

SUPREME COURT OF MONTANA

Grabow v. Montana High School Ass'n

312 Mont. 92 (Mont. 2002) · No. No. 01-633 · Decided November 4, 2002

SUMMARY

The Montana Supreme Court affirmed the denial of attorney's fees to Rob Grabow, holding that the prior injunction did not establish entitlement under 42 U.S.C. § 1988 or Montana's private attorney general doctrine. The court also held that the Livingston School District could contract with the Montana High School Association and adopt its eligibility rules without unlawfully delegating governmental power. The court concluded that Grabow had no right to administrative appeal from the MHSA's eligibility decision under the cited statute.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	Jim Regnier; Karla M. Gray; Terry N. Triewelier; Patricia Cotter
JURISDICTION	Montana
DECIDED	November 4, 2002
DOCKET	No. 01-633
DISPOSITION	affirmed
PROCEDURAL POSTURE	Grabow appealed the First Judicial District Court's post-remand ruling against him on attorney's fees and alleged unlawful delegation of school-board authority to the Montana High School Association.
STANDARD OF REVIEW	Conclusions of law are reviewed for correctness.
PRECEDENTIAL VALUE	Published Montana Supreme Court opinion; precedential.
PARTIES	Rob Grabow v. Montana High School Association, Livingston High School District No. 1, Livingston High School District No. 1 School Board, Park High School

TOPICS

- appellate procedure
- remedies
- declaratory judgment
- equitable relief
- administrative law

PRACTICE AREAS

- constitutional law
- administrative law
- education law
- appellate procedure
- attorney's fees

QUESTIONS PRESENTED

1. Whether the Supreme Court's December 23, 1999, order granting injunctive relief entitled Grabow to attorney's fees under 42 U.S.C. § 1988 or Montana's private-attorney-general doctrine.
2. Whether the Livingston School District could contract with the Montana High School Association and consent to be bound by the association's rules.
3. Whether Grabow was entitled to an administrative appeal from the MHSA's eligibility decision under Mont. Code Ann. § 20-3-210.
4. Whether the Office of Public Instruction should be ordered to review MHSA eligibility decisions.

HOLDINGS

1. Grabow was not entitled to attorney's fees under § 1988 because the injunctive order did not involve or enforce 42 U.S.C. § 1983, and Grabow did not prevail on a final merits determination.
2. The Livingston School District could contract with the MHSA and consent to be bound by its rules; doing so was not an unlawful delegation of governmental power.
3. Grabow had no right to an administrative appeal from the MHSA's eligibility decision under Mont. Code Ann. § 20-3-210 because that statute applies to controversies arising from decisions of trustees within the county, whereas the MHSA exercised authority derived from the mutual agreement of member districts.
4. The court would not order the Office of Public Instruction to review MHSA eligibility decisions because no authority empowered the OPI to conduct such review.

KEY QUOTATIONS

"We conclude that becoming a member of the MHSA is not an unlawful delegation of a governmental power."
(¶ 28)

"The sole issue before us was whether the Livingston School District could contract with the MHSA and thus be bound by its rules; we conclude that it can." (¶ 36)

FACTUAL BACKGROUND

Rob Grabow enrolled at Park High School in Livingston in fall 1999 and was declared ineligible for basketball under the MHSA's eight-consecutive-semester rule. Park High School's district was a voluntary MHSA member and annually renewed its membership, thereby agreeing to the association's rules. Grabow challenged the eligibility decision and sought declaratory and injunctive relief, attorney's fees, and relief from the alleged delegation of school-board authority to the MHSA.

PROCEDURAL HISTORY

Grabow sought declaratory and injunctive relief after the MHSA declared him ineligible to play basketball under its semester rule. The district court initially ruled against him; on the first appeal, the Montana Supreme Court granted a preliminary injunction, dismissed part of the appeal as moot, and remanded the attorney-fee and delegation issues. The district court again ruled against Grabow, and the Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Grabow v. Montana High Sch. Ass'n, 2000 MT 159, 300 Mont. 227, 3 P.3d 650
- Montanans for the Responsible Use of the School Trust v. State ex rel. Board of Land Comm'rs, 1999 MT 263, 296 Mont. 402, 989 P.2d 800
- Steer, Inc. v. Department of Revenue, 245 Mont. 470, 803 P.2d 601 (1990)
- Foy v. Anderson, 176 Mont. 507, 580 P.2d 114 (1978)
- Dreyer v. Board of Trustees, 193 Mont. 95, 630 P.2d 226 (1981)
- Moran v. School Dist. No. 7, Yellowstone County, 350 F. Supp. 1180 (D. Mont. 1972)
- State ex rel. Bartmess v. Board of Trustees of Sch. Dist. No. 1, 223 Mont. 269, 726 P.2d 801 (1986)
- Quimby v. School Dist. No. 21 of Pinal County, 10 Ariz. App. 69, 455 P.2d 1019 (1969)
- Bunger v. Iowa High Sch. Athletic Ass'n, 197 N.W.2d 555 (Iowa 1972)
- Anderson v. South Dakota High Sch. Activities Ass'n, 247 N.W.2d 481 (S.D. 1976)
- George v. Montana Bd. of Pardons, 2001 MT 163, 306 Mont. 115, 30 P.3d 1065
- State v. Goebel, 2001 MT 73, 305 Mont. 53, 31 P.3d 335
- Bitterroot River Protection Ass'n v. Bitterroot Conservation Dist., 2002 MT 66, 309 Mont. 207, 45 P.3d 24
- Kaptein v. Conrad Sch. Dist., 281 Mont. 152, 931 P.2d 1311 (1997)
- Brisendine v. State, Department of Commerce, 253 Mont. 361, 833 P.2d 1019 (1992)
- Mitchell v. Town of West Yellowstone, 235 Mont. 104, 765 P.2d 745 (1988)
- J.M. v. Montana High Sch. Ass'n, 265 Mont. 230, 875 P.2d 1026 (1994)
- M.H. v. Montana High Sch. Ass'n, 280 Mont. 123, 929 P.2d 239 (1996)

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