

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

ROXANNE DOYER,)
)
 Plaintiff,)
)
 v.) 2:14-cv-00025-JAW
)
 RSU 16, et al.,)
)
 Defendants.)

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

On April 23, 2014, the Magistrate Judge filed with the Court his Recommended Decision. *Recommended Decision on Mot. to Dismiss* (ECF No. 10) (*Recommended Decision*). Ms. Doyer filed an objection to the Recommended Decision on May 12, 2014. *Objection Mem. to Portion of Magistrate Judge's Report* (ECF No. 11) (*Objection*). The Defendants responded on May 21, 2014, requesting that the Court adopt the Recommended Decision in full. *Defs.' Resp. to Pl.'s Objection to the Magistrate Judge's Report and Recommendation* (ECF No. 12). The Court has reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record. The Court has made a *de novo* determination of all matters adjudicated by the Magistrate Judge's Recommended Decision and the Court concurs with the recommendations of the United States Magistrate Judge for the reasons set forth in his Recommended Decision. The Court determines no further proceeding is necessary.

In her objection, Ms. Doyer describes the Magistrate Judge’s decision as “thorough and thoughtful.” *Objection* at 1. The Court agrees; nevertheless, the Court will address Ms. Doyer’s specific objections. In the Court’s view, the Magistrate Judge is correct for the reasons he described in detail. The Magistrate Judge concluded that the Plaintiff’s Amended Complaint fails to state a claim for which relief can be granted on all claims except for her (1) claim of First Amendment retaliation in violation of 42 U.S.C. § 1983 and (2) claim of defamation; thus, the Magistrate Judge recommended that all claims—except the latter two—be dismissed. *Recommended Decision* at 11. Ms. Doyer’s primary objection to the Magistrate Judge’s recommendation of dismissal for “all other claims” errs because it confuses protected class with protected activity. *Objection* at 2-6. While Ms. Doyer correctly notes that “the Magistrate state[d] the Plaintiff was not a member of the protected *classes*” under Title VII and Maine Human Rights Act (MHRA), *id.* at 2 (emphasis added), she proceeds to argue that the Amended Complaint properly states a claim under these statutes because she has demonstrated that she engaged in protected *activities*. *Id.* at 2-6. Ms. Doyer’s focus misses the point: Ms. Doyer’s Amended Complaint cannot be reasonably construed to allege that she was a member of a protected class, and only protected class membership triggers the protections afforded under the Title VII and MHRA claims that she brought. Therefore, Ms. Doyer’s objection fails.¹

¹ Ms. Doyer also objects to the Magistrate Judge’s recommendation that individual Defendant Dennis Duquette is entitled to dismissal of both the Title VII and MHRA claims because neither statute authorizes individual liability. *Objection* at 6 (citing *Recommended Decision* at 8). As part of this Court’s *de novo* review, it concurs with the Magistrate Judge’s analysis and conclusion on this issue.

For the reasons in the Magistrate Judge's Recommended Decision and the reasons set forth herein, the Court overrules Roxanne Doyer's objection to the Recommended Decision of the Magistrate Judge and AFFIRMS the Magistrate Judge's Recommended Decision (ECF No. 10). It is further ORDERED that the Defendants' Motion to Dismiss (ECF No. 4) be and hereby is GRANTED in part and DENIED in part as set out in the Magistrate Judge's recommended decision and this order.

SO ORDERED.

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

Dated this 18th day of August, 2014

Plaintiff

ROXANNE DOYER

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V.

Defendant

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