

SUPREME JUDICIAL COURT OF MAINE

Nadeau v. State

395 A.2d 107 (Me. 1978) · Decided December 1, 1978

SUMMARY

The Maine Supreme Judicial Court held that a private resolve authorizing Louis Nadeau to sue the State waived sovereign immunity but did not create a new cause of action for unjust conviction and imprisonment. The court concluded that the resolve did not violate Maine’s equal protection or special legislation clauses because Nadeau’s circumstances were materially unique. Although the trial court improperly converted the State’s motion to dismiss into summary judgment without providing the required notice and opportunity to respond, the error was harmless because the complaint failed to state a cognizable claim, including for false imprisonment, malicious prosecution, abuse of process, or violation of the right to counsel.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Delahanty, Justice; Dufresne, C.J.; Pomeroy, J.; Wernick, J.; Archibald, J.; Delahanty, J.; Weatherbee, J., sat at argument and conference but died before adoption; Dufresne, A. R. J., sat at argument and conference but retired before adoption
JURISDICTION	Maine
DECIDED	December 1, 1978
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from a three-justice Superior Court panel's conversion of the State's motion to dismiss under Maine Rule of Civil Procedure 12(b)(6) into summary judgment for the State.
STANDARD OF REVIEW	The court reviewed de novo whether the complaint stated a claim, construing the pleadings in the plaintiff's favor and resolving doubts in his favor. It also reviewed whether conversion of the Rule 12(b)(6) motion into a Rule 56 motion complied with the notice and reasonable-opportunity requirements of Rule 56.
PRECEDENTIAL VALUE	Published opinion of the Supreme Judicial Court of Maine; precedential.
PARTIES	Louis Nadeau v. State of Maine

TOPICS

motions to dismiss

summary judgment

civil procedure

equal protection

appellate procedure

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the 1969 private resolve created a new cause of action for unjust conviction and imprisonment or merely waived sovereign immunity for otherwise cognizable claims.
2. Whether the private resolve violated the Maine Constitution's equal protection and special legislation provisions.
3. Whether the Superior Court properly converted the State's Rule 12(b)(6) motion into a Rule 56 motion and granted summary judgment without providing reasonable notice and opportunity to present materials.
4. Whether Nadeau's complaint stated claims for false imprisonment, malicious prosecution, abuse of process, or injury based on denial of the Sixth Amendment right to counsel.
5. Whether the case should be dismissed with or without prejudice and whether Nadeau should receive leave to amend.

HOLDINGS

1. The private resolve did not create a special cause of action for unjust conviction and imprisonment; it waived sovereign immunity and permitted Nadeau to pursue only causes of action otherwise cognizable under Maine law.
2. The private resolve did not violate the Maine Constitution's equal protection clause or special legislation clause because the unusual facts presented a rational and constitutionally permissible basis for waiving sovereign immunity in Nadeau's case.
3. The Superior Court erred by converting the Rule 12(b)(6) motion into a Rule 56 motion and granting summary judgment without showing that Nadeau knew summary judgment was under consideration or received the required reasonable opportunity to submit materials.
4. The complaint failed to state a cognizable cause of action under the asserted theories of unjust conviction and imprisonment, false imprisonment, malicious prosecution, abuse of process, or a direct or respondeat-superior claim based on denial of the Sixth Amendment right to counsel.
5. The summary judgment order had to be vacated, the complaint had to be dismissed under Rule 12(b)(6), and Nadeau had to be given an opportunity to amend if the complaint could be amended to state a valid claim.

KEY QUOTATIONS

“Although we expressly disapprove of plaintiff's negligence in the preparation of the record, we will consider

the appeal because the appropriate documentation is before us, albeit improperly.” (at 115)

“Unless the parties knew that the 12(b)(6) motion was being considered as one for summary judgment, “reasonable opportunity” should include ten days’ notice to the parties (M.R.Civ.P. 56(c)) so that they will have the opportunity to furnish the court with additional materials.” (at 115-16)

“Under the instant circumstances, the plaintiff should have the opportunity to amend his complaint, if amendable, subject to such time limitations as may be imposed by the panel.” (at 118)

FACTUAL BACKGROUND

Nadeau was accused of murder, signed a confession at the Biddeford Police Department, and entered a guilty plea at a 1949 probable-cause hearing without counsel. He was later convicted and sentenced to life imprisonment, but his conviction was reversed after the Supreme Court held that the right to counsel attached at the probable-cause hearing and applied that rule retroactively. The State declined to retry him and released him; a 1969 Maine private resolve authorized him to sue the State for damages.

