

No. 92-065

IN THE SUPREME COURT OF THE STATE OF MONTANA

1992

ROBERT BENTON,

Plaintiff and Appellant,

-vs-

LORELLE ADAMS and MARY SCHULZE,

Defendants and Respondents.

APPEAL FROM: District Court of the Third Judicial District,
In and for the County of Powell,
The Honorable Ted L. Mizner, Judge presiding.

COUNSEL OF RECORD:

For Appellant:

Robert Benton, Pro Se, Deer Lodge, Montana

For Respondent:

Norman, C. Peterson, Agency Legal Services Bureau,
Helena, Montana

FILED

Submitted on Briefs: June 4, 1992

JUN 30 1992

Decided: June 30, 1992

Filed:

Ed Smith
CLERK OF SUPREME COURT
STATE OF MONTANA

Ed Smith
Clerk

Chief Justice J.A. Turnage delivered the Opinion of the Court.

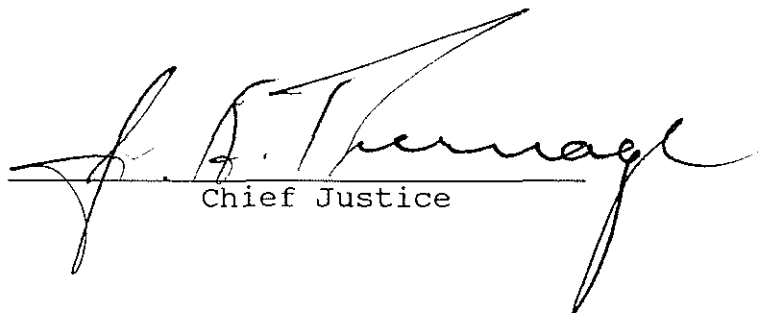
Robert Benton (Benton) appeals an order of the Third Judicial District, Powell County, which dismissed his complaint for failure to state a claim against Lorelle Adams (Adams) and Mary Schulze (Schulze), employees of the Montana Department of Family Services. We affirm.

We consolidate the issues presented on appeal to the following:

Did the District Court err when it dismissed Benton's complaint alleging defamation and invasion of privacy against Adams and Schulze?

On August 12, 1991, Benton filed a complaint against Adams and Schulze alleging defamation and invasion of privacy based on a letter Adams wrote to Benton's girlfriend. Benton's sole claim against Schulze is that she is Adams' supervisor. Following a review of the record, we hold that the District Court properly dismissed Benton's complaint for failure to state a claim.

Pursuant to Section I, Paragraph 3(c), Montana Supreme Court Operating Rules, this decision shall not be cited as precedent and shall be published by its filing as a public document with the Clerk of this Court and by a report of its result to West Publishing Company.


Chief Justice

We concur:

John Conway Harrison

William Hunter

Karla M. Gray

[Signature]
Justices

June 30, 1992

CERTIFICATE OF SERVICE

I hereby certify that the following order was sent by United States mail, prepaid, to the following named:

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ED SMITH
CLERK OF THE SUPREME COURT
STATE OF MONTANA

BY: 

Deputy