

Slavin v. DHHS, CV-09-79 (Superior Ct. Cumberland County)

✓ 11/20/09

Before the court is a motion to dismiss by the defendant Maine Department of Health and Human Services.


Plaintiff, who is representing herself, did not file a complaint as such. On her civil cover sheet, however, she states that she was verbally mistreated by three employees of DHHS, two in person and once over the phone.

While it sounds as if plaintiff is attempting to bring a claim for intentional infliction of emotional distress, she would have to plead and prove that the defendant's conduct was "extreme and outrageous" and would be regarded as "atrocious and utterly intolerable in a civilized society." Vicnire v. Ford Motor Credit Co., 401 A.2d 148, 154 (Me. 1979); see Champagne v. Mid Maine Medical Center, 1998 ME 87 ¶ 16, 711 A.2d 842, 847 (court may determine that conduct is not sufficiently extreme and outrageous as a matter of law). Plaintiff's allegation that she was mistreated verbally and that DHHS employees did not respect her falls short under this standard. In her opposition to the motion plaintiff has elaborated on the alleged circumstances but what she has alleged – loud voices, indecent language, and accusatory words – is not sufficient to state a claim for intentional infliction of emotional distress.

The entry shall be:

Defendant's motion to dismiss is granted. The clerk is directed to incorporate this order in the docket by reference pursuant to Rule 79(a).

Dated: September 25, 2009



Thomas D. Warren
Justice, Superior Court

2009 SEP 25 P 1:47
CLERK'S OFFICE

= COURTS
nd County
ox 287
ie 04112-0287

MARIA CECILIA SLAVIN
150 SKILLINGS STREET
SO PORTLAND ME 04106

Plaintiff

= COURTS
nd County
ox 287
ie 04112-0287

JEFFREY FORTIN AAG
6 STATE HOUSE STATION
AUGUSTA ME 04333

Defendant