

SUPREME JUDICIAL COURT OF MAINE

Town of Charleston v. Sch. Admin. Dist. No. 68

798 A.2d 1102, 2002 ME 95 (Me. 2002) · Decided June 14, 2002

SUMMARY

The Maine Supreme Judicial Court vacated a temporary restraining order that prohibited School Administrative District No. 68 from taking steps to close Charleston Elementary School after a referendum approving closure. The court held that the Town of Charleston had not provided factual support for irreparable injury occurring after the referendum, as required for injunctive relief under Maine Rule of Civil Procedure 65(a).

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Saufley, C.J.; Clifford, J.; Rudman, J.; Dana, J.; Alexander, J.; Calkins, J.; Levy, J.
JURISDICTION	Maine
DECIDED	June 14, 2002
DISPOSITION	vacated
PROCEDURAL POSTURE	School Administrative District No. 68 appealed from a Superior Court temporary restraining order that enjoined it from taking steps to close Charleston Elementary School after a referendum approving closure.
STANDARD OF REVIEW	The grant of a temporary restraining order is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	School Administrative District No. 68 v. Town of Charleston

TOPICS

[injunctions](#)[civil procedure](#)[administrative procedure act](#)[municipal law](#)

PRACTICE AREAS

[Civil procedure](#)[Injunctive relief](#)[Administrative law](#)[Municipal law](#)[Education law](#)

QUESTIONS PRESENTED

1. Whether the Superior Court had a sufficient factual basis under Maine Rule of Civil Procedure 65(a) to issue a temporary restraining order preventing the District from taking steps to close the school after the referendum.
2. Whether the Town demonstrated the irreparable injury required for temporary injunctive relief.

HOLDINGS

1. The temporary restraining order was improper because the Town's pleadings and the record contained no factual allegations or support showing irreparable injury that would occur after the referendum.

KEY QUOTATIONS

"A temporary restraining order may be granted ... only if ... it clearly appears from specific facts shown by affidavit or by the verified complaint that immediate and irreparable injury, loss, or damage will result to the applicant...." (1103)

"Proof of irreparable injury is a prerequisite to the granting of injunctive relief." (1103)

"Irreparable injury" is defined as "injury for which there is no adequate remedy at law." (1103)

FACTUAL BACKGROUND

School Administrative District No. 68 voted to close Charleston Elementary School for lack of need and submitted a school-closing report and cost analysis to the Commissioner of Education. The Commissioner approved the cost analysis despite objections from the Town, and the Town pursued administrative review and a stay while a referendum was scheduled. The referendum passed, after which the District appealed the Superior Court's order temporarily enjoining steps toward closure.

PROCEDURAL HISTORY

The Town of Charleston challenged the Commissioner's approval of the school-closing cost analysis and sought administrative review and a stay. It then filed a Superior Court action seeking to enjoin the referendum. The Superior Court declined to enjoin the referendum but entered a temporary restraining order preventing the District from taking steps to accomplish the closure for thirty days if the referendum approved closure. After the referendum passed, the District appealed, and the Supreme Judicial Court vacated the injunction.

DISPOSITION

vacated

CASES CITED

- Dep't of Envtl. Prot. v. Emerson, 563 A.2d 762, 768 (Me. 1989)
- Bar Harbor Banking & Trust Co. v. Alexander, 411 A.2d 74, 79 (Me. 1980)
- Eaton v. Cormier, 2000 ME 65, ¶ 4, 748 A.2d 1006, 1008

OPINION

SAUFLEY, J.

798 A.2d 1102 (2002) 2002 ME 95 TOWN OF CHARLESTON v. SCHOOL ADMINISTRATIVE DISTRICT NO. 68. Supreme Judicial Court of Maine. Argued: June 12, 2002. Decided: June 14, 2002. *1103 Nathaniel M. Rosenblatt, Esq. (orally), Roger L. Huber, Esq., Thomas A. Russell, Esq., Farrell, Rosenblatt & Russell, Bangor, for plaintiff. Melissa A. Hewey, Esq., (orally), Deirdre M. Smith, Esq., Brian D. Willing, Esq., Drummond, Woodsum & MacMahon, Portland, for defendant.

