

A city owned and operated an electric utility that supplied electricity to the city's businesses and residences. Citing the need for efficiency, the city implemented a plan to replace old electric meters with wireless meters in businesses and residences. The city's plan did not include advance notice to property owners or a method to obtain consent from property owners.

A homeowner who opposed the installation of the wireless meters was denied his request for a hearing on the city's plan. The homeowner then blocked the city's access to his house, obstructing the city's effort to replace the old meter. The city responded by threatening to arrest and prosecute the homeowner for disorderly conduct.

The homeowner then sued the city in federal district court, challenging the meter-replacement plan on due process grounds and seeking to enjoin its enforcement. The city moved to dismiss. While the city's motion was pending, the city council passed an emergency ordinance requiring both prior notice and property owner consent before the removal or replacement of any electric meter.

Should the court grant the city's motion?

- A. No, because the city's action is capable of repetition yet evading review.
- B. No, because the city's voluntary cessation of the challenged conduct does not moot the case.
- C. Yes, because the case is moot.
- D. Yes, because the case is not ripe.

Correct

Collecting Statistics

02 mins, 35 secsTime Spent

2023Version

### Explanation:

Federal courts have the power to decide **actual cases and controversies**—ie, disputes that are capable of judicial resolution. An actual case or controversy typically ceases to exist when further legal proceedings would no longer have an effect. This can occur when the plaintiff's **harm has been resolved**—eg, the plaintiff obtained the desired relief. This renders the **plaintiff's claim moot** and requires the court to **dismiss the action**.

Here, the homeowner brought a suit in federal court to enjoin enforcement of the city's meter-replacement plan on **due process** grounds. The homeowner wanted the city to comply with due process by providing him with notice and obtaining his consent before replacing meters on his property. The city council then provided the homeowner with his desired relief through an ordinance requiring such notice and consent. As a result, the case is moot, and the court should grant the city's motion to dismiss.

**(Choice A)** A plaintiff's harm is capable of repetition yet evading review—and his/her claim is therefore not moot—when there is a reasonable chance that the same harm will (1) affect the plaintiff again and (2) not last long enough to be fully litigated. However, the homeowner likely will not suffer the same harm again due to the emergency ordinance's requirements.

**(Choice B)** A defendant's voluntary cessation of the challenged action does moot the case if the defendant cannot reasonably resume the action. And since the ordinance prevents the city from replacing meters without notice and consent, the city's voluntary cessation *does* moot the case.

**(Choice D)** A court will dismiss a suit that is not ripe when filed—ie, when the plaintiff has not suffered actual harm or an imminent threat thereof. The homeowner here suffered an imminent threat of harm when the city threatened to arrest and prosecute him, so his suit was ripe for litigation.

### Educational objective:

An actual case or controversy typically ceases to exist when further legal proceedings would no longer have an effect. This can occur when the plaintiff's harm has been resolved, which renders the plaintiff's claim moot and requires it to be dismissed.

### References

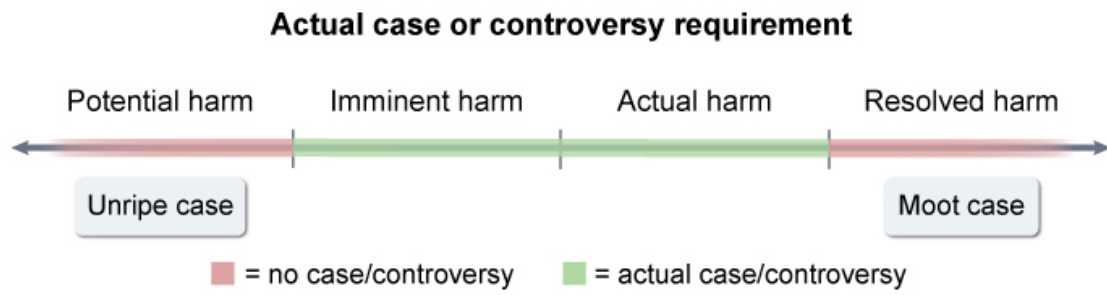
Turner v. Rogers, 564 U.S. 431, 439–40 (2011) (explaining the mootness doctrine and its exceptions).

32 Am. Jur. 2d Federal Courts § 575 (2022) (defining mootness and its exceptions).

U.S. Const. art. III, § 2 (case-or-controversy requirement).

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