UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

RONALD R. GUZMAN,	:	
	:	
Plaintiff,	:	
	:	
V.	:	CASE NO. 3:03CV0851 (RNC)
	:	
ROUND HILL COUNTRY CLUB, INC., ET AL.,	:	
	:	
Defendants.	:	

RULING AND ORDER

Plaintiff Ronald Guzman, proceeding pro se, brings this action against Round Hill Country Club, Inc., and seven of its employees,[1] alleging wrongful termination and hostile work environment in violation of Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. § 2000e et seq., breach of contract and intentional infliction of emotional distress.[2] The individual defendants have

[1] Plaintiff has named the following individuals as defendants: Bruce Egdamal, Tracey Robinson, Dennis Meermans, Robert Rainone, Hugo Arce, Raymond P. Bello and Matthew Abott. Although plaintiff does not identify the positions held by all the individual defendants or their precise relationship to defendant Round Hill, his allegations are consistent with an employment relationship.

[2] It is unclear from plaintiff's complaint whether he also intends to assert a claim for age discrimination in violation of the Age Discrimination in Employment Act of 1967 ("ADEA"), 29 U.S.C. § 621 et seq. If he does, any such claim against the individual defendants would have to be dismissed. See Martin v. Chemical Bank, 129 F.3d 114, 1997 WL 701359 (2d Cir. 1997) (unpublished); Seils v. Rochester City School Dist., 192 F. Supp. 2d 100, 124 (W.D.N.Y. 2002) (noting that individual defendants may not be held personally liable

filed a motion to dismiss the action against them under for failure to state a claim on which relief can be granted. Plaintiff has not filed an opposition to the motion.[3] For the reasons that follow, the motion to dismiss is granted.

Individuals who do not otherwise meet the definition of "employer" cannot be held personally liable under Title VII. See Tomka v. Seiler Corp., 66 F.3d 1295, 1317 (1995). Although the Second Circuit has left open the question whether suits may be maintained against employees in their "official capacity,"[4] see Hafez v. Avis Rent A Car Sys., Inc., No. 99-9459, 2000 WL 1775508, *2 (2d Cir. Nov. 29, 2000), most circuits either have rejected such suits outright, on the ground that employees cannot incur personal liability under Title VII, or have treated such suits as an action against the employer. See, e.g., Ackel v. Nat'l Communications, Inc., 339 F.3d 376, 381 (5th Cir. 2003); Yesudian ex rel. United States v. Howard Univ., 270 F.3d 969, 972-73 (D.C. Cir. 2001); Wathen

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under the ADEA).

[3] Plaintiff has filed a motion for leave to amend his complaint but has failed to provide any details concerning the proposed amendments or attach the proposed amended complaint.

[4] The recent trend in the district courts in this circuit has been to reject Title VII claims brought against employees in their official capacity. See McBride v. Routh, 51 F. Supp. 2d 153, 156-57 (D. Conn. 1999) (citing cases). The complaint does not indicate whether plaintiff has brought suit against the individual defendants in their individual or official capacity.

v. General Elec. Co., 115 F.3d 400 (6th Cir. 1997); Bryson v. Chicago State Univ., 96 F.3d 912, 917 (7th Cir. 1996); Haynes v. Williams, 88 F.3d 898, 899 (10th Cir. 1996); Miller v. Maxwell's Int'l Inc., 991 F.2d 583, 587 (9th Cir. 1993), cert. denied, 510 U.S. 1109 (1994). In this case, Round Hill is a defendant so there is no need to treat the suit against the individual defendants as an action against them in their official capacity.

Turning to the claim against the individual defendants for intentional infliction of emotional distress, the issue is whether the allegations of the complaint, if accepted as true, are sufficient to state a claim for relief under the stringent standard that applies to such claims. "Liability [for intentional infliction of emotional distress] has been found only where the conduct has been so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized community." Appleton v. Bd. of Educ., 254 Conn. 205, 210-11 (2000). Plaintiff alleges, in essence, that some of the defendants made insulting comments about him, that one of them once squirted eye drops into his food, and that the same defendant followed him outside of work on two occasions. Such actions, while clearly objectionable, are not extreme and outrageous within the meaning of this tort. See id. at 211.

Accordingly, defendants' motion to dismiss [Doc. #15] is hereby

granted. The action is dismissed against defendants Egdamal, Robinson, Meermans, Rainone, Arce, Bello and Abott. If plaintiff believes that he has other claims against one or more of these defendants that should be pursued in this action along with his Title VII claim against Round Hill, he may file an amended complaint alleging such claims on or before February 23, 2004.

So Ordered.

Dated at Hartford, Connecticut this 30th day of January 2003.

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Robert N. Chatigny
United States District Judge