

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

File Name: 11a0753n.06

Case No. 10-3176

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Nov 08, 2011
LEONARD GREEN, Clerk

DAVID SIMON, et al.,)
)
 Plaintiffs-Appellants,)
)
 v.)
)
 CONTINENTAL AIRLINES, INC.,)
)
 Defendant-Appellee.)
)
)
)
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**ON APPEAL FROM THE
UNITED STATES DISTRICT
COURT FOR THE NORTHERN
DISTRICT OF OHIO**

BEFORE: BATCHELDER Chief Judge; SUHRHEINRICH and GRIFFIN, Circuit Judges.

ALICE M. BATCHELDER, Chief Judge. This case arises from a class action complaint filed by Plaintiffs David Simon, Gary Berk, Jean Heflich, and Evelyn Smith against Defendant Continental Airlines, Inc. (“Continental”). Plaintiffs allege that Continental violated the terms of its OnePass frequent flier program; they seek damages, injunctive relief, and certification of a class.

The OnePass program works like any other frequent flier program. Members sign up for the program, collect miles by flying on Continental, and can redeem those miles for reward tickets and other merchandise. Plaintiffs allege that Continental charged more than the advertised number of miles to redeem certain reward tickets, charged an additional fee for tickets redeemed within 20 days of the flight date, and charged a cancellation fee when members cancelled a reward ticket and wanted to redeposit the miles for later use.

Both sides moved for summary judgment. The district court denied Plaintiffs' motion, granted Continental's, and denied as moot Plaintiffs' motion to certify a class. Plaintiffs appeal.

After carefully reviewing the district court's opinion, the briefs, and the record in this case, we conclude that the district court did not err in granting summary judgment to Continental. As the district court correctly set out the applicable law and correctly applied that law to the facts contained in the record, issuance of a full written opinion by this court would serve no useful purpose.

Accordingly, for the reasons stated in its well-reasoned opinion, we **AFFIRM** the judgment of the district court.