

KELDA S. ROSE

v.

EASTERN MAINE MEDICAL CENTER et al.

Submitted on Briefs September 29, 2020
Decided October 20, 2020

Panel: MEAD, GORMAN, JABAR, HUMPHREY, HORTON, and CONNORS, JJ.

MEMORANDUM OF DECISION

Kelda S. Rose appeals from a summary judgment entered in the Superior Court (Penobscot County, *Anderson, J.*) in favor of Eastern Maine Medical Center and Acadia Hospital Corporation (the Hospitals) on Rose's complaint alleging disability discrimination. After de novo review of the Superior Court's judgment, we conclude that Rose failed to produce prima facie evidence of at least one element of disability discrimination as to any of her four theories of liability.¹ See 5 M.R.S. § 4572(2) (2020); *Waugh v. Genesis Healthcare LLC*, 2019 ME 179, ¶ 9, 222 A.3d 1063; *Carnicella v. Mercy Hosp.*, 2017 ME 161, ¶ 16, 168 A.3d 768.

¹ We are not persuaded by the Hospitals' contention that Rose lacked standing to pursue the appeal at the time she filed her notice of appeal based on the status of her bankruptcy action, and we therefore deny the Hospitals' motion to dismiss the appeal. See M.R. Civ. P. 25(c); *Emerson v. A. E. Hotels, Inc.*, 403 A.2d 1192, 1193-94 (Me. 1979); 2 Harvey, *Maine Civil Practice* § 25:3 at 614-15 (3d ed. 2011).

The entry is:

Judgment affirmed.

Arthur J. Greif, Esq., Gilbert & Greif, P.A., Bangor, for appellant Kelda S. Rose

Joshua A. Randlett, Esq., Rudman Winchell, Bangor, for appellees Eastern Maine Medical Center and Acadia Hospital Corporation

Penobscot County Superior Court docket number CV-2017-4
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