

STATE OF MAINE

KENNEBEC, ss.

RICHARD J. WILLIS,

Plaintiff

v.

ANGUS S. KING, JR., *et al.*,

Defendants

SUPERIOR COURT

CIVIL ACTION

DOCKET NO. CV-00-120

JHM-KEN-8/30/2000

**DECISION AND ORDER**

This matter is before the court on defendants' motion to dismiss, plaintiff's motion for summary judgment; motion to stay administrative hearing; motion for sanctions; and motion to compel documents.

The pro se plaintiff has filed a complaint in the nature of an M.R. Civ. P. 80C review of final agency action. Among other things, he challenges the grievance procedures as they are now administered within the State of Maine Department of Mental Health, Mental Retardation, and Substance Abuse Services. He has named as defendant many individuals including the Governor of the State of Maine and the Attorney General. Unfortunately, the plaintiff has neither suffered the results of final agency action nor exhausted his administrative remedies. Therefore, whether the matter is characterized as an 80C review or an independent claim, the case is not before this court at this time and it declines jurisdiction in both events.

There is, in fact, a Level III proceeding within the Department wherein the grievances of the plaintiff are to be considered by the Commissioner through his hearing officer. While there has been significant delay, which delay comprises a

major part of the complaint by the plaintiff, nevertheless, the full procedure has not been fully exercised in order to achieve a final agency action.

Insofar as the complaint may be characterized as described in oral argument by the plaintiff as a challenge to the Department's procedures, licensing matters, etc., he has failed to exhaust his administrative remedies and the court declines jurisdiction on that basis as well.

For all the foregoing reasons, the entry will be:

Plaintiff's complaint is DISMISSED without prejudice and without costs.

Dated: August 30, 2000

  
\_\_\_\_\_  
Donald H. Marden  
Justice, Superior Court

Action Other Statutory Actions

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SEP 11 2000

Richard J. Willis vs. Angus S. King, Jr., et als

Plaintiff's Attorney

Richard J. Willis, Pro Se  
19 Ridgeway Circle  
North Waterboro, Maine 04061-9638

Defendant's Attorney

- Leanne Robbin, AAG (King)  
State House Station #6  
Augusta, Maine 04333-0006  
~~Andrew S. Hagler, Esq. (Dept. of Mental Health)~~  
~~State House Station #6~~  
~~Augusta, Maine 04333~~

Date of Entry

- 6/23/00 Complaint, filed. s/Willis, Pro Se (attached exhibits A,B,C)  
Case File Notice mailed to Pro Se Plaintiff
- 6/27/00 Affidavit of Plaintiff on DMHMRSAS Visits on 23 June 2000, filed. s/Willis, Pro Se
- 7/3/00 Returns of service on Gov King, Andrew Ketterer AG Lynn Duby Comm, Kevin Concannon Comm, Richard Estabrook Advocate and Mr Donnell Reg Dir filed.
- 7/17/00 Letter entering appearance, filed. s/Robbin, AAG (filed 7/14/00)  
Defendants' Motion to Dismiss Pursuant to M.R.Civ.P. 12(b)(6), filed. s/Robbin, AAG (filed 7/14/00)  
Defendants' Memorandum in Support of Motion to Dismiss, filed. s/Robbin, AAG (attached exhibits A,B) (filed 7/14/00)  
Proposed Order, filed.
- Letter entering appearance, filed. s/Hagler, AAG  
Motion of DHS and DMHMRSAS to Dismiss Pursuant to M.R.Civ.P. 12(b)(6), filed. s/Hagler, AAG  
Memorandum of DHS and DMHMRSAS in Support of Motion to Dismiss, filed. s/Hagler, AAG  
Notice, filed.  
Proposed Order, filed.  
Affidavit of Service, filed. s/Hagler, Esq.
- 7/25/00 Motion for Summary Judgment, filed. s/Willis, Pro Se  
Proposed Order, filed.  
Plaintiff Motion to Compel Compliance with Maine Freedom of Access Statute, filed. s/Willis, Pro Se  
Plaintiff Motion for Sanctions Against Counsel Robbin and Hagler for the Defendants, filed. s/Willis, Pro Se  
Plaintiff Motion to Stay Administrative Hearing(s) of the Maine Department of Labor, filed. s/Willis, Pro Se  
Plaintiff Opposition to Defendant Motion to Dismiss and Plaintiff Response to Defendant Memorandum of Law in Support of Motion to Dismiss and Proposed Order, filed. s/Willis, Pro Se

Date of  
Entry

Docket No. \_\_\_\_\_

7/27/00

Letter informing the court of error in Motion to Dismiss and Memorandum of Law, filed. s/Hagler, AAG

8/1/00

Request for Production of Documents, filed. s/Willis, Pro Se

8/7/00

Letter from attorney Robbin requesting leave to file motion for stay, filed.

8/8/00

Memorandum in Opposition to Motion for Summary Judgment and Order, filed. s/Robbin, AAG

Memorandum in Opposition to Plaintiff's Motion for Sanctions against Counsel Robbin & Hagler for the Defendants, filed. s/Robbin, AAG.

Defendants' Opposition to Plaintiff's Motion to Compel Compliance with Maine Freedom of Access Statutes, filed. s/Robbin, AAG.

Memorandum in Opposition to Plaintiff's Motion to Stay Administrative Hearings of Maine Department of Labor, filed. s/Robbin, AAG.

Set for hearing on 8/29/00 at 8:30 a.m. on pending motions sent to Pltf. and atty.

8/9/00

Withdrawal of Appearance, filed. s/Hagler, AAG.

Notice of Appearance, filed. s/Robbin, AAG.

Letter from Richard Willis to the Court, filed. s/Willis.

8/14/00

Plaintiff's Response to Opposition to Motion for Summary Judgment, Opposition to Sanctions, Opposition to Compliance with Maine Freedom of Access Statute, Opposition to Stay of Administrative Hearings of Maine Dept. of Labor, Plaintiff's Motion for Further Sanction of Counsel Robbin and Hagler, Plaintiff's Motion for Show Cause Hearing for Contempt and Plaintiff's Memorandum in Opposition to Release of Counsel Hagler Prior To Hearing, Motion for Sanctions, and Show Cause Hearing, filed. s/Willis, Pro Se.

Plaintiff Motion for Sanctions of Defendants and Their Agents, Plaintiff Motion for Sanction of Counsel Robbin and Plaintiff Motion for Show Cause Hearing for Contempt Findings Against Defendants, Agents and Counsel, filed. s/Willis, Pro Se.

8/15/00

Copy of letter from Richard Willis to Valerie Landry and Lynn Duby.

8/16/00

Letter from Court mailed to atty and Pltf.

8/16/00

Defendants' Memorandum in Opposition to Further Sanctions Against Robbin and Hagler, filed. s/Robbin, AAG.

Letter from Richard Willis regarding motion to continue, filed. Attached schedule, filed.

Voided motion to continue, filed.

8/29/00

Hearing had on oral arguments with Hon. Justice Donald Marden, presiding. Tape #540 Index 3771-4837

Richard Willis, Pro Se. Andrew Hagler, AAG for the State.

Oral arguments made to the court.

Court to take matter under advisement.

Date of  
EntryRichard J. Willis V. Angus S. King, Jr., et als <sup>Docket No.</sup> CV00-120

8/30/00

DECISION AND ORDER, Marden, J.  
Plaintiff's complaint is DISMISSED without prejudice and without costs.  
Copies mailed to Pro Se plaintiff and AAG  
Copies mailed to Garbrecht Law Library, Deborah Firestone and Goss.