MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

In the Matter of the Civil Commitment of: B.L.,

Appellant-Respondent,

v.

Health and Hospital Corp., d/b/a Sandra Eskenazi MHC,

Appellee-Petitioner

July 12, 2023

Court of Appeals Case No. 22A-MH-2959

Appeal from the Marion Superior Court

The Honorable Mark Loyd, Senior Judge

The Honorable Steven R. Eichholtz, Judge

Trial Court Cause No. 49D08-2211-MH-38364

Memorandum Decision by Judge Vaidik
Judges Mathias and Pyle concur.

Vaidik, Judge.

Case Summary

[1] B.L. appeals an expired temporary commitment order. She acknowledges that the case is moot but argues that the public-interest exception to the mootness doctrine applies. Because B.L. has failed to satisfy this exception, we dismiss the appeal.

Facts and Procedural History

[2] On November 4, 2022, twenty-two-year-old B.L. was taken to Eskenazi Health after she was struck by a car while walking on Interstate 70. While B.L. was being treated for her injuries, hospital staff became concerned about her mental health, and the psychiatry department evaluated her for an emergency detention. The doctor who examined B.L. believed she was at risk of harming herself:

> Patient walked into traffic last night on highway in a presumed suicide attempt. She will not answer questions about the event in detail but appears extremely depressed, has no future orientation, and has no plausible explanation for her injuries.

Appellant's App. Vol. II p. 15. That day, Eskenazi filed an application for emergency detention with the trial court.

[3] On November 10, Dr. Kenneth Smith, B.L.'s treating physician, filed a report recommending that B.L. be placed in a temporary commitment. Following a

hearing on November 16, the trial court found that B.L. suffered from an unspecified psychotic disorder and an unspecified depression disorder and was dangerous to herself and gravely disabled. The court entered a temporary commitment order that expired on "February 14, 2023 unless discharged prior." *Id.* at 9.

[4] B.L. now appeals.

Discussion and Decision

[5] B.L. appeals her temporary commitment that expired on February 14, 2023. She acknowledges that her appeal is moot. "A case is moot when the controversy at issue has been ended, settled, or otherwise disposed of so that the court can give the parties no effective relief." *E.F. v. St. Vincent Hosp. & Health Care Ctr., Inc.*, 188 N.E.3d 464, 466 (Ind. 2022). However, B.L. argues that the public-interest exception to the mootness doctrine applies. This exception "may be invoked when the issue involves a question of great public importance which is likely to recur." *Id.* (quotation omitted). "[B]ecause one of the hallmarks of a moot case is the court's inability to provide effective relief," "appellate courts are not required to issue an opinion in every moot case." *Id.* at 467. But "they may readily do so to address novel issues or close calls, or to build the instructive body of law to help trial courts make these urgent and difficult decisions." *Id.* at 466. A party appealing a moot case bears the burden of proving that the public-interest exception applies. *See Bookwalter v. Ind. Election Comm'n*, 209 N.E.3d 438, 443-44 (Ind. Ct. App. 2023), *trans. pending*.

[6] B.L. has not met that burden here. Her entire argument that the public-interest exception applies is one sentence:

> This Court should consider the merits of B.L.'s appeal because it presents an issue likely to recur: whether a court may infer from a patient's reluctance or inability to explain the circumstances of an accident that the patient's injuries are the result of an attempt at self-harm?

Appellant's Br. p. 12. As Eskenazi highlights, B.L. does not claim that her appeal involves an issue of "great public importance." Indeed, B.L.'s brief does not contain the phrase "great public importance" (she did not file a reply brief either). This alone forecloses the application of the public-interest exception.

[7] B.L. has failed to establish that this exception applies for a second reason. B.L. frames the issue likely to recur as "whether a court may infer from a patient's reluctance or inability to explain the circumstances of an accident that the patient's injuries are the result of an attempt at self-harm[.]" *Id.* But B.L.'s stated issue is simply a framing of the issue using the relevant standard of review. *See Civ. Commitment of T.K. v. Dep't of Veterans Affairs*, 27 N.E.3d 271, 273 (Ind. 2015) ("[A]n appellate court will affirm if, considering only the probative evidence and the reasonable inferences supporting it, without weighing evidence or assessing witness credibility, a reasonable trier of fact could find [the necessary elements] proven by clear and convincing evidence." (quotation omitted)). Notably, B.L. does not allege that her appeal addresses a novel issue, presents a close case, or develops case law on a complicated topic. *Cf. J.G. v. Cmty. Health Network, Inc.*, 209 N.E.3d 1206, 1210 (Ind. Ct. App.

2023) ("Here, J.G.'s appeal does not address a novel issue or present an opportunity to develop case law on a complicated topic. However, J.G. asserts that this appeal should be decided on the merits because it involves a 'close case.'" (citation omitted)). As Eskenazi argues, "If BL's 'issue'—a question of what can be inferred from the evidence—is a one of 'great public importance,' then the public-interest exception would swallow the mootness doctrine in every appeal of an expired commitment order. That could not have been the intention behind *E.F.*" Appellee's Br. p. 11. Because B.L. has failed to satisfy the public-interest exception to the mootness doctrine, we dismiss the appeal.

[8] Dismissed.

Mathias, J., and Pyle, J., concur.