

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MAINE

Seth Carey v. Sunday River Skiway et al.

Carey · No. 2:25-cv-00384-SDN · Decided March 10, 2026

SUMMARY

The United States District Court for the District of Maine affirmed a magistrate judge’s recommended decision and dismissed Seth Carey’s complaint against Sunday River Skiway and Darren Tripp. The court held that the complaint failed to plausibly state claims under the ADA and Maine Human Rights Act, Title VII, Maine’s fair-chance employment law, or claims for intentional and negligent infliction of emotional distress. The court overruled Carey’s objection and adopted the recommended decision in full.

CASE DETAILS

COURT	United States District Court for the District of Maine
WRITING FOR THE COURT	Stacey D. Neumann
JURISDICTION	United States District Court for the District of Maine
DECIDED	March 10, 2026
DOCKET	2:25-cv-00384-SDN
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed de novo a magistrate judge's recommended decision recommending dismissal of the complaint for failure to state a claim. The court overruled Carey's objection, adopted and affirmed the recommended decision, and dismissed the complaint.
STANDARD OF REVIEW	De novo review of the magistrate judge's recommended decision; sufficiency of the complaint assessed under the plausibility standard, requiring nonconclusory and nonspeculative factual allegations that plausibly narrate a claim for relief.
PRECEDENTIAL VALUE	Unknown; district court order with no stated precedential status.
PARTIES	Seth Carey v. Sunday River Skiway, Darren Tripp

TOPICS

- motions to dismiss
- civil procedure
- ada discrimination
- employment discrimination
- torts

PRACTICE AREAS

civil procedure

employment law

civil rights

torts

QUESTIONS PRESENTED

1. Whether Carey alleged sufficient nonconclusory and nonspeculative facts to state plausible claims under the ADA and MHRA based on alleged disability discrimination and refusal to rehire.
2. Whether Title VII provides a cause of action for employment discrimination based on disability status or criminal history.
3. Whether Carey's allegations that defendants refused to rehire him stated claims for intentional or negligent infliction of emotional distress under Maine law.
4. Whether Maine's Fair Chance in Employment statute, 26 M.R.S.A. § 600-A, completely prohibits employers from considering an applicant's criminal history.
5. Whether the magistrate judge's recommended dismissal should be adopted after de novo review of Carey's general objection.

HOLDINGS

1. Carey failed to allege sufficient nonconclusory and nonspeculative facts to plausibly state claims for relief under either the ADA or the MHRA.
2. Title VII does not treat disability status or criminal history as protected classes for employment-discrimination purposes; Carey therefore failed to state a Title VII claim based on those characteristics.
3. Carey failed to state claims for intentional infliction of emotional distress or negligent infliction of emotional distress under Maine law.
4. Maine's Fair Chance in Employment statute does not completely prohibit an employer from considering an applicant's criminal history, and Carey failed to state a claim under 26 M.R.S.A. § 600-A.

KEY QUOTATIONS

“Even when considering this Court’s duty to liberally construe Mr. Carey’s pleadings as a pro se plaintiff, see Erickson v. Pardus, 551 U.S. 89, 94 (2007), I find he has failed to state sufficient “non-conclusory, non-speculative factual allegations” to “plausibly narrate a claim for relief.”” (Discussion)

“Mr. Carey has provided no authority to support the proposition that Defendants’ conduct in refusing to rehire him amounts to conduct “so extreme and outrageous as to exceed all possible bounds of decency” nor that he suffered emotional distress “so severe that no reasonable person could be expected to endure it.”” (Discussion)

FACTUAL BACKGROUND

Carey alleged that Sunday River Skiway and its head of security, Darren Tripp, took adverse employment actions against him, ultimately resulting in termination, and later refused to rehire him. He attributed the alleged discrimination primarily to his ADHD and also alleged that defendants considered his criminal history, including

a misdemeanor guilty plea and pending felony charges. He sought injunctive and monetary relief and asserted statutory employment-discrimination and state tort claims.

