

IN THE COURT OF APPEALS OF TENNESSEE  
AT KNOXVILLE  
November 14, 2023 Session

**FILED**

01/05/2024

Clerk of the  
Appellate Courts

**FLEXIBILITY CAPITAL, INC. v. SABATINO CUPELLI ET AL.**

**Circuit Court for Hamilton County  
No. 22C429**

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**No. E2023-00335-COA-R3-CV**

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**JUDGMENT**

This appeal came to be heard upon the record from the Circuit Court for Hamilton County, the briefs filed on behalf of the respective parties, and the arguments. Upon consideration thereof, the Court is of the opinion that the notice of appeal was not timely filed and this appeal must be dismissed.

It is, therefore, ORDERED and ADJUDGED by this Court that the appeal is dismissed. Costs of this appeal are taxed to the Appellant, David J. Tulis, for which execution may issue if necessary. This case is remanded for proceedings consistent with this Court's opinion.

**PER CURIAM**