

STATE OF MICHIGAN
COURT OF APPEALS

LARRY BANE, JOHN E. THOMAS, and
THOMAS M. PROSE,

UNPUBLISHED
January 25, 2002

Plaintiffs/Counter-Defendants-
Appellants,

v

PLYMOUTH CANTON COMMUNITY CRIER,
INC.,

No. 224381
Wayne Circuit Court
LC No. 98-836594-CZ

Defendant-Appellee.

Before: Saad, P.J., and Bandstra, C.J., and Whitbeck, J.

PER CURIAM.

Plaintiffs appeal as of right the trial court's orders valuing plaintiffs' stock at one dollar and dismissing this action on defendant's motion for summary disposition. We dismiss the appeal as moot.

Plaintiffs' complaint sought an injunction to prevent defendant from consummating a proposed sale or merger until such time as plaintiffs had a reasonable opportunity to exercise their dissenter's rights. The complaint also sought damages allegedly incurred as a result of defendant's exclusion of plaintiffs from meetings, votes, and document distributions related to the proposed transaction. Since the filing of plaintiffs' complaint, however, the proposed merger or sale has fallen through, defendant has filed for bankruptcy, and one of the plaintiffs has purchased the entirety of defendant's assets.

As a general rule, an appellate court will not decide moot issues. *East Grand Rapids School Dist v Kent Co Tax Allocation Bd*, 415 Mich 381, 390; 330 NW2d 7 (1982). An issue is deemed moot when an event occurs that renders it impossible for a reviewing court to grant relief. *Jackson v Thompson-McCully Co, LLC*, 239 Mich App 482, 493; 608 NW2d 531 (2000); *Tauriainen v Secretary of State*, 69 Mich App 318, 320; 244 NW2d 462 (1976). Here, as a result of the merger's failure, there is nothing left to enjoin and plaintiffs have suffered no damages.

Accordingly, there is no meaningful relief this Court can provide and the appeal should consequently be dismissed.¹

We dismiss as moot.

/s/ Henry William Saad
/s/ Richard A. Bandstra
/s/ William C. Whitbeck

¹ In reaching this conclusion we reject plaintiffs' assertion that the appeal is not moot because there remains a legal controversy regarding whether defendant's redemption of plaintiffs' shares was precluded by statute. That issue was recently decided by this Court in *Bane v Chorkey*, unpublished opinion per curiam of the Court of Appeals, issued January ___, 2002 (Docket No. 224378).