PROCEDURAL HISTORY

Carey brought claims under the Americans with Disabilities Act, the Maine Human Rights Act, Title VII, the Maine Fair Chance in Employment statute, and state tort law based primarily on alleged disability discrimination and refusal to rehire him. On November 3, 2025, the magistrate judge recommended dismissal of all claims for failure to state a claim. Carey objected, but his objection did not identify specific errors in the recommended decision and instead asserted additional factual allegations. After de novo review, the district court adopted and affirmed the recommendation and dismissed the complaint.

DISPOSITION

dismissed

CASES CITED

- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Humana Inc. v. Biogen, Inc., 126 F.4th 94, 103 (1st Cir. 2025)
- Cheng v. Neumann, 51 F.4th 438, 443 (1st Cir. 2022)
- Lougee Conservancy v. CitiMortgage, Inc., 48 A.3d 774, 784 (Me. 2012)
- Lyman v. Huber, 10 A.3d 707, 711 (Me. 2010)
- Estrella v. PNF Realty, Inc., No. 1:25-cv-00250, 2026 WL 472959, at *6 n.4 (D. Me. Feb. 26, 2026)
- Reynoso v. Dejoy, 757 F. Supp. 3d 190, 193-94 (D.P.R. 2024)

OPINION

CAREY

PER CURIAM.

UNITED STATES DISTRICT COURT

DISTRICT OF MAINE

SETH CAREY,)

) Plaintiff,)) v.) 2:25-cv-00384-SDN) SUNDAY RIVER SKIWAY et al.,)) Defendants.)

ORDER

In this matter, Plaintiff Seth Carey brings a variety of claims under the Americans with Disabilities Act (“ADA”), the Maine Human Rights Act (“MHRA”), Title VII of the Civil Rights Act (“CRA”), and state tort law against his former employer, Sunday River Skiway, and its head of security, Darren Tripp (collectively, the “Defendants”). Mr. Carey’s claims arise from alleged disability discrimination and adverse employment actions taken by Defendants based on his ADHD.¹ On November 3, 2025, the Magistrate Judge recommended the Court dismiss Mr. Carey’s complaint for failure to state a claim for all counts alleged. ECF No. 5. Mr. Carey

subsequently objected to the Recommended Decision. ECF No. 6. I have reviewed and conducted a de novo review of the Magistrate Judge's Recommended Decision. For the following reasons, I AFFIRM the Recommended Decision and DISMISS the Complaint.

BACKGROUND

Mr. Carey seeks both injunctive and monetary relief based on Defendants "taking adverse employment actions against him ultimately resulting in the wrongful termination 1 In his attached Memorandum of Law, Mr. Carey further alleges that Defendants discriminated against him and refused to rehire him on the basis of his criminal history. See ECF No. 1 at 19–23. of his employment." ECF No. 1 at 1, 23–24. In his Complaint, Mr. Carey alleges numerous facts regarding his ADHD diagnosis, his long employment history at Sunday River Skiway, and Defendants' refusal to rehire him after his previous guilty plea to misdemeanor charges and other pending felony charges in 2022. See *id.* at 3–4, 23. In her Recommended Decision, the Magistrate Judge recommends dismissing Mr. Carey's complaint on multiple grounds. First, Mr. Carey has failed to state a plausible claim under the Twombly/Iqbal standard for claims brought under the ADA and MHRA. ECF No. 5 at 1–2. Second, Mr. Carey has failed to state a claim under Title VII of the CRA, which does not include criminal history (or disability status) as a protected class. *Id.* at 2. Third, Mr. Carey's tort claims for Intentional Infliction of Emotional Distress (IIED) and Negligent Infliction of Emotional Distress (NIED) fail because "he has not alleged facts showing that Sunday River engaged in extreme or outrageous conduct or that it owed him a duty of care." *Id.* Finally, Mr. Carey has also failed to state a claim under the Maine state law "An Act Relating to Fair Chance in Employment" because the law does not forbid an employer from considering an applicant's criminal history. *Id.* at 3.

