IN THE COURT OF APPEALS OF IOWA

No. 9-652 / 09-0173
Filed September 2, 2009

WILLIAM WAYNE GREENFIELD, on Behalf of Himself and All Others Similarly Situated,
Plaintiff-Appellant,

vs.

CITY OF DAVENPORT, IOWA,
Defendant-Appellee.

Appeal from the Iowa District Court for Scott County, Bobbi M. Alpers, Judge.

The plaintiff appeals from the district court order granting the defendant's motion to dismiss. **AFFIRMED.**

John T. Flynn of Brubaker, Flynn & Darland, P.C., Davenport, for appellant.

Thomas D. Warner and Christopher S. Jackson, Davenport, for appellee.

Considered by Sackett, C.J., and Eisenhauer and Doyle, JJ.

EISENHAUER, J.

The question presented for our review is whether the plaintiff, William Wayne Greenfield, has standing to bring suit against the City of Davenport for alleged violations of his constitutional rights stemming from the city's use of an automated traffic enforcement system. The system is used to issue citations to motor vehicle owners who exceed the posted speed limit. Because the district court properly determined Greenfield lacks standing, we affirm the grant of the city's motion to dismiss.

Our review of a district court ruling on a motion to dismiss is for the correction of errors at law. *Rieff v. Evans*, 630 N.W.2d 278, 284 (Iowa 2001). The district court's decision to grant a motion to dismiss is proper only when the petition, on its face, shows no right of recovery under any state of facts. *Id.* We review Greenfield's petition in the light most favorable to him, resolving all ambiguities in his favor. *See id.*

A party must have a sufficient stake, or standing, in an otherwise justiciable controversy to obtain judicial resolution of the controversy. *Citizens for Responsible Choices v. City of Shenandoah*, 686 N.W.2d 470, 475 (Iowa 2004). Three elements determine whether a party has sufficient standing to bring suit:

> First, the plaintiff must have suffered an "injury in fact"—an invasion of a legally protected interest which is (a) concrete and particularized, and (b) "actual or imminent, not 'conjectural' or 'hypothetical.'" Second, there must be a causal connection between the injury and the conduct complained of–the injury has to be "fairly . . . trace[able] to the challenged action of the defendant, and not . . . th[e] result [of] the independent action of some third party not before the court." Third, it must be "likely," as opposed to merely "speculative," that the injury will be "redressed by a favorable decision."

Alons v. Iowa Dist. Ct., 698 N.W.2d 858, 867-68 (Iowa 2005) (quoting *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61, 112 S. Ct. 2130, 2136, 119 L. Ed. 2d 351, 364 (1992)).

The district court found Greenfield failed to show he suffered an actual or imminent injury. Although he had been issued two citations through the city's use of the automated traffic enforcement system, both citations were dismissed. The fact Greenfield had been previously injured did not make it any more likely he would be so injured in the future. *See Godfrey v. State*, 752 N.W.2d 413, 423 (Iowa 2008) ("The important fact is that Godfrey's prior status as a worker who has suffered a prior work-related injury does not make it any more likely that she will suffer another injury in the future.").

The court also found the public interest exception to the mootness doctrine did not confer standing on Greenfield. Mootness refers to cases which no longer present a justiciable controversy because the issues involved have become academic or nonexistent. *Junkins v. Branstad*, 421 N.W.2d 130, 133 (Iowa 1988). Under the public interest exception, moot questions may be addressed where (1) they are of great public importance and (2) are likely to recur. *Rush v. Ray*, 332 N.W.2d 325, 326 (Iowa 1983).

> In determining whether we should review a moot action, we consider four factors. These factors include: (1) the private or public nature of the issue; (2) the desirability of an authoritative adjudication to guide public officials in their future conduct; (3) the likelihood of the recurrence of the issue; and (4) the likelihood the issue will recur yet evade appellate review. The last factor is perhaps the most important factor. If a matter will likely be moot before reaching an appellate court, the issue will never be addressed. Thus, the high likelihood of the issue recurring

> necessarily implies the desirability of an authoritative adjudication on the subject.

State v. Hernandez-Lopez, 639 N.W.2d 226, 234 (Iowa 2002) (citations omitted). The district court concluded that while the issue was likely to recur, it was not likely to evade appellate review. Any time an individual is cited through the automated traffic enforcement system, the individual has the opportunity to a hearing to litigate the constitutional issues raised by Greenfield. If the issues are decided adversely, the individual has the right to appeal and have a determination made by this court or the supreme court. Accordingly, the issue is not likely to evade appellate review.

The district court also rejected Greenfield's claim he has standing to petition for declaratory judgment.

> A declaratory judgment may not be sought against a party who does not hold a concrete adverse legal interest. The question in each case, admittedly one of degree, is whether there is a substantial controversy between parties having antagonistic legal interests of sufficient immediacy and reality to warrant declaratory judgment.

Farm & City Ins. v. Coover, 225 N.W.2d 335, 336 (Iowa 1975). As stated, Greenfield's citations had been dismissed. Accordingly, there is no substantial controversy between the parties of sufficient immediacy to warrant declaratory judgment.

Finally, Greenfield argued that because he has individual standing to bring his claims, he has standing to bring a class action claim as well. The district court rejected his class action claim on the ground Greenfield lacked individual standing to bring his claims. We agree Greenfield lacks standing to bring

individual claims against the city, and therefore he is unable to initiate a class action lawsuit.

We affirm.

AFFIRMED.