

In the Supreme Court of the State of Alaska

Anne P. Mulligan,
Appellant,

v.

Denali Universal Services, Inc.,
Appellee.

Supreme Court No. **S-17980**

Order

Motion to Compel Appellant to
Conform Statement of Points on Appeal
to Appellate Rule 204(e)

Date of Order: **3/16/2021**

Trial Court Case No. **3AN-19-12009CI**

Appellant Anne P. Mulligan filed an appeal of the superior court's entry of final judgment dismissing her claims against Appellee Denali Universal Services, Inc. Denali has moved for an order directing Mulligan to file an amended Statement of Points on Appeal so that Denali can understand the specific issues Mulligan is bringing to this court.

A review of the superior court's final judgment and a related prior summary judgment ruling dismissing Mulligan's defamation claims reflect that the superior court first, in April 2020, granted Denali's motion to dismiss Mulligan's claim that Denali violated the Health Insurance Portability and Accountability Act (HIPAA).¹ Mulligan did not submit a copy of that order with her opening appeal papers. The superior court later, in December 2020, granted Denali's motion for summary judgment motion and dismissed Mulligan's defamation claim against Denali.² This order was submitted with Mulligan's opening appeal papers. In February 2021 the superior court entered final judgment dismissing Mulligan's lawsuit against Denali.

Mulligan's statement of points on appeal states briefly as an introduction that she

¹See Alaska Civil Rule 12(b)(6) (providing that court may dismiss claim if it fails to state a claim upon which relief could be granted).

²See Alaska Civil Rule 56(c) (providing that court may enter judgment in favor of party if there are not disputed issues of material fact and the party is entitled to judgment as a matter of law).

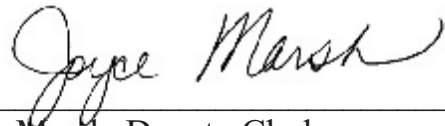
is appealing the superior court's "final judgment entered on December 15, 2020." But the superior court entered its summary judgment order on December 15, 2020. Final judgment was not entered until February 2021. And the several pages of text in Mulligan's statement of points on appeal mentions HIPAA as well as factual statements presumably connected to her defamation claim.

A liberal interpretation of Mulligan's statement of points on appeal reveals two issues on appeal: (1) Did the superior court err as a matter of law by dismissing Mulligan's HIPAA claim against Denali? (2) Were there material facts in dispute, particularly about Mulligan's cell phone records, barring summary judgment, or did the superior court err by concluding Denali was entitled to judgment as a matter of law on uncontested material facts?

IT IS ORDERED: Denali's motion is **GRANTED IN PART:** Mulligan shall, within 30 days (**4/15/2021**), file with the court and serve on Denali a written statement about whether the questions provided above are an accurate description of her points on appeal. If the answer is no, then Mulligan shall in the same written statement explain, in a few sentences for each matter she is raising on appeal, the specific ruling(s) she is appealing, and why she contends the ruling(s) was/were wrong.

Entered at the direction of an individual justice.

Clerk of the Appellate Courts



Joyce Marsh, Deputy Clerk

Distribution:

Mail:
Mulligan, Anne P.

Email:
Mulligan, Anne P.
Vecera, Patricia Anne
Darcy, Chad Thomas