure requires that "[i]n pleading to a preceding pleading, a party shall set forth affirmatively facts in short and plain terms relied upon to constitute . . . duress, estoppel, failure of consideration, fraud, illegality, . . . and any other matter constituting an affirmative defense." The Court finds that Husband has waived the defenses he seeks to assert in his "Answer" filed May 15, 2026. Additionally, Husband did not seek permission from the Court to amend his Answer at any point in the two years between his original Answer and the trial of this case.[1] Husband's failure to seek an amendment prior to trial being completed precluded Wife from calling witnesses or putting on proof to rebut the amendments and/or additional relief sought by Husband. The Court finds that to the extent Husband's "Answer" filed May 15, 2026, seeks to amend his Answer and or assert new defenses, the amendment and/or any relief sought should be denied because doing so would not serve the interests of justice.

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[1] Tennessee Rule of Civil Procedure 15.01.

2. At 8:31 a.m. on the day of trial (May 11, 2026), Husband filed a motion asking the Court to stay all of its proceedings in this case. In support thereof, Husband stated that a petition for relief that he filed in another court concerning the Court's alleged violations of his rights and/or due process had not yet been decided. On July 1, 2025, Husband asked the Federal District Court for the Eastern District of Tennessee to enjoin this Court from proceeding with the parties' divorce action.[2] Husband's initial request for relief was denied in an Order filed on July 11, 2025. Upon information and belief Husband sought review of the District Court's ruling from the Sixth Circuit Court of Appeals. After that request was denied, Husband apparently filed a petition for certiorari in the Supreme Court for the United States.[3] This Court has reviewed the District Court's order denying Husband's request for relief.[4] Based upon the cases cited in that Order and the legal analysis, the Court finds that the likelihood of Husband persuading the United States Supreme Court to reverse the decisions of the District Court and Sixth Circuit Court of Appeals and require the District Court to intervene and grant Husband the relief he seeks is minimal. Based upon the foregoing, the Court denied Husband's request for a continuance pending the resolution of his petition for certiorari pending in the United States Supreme Court.

3. The parties were married on October 18, 1994, they separated on December 22, 2023. At the time of the trial, the parties had been married 31 years. The parties have been separated for more than two years and do not have minor children. Wife is 58 years old; Husband is 59 years old. Neither party has any medically established conditions that affect their ability to earn a living. Wife testified that she is currently employed at Kroger. Her work involves physical activity, being on her feet, and the heavy weights she is required to lift are, at times, difficult for her given her age. The parties' daughter, Anagha, also testified about her mother having difficulty, using heavy bags of pet food as an example. Wife received her education in India where she was born. Neither party included their educational information as part of their complaints. Anagha testified that she "had" been raised in the United States. However, she also testified that, at a time when the parties and their children returned to India, Wife taught middle school there for three years. Anagha further testified that Wife was the one who got them up and to school and was the person who was her primary caregiver. While she admitted that her father had assisted her with math or science homework, she was clear that she relied more on her mother than she had on her father. Wife and Anagha testified that Mother contributed to Husband's pursuit of his Ph.D. and employment in his field. Wife described her role as supporting Husband by ensuring he could focus on his studies, participating in academic functions as Husband's spouse, discussing with him his graduate studies,

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[2] *Uppal v. Uppal* et al. 3:25-cv-00308-KAC-JEM, (E.D. Tenn.). A copy of the filing history is attached hereto as Exhibit 1. To date, this Court has not been personally served with process in this case.

[3] Docket entry 32 on Exhibit 1. The application for certiorari is, according to Husband, still pending. *See* Exhibit 3 attached hereto.

[4] A copy of the District Court's Order entered on July 11, 2025 is attached hereto as Exhibit 2.

and questioning Husband about his dissertation in an effort to prepare him to defend it, as well as helping him prepare for job interviews. Anagha confirmed that Wife assisted Husband. During the parties' marriage, Husband earned his Ph.D. and was lucratively employed in academic research in his field.