DISCUSSION

Mr. Carey's objection to the Recommended Decision does not state specific objections to the Magistrate Judge's legal reasoning or conclusions, aside from a general objection that "it appears that the magistrate failed to read or consider the Plaintiff's Facts or Memorandum of Law," which "addresses and overcomes the magistrate's contention" that he has failed to state any viable claim for relief. ECF No. 6 at 1–2. Mr. Carey bases this objection on "the fact that the magistrate only referred to Complaint counts and nothing else." *Id.* at 1. The remainder of Mr. Carey's objection consists of additional factual allegations regarding the conduct of Mr. Tripp, Sunday River Skiway's employment policies, and speculation regarding its decision not to rehire Mr. Carey. See *id.* at 2–8. As an initial matter, I find the Magistrate Judge's Recommended Decision is well-reasoned and supported by the entire record, including Mr. Carey's supporting Memorandum. Upon my de novo review, I affirm the Magistrate Judge's conclusion that Mr. Carey has failed to allege adequate facts to support a claim for relief under either the ADA or MHRA. Even when considering this Court's duty to liberally construe Mr. Carey's pleadings as a pro se plaintiff, see *Erickson v. Pardus*, 551 U.S. 89, 94 (2007), I find he has failed to state sufficient "non-conclusory, non-speculative factual allegations" to "plausibly narrate a claim for relief." *Humana Inc. v.*

Biogen, Inc., 126 F.4th 94, 103 (1st Cir. 2025) (quoting Cheng v. Neumann, 51 F.4th 438, 443 (1st Cir. 2022)). For similar reasons, I agree with the Magistrate Judge that Mr. Carey’s claims for Intentional Infliction of Emotional Distress (IIED) and Negligent Infliction of Emotional Distress (NIED) each fail to state a claim upon which relief can be granted. Mr. Carey has provided no authority to support the proposition that Defendants’ conduct in refusing to rehire him amounts to conduct “so extreme and outrageous as to exceed all possible bounds of decency” nor that he suffered emotional distress “so severe that no reasonable person could be expected to endure it.” Lougee Conservancy v. CitiMortgage, Inc., 48 A.3d 774, 784 (Me. 2012) (quoting Lyman v. Huber, 10 A.3d 707, 711 (Me. 2010)).² I likewise concur with the Magistrate Judge’s conclusion that Mr. Carey has failed to state a claim for relief under Title VII of the CRA, which does not include either disability status or criminal history as a protected class for employment discrimination.² When sitting in diversity, federal courts apply the substantive law of the forum state. Estrella v. PNF Realty, Inc., No. 1:25-cv-00250, 2026 WL 472959, at *6 n.4 (D. Me. Feb. 26, 2026). purposes. See 42 U.S.C. § 2000e-2(a)) (“It shall be an unlawful employment practice for an employer . . . to fail or refuse to hire or to discharge any individual . . . because of such individual’s race, color, religion, sex, or national origin.”); see also Reynoso v. Dejoy, 757 F. Supp. 3d 190, 193–94 (D.P.R. 2024) (dismissing Title VII employment discrimination claim where plaintiff failed to allege membership in protected class). Finally, I affirm the Magistrate Judge’s conclusion dismissing Mr. Carey’s claim under 26 M.R.S.A. § 600-A (“An Act Relating to Fair Chance in Employment”) and reject Mr. Carey’s argument that the state law contemplates a complete prohibition on employers from considering a job applicant’s criminal history. See 26 M.R.S.A. § 600-A

CONCLUSION

Following my de novo review, for the foregoing reasons and for those already explained in the Magistrate Judge’s Recommended Decision, Mr. Carey’s objection, ECF No. 6, is **OVERRULED**. The Recommended Decision, ECF No. 5, is **ADOPTED** and **AFFIRMED** in its entirety. Accordingly, Mr. Carey’s complaint, ECF No. 1, is **DISMISSED**. **SO ORDERED**. Dated this 10th day of March, 2026. /s/ Stacey D. Neumann

UNITED STATES DISTRICT JUDGE