

[Cite as *Smith v. ExpressJet Airlines, Inc.*, 2014-Ohio-2983.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
No. 100832

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**KRISTIN SMITH**

PLAINTIFF-APPELLANT

vs.

**EXPRESSJET AIRLINES, INC., ET AL.**

DEFENDANTS-APPELLEES

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**JUDGMENT:  
DISMISSED**

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Civil Appeal from the  
Cuyahoga County Court of Common Pleas  
Case No. CV-12-783822

**BEFORE:** Blackmon, J., Jones, P.J., and E.T. Gallagher, J.

**RELEASED AND JOURNALIZED:** June 5, 2014

## **ATTORNEYS FOR APPELLANTS**

Chastity L. Christy  
Caryn M. Groedel  
Caryn Groedel & Associates Co., L.P.A.  
31340 Solon Road, Suite 27  
Solon, Ohio 44139

## **ATTORNEYS FOR APPELLEES**

Thomas Evan Green  
Julie A. Trout  
Kastner Westman & Wilkins L.L.C.  
3480 West Market Street  
Suite 300  
Akron, Ohio 44333

Buena Vista Lyons  
1601 Elm Street  
Suite 4450  
Dallas, Texas 75201

Sarah Pierce Wimberly  
271 17th Street N.W.  
Suite 1900  
Atlanta, Georgia 30327

PATRICIA ANN BLACKMON, J.:

{¶1} Appellant Kristin Smith (“Smith”) appeals the trial court’s order compelling her to produce her medical information and records. For the reasons that follow, the appeal is dismissed as moot.

{¶2} While the discovery matter was pending on appeal, a motion for summary judgment filed by appellees was pending before the trial court. On April 8, 2014, the trial court granted the summary judgment in favor of appellees based on grounds that did not rely on the disputed materials at issue in this appeal. Therefore, this appeal is rendered moot. Appellate courts will not review questions that do not involve live controversies. *See Tschantz v. Ferguson*, 57 Ohio St.3d 131, 133, 566 N.E.2d 655 (1991). Accordingly, we dismiss Smith’s appeal.

{¶3} Appeal dismissed.

It is ordered that appellees recover from appellant costs herein taxed.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

PATRICIA ANN BLACKMON, JUDGE

LARRY A. JONES, SR., P.J., and  
EILEEN T. GALLAGHER, J., CONCUR