

COVENANT HEALTH, INC., et al.

v.

MAINE HUMAN RIGHTS COMMISSION

Argued: May 9, 2022
Decided May 19, 2022

Panel: STANFILL, C.J., and MEAD, JABAR, HUMPHREY, HORTON, CONNORS,
and LAWRENCE, JJ.

MEMORANDUM OF DECISION

Covenant Health, Inc.; Covenant Health Systems; St. Mary's Regional Medical Center; St. Mary's Health System; Christopher Bowe, M.D.; Derek Mittleider, M.D.; Med Kelley, M.D.; and Cindy Brousseau (collectively, Covenant) appeal from a summary judgment entered in the Superior Court (Kennebec County, *Stokes, J.*) in favor of the Maine Human Rights Commission. On appeal, Covenant argues that the trial court erred in concluding that (1) the appellants were not immune from an investigation by the Commission of a professional competence review of Jane Doe, M.D., and (2) the records stemming from the professional competence review of Doe were subject to disclosure to the Commission. Because the Commission voted not to pursue litigation against Covenant (ending the Commission's investigatory process of Covenant without Covenant's participation), Covenant did not provide the Commission with any documents or other information, and the Commission is not in possession of any allegedly confidential information, we dismiss the appeal as moot. *Witham Fam. Ltd. P'ship v. Town of Bar Harbor*, 2015 ME 12, ¶ 7, 110 A.3d 642 (finding an appeal moot because a ruling on a superseded decision would not produce "sufficient practical effects . . . to justify the application of limited judicial

resources” (quotation marks omitted)); *see also In re Christopher H.*, 2011 ME 13, ¶ 11, 12 A.3d 64; *In re Walter R.*, 2004 ME 77, ¶ 9, 850 A.2d 346.

The entry is:

Appeal dismissed.

David Strock, Esq. (orally), and Jonathan Rue, Esq., Littler Mendelson, P.C., Portland, for appellants Covenant Health, Inc., et al.

Barbara Archer Hirsch, Esq. (orally), and Kit Thomson Crossman, Esq., Maine Human Rights Commission, for appellee Maine Human Rights Commission

Kennebec County Superior Court docket number CV-2020-23
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