

THOMAS HUCK

v.

MAINE DEVELOPMENT ASSOCIATES et al.

Argued October 13, 2006
Decided May 15, 2007

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

MEMORANDUM OF DECISION

Maine Development Associates appeals from a judgment entered in the Superior Court (Hancock County, *Hjelm, J.*) finding it liable under the Whistleblowers' Protection Act, 26 M.R.S. §§ 831-840 (2006), and awarding Thomas Huck compensatory and punitive damages. Contrary to MDA's contentions, Huck was required to prove that his whistleblowing activities were a substantial factor motivating MDA's decision to terminate his employment. *See Wells v. Franklin Broad. Corp.*, 403 A.2d 771, 773 (Me. 1979); Alexander, *Maine*

* Justice Howard H. Dana Jr. sat at oral argument and participated in the initial conference but retired before this memorandum of decision was certified.

Jury Instruction Manual § 7-40 at 7-42 (4th ed. 2007). The court's jury instructions set forth this standard and thus were not erroneous. *See State v. Maizeroi*, 2000 ME 187, ¶ 10, 760 A.2d 638, 642.

Additionally, contrary to MDA's contentions, the court did not err in denying MDA's request for particular jury instructions, *see Frustaci v. City of Portland*, 2005 ME 101, ¶ 15, 879 A.2d 1001, 1006, and the determination that MDA had more than fourteen employees was supported by sufficient evidence, *see In re Cyr*, 2005 ME 61, ¶ 16, 873 A.2d 355, 360-61.

The entry is:

Judgment affirmed.

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