

## SUPREME COURT OF RHODE ISLAND

### Nat'l Educ. Ass'n R.I. v. Town of Middletown

210 A.3d 421 (R.I. 2019) · Decided June 13, 2019

#### SUMMARY

This excerpt is a dissenting opinion addressing whether an exception to the mootness doctrine should apply to a dispute over the Town of Middletown's authority to accept or reject a collective-bargaining agreement negotiated by a teachers' union and school committee. The dissent agrees that the underlying claims became moot after the parties approved a three-year agreement but concludes that the controversy is of extreme public importance and capable of repetition yet evading review. It reasons that recurring negotiations and the union's duty to bargain create a practical catch-22 that would prevent effective judicial review of the town's asserted authority.

#### CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                       |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Rhode Island                                                                                                                                                                                                                                                                                         |
| WRITING FOR THE COURT | Justice Indeglia; Justice Flaherty                                                                                                                                                                                                                                                                                    |
| JURISDICTION          | Rhode Island                                                                                                                                                                                                                                                                                                          |
| DECIDED               | June 13, 2019                                                                                                                                                                                                                                                                                                         |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                 |
| PROCEDURAL POSTURE    | The union appealed from the Superior Court's grant of summary judgment to the defendants on mootness grounds. The dissent agreed that the controversy had become moot but disagreed that the exception for matters of extreme public importance capable of repetition yet evading review was unavailable.             |
| STANDARD OF REVIEW    | The Supreme Court reviews a grant of summary judgment de novo and reviews questions of law de novo. Summary judgment is proper when the evidence viewed in the light most favorable to the nonmoving party reveals no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. |
| PRECEDENTIAL VALUE    | Published dissenting opinion; the dissent's proposed application of the mootness exception is not controlling.                                                                                                                                                                                                        |
| PARTIES               | Nat'l Educ. Ass'n R.I. v. Town of Middletown                                                                                                                                                                                                                                                                          |

#### TOPICS

mootness

collective bargaining

labor law

municipal law

appellate procedure

## PRACTICE AREAS

Municipal law

Labor and employment law

Collective bargaining

Appellate procedure

Civil procedure

## QUESTIONS PRESENTED

1. Whether the union's challenge to the town's authority to accept or reject a collective-bargaining agreement became moot after the parties negotiated and the town council ratified a subsequent agreement.
2. Whether the mootness exception for matters of extreme public importance capable of repetition yet evading review applied because the town's asserted veto authority could affect future collective-bargaining negotiations.

## HOLDINGS

1. The union's claims concerning the town's authority to accept or reject a collective-bargaining agreement became moot after the parties entered into a new three-year agreement that the town council approved.
2. The dissent would hold that the exception for cases of extreme public importance capable of repetition yet evading review applied because the town's asserted authority could affect the union members' livelihoods and recur during the parties' required renegotiation of successor agreements.

## KEY QUOTATIONS

*"I respectfully disagree with the conclusion of the hearing justice and the majority that the mootness exception does not apply to the circumstances in this case."* (428)

*"This Court's determination that the union's claim is moot and that the exception does not apply creates a 'catch-22' scenario for the union and will, as a matter of practicality, deprive the union of its ability to seek a declaratory judgment."* (431)

## FACTUAL BACKGROUND

The union and the Middletown School Committee negotiated a tentative six-month successor agreement that expressly required ratification by the Middletown Town Council and stated that it would not bind the parties unless ratified. The town council declined to ratify that agreement, after which the union sued over the town's authority to accept or reject collective-bargaining agreements. While the action was pending, the parties negotiated a new three-year collective-bargaining agreement, which the town council later ratified.

## PROCEDURAL HISTORY

The union challenged the town's authority to accept or reject a collective-bargaining agreement negotiated by the school committee and the union. While summary judgment was pending, the parties negotiated a new three-year agreement that the town council ratified, leading the Superior Court to conclude that the union lacked a continuing stake and to grant summary judgment on mootness grounds. The Supreme Court majority likewise

concluded that the matter was moot and that the exception did not apply; Justice Indeglia dissented from the latter conclusion.

## DISPOSITION

other

## CASES CITED

- Robar v. Robar, 154 A.3d 947, 948 (R.I. 2017) (mem.)
- Hallsmith-Sysco Food Services, LLC v. Marques, 970 A.2d 1211, 1213-14 (R.I. 2009)
- State Department of Environmental Management v. Administrative Adjudication Division, 60 A.3d 921, 924-25 (R.I. 2012)
- City of Cranston v. Rhode Island Laborers' District Council, Local 1033, 960 A.2d 529, 533-36 (R.I. 2008)
- Unistrut Corp. v. State Department of Labor and Training, 922 A.2d 93, 99 (R.I. 2007)
- In re Briggs, 62 A.3d 1090, 1097 (R.I. 2013)
- Boyer v. Bedrosian, 57 A.3d 259, 281 (R.I. 2012)
- Preservation Society of Newport County v. City Council of City of Newport, 155 A.3d 688, 689, 692 n.7 (R.I. 2017)
- City of Pawtucket v. Pimental, 960 A.2d 981, 988 n.6 (R.I. 2008)
- Sullivan v. Chafee, 703 A.2d 748, 749, 753 (R.I. 1997)
- Town of Scituate v. Scituate Teachers' Association, 110 R.I. 679, 680, 683-84, 296 A.2d 466, 467-69 (1972)
- Driver v. Town of Richmond ex rel. Krugman, 570 F. Supp. 2d 269, 274 (D.R.I. 2008)

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