Panel: SAUFLEY, C.J., and CLIFFORD, RUDMAN, DANA, ALEXANDER, CALKINS, and LEVY, JJ. SAUFLEY, C.J. [¶ 1] School Administrative District No. 68 (SAD No. 68) appeals from a temporary restraining order issued by the Superior Court (Penobscot County, Mead, J.) enjoining it from "actually taking steps" to close the Charleston Elementary School. SAD No. 68 contends that there was an insufficient factual basis to support the entry of a temporary restraining order.

See M.R. Civ. P. 65. We vacate the temporary restraining order. I. BACKGROUND [¶ 2] Charleston Elementary School, located in the Town of Charleston, is operated by SAD No. 68. In April of 2002, the Board of Directors of SAD No. 68 voted to close the Charleston Elementary School due to lack of need pursuant to 20-A M.R.S.A. § 4102(3) (1993 & Supp.2001). SAD No. 68 then submitted a school closing report and a cost analysis of the money that would be saved by closing the school to the Commissioner of Education, as mandated by 20-A M.R.S.A. §§ 1407(2), 4102(3) (1993 & Supp.2001).

Despite numerous objections submitted by the Town, the Commissioner approved the cost analysis pursuant to 20-A M.R.S.A. § 1407(2). The next step in the school closure process was to be a Town referendum in accordance with 20-A M.R.S.A. §§ 1407(1), 1751(5), 4102(4)(A) (1993 & Supp.2001). [¶ 3] The Town appealed the Commissioner's approval of the cost analysis to the State Board of Education pursuant to 20-A M.R.S.A. §§ 405(3)(D), 1408 (1993 & Supp.2001).

The Town also requested a stay of the Commissioner's decision, and therefore a stay of the referendum, until *1104 the appeal was decided pursuant to 5 M.R.S.A. § 11004 (2002). The Board informed the Town that it would not address the Town's appeal or its request for a stay until June 14, 2002,[1] more than two weeks after the referendum was scheduled to take place.

The Town then filed a complaint against SAD No. 68 in the Superior Court seeking to enjoin the referendum. [¶ 4] After a hearing, the transcript of which has not been provided to us, the court declined to enjoin the referendum. It did, however, enjoin SAD No. 68 from "actually taking steps to accomplish the closing for a period of thirty days [from May 24, 2002]" if the residents of the Town voted in the referendum to close the school. [¶ 5] The referendum was held on May 28, resulting in an affirmative vote to close the school.

The injunction took effect immediately upon the completion of the vote. Approximately ten days of that injunctive period remain. SAD No. 68 appeals from the entry of that injunction. II. DISCUSSION [¶ 6] "A temporary restraining order may be granted... only if... it clearly appears from specific facts shown by affidavit or by the verified complaint that immediate and irreparable injury, loss, or damage will result to the applicant...."

M.R. Civ. P. 65(a); see also Dep't of Env'tl. Prot. v. Emerson, 563 A.2d 762, 768 (Me.1989). "[P]roof of irreparable injury is a prerequisite to the granting of injunctive relief." Bar Harbor Banking & Trust Co. v. Alexander, 411 A.2d 74, 79 (Me.1980). "Irreparable injury" is defined as "injury for which there is no adequate remedy at law." Id. SAD No. 68 contends, among other things, that the court erred in granting the temporary restraining order in the absence of a showing of irreparable injury.

We review the court's grant of a temporary restraining order for an abuse of discretion. Eaton v. Cormier, 2000 ME 65, ¶ 4, 748 A.2d 1006, 1008. [¶ 7] In this case, the Town's pleadings in the Superior Court sought only an injunction preventing the referendum from taking place based on an allegedly erroneous cost analysis.

Thus, to the extent that the Town alleged any irreparable injury in its pleadings, it addressed only the harm it would suffer if the referendum occurred. The record contains no factual allegation regarding the prospects of irreparable harm after the referendum.

Because the Town sought only to enjoin the referendum itself, the Town has, contrary to the requirements of law and rule, provided no record support for a finding of irreparable injury relating to a time after the referendum.

Thus, we must vacate the court's grant of a temporary restraining order on this basis. See M.R. Civ. P. 65(a). The entry is: Judgment of the Superior Court granting the temporary restraining order is vacated. NOTES [1] The Board of Education later rescheduled consideration to June 12, 2002.