

PETER M.J. WLODYLO

v.

CITY OF GARDINER et al.

Submitted on Briefs January 22, 2009

Decided January 27, 2009

Panel: CLIFFORD, ALEXANDER, LEVY, SILVER, MEAD, and GORMAN, JJ.

#### MEMORANDUM OF DECISION

Peter M.J. Wlodylo appeals from three judgments entered in the Superior Court: (1) dismissing as moot his M.R. Civ. P. 80B petition concerning the City of Gardiner's denial of his application for a demolition and building permit (Kennebec County, *Marden, J.*); (2) granting Defendant Eric Stumpfel's motion for judgment on the pleadings (*Marden, J.*); and (3) granting a motion for judgment as a matter of law, which dismissed Wlodylo's outstanding claims against the City of Gardiner and numerous city officials (*Jabar, J.*).

Contrary to Wlodylo's contention, his Rule 80B petition was rendered moot by the City's ultimate grant of his demolition and building permit, which was at the center of his appeal. "A dispute loses its controversial vitality when a decision by this court would not provide an appellant any real or effective relief." *Int'l Paper Co. v. United Paperworkers Int'l Union*, 551 A.2d 1356, 1360-61 (Me. 1988). Furthermore, no exceptions to the mootness doctrine apply. *See Halfway House, Inc. v. City of Portland*, 670 A.2d 1377, 1380 (Me. 1996). The Superior Court also did not err in dismissing Wlodylo's remaining independent claims because, even if immunity is waived to the extent that the City obtained liability insurance, Wlodylo failed to allege "elements of a cause of action or facts entitling [him] to relief on some legal theory." *Stevens v. Bouchard*, 532 A.2d 1028, 1030 (Me. 1987).

The entry is:

Judgments affirmed.

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