For approximately the last two to three years, Wife has been employed at Kroger. She sought employment after Husband's employment contract was not renewed. She presently makes \$18.15 per hour. That \$1.40 more per hour than she was earning in November 2024. Husband did not provide a filing pursuant to Local Rule 13 in support of his claim for support or in defense against Wife's request for alimony in futuro. The Court therefore had no information about his last job, the income he received, or what efforts he was making to regain employment beyond the questions he asked Wife during his cross-examination of her. Based on those questions, it appears that he may have sought one position equivalent to the one he last held and has "applied for jobs" but not been hired. Exhibit 5 establishes that, in Husband's last year of full-time employment and the last year for which the Court has evidence, he made \$47,268.40. That was over ten years ago. Given that Husband's income from ten years ago exceeds Wife's current income by over \$9,500.00 per year, the Court finds that his current earning ability greatly exceeds Wife's.

4. Based on the testimony at trial and the Order of Protection that was filed in this Court and granted, Wife is granted a divorce from Husband.[5] Both parties are restored to the rights and privileges of single people. To the extent Husband's Counter-Complaint can be understood to seek a divorce, that relief is denied. The Court finds that Husband failed to work to support the family following the termination of his last employment. During the marriage, Husband strictly controlled Wife's spending. In pleadings, he asserted that he always answered affirmatively when Wife wanted to spend money.[6] At least one of the examples involved buying approximately two or three necessary items for what would have been a small amount of money. It was not Husband's consent that struck the Court but Wife's belief that she had to ask to spend an amount of money

[5] A one-year order prohibiting Husband from coming about or contacting Wife was granted in Docket No. 158841. Husband admitted guilt in the related criminal action and this Court's order was entered by collateral estoppel and was not appealed. By operation of law, that Order has remained in effect while the parties' divorce was pending. Upon the entry of this Order, the order of protection shall expire. The altercation on which the criminal charges and order of protection are based occurred the day after the incident where Husband asserts that Wife made false statements to the police resulting in his arrest. Petitioner alleged in her petition that Husband's actions were in retaliation for his arrest the previous day.

[6] At some point during the marriage, Husband did put Wife's name on the deed for the parties' marital residence. However, his testimony and demeanor at trial indicate that it was not because he believed she had contributed to its acquisition or maintenance. He asserted in pleadings and at trial that it should be awarded to him because he was the only who contributed to the mortgage, property taxes, and repairs to the home. Husband's argument ignores Wife's contributions to acquiring and maintaining the marital estate she made as Husband's spouse and the children's primary caretaker, roles which the Court finds Wife has, without doubt, fulfilled.

the Court estimates would have been approximately $10.00. Following the loss of his employment, Husband's angry and abusive actions increased, including his attempt to impersonate Wife and asserting as her that she was voluntarily surrendering her "green card" and representing that she no longer wished to remain in the United States. This action, had it been processed by the United States government, would have led to Wife having to leave the United States, without any way to remain, while her daughters remained here.

5. Attached hereto as Exhibit 4 is the list of assets and debts for which the Court has determined their nature as marital or separate, the value of the debts and assets, which the Court has equitably divided. This decision is based on the list of assets and debts prepared by Wife which was entered into evidence as Exhibit 1 at trial. That list had been submitted to Husband for correction, supplementation, and or revision, and then joint execution by the parties. Husband did send the document back to Wife, but he declined to sign the document and submit it jointly as required by this Court's Local Rules.[7] The Court will address the items on Exhibit 4 hereto individually, making findings regarding the marital/separate nature and value of the assets as near to the date of divorce as can be determined.

The parties both told the Court that the former marital residence, 7922 Knowledge Lane, had a value as of the date of divorce of $348,000.00. Husband shall pay to Wife the sum of $170,000.00 within ninety (90) days of the entry of divorce to Wife for her interest therein. Wife shall have a lien on the home for this amount until it is paid in full. If Husband fails to pay Wife the sum owed within ninety (90) days of the entry of this Order, the home shall be placed for sale by the Knox County Clerk & Master according to law.[8] To aid the Clerk & Master if a sale is required, a certified copy of the Quit Claim Deed by which Husband placed Wife's name as an owner of record on July 14, 2010 (and which contains the most recent property description), is attached hereto as Exhibit 5 and incorporated herein as reproduced verbatim. After the costs of sale and the Chancery Court Clerk and Master's fees have been satisfied, Wife shall have the first $170,000.00 of the sales proceeds. Husband shall receive the remainder.

