

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

ELISA E. PUNO,)
)
Plaintiff,)
)
v.) Civil No. 06-106-B-W
)
MOUNT DESERT ISLAND)
HOSPITAL,)
)
Defendant.)

**ORDER AFFIRMING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge filed with the Court on June 28, 2007 her Recommended Decision. The Defendant filed its objections to the Recommended Decision on July 11, 2007 and the Plaintiff filed her response to those objections on July 26, 2007. I have reviewed and considered the Magistrate Judge’s Recommended Decision, together with the entire record; I have made a de novo determination of all matters adjudicated by the Magistrate Judge’s Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision, and determine that no further proceeding is necessary.¹

¹ The magistrate judge noted there is ambiguity in the Complaint as to whether the Plaintiff is asserting a claim of wrongful termination and/or retaliation pursuant to federal law and she invited the parties to discuss this omission in their objections. The Defendant’s objection and the Plaintiff’s response assume that Plaintiff is maintaining the federal claims, which they address on the merits. Because the Defendant concedes that the Plaintiff expressly pleaded such claims, the Court is proceeding on this understanding. Even though Federal Rule of Civil Procedure 8 requires only a “short and plain statement of the claim,” it would have been helpful if the Complaint had been more explicit as to which claims the Plaintiff is making. Here, the Complaint asserts under Count I a generic claim of “employment discrimination,” alleging a violation of unnamed “federal statutory rights;” by contrast, Counts II and III specify the state statutes under which the Plaintiff is proceeding. The magistrate judge’s perceptive confusion about what was being alleged could have been easily obviated by a more carefully drafted Complaint. As to the merits, for the same reasons articulated in the Recommended Decision’s analysis of the WPA claim, the claims alleging wrongful discharge and retaliation pursuant to federal law are sufficient to survive summary judgment.

1. It is therefore ORDERED that the Recommended Decision of the Magistrate Judge is hereby AFFIRMED.
2. It is further ORDERED that the Defendant's Motion for Summary Judgment (Docket # 7) be and hereby is DENIED.

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 14th day of August, 2007

Plaintiff

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