



ORIGINAL

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE

FILED
OCT 30 2020
Clerk of the Appellate Courts
Rec'd By _____

FAWN [REDACTED] FENTON)
Appellee,)
v.)
JEFFREY RYAN FENTON)
Appellant.)

02059
No. M2019-0259-COA-R3-CV
Trial Court No. 48419B

APPELLEE’S RESPONSE TO APPELLANT’S MOTION TO SUPPLEMENT AND
CORRECT THE RECORD

COMES NOW Appellee, Fawn [REDACTED] Fenton (“Appellee”), by and through counsel, and hereby submits this Response to Appellant, Jeffrey Ryan Fenton’s (“Appellant”) Motion to Supplement and Correct the Record.

SUMMARY OF THE FACTS

Appellant filed a Notice of Appeal on November 20, 2020. Appellant failed to follow proper procedure and did not file a Statement of Evidence or Transcripts of the Proceedings and a Notice of Failure to Comply with Rule 24(b),(c) or (d) Administrative Order was entered by this Court on February 3, 2020 giving Appellant fifteen (15) days to comply. Thereafter, Appellee filed a Motion to Dismiss based on failure to comply with the Tennessee Rules of Appellate Procedure on February 5, 2020. On February 18, 2020, Appellant filed a 52-page Response to the Notice of Failure to Comply with 27 exhibits and filed the transcripts from a hearing held on August 1, 2019. On February 24, 2020, this Court issued an Order denying Appellee’s Motion to Dismiss and giving Appellee an extension to February 25, 2020, to file the transcript with the Court. The technical record was sent by the Chancery Court on March 31, 2020 and was filed with this Court on June 15, 2020. Appellant’s brief was due on July 15, 2020. On July 9, 2020,

Appellant filed a Motion for an Extension to file his brief which this Court granted by Order of July 10, 2020. Appellant was given until September 15, 2020 to file his brief. Thereafter, on September 11, 2020, Appellant filed a Motion for a SECOND Extension, requesting an additional 122 days to file his brief. On September 15, 2020, the Court granted Appellant an extension to October 15, 2020, to file his brief, noting that no other extensions would be allowed pending exigent circumstances. On October 16, 2020 Appellant once again requested an extension and was granted his third extension by Order of October 27, 2020 requiring his brief to be filed on November 9, 2020. Appellant has now come to this Court with a request to supplement and correct the record.

ARGUMENT

Appellants Motion and request to supplement the record is improper as it lists numerous documents that were never considered by the trial court in this matter and therefore cannot now be made a part of the record after the matter has concluded. Additionally, many of the documents listed in the Exhibit list were not provided to the trial court for filing and thus the trial court has no way of including said documents in the record on appeal. These documents were never presented to the trial court and therefore the trial court had no means by which to even include many of these documents in the record. Documents that are not provided to the trial court or considered by the trial judge are precluded from being included in the appellate record pursuant to Tenn. R. App. P. 24.

Moreover, Appellant's most recent filing is yet another regurgitation of the same allegations of being disadvantaged as a pro se party and grievances with the trial court. This most recent filing is eighteen (18) pages long with eighteen (18) attachments or "exhibits." Appellant clearly has time to put forth drafting and filing numerous lengthy documents to request additional time to file his brief, but someone cannot find the time to get his actual brief completed and filed

in a timely manner. This is yet another attempt by the Appellant to prolong this litigation and run up fees for Appellee.

CONCLUSION

Based upon the foregoing, the Motion filed by the Appellant should be DENIED with costs taxed to the Appellant and Appellee awarded her attorney's fees.

Respectfully submitted,



Virginia L. Story; BPR #11700
Kathryn L. Yarbrough; BPR #32789
Attorneys for [REDACTED] Fawn Fenton
136 Fourth Avenue, South
P.O. Box 1608
Franklin, TN 37064
(615) 790-1778
virginia@tnlaw.org
kyarbrough@tnlaw.org

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing was forwarded via first-class mail to Jeffrey Fenton, Appellant, at 17195 Silver Pkwy. #150, Fenton, MI 48430, on this the 30th day of October 2020.



VIRGINIA LEE STORY