The parties each have possession of their own vehicle and are awarded the vehicle in their possession as their separate property, free and clear of any claim by the other. Husband's 2009 Yaris is valued at $1,500.00 based upon the evidence presented. Wife listed a value of $7,200.00 for the Yaris but admitted she did not know that the mileage figure she used (90,000 miles) was correct. Through his questions on cross-examination, Husband impeached Wife's credibility as to the mileage (her knowledge is at least two years old). He also impeached Wife's valuation by

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[7] Husband's response to Wife was entered into evidence as Exhibit 2.

[8] See Local Rules 20 and 21 for Knox County Chancery Court. The Local Rules may be found at https://www.knoxcounty.org/chancery/local_rules.php.

having her acknowledge the vehicle had a history of accidents, the damage from all (except one) has been repaired. Given that Husband's car is newer than Wife's, the Court finds that it has retained more value than Wife's. Wife recently purchased a car for $400.00. The Court finds the value to be correct.

Husband and Wife divided the joint accounts at or about the time of the parties' separation. Since they separated, they have maintained separate accounts. Wife testified that she believed that only the portion of her bank accounts and retirement earned prior to the separation should be marital property and that the amounts acquired after the separation should be treated as separate property. The Court understands Wife's position, but it is not well taken. The entire existing balances of her bank accounts and retirement accounts are marital property. All assets and debts found to be marital are subject to equitable division. Because Wife has lived frugally during the separation, she has grown her savings during the separation. In the meantime, Husband has not worked, has spent down his half of the marital funds received at separation, and has, due to his failure to work, taken a withdrawal from his retirement account to meet his living expenses. Husband has not "contributed" to the preservation of the marital estate during the parties' separation, but without proof that he did not use marital funds in a way that did not benefit the marital estate, he has not dissipated them. The Court awards to Wife as her sole and separate property, free and clear of any claim by Husband, the existing balances of her bank account and her 401(k) through her employer. Husband is awarded as his sole and separate property his bank account, his 401(k) with the State of Tennessee, and any interest he may have in a 457(b) plan with the State of Tennessee. Wife is awarded as her sole and separate property, free and clear of any claim by Husband, Husband's benefits payable to him through the Tennessee Consolidated Retirement System (TCRS). At age 60, that benefit will pay an estimated monthly benefit of $437.00 per month.[9] Wife shall be responsible for preparing and submitting the Qualified Domestic Relations Order (QDRO) required by TCRS to effectuate this award. In addition, Wife is awarded any and all retirement benefits Husband may have accumulated through his employment in the Commonwealth of Kentucky during the parties' marriage. Finally, if Wife is able to establish that there is an asset that Husband failed to disclose as of the date the divorce was granted, Wife is hereby awarded as her sole and separate property any such asset that still exists at the time of discovery. If the asset no longer exists in the same form, upon proving to the Court the existence of the asset on the date of divorce and its value, Wife shall be entitled to a judgment in the amount of the value of the asset on the date of the parties' divorce.

Husband is awarded as his sole and separate property all the contents and furnishings remaining in the former marital residence. The Court credits Wife's testimony that the fair market value of the furniture, electronics, and appliances in the home is $4,000.00.

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[9] *See* Exhibit 5 a statement from April 10, 2026 setting out Husband's benefits available from TCRS).

Wife did not meet her burden of proof to establish the existence of a $5,000.00 loan made by the parties' daughter, Anagha. There was no evidence of the transaction showing a deposit into the marital accounts and no note or other writing establishing that a debt exists.

Wife has paid from marital funds the sum of $2,040.00 for attorney's fees she incurred in this case. This is not an outstanding obligation of Wife's but is a factor to consider in the overall distribution of the martial estate under Tennessee Code Annotated section 36-4-121(c).

The Court finds that the property claimed by each party as his or her separate property on lines 31 and 32 of Exhibit 4 hereto was correctly classified as separate property. Wife did not violate any injunction or commit fraud against Husband by moving it to a safe deposit box in her name prior to her complaint for divorce being filed. Husband received his personal property in open court during the trial of this case. Each party shall receive as his or her sole and separate property on line 31 (for Wife) and line 32 (Husband).

