



IN THE COURT OF APPEALS OF IOWA

LUMIR A. CUHEL and LIBBIE N. CUHEL,)
husband and wife; and WILLIAM A.)
KILBERGER and IRENE L. KILBERGER,)
husband and wife,)

Appellants,)

Filed March 22, 1979

vs.)

THE CITY OF CEDAR RAPIDS, IOWA)
and THE AIRPORT COMMISSION FOR)
THE CITY OF CEDAR RAPIDS, IOWA,)

766
2-61588

Appellees.)

Appeal from Linn District Court - Robert E. Ford and Harold D. Vietor, Judges.

Interlocutory appeal by plaintiffs from trial court order overruling motion for
continuance. Appeal Dismissed.

William L. Meardon, of Meardon, Sueppel, Downer & Hayes, of Iowa City, for
appellants.

David McGuire, City Attorney, of Cedar Rapids, for appellees.

Submitted to Oxberger, C. J., Donielson, Snell, Carter and Johnson, JJ.

PER CURIAM

Plaintiff landowners filed a petition seeking declaratory and injunctive relief from defendants' attempted condemnation of their land. Prior to trial, plaintiffs sought a continuance pending a decision in Case No. 2-61304, Trachta, et al. v. Iowa District Court, et al., which involved issues substantially similar to those in the instant case. The trial court overruled the motion for continuance, and plaintiffs were granted permission for this interlocutory appeal.

On December 21, 1978 this court filed its decision in Trachta annulling the writ of certiorari, and on February 2, 1979, the supreme court denied further review. The issue in the instant appeal has become moot, and we therefore dismiss the appeal at appellant's costs.

DISMISSED.