

CHRIS HOPKINS

v.

COMMISSIONER, DEPARTMENT OF HEALTH AND HUMAN SERVICES

Submitted on Briefs October 27, 2014

Decided November 4, 2014

Panel: ALEXANDER, SILVER, MEAD, and JABAR, JJ.

MEMORANDUM OF DECISION

Chris Hopkins appeals from a judgment entered in the Superior Court (Cumberland County, *Warren, J.*) on his complaint seeking a preliminary and permanent injunction to prevent the Commissioner of the Department of Health and Human Services and certain other Department employees from attending a family team meeting in any child protection proceeding without first showing that such attendance is necessary to carry out the mission and responsibilities of the Department. The trial court granted the Commissioner's motion for judgment on the pleadings, M.R. Civ. P. 12(c), and dismissed Hopkins's pending motion for summary judgment, M.R. Civ. P. 56(a), as moot.

Contrary to Hopkins's contentions, the court did not err in dismissing his complaint for lack of standing because the Commissioner did not attend and was not anticipated to attend any family team meeting in the child protection matter to which Hopkins was a party, *see Collins v. State*, 2000 ME 85, ¶ 6, 750 A.2d 1257; *see also Windham Land Trust v. Jeffords*, 2009 ME 29, ¶ 41, 967 A.2d 690 (authorizing injunctive relief only if irreparable injury would otherwise result), and Hopkins lacked standing as a representative of other third-party parents, *see Common Cause v. State*, 455 A.2d 1, 6 (Me. 1983). Having properly dismissed the complaint, the court did not err in determining that Hopkins's motion for summary

judgment was moot. *See Madore v. Me. Land Use Regulation Comm'n*, 1998 ME 178, ¶¶ 8, 14, 715 A.2d 157.

The entry is:

Judgment affirmed.

On the briefs:

Seth Berner, Esq., Portland, for appellant Chris Hopkins

Janet T. Mills, Attorney General, and William R. Fisher, Asst. Atty. Gen., Office of the Attorney General, Augusta, for appellee Commissioner of the Department of Health and Human Services