After determining the marital and separate estates of the parties, the Court must then consider thirteen factors in determining the equitable division of marital property.[10] The division

[10] (c) In making equitable division of marital property, the court shall consider all relevant factors including:
(1) The duration of the marriage;
(2) The age, physical and mental health, vocational skills, employability, earning capacity, estate, financial liabilities and financial needs of each of the parties;
(3) The tangible or intangible contribution by one (1) party to the education, training or increased earning power of the other party;
(4) The relative ability of each party for future acquisitions of capital assets and income;
(5)(A) The contribution of each party to the acquisition, preservation, appreciation, depreciation or dissipation of the marital or separate property, including the contribution of a party to the marriage as homemaker, wage earner or parent, with the contribution of a party as homemaker or wage earner to be given the same weight if each party has fulfilled its role;
(B) For purposes of this subdivision (c)(5), dissipation of assets means wasteful expenditures which reduce the marital property available for equitable distributions, and which are made for a purpose contrary to the marriage either before or after a complaint for divorce or legal separation has been filed;
(6) The value of the separate property of each party;
(7) The estate of each party at the time of the marriage;
(8) The economic circumstances of each party at the time the division of property is to become effective;
(9) The tax consequences to each party, costs associated with the reasonably foreseeable sale of the asset, and other reasonably foreseeable expenses associated with the asset;
(10) In determining the value of an interest in a closely held business or similar asset, all relevant evidence, including valuation methods typically used with regard to such assets without regard to whether the sale of the asset is reasonably foreseeable. Depending on the characteristics of the asset, such considerations could include, but would not be limited to, a lack of marketability discount, a discount for lack of control, and a control premium, if any should be relevant and supported by the evidence;
(11) The amount of social security benefits available to each spouse;
(12) Such other factors as are necessary to consider the equities between the parties; and
(13) The total amount of attorney fees and expenses paid by each party in connection with the proceedings; whether the attorney fees and expenses were paid from marital property, separate property, or funds borrowed by a party; and

of the marital estate provided for herein results in an award to Wife of approximately Fifty-six (56) percent of the marital estate and Forty-four (44) percent to Husband. The Court finds this division to be equitable for several reasons. This is a marriage of long duration and both parties contributed to the acquisition of the marital estate before separation. Husband's assertion that his contribution as a wage earner entitles him to the home free of any claim by Wife is contrary to law. Husband has a greater earning potential and ability to acquire assets due to his Ph.D. obtained during the parties' marriage. Wife does not have Husband's earning ability and at her age, her ability to meet the physical demands that her present employment requires will be affected. The Court considered the more than two-year lack of Husband's contribution to the marital estate (his job loss preceded the parties' separation), and the fact that Wife has, despite living separately due to Husband's violence toward her, managed to save money while solely supporting herself during the parties' separation. Neither party has any significant separate property. Their respective social security incomes cannot be compared because there was no proof of Husband's. Wife's potential income Social Security income was represented to be de minimis ($150.00 per month) and the Court had no evidence as to Husband's.

6. Wife has requested an award of alimony in futuro. The Court's analysis of whether an alimony award should be granted, as well as the type and extent of such an award, is made by analyzing the factors of Tennessee Code Ann. section 36-5-121 and applying those factors to the facts of the case.[11] The Court has already stated its findings and holdings concerning factors 1, 2,

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the reasonableness, under the factors set forth in Rule 1.5 of the Tennessee Rules of Professional Conduct, and necessity of the attorney fees and expenses paid by each party. Tenn. Code Ann. § 36-4-121(c) (2026).

