



ORIGINAL

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See Okla.Sup.Ct.R. 1.200 before citing.

IN THE COURT OF CIVIL APPEALS OF THE STATE OF OKLAHOMA

DIVISION II

IN THE MATTER OF THE
GUARDIANSHIP OF NORMA JUNE
HARRIS, an alleged incapacitated
adult:

GLENN HARRIS and LINDA
PARDUHN,

Petitioners/Appellants,

vs.

HAL HARRIS and LAURA BAKER,

Respondents.

FILED
COURT OF CIVIL APPEALS
STATE OF OKLAHOMA

JUL 23 2025

JOHN D. HADDEN
CLERK

Case No. 122,711

APPEAL FROM THE DISTRICT COURT OF
OKLAHOMA COUNTY, OKLAHOMA

HONORABLE MICHELLE HARRINGTON, SPECIAL JUDGE

DISMISSED

J. John Hager, Jr.
DIMICK & LEWIS, P.C.
Oklahoma City, Oklahoma

and

Shannon D. Taylor
Shannon E. Lane
SHANNON D. TAYLOR, PLLC
Oklahoma City, Oklahoma

and

William H. Hoch, III
Miguel A. Figueroa
Crowe & Dunlevy

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For the Appellants

Denis P. Rischard
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RISCHARD & ASSOCIATES, PLLC
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For Norma June Harris

OPINION BY GREGORY C. BLACKWELL, JUDGE:

The appellants seek review of an order dismissing their petition, which sought to make them co-guardians of their mother, Norma June Harris. During the pendency of this appeal, Mrs. Harris died. For the following reasons, we find the appeal is therefore moot, and we must dismiss.

Mrs. Harris was born on December 3, 1933, and at the start of this litigation, she was ninety years old. On March 12, 2024, the appellants filed a petition to have themselves appointed as Mrs. Harris's co-guardians. They alleged that Mrs. Harris had dementia and other cognitive decline, making her susceptible to manipulation, undue influence, and unable to ensure her own safety and welfare. The court appointed the appellants as special co-guardians of Mrs. Harris until April 2, 2024. However, on March 15, 2024, the court issued an order rescinding the letters of special limited guardianship.¹ The court ordered that all parties were to appear for a hearing on March 21, 2024.

At the hearing, Mrs. Harris was the only witness who testified. The court minute issued after the hearing states as follows:

Norma Harris testified. She appears clean, well kept, competent but hard of hearing. She's 90 years old. She says its "all about the

¹ Specifically, the court found: "On March 14, 2024, later in the day, this Court was informed of the Petitioners' allegations and/testimony given previously, being not entirely accurate, based on reports provided, *in camera*, by the Ward. During this *in camera* review, this Court is led to believe there was misinformation given regarding the safety, health, and welfare of the Ward." ROA Tab 15, *Order*, 2.

money.” Says she does not need or want a guardian She does not meet any definition of “incapacitated.”

ROA Tab 25, *Court Minute*. Mrs. Harris then filed a motion to dismiss the petition for appointment of co-guardians, alleging that she was not an incapacitated person. The court issued a journal entry of judgment on June 5, 2024, dismissing the petition for appointment as co-guardians and holding that Mrs. Harris was not an incapacitated person as defined by 30 O.S. § 1-111(A)(12). The petitioners filed a motion to vacate or reconsider the court’s order alleging that a failure to complete the show cause hearing violated Mrs. Harris’s or their rights of due process and that the record established a need for guardianship protection by clear and convincing evidence. The court denied the motion to vacate. The petitioners appealed the court’s denial of the motion to vacate as well as the underlying judgment.

On May 4, 2025, while this appeal was pending, Mrs. Harris died. The petitioners concede that this appeal is now “likely moot.” *Suggestion of Death*, 2. Counsel for Mrs. Harris agrees, though with more force, asking this court to “dismiss the instant appeal proceedings ... as the relief Petitioners/Appellants have requested cannot be granted due to Mrs. Harris being deceased.” *Response to Suggestion of Death*, 1-2. We find that the law is clear that this appeal became moot upon the death of Mrs. Harris. *In re Guardianship of Doornbos*, 2006 OK 94, ¶ 2, 151 P.3d 126 (“An appeal from the appointment of a guardian over the person is generally rendered moot when the ward dies during the pendency of the appeal.”). This Court has consistently held that it will not decide abstract or

hypothetical questions when no practical relief will result. *Rogers v. Excise Bd.*, 1984 OK 95, ¶ 15, 701 P.2d 754, 761; *Westinghouse Elec. Corp. v. G.R.D.A.*, 1986 OK 20, ¶ 17, 720 P.2d 713, 718. This Court is the “final arbiter” of whether this mootness doctrine applies. *Rogers*, 1984 OK 95, ¶ 15 n. 18, 701 P.2d at 761 n. 18.

Finally, we note the appellants’ concern that the appellees, Hal Harris and Laura Baker (who have not entered an appearance herein), may argue that the trial court’s statement regarding Mrs. Harris’s capacity could be controlling in another pending civil action between the parties and in any subsequent probate proceedings. Based on this concern, the appellants contend that we should either decide the appeal, which for the reasons set forth above we decline to do, or dismiss with a finding that the trial court’s prior determination that Mrs. Harris had capacity has no preclusive effect on any subsequent litigation pursuant to language in paragraph five of *Doornbos*, 2006 OK 94.

While we do not take issue with appellants’ citation of *Doornbos* for the proposition that the trial court’s determination that Mrs. Harris was “not an incapacitated person as defined by 30 O.S. § 1-11(A)(12)” is without preclusive effect, we decline to make any further pronouncements on that issue here. In *Doornbos*, the ward’s daughter filed a petition for general guardianship which was granted by the trial court. 2006 OK 94, ¶ 1. The appellant argued that the court should “dismiss the guardianship petition as if it never occurred to avoid the preclusive effect of an unappealed, final judgment.” *Id.* ¶ 5. No party has made such a request here. And here, the question of whether any party will

assert that another party is precluded from arguing that Mrs. Haris was not an incapacitated person under law in any ongoing or future litigation is truly hypothetical. We simply do not know if it will ever happen. And if it does, the party against whom preclusion is raised will certainly not itself be precluded from citing paragraph five of *Doornbos* or any other relevant law. However, the question is simply not presented on this appeal, and we decline to opine upon it further.

For the reasons stated above, this appeal is moot and is therefore dismissed.

DISMISSED.

WISEMAN, P.J., and FISCHER, J., concur.

July 23, 2025