

RICHARD A. McINNIS et al.

v.

CLAYTON SARGENT et al.

Submitted on Briefs June 13, 2007

Decided July 10, 2007

Panel: SAUFLEY, C.J., and CLIFFORD, ALEXANDER, CALKINS, SILVER,
and MEAD, JJ.

MEMORANDUM OF DECISION

Richard A. McInnis and Mary McInnis appeal from a judgment entered in the Superior Court (Oxford County, *Cole, J.*) granting Clayton and Pauline Sargent's motion for a summary judgment. The McInnises contend that the court erred in granting the Sargents' motions: (1) to strike the McInnises' response to the Sargents' motion for a summary judgment; (2) for a summary judgment on the McInnises' intentional infliction of emotional distress claim; (3) for a summary judgment on the McInnises' injunction from harassment claim; and (4) for a summary judgment on the McInnises' breach of contract claim.

Even considering the facts alleged in the McInnises' response to the Sargents' motion for a summary judgment in the light most favorable to the McInnises, the court did not err in granting summary judgment in favor of the Sargents on the McInnises' claims for intentional infliction of emotional distress and injunction from harassment. *See Bracale v. Gibbs*, 2007 ME 7, ¶ 12, 914 A.2d 1112, 1115. The Sargents' claim for intentional infliction of emotional distress "fails to plead facts that, as a matter of law, exceed all possible bounds of decency in a civilized community." *Halco v. Davey*, 2007 ME 48, ¶ 14, 919 A.2d 626, 631 (citation omitted). The court likewise did not abuse its discretion in determining that, as a matter of law, both parties had breached a settlement agreement and therefore the McInnises were not entitled to injunctive relief. *See Hamm v. Hamm*, 584 A.2d 59, 61-62 (Me. 1990). Furthermore, the court did not err when it granted a summary judgment for both parties on the McInnises' breach of contract claim. *See Bracale*, 2007 ME 7, ¶ 12, 914 A.2d at 1115.

The Sargents' contention that the court erred in denying their special motion to dismiss pursuant to the anti-SLAPP statute, 14 M.R.S. § 556 (2006), is unavailing and does not merit further discussion.

The entry is:

Judgment affirmed.

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