

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
KENTUCKY, CENTRAL DIVISION

Tonya Martin & Mareeka Rice v. Ridgeway NRF Operations LLC, et
al.

Martin v. Ridgeway NRF Operations LLC · No. 5:25-cv-00155-GFVT · Decided March 2, 2026

SUMMARY

The United States District Court for the Eastern District of Kentucky denied Defendants’ partial motion to dismiss Tonya Martin’s claims arising from her termination by a healthcare facility. The Court held that Kentucky’s healthcare whistleblower statute, KRS § 216B.165, does not require an employee’s report of patient-safety concerns to be initiated without employer prompting. The Court also denied requests to certify the statutory question to the Kentucky Supreme Court or for interlocutory appeal.

CASE DETAILS

COURT	United States District Court for the Eastern District of Kentucky, Central Division
WRITING FOR THE COURT	Gregory F. Van Tatenhove
JURISDICTION	United States District Court for the Eastern District of Kentucky, Central Division
DECIDED	March 2, 2026
DOCKET	5:25-cv-00155-GFVT
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss Tonya Martin's statutory healthcare-whistleblower retaliation claim and common-law wrongful-termination claim. The district court denied the partial motion to dismiss and denied requests to certify questions to the Kentucky Supreme Court and for interlocutory appeal under 28 U.S.C. § 1292(b).
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court tests the sufficiency of the complaint rather than the merits, construes the complaint in the plaintiff's favor, accepts well-pleaded allegations as true, and determines whether the facts plausibly state a claim for relief. Certification of a state-law question and certification of an

interlocutory appeal are reviewed under the district court's sound discretion.

PRECEDENTIAL VALUE

Unpublished district court memorandum opinion; persuasive authority only

TOPICS

motions to dismiss

whistleblower

wrongful termination

statutory interpretation

civil procedure

PRACTICE AREAS

civil procedure

employment law

health law

statutory interpretation

appellate procedure

QUESTIONS PRESENTED

1. Whether Martin plausibly stated a claim under Kentucky Revised Statutes § 216B.165(3), brought through § 446.070, when her alleged patient-safety report was made in response to an employer questionnaire rather than on her own initiative.
2. Whether Martin plausibly stated a common-law wrongful-termination claim under Kentucky's public-policy exception to at-will employment based on alleged retaliation for reporting patient-safety concerns.
3. Whether the court should certify the statutory-interpretation question to the Kentucky Supreme Court under Kentucky Rule of Appellate Procedure 50.
4. Whether the court should certify its nonfinal order for interlocutory appeal under 28 U.S.C. § 1292(b).

HOLDINGS

1. Section 216B.165(3) does not require a protected report or activity to be initiated by the employee. An employee may be protected when the employee makes a good-faith report, disclosure, or divulgence of patient-safety concerns in response to an employer questionnaire or other external stimulus.
2. Martin adequately pleaded a claim under Kentucky Revised Statutes § 216B.165(3), through § 446.070, because she alleged that she reported patient-safety violations in good faith and was terminated in retaliation.
3. Martin adequately pleaded a common-law wrongful-termination claim under Kentucky's public-policy exception to at-will employment.
4. The court declined to certify whether § 216B.165 requires an employee to initiate a qualifying report because Kentucky law supplied a reasonably clear and principled basis for decision and the issue was not sufficiently new or unsettled.
5. The court declined to certify the order for interlocutory appeal because Defendants did not establish the statutory requirements or exceptional circumstances warranting such an appeal.