[11] (i) In determining whether the granting of an order for payment of support and maintenance to a party is appropriate, and in determining the nature, amount, length of term, and manner of payment, the court shall consider all relevant factors, including:
(1) The relative earning capacity, obligations, needs, and financial resources of each party, including income from pension, profit sharing or retirement plans and all other sources;
(2) The relative education and training of each party, the ability and opportunity of each party to secure such education and training, and the necessity of a party to secure further education and training to improve such party's earnings capacity to a reasonable level;
(3) The duration of the marriage;
(4) The age and mental condition of each party;
(5) The physical condition of each party, including, but not limited to, physical disability or incapacity due to a chronic debilitating disease;
(6) The extent to which it would be undesirable for a party to seek employment outside the home, because such party will be custodian of a minor child of the marriage;
(7) The separate assets of each party, both real and personal, tangible and intangible;
(8) The provisions made with regard to the marital property, as defined in § 36-4-121;
(9) The standard of living of the parties established during the marriage;
(10) The extent to which each party has made such tangible and intangible contributions to the marriage as monetary and homemaker contributions, and tangible and intangible contributions by a party to the education, training or increased earning power of the other party;
(11) The relative fault of the parties, in cases where the court, in its discretion, deems it appropriate to do so; and

3, 4, 5, 7, and 10 above. With regard to the factors previously discussed, for the purposes of determining alimony the Court finds that, even after awarding Wife the TCRS benefit earned by Husband during the parties' marriage, he has greater earning capacity and that capacity is not limited by age, as Wife's is. The factors specifically set above favor an award to Wife.

The sixth and seventh factors are not applicable in this case. With regard to the ninth factor, the Court finds that Husband's standard of living continues to be that shared by the parties during their marriage. He lives in his own home that is fully paid for while Wife is renting a room in a home living with strangers and sharing communal spaces such as the kitchen. Her standard of living is much lower. Even after Wife receives the funds awarded to her for her equitable share of the former marital residence, the Court questions whether she will be able to obtain her own personal residence using those funds as a down payment because of her limited credit history and the income available to her to pay a mortgage and other living expenses. While the Court did not dwell on the issue of grounds, it is the Court's determination that Husband is the party greater at fault and that factor favors an award to Wife. The Court is unaware of tax consequences from its division of the property. When Wife is able to receive funds from Husband's TCRS benefits, those benefits will be subject to tax, diminishing the actual amount available to Wife for her support. Not all factors favor Wife. Because Husband has not worked in over two years, he has no present ability to pay support. Wife's financial affidavit does not presently show a need because of her frugal lifestyle that is grossly inconsistent with her standard of living during the marriage and the standard of living that Husband will enjoy after the parties' divorce. Under the facts of this case, were Husband still employed with an income equivalent to his 2015 income, the Court would find an award of alimony in future to be appropriate. Wife is not a candidate for rehabilitation, so a transitional award will not suffice because Wife's earning ability and expenses will not serve to meet the standard of living Husband will enjoy after the parties' divorce, and she has fulfilled her duties as a wife, and mother, while contributing to Husband's greater earning ability. Therefore, the Court awards Wife alimony in futuro of $1.00 per month, beginning June 1, 2026 and continuing on the first day of each month thereafter until the death of either Husband or Wife, or Wife's remarriage.

7. On June 27, 2025, this Court entered an Order providing that Husband would be sanctioned $50.00 per day beginning July 13, 2025 and continuing daily thereafter until he answered Wife's outstanding interrogatories, requests to produce, and requests to admit as required by the Tennessee Rules of Civil Procedure. As of the date of trial, Husband had not complied with the June 27, 2025 Order. As of the trial, Husband had not complied for 302 days (from July 13, 2025 through May 11, 2026). The total fine owed by Husband as of the date of trial is $15,100.00. Because Husband failed to ever provide discovery and failed to cooperate in the production and

(12) Such other factors, including the tax consequences to each party, as are necessary to consider the equities between the parties. Tenn. Code Ann. § 36-5-121 (2026)

certification of a joint statement of assets and debts pursuant to Local Rule 14, this Court imposed procedural and testimonial sanctions on Husband at the time of trial. With the trial now complete, the Court finds that the award of monetary sanctions is no longer for the purpose of compelling Husband but would only serve as a punishment for his failure. Because the award was designed to compel compliance and was not a contempt sanction, the Court finds that the fine now constitutes punishment, rather than a discovery sanction. The Court therefore waives the payment of monetary sanctions.

