

Colby v. Umbrella, Inc. (2006-088)

2008 VT 54

[Filed 25-Apr-2008]

ENTRY ORDER

2008 VT 54

SUPREME COURT DOCKET NO. 2006-088

APRIL TERM, 2008

Kerri L. Colby	}	APPEALED FROM:
	}	
	}	
v.	}	Essex Superior Court
	}	
	}	
Umbrella, Inc., Jennifer (Townsend) Grant, Michelle Fay, and State of Vermont, Agency of Human Services, Department for Children and Families, Child Development Division	}	DOCKET NO. 15-5-05 Excv
	}	
	}	

In the above-entitled cause, the Clerk will enter:

The State's motion to correct the above-captioned opinion is granted. Paragraph 11 of the opinion is hereby amended to read:

Because we have analyzed the claims in plaintiff's amended complaint under the 12(b)(6) standard for dismissal for failure to state a claim, we need not repeat that analysis with regard to the trial court's decision to dismiss all claims against the State. The amended complaint adequately stated a § 1983 claim against defendant Keiser and a FEPA claim against the State, and therefore, we reverse the court's decision with respect to those claims. As to any IIED claim against the State, it did not survive plaintiff's motion to amend the complaint.

BY THE COURT:

Paul L. Reiber, Chief Justice

John A. Dooley, Associate Justice

Denise R. Johnson, Associate Justice

Marilyn S. Skoglund, Associate Justice

Brian L. Burgess, Associate Justice