

**IN THE COURT OF APPEALS OF TENNESSEE  
MIDDLE SECTION, AT NASHVILLE**

---

PEPPER BLACK AND  
S. BRAD DOZIER,

*Plaintiffs-Appellants,*

*v.*

THERESA BALDWIN,

*Defendant-Appellee.*

§  
§  
§  
§  
§  
§  
§  
§  
§

Case No. M2024-00151-COA-R3-CV

Circuit No.: 74CC1-2022-CV-247

---

**MOTION FOR IMMEDIATE ISSUANCE OF THE COURT’S  
MANDATE**

---

**I. INTRODUCTION**

Comes now Appellee Theresa Baldwin, through counsel, and pursuant to Tennessee Rule of Appellate Procedure 22(b), respectfully moves this Court to order the Clerk to issue and transmit this Court’s mandate to the trial court clerk immediately. *See* Tenn. R. App. P. 42(a) (“The clerk of the Court of Appeals . . . shall transmit to the clerk of the trial court the mandate of the Court of Appeals . . . , with notice to the parties, 64 days after entry of judgment *unless the court orders otherwise.*”) (emphasis added). As grounds for this Motion, the Appellant respectfully states as follows:

**II. ARGUMENT**

“[A] mandate or an order of remand is necessary to reinvest the lower court with jurisdiction to proceed with the case.” *Sanders v. Loyd*,

364 S.W.2d 369, 371 (Tenn. 1960). “Rule 42(a) of the Tennessee Rules of Appellate Procedure provides that [the] mandate shall issue after the sixty-four day period ‘*unless the court orders otherwise.*’” *Brooks v. Carter*, 993 S.W.2d 603, 611, n.6 (Tenn. 1999). The purpose of the exception is “to enable the Court of Appeals to direct the immediate issuance of mandate if the context warrants such an order.” *Id.*

Here, this Court has “affirm[ed] the dismissal of the action and remand[ed] for a determination of the proper amount of attorney fees and costs incurred on appeal.” *Black v. Baldwin*, No. M2024-00151-COA-R3-CV, 2025 WL 1566392, at \*6 (Tenn. Ct. App. June 3, 2025). That fact alone does not merit issuing the mandate immediately, of course. But the fact that the Plaintiffs-Appellants were found to have fraudulently transferred assets during this appeal does.

Here, as reflected by the trial court’s October 22, 2024 Order, “the Plaintiffs fraudulently transferred Plaintiff Black’s property after the Court entered its judgment in this matter.”<sup>1</sup> The Plaintiffs did not appeal that finding. It also is confirmed by the Plaintiffs’ trust documents—which Plaintiff Dozier, who has no assets of his own and owes “a couple hundred thousand” dollars to the IRS,<sup>2</sup> prepared—transferring “all assets of every kind and description and wherever situated which [Plaintiff Black] presently own[s]” into a self-settled trust called “The Southern Spice Living Trust.”<sup>3</sup> The Plaintiffs undertook this fraudulent transfer roughly two weeks after the trial court’s final money judgment

---

<sup>1</sup> Supp. R. (Vol. 23) at 81.

<sup>2</sup> *Id.* at 47:13–18.

<sup>3</sup> Supp. R. (Vol. 24) at 4–9.

was entered against them.<sup>4</sup> Further, to ensure that their fraud would protect them, the Plaintiffs quitclaimed their shared home (which was deeded only in Plaintiff Black's name) to the Southern Spice Living Trust on August 5, 2024.<sup>5</sup> Plaintiff Dozier prepared that deed, too.<sup>6</sup>

For the reasons explained by the trial court during the Parties' October 4, 2024 hearing below, these transfers were fraudulent.<sup>7</sup> And the clear purpose of the Plaintiffs' fraudulent transfers of all of their collectible assets—which aligns with its timing—was to prevent Ms. Baldwin from recovering her attorney's fees and collecting the sanctions award the trial court entered. Plaintiff Black even admitted during her testimony below that she “of course” does not want Ms. Baldwin to collect the money judgments that the trial court entered below.<sup>8</sup>

Although Ms. Baldwin later discovered the Plaintiffs' fraud, it nevertheless harms her. Other than Plaintiff Black's home, the assets that the Plaintiffs fraudulently transferred into Ms. Black's self-settled trust have not apparently been transferred back, hampering judgment execution. Further, by quitclaiming Plaintiff Black's home without her lender's approval, Plaintiff Black triggered a default on the property that deprives it of its value to Ms. Baldwin as security.<sup>9</sup> Since this time, it is the undersigned's understanding that Plaintiff Black also has loaded up her property with significant debt, depriving it of its value as security for

---

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at 11–12.

<sup>6</sup> *Id.*

<sup>7</sup> Supp. R. (Vol. 23) at 60:9–64:11.

<sup>8</sup> *Id.* at 47:23–48:1.

<sup>9</sup> *Id.* at 28:3–29:22; *see also* Supp. R. (Vol. 24) at 21.

that reason, too.

Given these facts, the mandate should issue immediately. Even before this appeal was adjudicated against them, the Plaintiffs engaged in fraudulent activity designed to hamper judgment execution. Now that this appeal has been adjudicated and execution is inevitable, there is significant risk that the Plaintiffs will use the time period before the mandate issues to complete that effort. The mandate should issue immediately as a result to prevent prejudice to Ms. Baldwin. Should later circumstances come to warrant it, the mandate always can be recalled later, too. *See* Tenn. R. App. App. 42(d).

### **III. CONCLUSION**

For the foregoing reasons, this Court should issue the mandate immediately.

Respectfully submitted,

By: /s/ Daniel A. Horwitz  
DANIEL A. HORWITZ, BPR #032176  
SARAH L. MARTIN, BPR #037707  
LINDSAY SMITH, BPR #035937  
HORWITZ LAW, PLLC  
4016 WESTLAWN DR.  
NASHVILLE, TN 37209  
(615) 739-2888  
[daniel@horwitz.law](mailto:daniel@horwitz.law)  
[sarah@horwitz.law](mailto:sarah@horwitz.law)  
[lindsay@horwitz.law](mailto:lindsay@horwitz.law)

*Counsel for Appellee*

## **CERTIFICATE OF SERVICE**

I hereby certify that on this the 4th of June, 2025, a copy of the foregoing was served via the Court's electronic filing system, via email, and/or via USPS mail, postage prepaid, to the following parties:

Gary Blackburn (#3484)  
213 5th Ave. North, Suite 300  
Nashville, TN 37219  
Telephone: (615) 254-7770  
[gblackburn@wgaryblackburn.com](mailto:gblackburn@wgaryblackburn.com)

*Counsel for Appellants*

By: /s/ Daniel A. Horwitz  
Daniel A. Horwitz, Esq.