

Note: Decisions of a three-justice panel are not to be considered as precedent before any tribunal.

ENTRY ORDER

SUPREME COURT DOCKET NO. 2002-100

JUNE TERM, 2002

Suzanne Schipper

v.

Daniel T. Quinn

}	APPEALED FROM:
}	
}	Windsor Family Court
}	
}	
}	DOCKET NO. 197-5-96 Wrdrm
}	
}	Trial Judge: Theresa S. DiMauro
}	
}	
}	

In the above-entitled cause, the Clerk will enter:

Daniel T. Quinn appeals from one or more family court orders in this ongoing support proceeding. He contends the court and the Office of Child Support (OCS) violated his rights in numerous respects. We affirm.

This is the third appeal in a longstanding domestic dispute. In Schipper v. Quinn, No. 00-233 (Vt. Jan. 14, 2001), we held that the trial court had erred in granting summary judgment in favor of Quinn's former wife, Suzanne Schipper, in an action to enforce the terms of an addendum to the parties' divorce decree. In Trout v. Quinn, No. 01-524 (Vt. April 17, 2002), we upheld a family court order granting a motion by OCS to withdraw a child-support enforcement petition filed on behalf of the State of Maryland, where Schipper resides.

The current appeal stems from a series of rulings by the family court in response to Quinn's apparent belief that OCS should withdraw from the case. In December 2001, Quinn filed a "motion to enforce dismissal" of OCS. Although it was not actually a party to any enforcement action, as Schipper was not receiving public assistance and had not assigned any interests to OCS, OCS also filed a "request to withdraw" in January 2002. On January 30, the court denied both motions, noting that OCS was not a party. See Cantin v. Young, 170 Vt. 563, 564-65 (1999) (mem.) (holding that OCS was not party to support action where support obligee had not assigned rights). Shortly thereafter, Quinn requested a protective order to seal all documents in the case that had allegedly been obtained through an administrative subpoena. The court denied the request. Quinn then filed a motion to hold OCS in contempt for failing to withdraw from the case. The court denied the motion, noting that it had addressed the issue in its earlier orders. Quinn filed separate notices of appeal from the court's orders denying the motion to seal (the subject of this appeal) and denying the motion for contempt (the subject of a separate pending appeal, Docket No. 2002-135).

Although the notice of appeal in this case is from the order denying the motion to seal, Quinn's pro se brief represents a broadside attack on OCS as unconstitutional and corrupt. Focusing on the motion appealed from, however, we cannot conclude that Quinn is prejudiced by the court's ruling. The information he seeks to seal is held by OCS pursuant to an administrative subpoena, not a judicial subpoena. It appears that Quinn's real desire is to prohibit OCS from ever using the information in the future. In the absence of a showing that OCS improperly used the information, or threatens to do so to Quinn's prejudice, we must conclude that the court acted within its discretion in refusing to address the motion.

Affirmed.

BY THE COURT:

John A. Dooley, Associate Justice

James L. Morse, Associate Justice

Marilyn S. Skoglund, Associate Justice