

FILED

**United States Court of Appeals
Tenth Circuit**

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

September 6, 2022

**Christopher M. Wolpert
Clerk of Court**

THE TRIAL LAWYERS COLLEGE, a
nonprofit corporation,

Plaintiff Counterclaim Defendant -
Appellee,

v.

JOHN JOYCE,

Defendant Counter Plaintiff,

and

GERALD L. SPENCE,

Counterclaim Defendant Third-Party
Plaintiff,

and

REX PARRIS,

Counterclaim Defendant Third-Party
Plaintiff - Appellant,

and

GERRY SPENCES TRIAL LAWYERS
COLLEGE AT THUNDERHEAD
RANCH, a nonprofit corporation; JOHN
ZELBST; JOSEPH H. LOW; KENT
SPENCE; THE GERRY SPENCE
METHOD AT THUNDERHOOD
RANCH, INC., a nonprofit corporation;
DANIEL AMBROSE,

Defendants.

No. 22-8052
(D.C. No. 1:20-CV-00080-JMC)
(D. Wyo.)

ORDER

Before **PHILLIPS, BRISCOE, and ROSSMAN**, Circuit Judges.

This matter is before the court on: (1) plaintiff-appellee The Trial Lawyers College’s motion to dismiss this appeal for lack of jurisdiction; and (2) defendant-appellant Rex Parris’s one-paragraph response to that motion, in which he states that he “does not oppose Appellee’s motion to dismiss the appeal, at this time, if the Court is so inclined and insofar as he is not prejudiced from appealing the order in question upon final judgment in the District Court.”

Upon consideration of the motion and response, the district court’s docket, and the applicable law, the court dismisses the appeal for lack of a final order and thus of jurisdiction as set forth in greater detail below.

Mr. Parris seeks to appeal the district court’s order that he pay a portion of the Trial Lawyers College’s attorneys’ fees and costs for his civil contempt of the district court’s preliminary injunction order [ECF No. 387]. However, this court’s appellate jurisdiction is generally limited to review of final decisions. 28 U.S.C. § 1291; *see also United States v. Nixon*, 418 U.S. 683, 690-92 (1974) (“The finality requirement of 28 U.S.C. § 1291 embodies a strong congressional policy against piecemeal reviews, and against obstructing or impeding an ongoing judicial proceeding by interlocutory appeals.”).

A district court order finding a party in civil contempt while a case remains pending ordinarily is not immediately appealable. *United States v. Copar Pumice Co.*, 714 F.3d 1197, 1206 n.3 (10th Cir. 2013). Parris’s sparse response fails to establish any exception to this general rule and thus fails to fulfill his “duty to establish the existence of this court’s appellate jurisdiction.” *Vette v. K-9 Unit Deputy Sanders*, 989 F.3d 1154, 1161 (10th Cir. 2021).

Accordingly, we grant the Trial Lawyers College’s motion and dismiss the appeal.

APPEAL DISMISSED.

Entered for the Court
CHRISTOPHER M. WOLPERT, Clerk

A handwritten signature in black ink, appearing to read 'LA Lee', is written over the printed name of Lisa A. Lee.

by: Lisa A. Lee
Counsel to the Clerk