

DA 21-0228

IN THE SUPREME COURT OF THE STATE OF MONTANA

2022 MT 22N

PETER GRIGG,

Plaintiff and Appellant,

v.

ST. JOHN'S LUTHERAN HOSPITAL,
d/b/a CABINET PEAKS MEDICAL CENTER,

Defendant and Appellee.

APPEAL FROM: District Court of the Nineteenth Judicial District,
In and For the County of Lincoln, Cause No. DV-20-213
Honorable Matthew J. Cuffe, Presiding Judge

COUNSEL OF RECORD:

For Appellant:

Peter C. Grigg, Self-Represented, Kalispell, Montana

For Appellee:

Tracey Neighbor Johnson, Alison R. Potts, Boone Karlberg P.C., Missoula,
Montana

Submitted on Briefs: January 12, 2022

Decided: January 25, 2022

Filed:


Clerk

Justice Laurie McKinnon delivered the Opinion of the Court.

¶1 Pursuant to Section I, Paragraph 3(c), Montana Supreme Court Internal Operating Rules, this case is decided by memorandum opinion and shall not be cited and does not serve as precedent. Its case title, cause number, and disposition shall be included in this Court's quarterly list of noncitable cases published in the Pacific Reporter and Montana Reports.

¶2 Appellant and Plaintiff Peter C. Grigg (Grigg), representing himself, appeals an order entered May 3, 2021, in the Nineteenth Judicial District Court, Lincoln County, granting judgment to Defendant and Appellee St. John's Lutheran Hospital, doing business as Cabinet Peaks Medical Center (Cabinet Peaks). Grigg was previously employed as a Critical Care Paramedic at Cabinet Peaks. The District Court determined that Grigg's wrongful discharge claim was barred by the statute of limitations and granted Cabinet Peaks' Motion for Judgment on the Pleadings. This case involves whether Grigg filed his complaint for wrongful termination outside the applicable period of limitations.¹ We affirm.

¶3 On April 11, 2019, Grigg was terminated from Cabinet Peaks. Grigg filed a grievance regarding his termination on April 14, 2019. On April 22, 2019, Cabinet Peaks' Chief Executive Officer denied Grigg's grievance. Grigg filed his Complaint on November 9, 2020, almost nineteen months after Cabinet Peaks' final decision.

¹ Grigg also asserts that the District Court judge should not have presided over these proceedings due to a conflict of interest. Absent any supporting authority or adequate discussion, we will not address this issue on appeal.

¶4 We review a decision on a motion for judgment on the pleadings for correctness. *Hedges v. Woodhouse*, 2000 MT 220, ¶ 8, 301 Mont. 180, 8 P.3d 109. The party moving for a judgment on the pleadings under M. R. Civ. P. 12(c), must establish that there is no issue of material fact and that it is entitled to judgment as a matter of law. *Hedges*, ¶ 8.

¶5 Section 39-2-911(1), MCA, provides that an action for wrongful discharge “must be filed within 1 year after the date of discharge.” Cabinet Peaks’ final decision was made on April 22, 2019. Accordingly, Grigg’s Complaint, at the latest, should have been filed by April 22, 2020. Grigg maintains that he was terminated without being allowed his 30-day disciplinary probation period and was denied progressive discipline as provided for in Cabinet Peaks’ internal complaint procedure. However, even assuming Grigg’s allegations are true and that the applicable period of limitations was tolled for some period of time under § 39-2-911(2), MCA, Grigg still failed to timely file his complaint in the District Court. As the District Court noted, while the time to bring a wrongful discharge claim can be tolled pending completion of an employer’s internal procedures under § 39-2-911(2), MCA, the internal procedures were completed on April 22, 2019, when Cabinet Peaks denied Grigg’s grievance.

¶6 Under § 39-2-911(1), MCA, actions for wrongful termination from employment must be brought within one year of termination of employment. *Turner v. City of Dillon*, 2020 MT 83, ¶ 17, 399 Mont. 481, 461 P.3d 122. We conclude the District Court correctly decided that Grigg’s claim for wrongful discharge was barred by the applicable statute of limitations.

¶7 We have determined to decide this case pursuant to Section I, Paragraph 3(c) of our Internal Operating Rules, which provides for memorandum opinions. In the opinion of the Court, the case presents a question controlled by settled law or by the clear application of applicable standards of review.

¶8 Affirmed.

/S/ LAURIE McKINNON

We concur:

/S/ MIKE McGRATH
/S/ JAMES JEREMIAH SHEA
/S/ BETH BAKER
/S/ INGRID GUSTAFSON