

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
MISSISSIPPI

Linda Tallie v. Rehabilitation Centers, LLC d/b/a Millcreek

No. 1:25-cv-91 (N.D. Miss. Nov. 2025) · No. 1:25-cv-91 · Decided December 2, 2025

SUMMARY

The United States District Court for the Northern District of Mississippi denies Defendant Rehabilitation Centers, LLC’s Rule 12(b)(6) motion to dismiss Linda Tallie’s wrongful-termination claim. Applying Mississippi law, the court holds that Tallie plausibly alleged a McArn public-policy claim based on her termination after reporting alleged abuse of a vulnerable patient. The court concludes that questions concerning whether the alleged abuse was attributable to the employer are better resolved on a fuller record.

CASE DETAILS

|                       |                                                                                          |
|-----------------------|------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Northern District of Mississippi                    |
| WRITING FOR THE COURT | Senior U.S. District Judge; Glen H. Davidson                                             |
| JURISDICTION          | United States District Court for the Northern District of Mississippi, Aberdeen Division |
| DECIDED               | December 2, 2025                                                                         |
| DOCKET                | 1:25-cv-91                                                                               |
| DISPOSITION           | other                                                                                    |
| PROCEDURAL POSTURE    | Defendant's Rule 12(b)(6) motion to dismiss Plaintiff's wrongful termination claim       |
| STANDARD OF REVIEW    | Rule 12(b)(6) plausibility standard                                                      |
| PRECEDENTIAL VALUE    | unpublished                                                                              |

TOPICS

- wrongful termination
- whistleblower
- retaliation
- employment at-will
- motions to dismiss
- civil procedure

PRACTICE AREAS

- employment law
- civil procedure

QUESTIONS PRESENTED

1. Whether Plaintiff's wrongful termination claim under the public policy exception to at-will employment survives a Rule 12(b)(6) motion to dismiss
2. Whether Plaintiff adequately alleged an illegal act by the employer
3. Whether Plaintiff adequately alleged she was terminated because she reported the illegal act

## HOLDINGS

1. Plaintiff plausibly alleged an illegal act (assault on a vulnerable adult) and the question of whether the employer can be vicariously liable for the employee's conduct is better resolved at summary judgment when a fuller record is available.
2. Plaintiff satisfied the third element by alleging temporal proximity between her report to state authorities and her termination, and that anonymous reports from Defendant's employees accused her of the same conduct she had reported about Sanita, who received no punishment.

## KEY QUOTATIONS

*“an employee who is discharged for reporting illegal acts of his employer to the employer or anyone else is not barred by the employment at will doctrine from bringing action in tort for damages against his employer”*

*“No matter how patients may be acting out, it is not within the prerogative of a worker to punish the patients, by assaulting them, such as pulling their hair.”*

## FACTUAL BACKGROUND

Plaintiff Linda Tallie worked at Defendant Rehabilitation Centers' Millcreek facility in Tupelo, Mississippi, which cares for disabled persons with mental illnesses. Plaintiff allegedly observed a fellow employee, Sanita, severely abusing a patient named Ashley by pulling her hair. After reporting the abuse internally to the facility director with no consequences, Plaintiff reported Defendant to the Mississippi Department of Human Services in November 2024. Approximately one month later, on December 6, 2024, Plaintiff was terminated based on anonymous reports that she had struck Ashley. Plaintiff denies this allegation and claims the termination was pretextual retaliation for her complaints.

## PROCEDURAL HISTORY

Plaintiff filed a wrongful termination claim against Defendant. Defendant moved to dismiss under Rule 12(b)(6), arguing the claim did not fall within the public policy exceptions to at-will employment. The Court denied the motion.

## DISPOSITION

other

## CASES CITED

- Walker v. Webco Indus., Inc., 562 F. App'x 215 (5th Cir. 2014)
- Kennedy v. Chase Manhattan Bank USA, NA, 369 F.3d 833 (5th Cir. 2004)