8. During the pendency of this case, one or both parties have filed pleadings asking for relief that they failed to properly serve, properly notice for hearings, and/or otherwise have not prosecuted. Any such claim for relief is hereby denied and/or dismissed with prejudice for failure to prosecute. In the alternative, to the extent that any previously filed claims for relief not yet adjudicated were not tried as part of the divorce action, they are waived and therefore denied and dismissed with prejudice.

9. The costs of this cause for which execution shall issue are taxed to Defendant.

ENTER this 26 day of May, 2026

G. S. McMillan

GREG McMILLAN, Judge

CERTIFICATE OF SERVICE

I hereby certify that on the 26 day of May, 2026, a copy of the foregoing Order has been delivered to all counsel for parties at interest in this cause by placing a copy of same in the United States mail, postage prepaid, in a properly addressed envelope, or by delivering same to each such attorney as follows:

☐ **Hand** ☒ **Mail** ☐ **Fax** ☐ **Email**	**NEERA UPPAL** **4340 Michaels Ranch Way** **Knoxville, TN 37913** ***Plaintiff***	☐ **Hand** ☒ **Mail** ☐ **Fax** ☐ **Email**	**ROHIT UPPAL** **7922 Knowledge Lane** **Knoxville, TN 37938** ***Defendant***

Mike Hammond by PD

028 GB-019

UPPAL 159500
Exhibit 5

This Instrument Prepared By:
Chris Power
PINNACLE TITLE, LLC
9040 EXECUTIVE PARK DRIVE, SUITE 380
KNOXVILLE, TENNESSEE 37923
PHONE (865) 692-8727

04381-CR

COUNTERSIGNED
KNOX COUNTY PROPERTY ASSESSOR
JUL 19 2010
PHIL BALLARD
BY MK

QUITCLAIM DEED

SHERRY WITT
REGISTER OF DEEDS
KNOX COUNTY

THIS INDENTURE, made this 14th day of July, 2010, between ROHIT UPPAL, Married, of Knox County, Tennessee, Grantor(s), and

NEERA UPPAL, Married, of Knox County, Tennessee, Grantee(s).

WITNESSETH: That the said Grantor(s), for and in consideration of the sum of One Dollar ($1.00) and other good and valuable considerations to Grantor(s) in hand paid by the said Grantee(s), the receipt of which is hereby acknowledged, **Rohit Uppal does hereby quitclaim a one-half undivided interest for the purpose of creating Tenants by the Entirety** unto the said Grantee(s), the following described premises and land, to-wit:

SITUATED in District No. Six (6) of Knox County, Tennessee, without the corporate limits of the City of Knoxville, Tennessee, and being known and designated as Lot 55, Final Plat for SOLOMON PLACE, UNIT 2, as shown on the plat of the same of record bearing Instrument No. 200307210008220, in the Register's Office for Knox County, Tennessee, to which plat specific reference is hereby made for a more particular description. Said premises are improved with a dwelling bearing the address of 7922 Knowledge Lane, Knoxville, Tennessee, 37938.

BEING the same property conveyed to Rohit Uppal by Warranty Deed from Shaun Donovan, The Secretary of Housing and Urban Development, dated May 12, 2010, and recorded on May 24, 2010, at Instrument No. 201005240073042 in the Register's Office for Knox County, Tennessee.

THE ABOVE DESCRIPTION IS THE SAME AS THE PRIOR DEED OF RECORD, NO BOUNDARY SURVEY HAVING BEEN MADE AT THE TIME OF THIS CONVEYANCE.

This property is subject to all applicable easements, permissive use agreements and restrictions of record in the Knox County register's office. Also conveyed are all rights in easements and permissive use agreements of record.

DESIGNATED AS MAP 028GB-019.00

with the easements, permissive use agreements, licenses, contract rights, hereditaments and appurtenances thereto appertaining, hereby releasing all claims to homestead and dower therein.

IN WITNESS WHEREOF the undersigned has executed this instrument the day and year first above written.

Rohit uppal
Rohit Uppal

Knox County Page: 1 of 2
REC'D FOR REC 07/19/2010 3:20:42PM
RECORD FEE: $12.00
M. TAX: $0.00 T. TAX: $0.00
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