

LARRY CASEY

v.

SCHOOL ADMINISTRATIVE DISTRICT NO. 43

Submitted on Briefs March 29, 2000
Decided March 31, 2000

Panel: WATHEN, C.J., and CLIFFORD, RUDMAN, DANA, SAUFLEY, and
CALKINS, JJ.

MEMORANDUM OF DECISION

Larry M. Casey, pro se, appeals the summary judgments of the Superior Court (Oxford County, *Perkins, A.R.J.*) granting the defendants' motions against Casey's claims for wrongful termination of his teacher's contract in violation of 20-A M.R.S.A. §§ 13201 & 13202 (1993), intentional infliction of emotional distress, defamation, violation of 42 U.S.C. § 1983 (1994), interference with contractual relations, whistleblower retaliation, and age discrimination brought against defendants Maine School Administrative District No. 43 (M.S.A.D. 43), its superintendent, Danny Michaud, the Maine Education Association (MEA), its general counsel, Sean Keenan, the Mountain Valley Education Association (MVEA), and Ken Murray, a teacher at Mountain Valley High School and a senior member of the MVEA.

In his principal brief, Casey fails to challenge the entry of summary judgment on the following of his claims: (1) intentional infliction of

emotional distress; (2) defamation; (3) interference with contractual relations; (4) violation of 42 U.S.C. § 1983; (5) whistleblower retaliation; and (6) age discrimination. Accordingly, these claims are abandoned. *See Aseptic Packaging Council v. State*, 637 A.2d 457, 462 (Me. 1994); *see also Darling v. Augusta Mental Health Inst.*, 535 A.2d 421, 423 n.1 (Me. 1987); *Maine Real Estate Comm'n v. Kelby*, 360 A.2d 528, 530 n.5 (Me. 1976).

With respect to Casey's remaining claim against Superintendent Michaud and M.S.A.D. 43 for wrongful termination of his teacher's contract, we deem admitted Michaud and M.S.A.D. 43's statement of material facts due to Casey's failure to make record citations in his 7(d) statement of material facts and his failure to respond directly to the numbered paragraphs of the defendants' statement. *See Kezer v. Mark Stimson Assoc.*, 1999 ME 184, 742 A.2d 898, 900 n.1; *Bennett v. Tracy*, 1999 ME 165, ¶ 13, 740 A.2d 571, 574; *Prescott v. State Tax Assessor*, 1998 ME 250, ¶ 6, 721 A.2d 169, 172). We affirm the court's entry of summary judgment on this claim because there is no issue of material fact and the facts, when taken in the light most favorable to Casey, do not support Casey's claim that he was not terminated for "just cause." *See* 20-A M.R.S.A. §§ 13201 & 13202; *see also Paradis v. School Admin. Dist. No. 33 Sch. Bd.*, 446 A.2d 46, 51 (Me. 1982); *Paradis v. School Admin. Dist. No. 33 Sch. Bd.*, 462 A.2d 474, 480 (Me. 1983).

With respect to defendants MEA, Keenan, MVEA, and Murray, Casey contests only the entry of summary judgment on his emotional distress claim. There is no genuine issue of material fact concerning any intentional

and outrageous conduct on the part of these defendants. Thus, the court's entry of summary judgment was proper. *See Vicnire v. Ford Motor Credit Co.*, 401 A.2d 148, 154 (Me. 1979).

The entry is:

Judgment affirmed.

For plaintiff:

Larry M. Casey
6 Cedar Lane
Calais, ME 04619

Attorneys for defendants:

Michael E. Saucier, Esq.
Thompson & Bowie
P O Box 4630
Portland, ME 04112

Justin W. Leary, Esq.
Leonard Sharon, Esq.
Sharon, Leary & DeTroy
P O Box 3130
Auburn, ME 04212