KEY QUOTATIONS

“the Court will not insert a restrictive clause into the statute that does not exist.” (Mem. Op. at 10)

“Construing the complaint in the light most favorable to Martin and accepting her well-pleaded allegations in the complaint as true, the Court is convinced that she has adequately plead a cause of action surviving a Rule 12(b)(6) motion to dismiss.” (Mem. Op. at 11)

“These provisions demonstrate that if Defendants fired Martin in retaliation for her good-faith responses to the questionnaire reporting, disclosing, and divulging patient safety concerns, “it would violate the stated policy to ensure safe health-care facilities, thereby meeting the elements of common-law wrongful termination.”” (Mem. Op. at 13)

FACTUAL BACKGROUND

Ridgeway Nursing & Rehabilitation Facility is a short-term rehabilitation and long-term nursing-care facility operated by Ridgeway NRF Operations LLC and Valley Stream Operator I, LLC. Tonya Martin worked as a unit manager providing direct patient care and supervising nursing staff. After management distributed questionnaires about facility practices, Martin truthfully answered yes to two questions indicating that she knew of patient-safety violations. That same day, the administrator purported to accept Martin's resignation despite Martin not resigning, ordered her to collect her belongings, and escorted her from the facility.

PROCEDURAL HISTORY

Martin and Mareeka Rice filed suit in Kentucky state court, and Defendants removed the action to federal court based on diversity jurisdiction. Defendants then filed a partial motion to dismiss challenging Martin's Counts 1 and 2. The court treated the motion as ripe, accepted the complaint's well-pleaded allegations as true, denied dismissal of both claims, denied certification to the Kentucky Supreme Court, and denied certification for interlocutory appeal.

DISPOSITION

other

CASES CITED

- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Grindstaff v. Green, 133 F.3d 416, 421 (6th Cir. 1998)
- Foster v. Jennie Stuart Medical Center, Inc., 435 S.W.3d 629, 635 (Ky. Ct. App. 2013)
- Highlands Arh Reg'l Med. Ctr. v. Shepherd, Nos. 2023-CA-0098-MR, 2023-CA-0118-MR, 2025 Ky. App. Unpub. LEXIS 107, at *14, *17 (Ct. App. Mar. 7, 2025)
- Hackney v. Mt. Comprehensive Care Ctr., Inc., No. 2015-CA-000292-MR, 2017 Ky. App. Unpub. LEXIS 817, at *8-*9 (Ct. App. Nov. 9, 2017)
- Kercell v. Norton Hosps., Inc., 2020 Ky. Cir. LEXIS 58, at *24 (Jan. 29, 2020)
- MacGlashan v. ABS Lincs KY, Inc., 84 F. Supp. 3d 595, 599-600 (W.D. Ky. 2015)

- De Hart v. Gray, 245 S.W.2d 434, 435-36 (Ky. 1951)
- Crawford v. Metropolitan Gov't of Nashville & Davidson Cnty., Tenn., 555 U.S. 271, 273, 279-80 (2009)
- Weafer v. Heritage Installations I, LLC, 709 S.W.3d 283, 284 (Ky. Ct. App. 2024)
- Firestone Textile Co. Div., Firestone Tire & Rubber Co. v. Meadows, 666 S.W.2d 730, 731 (Ky. 1983)
- Grzyb v. Evans, 700 S.W.2d 399, 401-02 (Ky. 1985)
- Lehman Bros. v. Schein, 416 U.S. 386, 391 (1974)
- Transamerica Ins. Co. v. Duro Bag Mfg. Co., 50 F.3d 370, 372 (6th Cir. 1995)
- Pennington v. State Farm Mut. Auto. Ins. Co., 553 F.3d 447, 450 (6th Cir. 2009)
- Smith v. Joy Techs., Inc., 828 F.3d 391, 397 (6th Cir. 2016)
- Erie R. Co. v. Tompkins, 304 U.S. 64, 78 (1938)
- Swint v. Chambers Cnty. Comm'n, 514 U.S. 35, 47 (1995)
- W. Tennessee Chapter of Associated Builders & Contractors, Inc. v. City of Memphis, 138 F. Supp. 2d 1015, 1019, 1026 (W.D. Tenn. 2000)
- Sinclair v. Schriber, 834 F.2d 103, 105 (6th Cir. 1987)
- Alexander v. Provident Life & Acc. Ins. Co., 663 F. Supp. 2d 627, 639 (E.D. Tenn. 2009)

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