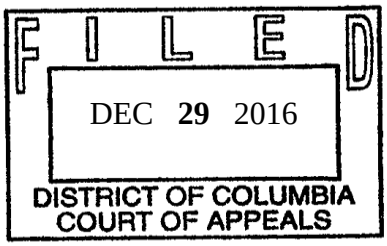
**DISTRICT OF COLUMBIA COURT OF APPEALS**

Nos. 15-FM-1058 & 15-FM-1059




YARKIA TANNER,

and

JACQUELYNN WYNN, APPELLANTS,

v.

CHARLES CALDWELL, APPELLEE.

Appeals from the Superior Court of the
District of Columbia
(CPO-3061-15 & CPO-3062-15)

(Hon. Linda D. Turner, Trial Judge)

(Argued November 10, 2016 Decided December 29, 2016)

Before GLICKMAN and BECKWITH, *Associate Judges*, and FARRELL, *Senior Judge*.

**MEMORANDUM OPINION AND JUDGMENT**

PER CURIAM: In these consolidated appeals, appellants urge this court to vacate the Civil Protection Orders (CPOs) issued against them and remand these cases with instructions that they be dismissed. The CPOs were entered by the trial court after it found that appellants had each committed acts against appellee constituting "interpersonal violence" under the Intrafamiy Offenses Act, *see* D.C. Code § 16-1001 (6) (2012). The orders directed appellants to vacate the home in which they resided as tenants with appellee, who also resided there as their landlord.[1] Appellants contend primarily that the eviction orders were entered

[1] Before petitioning the Superior Court for CPOs, appellee in April 2015 had filed a complaint for possession of the subject property in the Landlord and Tenant Branch, a suit still pending at the time the CPOs were issued.

without statutory authority because appellee and they did not "share[] a mutual residence" at the time of the offense. *Id.* § 16-1001 (6)(A). Appellee has not entered an appearance in this court.

As briefed by appellants, joined by *amici curiae*, these appeals present potentially complex issues concerning the relationship of the Intrafamily Offenses Act, *id.* §§ 16-1001 *et seq*., and the statute and regulations governing landlord and tenant relations in the District of Columbia. *See*, *e.g.*, D.C. Code §§ 42-3501.01 *et seq.* (Rental Housing Act of 1985). We conclude, however, that this is no longer an appropriate appeal in which to consider and attempt to resolve those issues. The CPOs in question expired of their own force on August 27, 2016. *See* D.C. Code § 16-1005 (d).[2] Well before that, on February 18, 2016, appellants and appellee had settled the related landlord and tenant action, see note 1, *supra*, on terms permitting appellants to resume their tenancy in the residence.

"[T]his court does not normally decide moot cases." *Thorn v. Walker*, 912 A.2d 1192, 1195 (D.C. 2002) (citation omitted). "[I]t is well-settled that, while an appeal is pending, an event that renders relief impossible or unnecessary also renders the appeal moot." *Settlemire v. District of Columbia Office of Emp. Appeals*, 898 A.2d 902, 905 (D.C. 2006) (citation omitted). Appellants concede that, so long as this court follows "its usual procedure" of vacating the CPOs as moot,[3] they themselves no longer retain "a legally cognizable interest in the outcome" of the appeals. *Thorn*, 912 A.2d at 1195 (citation omitted). But, ably represented by the Legal Aid Society of the District of Columbia, they nonetheless argue that the appeals present "overarching issues important to the resolution of [a] . . . class of future" cases, *McClain v. United States*, 601 A.2d 80, 82 (D.C. 1992), that may continue to evade review because of the relative brevity of unextended CPOs. We are not persuaded.

First, it is not apparent to us from the representations by appellants' counsel that CPOs of this kind, concerning parties situated similarly to those here, have been issued with any frequency or are likely to be a recurrent phenomenon in the

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[2] As appellants acknowledged in their November 3, 2016, letter to this court, they subsequently moved out of their residence "in consideration of payments to them" by appellee.

[3] Appellants' Response to Order to Show Cause (Response) at 2-3.

trial court.[4] Second, our close examination of the record and the trial court's findings make us skeptical that resolution of these appeals would transcend their factual context enough to provide broad — "overarching" — guidance applicable to future such cases. And third, the absence of genuine adverseness created by the appearance here of only one party itself counsels against our reaching beyond the interests of these parties and attempting to establish a rule or rules for future cases.[5]

For these reasons, we choose to dismiss these appeals as moot and vacate the orders in question, as we did analogously in *District of Columbia v. American University*, 2 A.3d 175, 181-82 (D.C. 2010). Although we would hesitate to direct vacatur based only on the parties' settlement of the related landlord and tenant action, *see U.S. Bancorp Mortg. Co. v. Bonner Mall P'ship*, 513 U.S. 18, 29 (1994) ("[M]ootness by reason of settlement does not justify vacatur of a judgment under review."), that fact combined with the expiration of the CPOs persuades us to exercise our authority under D.C. Code § 17-306 (b) (2012) and follow the "established practice" in matters such as this of "'vacat[ing] the [orders] below and remand[ing] with a direction to dismiss.'" *U.S. Bancorp*, 513 U.S. at 22 (quoting *United States v. Munsingwear, Inc.*, 340 U.S. 36, 39 (1950)).

*So ordered*.

ENTERED BY DIRECTION OF THE COURT:

JULIO A. CASTILLO
Clerk of the Court

[4] In its Response, Legal Aid candidly states that it "know[s] of no reliable statistical evidence of the prevalence of such actions

[5] We observe also that the "possible, indirect benefit [of a useful precedent] in a future lawsuit cannot save this case from mootness." *United States v. Juvenile Male*, 564 U.S. 932 (2011) (per curiam) (emphasis omitted).

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