

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 17-10625

Non-Argument Calendar

CHRISTY GALENZA,
ALEX ANDRIA ROWE,
PORTIA RUSSELL,

Plaintiffs-Appellees,

versus

6420 ROSWELL RD., INC.,
d.b.a. Flashers,
HARRY FREESE,

Defendants-Appellants.

Appeal from the United States District Court
for the Northern District of Florida
D.C. Docket No. 1:16-cv-03453-RWS

Before WILLIAM PRYOR, Chief Judge, WILSON and BRASHER, Circuit Judges.

PER CURIAM:

A Georgia corporation, 6420 Roswell Rd., Inc., doing business as Flashers, appealed on its behalf and that of its president, Harry Freese, an order compelling them to arbitrate former employees' claims for back pay under the Fair Labor Standards Act, 29 U.S.C. § 216. *See* 9 U.S.C. § 4. We dismiss the appeal as moot.

We are obligated *sua sponte* to inquire into subject-matter jurisdiction whenever it may be lacking. *Univ. of S. Ala. v. Am. Tobacco Co.*, 168 F.3d 405, 410 (11th Cir. 1999). The jurisdiction of the federal courts is limited to actual cases and controversies. *U.S. Parole Comm'n v. Geraghty*, 445 U.S. 388, 395 (1980). “This case-or-controversy limitation serves” to “limit[] the business of federal courts to questions presented in an adversary context and in a form historically viewed as capable of resolution through the judicial process” *Id.* at 395–96 (internal quotation marks omitted). An

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appeal becomes moot “when the issues presented are no longer ‘live’ or the parties lack a legally cognizable interest in the outcome.” *Id.* at 396. A federal court cannot resolve a dispute unless “[t]he requisite personal interest that . . . exist[s] at the commencement of the litigation (standing) . . . continue[s] throughout its existence (mootness).” *Id.* (quoting Monaghan, *Constitutional Adjudication: The Who and When*, 82 Yale L.J. 1363, 1384 (1973)).

The situation changed after Roswell Rd. and Freese filed their appeal. Roswell Rd. petitioned for bankruptcy, and we stayed the appeal. Later, Freese also petitioned for bankruptcy. While the bankruptcy cases were pending, Freese died. Roswell Rd. has been administratively dissolved and liquidated.

We reinstated the appeal and ordered the parties to address whether the appeal was moot due to Freese’s death and the Roswell Rd. bankruptcy and whether Freese had a personal representative to substitute as a party in the appeal, Fed. R. App. P. 43(a). Bankruptcy counsel for Freese and his corporation filed the only response. Counsel states that the appeal is moot because Roswell Rd. is no longer a going concern, Freese and his appellate counsel have died, counsel for the former employees has died, and there is no known representative to substitute in the appeal.

This appeal is moot. The interest that Roswell Rd. and Freese had in overturning the order compelling arbitration has extinguished. And they apparently have no representative to assume their interests. *See id.* Because the appellants’ lack of a continuing

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interest in the outcome of this appeal divests this Court of jurisdiction, we dismiss the appeal as moot.

APPEAL DISMISSED AS MOOT.