

MICHAEL BELL

v.

REED & REED, INC.

Submitted on Briefs October 24, 2019

Decided November 7, 2019

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

MEMORANDUM OF DECISION

Michael Bell appeals from a summary judgment entered by the Superior Court (Androscoggin County, *MG Kennedy, J.*)¹ in favor of Reed & Reed, Inc., on Bell's complaint alleging illegal discrimination, based on disability, in the termination of his employment. The court did not abuse its discretion or violate Bell's due process rights in granting the motion of his counsel to withdraw. *See Doe v. Tierney*, 2018 ME 101, ¶ 17, 189 A.3d 756; *Bradshaw v. Bradshaw*, 2005 ME 14, ¶ 10, 866 A.2d 839. Nor did the court commit obvious error, violating Bell's due process rights, in then granting Reed & Reed's unopposed motion for summary judgment. *See In re Child of Lacy H.*, 2019 ME 110, ¶ 9, 212 A.3d 320; *Doe*, 2018 ME 101, ¶ 17, 189 A.3d 756; *see also* M.R. Civ. P. 56(h)(4). This is particularly clear given that Bell makes no argument on appeal that he could

¹ Bell failed to move for the justice's recusal as set forth in M.R. Civ. P. 63(b)(2) and failed to identify any evidence of judicial partiality or bias. Thus, the presiding justice did not abuse her discretion in adjudicating the case after Bell filed a document that stated, "I am requesting a new judge." *See Robertson v. Gerakaris*, 2015 ME 83, ¶ 10, 119 A.3d 739; *Schafer v. Schafer*, 2019 ME 101, ¶ 7, 210 A.3d 842.

have presented evidence that he had a valid driver's license and was qualified to hold his position as a crane operator with Reed & Reed at the time his employment was terminated. *Cf. Bradshaw*, 2005 ME 14, ¶¶ 3-4, 11, 866 A.2d 839.

The entry is:

Judgment affirmed.

Gene Sullivan Jr., Esq., Bangor, for appellant Michael Bell

Daniel A. Nuzzi, Esq., and Eamonn R.C. Hart, Esq., Brann & Isaacson, Lewiston,
for appellee Reed & Reed, Inc.

Androscoggin County Superior Court docket number CV-2017-180
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