PROCEDURAL HISTORY

Nadeau sued the State of Maine under a 1969 private resolve authorizing suit for damages arising from alleged constitutional violations. The Superior Court panel treated the State’s Rule 12(b)(6) motion as a Rule 56 motion and entered summary judgment for the State. The Supreme Judicial Court held that the conversion and entry of summary judgment were procedurally erroneous, but concluded that the complaint failed to state a cognizable claim and directed dismissal with leave to amend.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Superior Court panel was instructed to vacate the order granting summary judgment, enter judgment dismissing the complaint for failure to state a cause of action under M.R.Civ.P. 12(b)(6), and grant Nadeau leave to amend subject to appropriate limitations.

CASES CITED

- Nadeau v. State, 247 A.2d 113 (Me. 1968)
- Nadeau v. State, 232 A.2d 82 (Me. 1967)
- Nadeau v. State, 159 Me. 260, 191 A.2d 261 (1963)
- Look v. State, 267 A.2d 907 (Me. 1970)
- Davies v. City of Bath, 364 A.2d 1269 (Me. 1976)
- State v. Longley, 119 Me. 535, 112 A. 260 (1921)
- Lewis v. Webb, 3 Me. 326 (1825)
- Durham v. Lewiston, 4 Me. 140 (1826)

- *Milton v. Bangor Railway & Electric Co.*, 103 Me. 218, 68 A. 826 (1907)
- *Opinion of the Justices*, 157 Me. 104, 170 A.2d 647 (1961)
- *Maine Pharmaceutical Association v. Board of Commissioners*, 245 A.2d 271 (Me. 1968)
- *Portland Pipeline Corp. v. Environmental Improvement Commission*, 307 A.2d 1 (Me. 1973)
- *Verreault v. City of Lewiston*, 150 Me. 67, 104 A.2d 538 (1954)
- *Tough v. Ives*, 162 Conn. 274, 294 A.2d 67 (1972)
- *Cox v. State*, 134 Neb. 751, 279 N.W. 482 (1938)
- *Austin W. Jones Co. v. State*, 122 Me. 214, 119 A. 577 (1923)
- *Dayco Corp. v. Goodyear Tire & Rubber Co.*, 523 F.2d 389 (6th Cir. 1975)
- *Gutierrez v. El Paso Community Action Program*, 462 F.2d 121 (5th Cir. 1972)
- *Spickler v. Carzis*, 349 A.2d 173 (Me. 1975)
- *Conley v. Gibson*, 355 U.S. 41 (1957)
- *Doane v. Pine State Volkswagen, Inc.*, 377 A.2d 481 (Me. 1977)
- *Dom J. Moreau & Son v. Federal Pacific Electric Co.*, 378 A.2d 151 (Me. 1977)
- *Bramson v. Chester L. Jordan & Co.*, 379 A.2d 730 (Me. 1977)
- *Palmer v. Maine Central R.R. Co.*, 92 Me. 399, 42 A. 800 (1899)
- *Faloon v. O'Connell*, 113 Me. 30, 92 A. 932 (1915)
- *Bale v. Ryder*, 290 A.2d 359 (Me. 1972)
- *Hefler v. Hunt*, 120 Me. 10, 122 A. 675 (1921)
- *Nyer v. Carter*, 367 A.2d 1375 (Me. 1977)
- *Saliem v. Glovsky*, 132 Me. 402, 172 A. 4 (1934)
- *Dunlap v. Glidden*, 31 Me. 435 (1850)
- *Lambert v. Breton*, 127 Me. 510, 144 A. 864 (1929)
- *Bourisk v. Derry Lumber Co.*, 130 Me. 376, 156 A. 382 (1931)
- *Pierson v. Ray*, 386 U.S. 547 (1967)
- *O'Connor v. Donaldson*, 422 U.S. 563 (1975)
- *Wood v. Strickland*, 420 U.S. 308 (1975)
- *Begin v. Bernard*, 160 Me. 233, 202 A.2d 547 (1964)
- *Cohen v. Maine School Administrative District*, 369 A.2d 624 (Me. 1977)