

JILLIAN ANGELILLO

v.

IDEXX LABORATORIES, INC.

Argued November 7, 2018
Decided November 20, 2018

Panel: SAUFLEY, C.J., and ALEXANDER, MEAD, GORMAN, JABAR, and HJELM, JJ.

MEMORANDUM OF DECISION

Jillian Angelillo appeals from a summary judgment entered by the Superior Court (Cumberland County, *Warren, J.*) in favor of IDEXX Laboratories, Inc. (IDEXX) on Angelillo's complaint alleging employment discrimination.¹ Contrary to Angelillo's contention, the court did not err in finding that Angelillo was barred from recovering certain damages in her civil action against IDEXX after the Executive Director of the Maine Human Rights Commission dismissed her complaint administratively for failure to cooperate with its investigation.

Under the Maine Human Rights Act, a plaintiff is barred from recovering attorney fees and civil penal, compensatory, and punitive damages unless she alleges and establishes that, prior to filing a civil action, she first filed a complaint with the Commission, and the Commission then dismissed the case

¹ Although the summary judgment addressed all claims asserted in Angelillo's complaint, she appeals only the aspect of the summary judgment related to her claims for attorney fees and civil penal, compensatory, and punitive damages.

pursuant to section 4612(2).² *See* 5 M.R.S. §§ 4612(2), 4622(1) (2017). Section 4612(2) states that “[i]f the [C]ommission does not find reasonable grounds to believe that unlawful discrimination has occurred, it shall enter an order so finding, and dismiss the proceeding.”

In this case, although the Executive Director of the Commission cited to section 4612(2) when she administratively dismissed Angelillo’s complaint,³ there is no support in the record to suggest that the Commission made a reasonable grounds determination or rendered an order so finding. In fact, the Executive Director specifically noted in her correspondence with Angelillo that without her cooperation, the Commission could not continue with its investigation—thus precluding the Commission from making a reasonable grounds determination. *See* 11 C.M.R. 94 348 002-3 §§ 2.05(F), 2.07 (2013) (explaining that the Commission makes a reasonable grounds determination and issues a statement of finding upon considering the report from the Commission’s investigator, and that report is not made until after the Commission’s investigation is completed).

In the absence of such an order, the court correctly found that the Executive Director’s passing reference to section 4612(2) was insufficient to support a contention that the Commission had made a reasonable grounds determination. Because Angelillo’s case was therefore dismissed administratively, *see* 11 C.M.R. 94 348 002-2 § 2.02(H) (2014), and not pursuant to section 4612(2), attorney fees and civil penal, compensatory, and punitive damages were barred by section 4622(1).

The entry is:

Judgment affirmed.

² Other exceptions to the damage limitation in section 4622(1) are not relevant to this appeal. *See* 5 M.R.S. § 4622(1) (B)-(D) (2017).

³ The Executive Director of the Commission has the authority to dismiss cases administratively pursuant to 11 C.M.R. 94 348 002-2 § 2.02(H) (2014). Reference to section 4612(2) in a dismissal letter is appropriate only when the Commission has investigated a complainant’s discrimination claim, made a reasonable grounds determination that discrimination did not occur, and entered an order dismissing the complaint—not when the Executive Director administratively dismisses the complaint. *See* 5 M.R.S. § 4612(2) (2017); 11 C.M.R. 94 348 002-4 § 2.07 (2013).

Guy D. Loranger, Esq. and Danielle Quinlan, Esq. (orally), Law Office of Guy D. Loranger, Old Orchard Beach, for appellant Jillian Angelillo

Douglas P. Currier, Esq. (orally), and Joanna S. Bowers, Esq., Verrill Dana, LLP, Portland, for appellee IDEXX Laboratories, Inc.

Cumberland County Superior Court docket number CV-2016-371
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