- Phillips v. City of Dallas, Tex., 781 F.3d 772 (5th Cir. 2015)
- Ashcroft v. Iqbal, 556 U.S. 662 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544 (2007)
- Webb v. Morella, 522 F. App'x 238 (5th Cir. 2013)
- City of Clinton, Ark. v. Pilgrim's Pride Corp., 632 F.3d 148 (5th Cir. 2010)
- Fernandez-Montes v. Allied Pilots Ass'n, 987 F.2d 278 (5th Cir. 1993)
- Emesowum v. Houston Police Dep't, 561 F. App'x 372 (5th Cir. 2014)
- McArn v. Allied Bruce-Terminix Co., Inc., 626 So.2d 603 (Miss. 1993)
- Brandis Hope Cmty. Serv. LLC v. Walters, 391 So.3d 162 (Miss. 2024)
- Erie R. Co. v. Tompkins, 304 U.S. 64 (1938)
- Centennial Ins. Co. v. Ryder Truck Rental, Inc., 149 F.3d 378 (5th Cir. 1998)
- Hall v. Georgia Gulf Chemicals & Vinyls, ELC, 2010 WL 5333690 (S.D. Miss. 2010)
- McClinton v. Delta Pride Catfish, Inc., 792 So.2d 968 (Miss. 2001)

## OPINION

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF MISSISSIPPI ABERDEEN DIVISION LINDA TALLIE PLAINTIFF vs. Civil No. 1:25-cv-91-GHD-DAS REHABILITATION CENTERS, LLC d/b/a MILLCREEK, DEFENDANT OPINION Presently before the Court is Defendant Rehabilitation Centers, LLC's ("Defendant") Motion to Dismiss [Doc. No. 12] seeking dismissal of Plaintiff Linda Tallie's ("Plaintiff") wrongful termination claim.

Upon due consideration, the Court finds Defendant's Motion [12] should be denied for the reasons set forth in this opinion. I Background Defendant Rehabilitation Centers, LLC, operates a facility "rendering care to disabled persons with mental illnesses" called Millcreek in Tupelo, Mississippi, and it was at this facility Plaintiff allegedly "observed a fellow employee, Sanita, severely abusing a patient [named Ashley] by pulling [Ashley's] hair."!

When Plaintiff inquired why she was doing this, Sanita purportedly responded "Ashley had been acting out... and this was her method of handling Ashley." Plaintiff acknowledges Ashley is a "most difficult patient," she also notes "it is not within the prerogative of a worker to punish the patients." Plaintiff then later alleges she "observed bruises" on Ashley's arms and "verbally reported" Sanita's actions to the director the facility, Felisia Cooper.

Apparently, Sanita suffered no consequences from Plaintiff's report, and Plaintiff allegedly saw her "going frequently" into an office with Cooper. What is more, Plaintiff claims she was | As required under Rule 12(b)(6) all background information comes from the Complaint [1] unless otherwise noted. "treated differently" after she reported Sanita, and "some of the employees were

sympathetic to Sanita.” Seeing no action taken against Sanita, Plaintiff reported Defendant to the Mississippi Department of Human Services in November 2024.

Approximately one month later, on December 6, 2024, Plaintiff was terminated because “two anonymous employees” allegedly told Cooper Plaintiff had “struck Ashley.” Plaintiff denies this allegation and claims this was a pretext to terminate her for the complaints about Sanita’s conduct. This action followed.

I. Standard of Review. When deciding a Rule 12(b)(6) motion to dismiss, the Court is limited to the allegations set forth in the complaint and any documents attached to the complaint. *Walker v. Webco Indus., Inc.*, 562 F. App’x 215, 216-17 (Sth Cir. 2014) (per curiam) (citing *Kennedy v. Chase Manhattan Bank USA, NA*, 369 F.3d 833, 839 (Sth Cir. 2004)). “[A plaintiff’s] complaint therefore must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.” *Phillips v. City of Dallas, Tex.*, 781 F.3d 772, 775-76 (Sth Cir.

2015) (quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 678, 129 S. Ct. 1937, 173 L. Ed. 2d 868 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570, 127 S. Ct. 1955, 167 L. Ed. 2d 929 (2007))). A claim is facially plausible when the pleaded factual content “allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Iqbal*, 556 U.S. at 678, 129 S. Ct.

1937 (citing *Twombly*, 550 U.S. at 556, 127 S. Ct. 1955). In other words, “plaintiffs must allege facts that support the elements of the cause of action in order to make out a valid claim.” *Webb v. Morella*, 522 F. App’x 238, 241 (Sth Cir. 2013) (per curiam) (quoting *City of Clinton, Ark. v. Pilgrim’s Pride Corp.*, 632 F.3d 148, 152—53 (Sth Cir. 2010) (internal quotation marks omitted)). “[C]onclusory allegations or legal conclusions masquerading as factual conclusions will not suffice to prevent a motion to dismiss.” /d. (quoting *Fernandez—Montes v. Allied Pilots Ass’n*, 987 F.2d 278, 284 (5th Cir.

