

IN THE COURT OF APPEALS OF TENNESSEE  
AT NASHVILLE

**FILED**  
02/02/2023  
Clerk of the  
Appellate Courts

**DENTON’S ELECTRONICS, INC. v. LUCAS ROBERSON**

**Chancery Court for Dickson County  
No. 2023-CV-9**

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**No. M2023-00081-COA-R10-CV**

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**ORDER**

This matter is before the Court upon the appellant’s Tennessee Rule of Appellate Procedure 10 application for an extraordinary appeal seeking review of an *ex-parte* order entered on January 13, 2023. On January 18, 2023, the Court ordered the appellee to file an answer to the application under Rule 10(d). The appellee subsequently filed a notice of voluntary dismissal in the trial court. On January 19, 2023, the trial court dismissed the case without prejudice and set aside the January 13, 2023 *ex-parte* order. The setting aside of the January 13, 2023 order and dismissal of the underlying case renders the application for an extraordinary appeal moot.

The appellant concedes that the issues on appeal are moot but asserts that two of the issues warrant adjudication notwithstanding mootness. The appellee disagrees. Upon due consideration, we conclude that this is not an appropriate case to apply an exception to the mootness doctrine.

It is, therefore, ordered that the application for an extraordinary appeal is denied as moot. The costs on appeal are taxed one-half to the appellant and one-half to the appellee.<sup>1</sup>

PER CURIAM

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<sup>1</sup> Because the denial of the application was based on the appellee’s voluntary dismissal, we find it appropriate to tax the costs equally to both parties.