

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 14-1082

ROSEMARY SCIARRILLO, by and through her guardians,
Joanne St. Amand and Anthony Sciarrillo; JOYCE BANOS, by and through
her guardian, Peter Banos; CHARLES DAVID CHRISTENSEN, and through his
guardian, Daniel Christensen; ARLEEN BRAUSE, by and through her guardians, Joseph
Fass and Harriet Fass; KENNETH COOPER, by and through his guardian, Minnie
Cooper; VINCENT GALLUCCIO; by and through his guardian, Domenica Galluccio;
RODNEY HAMMOND, by and through his guardian and his brother, Carrie Hammond
and Walter Hammond; SHARON KNAPP; by and through her guardians, Barry Knapp
and Maria Knapp; RICHARD SARAQ; by and through his guardian, Mary Tritt;
CHERYL GORDON; by and through her brother, Joseph Gordon; PETER CANALE,
by and through his guardians, Steven Canale and Maria Canale; LINDA GRAVES;
by and through her parents, Shirley and Billie Graves; DIANE O'BRIEN, by and through
her guardian, Fred O'Brien; THOMAS MARINELLO, by and through his guardians,
Jean Marinello and Jody Sorge; KERR MITCHELL, by and through his guardian,
Juana Mitchell; EUGENE CARR, by and through his guardian Marylyn Carr;
LEAH WRIGHT, by and through her guardian, Elizabeth Wright; JACQUELINE
FRIEDMAN, by and through her guardians, Sam Friedman and Gail Friedman; PAUL
DITTAMO, by and through his mother, Wendy Dittamo; CLAYTON DAVIS, by and
through his guardians, Rose Seyler and Dorothy Davis; STEPHEN SCOTT DYER, by
and through his guardian, Peter Dyer; SUSAN GRIFFIN; by and through her guardian,
Barbara Columbo; EUGENE KESSLER; by and through his guardian, Frances
Finkelstein; PHILIP CONKLING, by and through his guardian, Caroline Conkling;
RALPH GRZYMKOWSKI, by and through his guardians, Dana and Mirek
Grzymkowski; MARY ELLEN SCESA, by and through her guardians, Kathleen and
Louis Scesa; ALICE TUCKER, by and through her guardian Bertha Westbrook;
STEPHANIE ROOTS, by and through her guardian, Marie Reid; KESHA SMITH, by
and through her guardian, Deborah Smith; ANDREW SEKELA, by and through his
guardian, Winifred Sekela; PAUL VACCA, by and through his guardians, Donald and
Theresa Vacca; RALPH VERLEUR, by and through his guardian, Else Verleur,

Appellants

v.

GOVERNOR OF NEW JERSEY; NEW JERSEY DEPARTMENT OF HUMAN

SERVICES; JENNIFER VELEZ, as Commissioner of the New Jersey Department of Human Services; NEW JERSEY DEPARTMENT OF HUMAN SERVICES DIVISION OF DEVELOPMENTAL DISABILITIES; DAWN APGAR, as Deputy Commissioner/Acting Assistant Commissioner of New Jersey Department of Human Services Division of Developmental Disabilities; NORTH JERSEY DEVELOPMENTAL CENTER; WOODBRIDGE DEVELOPMENTAL CENTER

(D.N.J. No. 13-cv-03478)

Present: FISHER, JORDAN and HARDIMAN, *Circuit Judges*

ORDER

At oral argument on September 10, 2014, counsel for Plaintiffs confirmed that North Jersey Developmental Center, one of the two facilities for the developmentally disabled at issue in this appeal, closed before argument. On November 7, 2014, the parties informed the Court in a joint submission that all Plaintiffs who resided at the other facility, Woodbridge Developmental Center, have been transferred to other locations. Because this case concerned a challenge to the planned transfers of Plaintiffs out of these two facilities, it is now moot. *See, e.g., Already, LLC v. Nike, Inc.*, 133 S. Ct. 721, 726 (2013) (“A case becomes moot—and therefore no longer a ‘Case’ or ‘Controversy’ for purposes of Article III—‘when the issues presented are no longer “live” or the parties lack a legally cognizable interest in the outcome.’” (quoting *Murphy v. Hunt*, 455 U.S. 478, 481 (1982) (per curiam))). We will dismiss this appeal accordingly.

By the Court,

s/ Thomas M. Hardiman
Circuit Judge

Dated: November 19, 2014
Tmm/cc: all counsel of record



A True Copy

Marcia M. Waldron

Marcia M. Waldron, Clerk
Certified order issued in lieu of mandate.