1993) (internal quotation marks omitted)). “Dismissal is appropriate when the plaintiff has not alleged ‘enough facts to state a claim to relief that is plausible on its face’ and has failed to ‘raise a right to relief above the speculative level.’” *Emesowum vy. Houston Police Dep’t*, 561 F. App’x 372, 372 (Sth Cir. 2014) (per curiam) (quoting *Twombly*, 550 U.S. at 555, 570, 127 S.

Ct. 1955). HE. Analysis and Discussion Defendant argues Plaintiff’s wrongful termination claim cannot survive Rule 12(b)(6) because it does not fall within one of the two public policy exceptions to the employment-at-will doctrine established in *McArn v. Allied Bruce-Terminix Co., Inc.*, 626 So.2d 603 (Miss. 1993).? Mississippi courts have long recognized at-will employment, and the “default rule is that employers may fire employees ‘for good reason, bad reason, or no reason at all, excepting only reasons independently declared legally impermissible.’” *Brandis Hope Cmty.*

Serv. LLC v. Walters, 391 So.3d 162, 166 (Miss. 2024) (quoting McArn, 626 So.2d at 606). The Mississippi Supreme Court, however, has established “two narrow public policy exceptions” to this default rule: (1) An employee who refuses to participate in an illegal act... [, and] (2) an employee who is discharged for reporting illegal acts of his employer to the employer or anyone else is not barred by the employment at will doctrine from bringing action in tort for damages against his employer.

Id. (quoting McArn, 626 So.2d at 607). Plaintiff makes a claim under the second exception requiring she show: “(1) [she] was an employee of the defendant, (2) an illegal act by the employer, [and] (3) [she] was terminated because [she] reported the illegal act of the employer.” Id.

The first 2 The Court notes at the outset the Erie doctrine applies in this diversity action; thus, the Court’s determinations regarding the Plaintiff’s state law claims are guided by Mississippi state law. *Erie R. Co. v. Tompkins*, 304 U.S. 64, 78-80 (1938); *Centennial Ins. Co. v. Ryder Truck Rental, Inc.*, 149 F.3d 378, 382 (Sth Cir. 1998). element is uncontested; Defendant did employ Plaintiff.

The parties, however, strongly contest elements two and three. Beginning with element two, Plaintiff alleges Sanita, one of Defendant’s employees, committed an “[a]ssault upon... a vulnerable adult,” which “is a crime under Mississippi law,” citing Miss. Code. Ann. §§ 43-47-10 and 97-3-7(1)(a). Defendant argues this “illegal act” had nothing “to do with the business itself,” and “an employer cannot be held vicariously liable for its employee’s actions unless it authorized or ratified [her] conduct, or if the actions were taken in the course and scope of the employee’s employment” [13].

*Hall v. Georgia Gulf Chemicals & Vinyls, ELC*, 2010 WL 5333690 at \*1-2 (S.D. Miss. Dec. 21, 2010); *McClinton v. Delta Pride Catfish, Inc.*, 792 So.2d 968, 976 (Miss. 2001). To support this, Defendant points to what Defendant calls a concession in Plaintiff’s Complaint [2]; that is, “No matter how patients may be acting out, it is not within the prerogative of a worker to punish the patients, by assaulting them, such as pulling their hair.” In saying such, Defendant argues Plaintiff concedes the alleged illegal conduct was not committed “in the course and scope of the employee’s employment” and Defendant cannot therefore be held vicariously liable.

Id. The Court is not of the opinion this is a concession, and these are questions better resolved at summary judgment when a fuller record is available. Therefore, Plaintiff plausibly pled the second element. Turning to element three, Plaintiff alleges she was fired for reporting the alleged abusive behavior toward one of her patients. Further allegations support this conclusion.

For example, Plaintiff was fired less than a month after she reported Defendant to the state authorities. What is more, two of Defendant’s employees “anonymously” reported Plaintiff for the

same behavior she had reported just a month prior, and this became the basis of her termination even when Sanita received no punishment for the same alleged behavior. This is enough to push Plaintiff's pleadings past the plausible level necessary to overcome Rule 12(b)(6); therefore, she satisfies the third prong at this juncture of the proceedings.

Having satisfied all three elements, Plaintiff's McArn claim survives Defendant's Motion to Dismiss [12] IV. Conclusion For the reasons set forth above, Plaintiff's claim is facially plausible and above the speculative level required to survive dismissal under Rule 12(b)(6).

The Court therefore finds Defendant Rehabilitation Centers, LLC's Motion to Dismiss [12] should be denied. An order in accordance with this opinion shall issue this day. THIS, the g) \_ day of November, 2025. SENIOR U.S. DISTRICT JUDGE