

ELIZABETH A. MILLER

v.

EASTERN MAINE MEDICAL CENTER

Argued September 16, 2009

Decided October 13, 2009

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

MEMORANDUM OF DECISION

Elizabeth A. Miller appeals from a summary judgment entered in the Superior Court (Penobscot County, *Murphy, J.*) in favor of Eastern Maine Medical Center on Miller's complaint alleging sexual harassment and whistleblower retaliation. Because Miller voluntarily resigned, the court did not err in concluding that there were no material facts in dispute that would support a quid pro quo harassment claim, *see Meritor Sav. Bank, FSB v. Vinson*, 477 U.S. 57, 65-68 (1986) (stating that a plaintiff demonstrates a tangible employment action such as demotion or discharge when proving quid pro quo harassment); or a retaliation claim, *see LePage v. Bath Iron Works Corp.*, 2006 ME 130, ¶ 19, 909 A.2d 629, 635-36 (requiring an adverse employment action such as pay reduction or termination to prove retaliation). Contrary to Miller's contention, the trial court did not err in concluding there were no material facts in dispute that when taken in the light most favorable to Miller would support conduct pervasive or severe enough to constitute a hostile work environment, *Blake v. State*, 2005 ME 32, ¶ 8, 868 A.2d 234, 237-38 (laying out the factors courts must consider in a hostile work environment claim); or constructive discharge, *Pa. State Police v. Suders*, 542 U.S. 129, 147 (2004) (noting that facts that cannot support a hostile work environment claim cannot support a claim for hostile environment constructive discharge).

The entry is:

Judgment affirmed.

Attorneys for Elizabeth Miller:

Julie D. Farr, Esq.
Arthur J. Greif, Esq. (orally)
Gilbert & Greif, P.A.
82 Columbia Street
Bangor, Maine 04402-2339

Attorneys for Eastern Maine Medical Center:

Frank T. McGuire, Esq. (orally)
Brent A. Singer, Esq.
Rudman & Winchell
84 Harlow Street
PO Box 1401
Bangor, Maine 04402-1401