

OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS

Administrative Cause No.: DHS-1021-002225

Underlying/State Agency Action No.: 760575

Wonderland, Inc.,
Petitioner,

v.

Indiana Department of Homeland Security,
Respondent.



FILE DATED: Oct 21 2021

Order on Motion for Dismissal

On October 15, 2021, Petitioner filed a Petitioner for Review with the Office of Administrative Law Proceedings (“OALP”). The OALP assigned the undersigned Administrative Law Judge (“ALJ”) to preside over this matter on October 19, 2021. On October 20, 2021, Petitioner filed a Motion for Dismissal in which Petitioner requested that the undersigned ALJ dismiss this matter because Petitioner’s claim is moot.¹ Specifically, Petitioner represented that the relief Petitioner requested in Petitioner’s Petition for Review has already been granted.

“A case is moot when no effective relief can be rendered to the parties before the court.” *State ex. re. Indiana State Bar Ass’n v. Northouse*, 848 N.E.2d 668, 673 (Ind. 2006). As represented in Petitioner’s Motion for Dismissal, Petitioner’s claim is moot because the undersigned ALJ can no longer order the relief that Petitioner seeks in Petitioner’s Petition for Review. Therefore, the undersigned ALJ GRANTS Petitioner’s Motion for Dismissal and VACATES all deadlines and events set in this matter.

As provided in the Indiana Fire Prevention and Building Safety Commission’s Standing Order, an OALP ALJ may issue a Final Order when “[t]he Petitioner requests to voluntarily dismiss the administrative review and terminate further proceedings.” Accordingly, this order is a Final Order. Not more than thirty (30) days after the date of receipt of this Final Order, a Party aggrieved by this Final Order may file a petition for judicial review, pursuant to the Indiana Administrative Orders and Procedures Act and subject to same terms, conditions, and standards that govern appeals in ordinary civil actions. IND. CODE § 4-21.5-5-5.

¹ Although Petitioner did not include a certificate of service with the filing, Petitioner filed the motion by an email on which all parties were copied.

SO ORDERED: October 21, 2021



Hon. Caroline A. Stephens Ryker, Administrative Law Judge
Indiana Office of Administrative Law Proceedings
100 North Senate Ave., Room N802
Indianapolis, IN 46204
(317) 234-6689

Distribution List:

The following distribution list includes the names and mailing addresses of all known Parties and other persons to whom notice is being given. IC 4-21.5-3-18.

Scott Seville

Counsel for Petitioner
714 N. Main Street
Crown Point, IN 46307
scott.seville@roseattorneys.com
Via E-Mail

Justin Guedel

Counsel for Respondent
Indiana Department of Homeland Security
302 W. Washington Street, Room E-208
Indianapolis, IN 46204
jguedel@dhs.in.gov
Via Email