

# In the Indiana Supreme Court

Gregg Appliances Inc., et al.,  
Appellants,

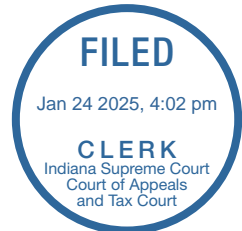
v.

Dwain Underwood,  
Appellee.

Supreme Court Case No.  
49S02-1701-PL-25

Court of Appeals Case No.  
49A04-1509-PL-01434

Trial Court Case No.  
49D05-1302-PL-7683



## Published Order Dismissing Appeal

The Court granted transfer and heard oral argument on February 23, 2017. Two months later, Appellants entered Chapter 11 bankruptcy proceedings, and this case was stayed by order on September 26, 2017.

On July 2, 2024, Appellee filed a “Notice of Dismissal of Bankruptcy Proceedings” indicating the bankruptcy proceedings were dismissed in December 2023. We thereafter ordered supplemental briefing to discuss (1) whether the Court can provide any meaningful relief to prevailing party in this matter; and (2) the applicability of *Clark Co. REMC v. Reis*, 178 N.E.3d 315 (Ind. 2021). We thank the parties for their submission of supplemental briefs.

Both parties agree that because of Appellants’ bankruptcy, if Appellee prevails on appeal, neither he nor the proposed class can obtain meaningful relief in the form of monetary damages. However, Appellee asks the Court to keep and decide this case to clarify a matter of appellate summary judgment procedure.

Being duly advised, the Court DISMISSES this appeal as moot and REMANDS this case to the trial court.

Done at Indianapolis, Indiana, on 1/24/2025.

Loretta H. Rush  
Chief Justice of Indiana

All Justices concur except Molter, J., who did not participate in the decision of this matter.