

IN THE COURT OF APPEALS OF IOWA

No. 2-975 / 12-0840
Filed January 9, 2013

**IN RE THE MARRIAGE OF AMY LOU GREINER
AND BRUCE LESTER GREINER**

Upon the Petition of

AMY LOU GREINER,
Petitioner-Appellee,

And Concerning

BRUCE LESTER GREINER,
Respondent-Appellant.

Appeal from the Iowa District Court for Polk County, Darrell Goodhue,
Judge.

Bruce Greiner appeals the denial of his application for injunction.

AFFIRMED.

Pamela A. Vandell, Des Moines, for appellant.

Stacey N. Warren of Babich Goldman, P.C., Des Moines, for appellee.

Considered by Potterfield, P.J., and Danilson and Tabor, JJ.

DANILSON, J.

Bruce Greiner appeals, contending the district court abused its discretion in denying his application for injunction to prevent his minor daughter from traveling to Greece in June 2012, and in awarding Amy Greiner \$200 in attorney fees.

Amy Greiner contends Bruce's challenge to the denial of an injunction is moot because the trip has already occurred. We agree. Any ruling on the denial of the injunction would be of no force or effect in the underlying controversy and the question is thus moot. See *Lewis Investments, Inc. v. City of Iowa City*, 703 N.W.2d 180, 183 (Iowa 2005) ("The test [as to whether an appeal is moot] is 'whether an opinion would be of force or effect in the underlying controversy.'"); see also *Thorn v. Walker*, 912 A.2d 1192, 1195 (D.C. 2006) ("[I]f . . . the appellate court can provide no effective relief, the case is moot.").

As for the award of attorney fees, we review for an abuse of discretion. See *In re Marriage of Sullins*, 715 N.W.2d 242, 247 (Iowa 2007). The summary ruling made after the unrecorded hearing offers no explanation for the attorney fee award. However, here, before the injunctive action was filed, the same questions had already been litigated in a motion hearing, and the supreme court had denied Bruce's petition for writ of certiorari. Under these circumstances, we find no abuse of discretion in the attorney fee award.

Because Amy has had to repeatedly defend the initial decision of the district court and has been successful on appeal, we award her \$500 in appellate attorney fees. Costs on appeal are taxed to Bruce.

AFFIRMED.