

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, WESTERN DIVISION AT DAYTON

Kettering Adventist Healthcare d/b/a Kettering Health Network v.
Sandra Collier, et al.

Kettering Adventist Healthcare d/b/a Kettering Health Network v. Collier, No. 3:25-cv-273 (S.D. Ohio Jan. 2, 2026) · No. 3:25-cv-273 · Decided January 2, 2026

SUMMARY

The United States District Court for the Southern District of Ohio sustains the motion to dismiss filed by Epstein Becker & Green, PC and associated attorneys, dismissing Sandra Collier and Mary T. Scott’s counterclaims and third-party claims against those defendants with prejudice. The court applies Ohio’s absolute litigation privilege to claims based on statements made in the litigation, while noting that federal claims may not be categorically barred by that privilege. The court also orders Scott and counsel H. Leon Hewitt to show cause why they should not face Rule 11 sanctions and contempt for allegedly relying on fabricated or materially inaccurate legal authorities.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Western Division at Dayton
WRITING FOR THE COURT	Walter H. Rice
JURISDICTION	United States District Court for the Southern District of Ohio, Western Division at Dayton
DECIDED	January 2, 2026
DOCKET	3:25-cv-273
DISPOSITION	dismissed
PROCEDURAL POSTURE	Third-party defendants Epstein Becker & Green, PC, James Petrie, Jill Bigler, and Christopher Page McGinnis moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss claims asserted against them in Sandra Collier and Mary T. Scott's amended counterclaim and third-party complaint. The court sustained the motion and dismissed the claims against the EBG defendants with prejudice. The court did not decide Collier and Scott's separate motion to dismiss and ordered Scott and her counsel, H. Leon Hewitt, to show cause regarding possible Rule 11 violations, contempt, and sanctions.

STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, construes the complaint in the plaintiff's favor, draws reasonable inferences in the plaintiff's favor, and determines whether the pleading states a plausible claim for relief.
PRECEDENTIAL VALUE	unpublished

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QUESTIONS PRESENTED

1. Whether Ohio's absolute litigation privilege barred Collier and Scott's state-law claims based on statements and filings made in the underlying litigation.
2. Whether Collier plausibly stated a federal or Ohio employment-retaliation claim against the EBG defendants, who acted as Kettering's outside counsel.
3. Whether Collier and Scott plausibly stated a civil RICO claim against the EBG defendants by alleging cognizable injury and a pattern of racketeering activity.
4. Whether the court should order Scott and H. Leon Hewitt to show cause regarding alleged violations of Federal Rule of Civil Procedure 11(b), contempt, and sanctions.

HOLDINGS

1. Ohio's absolute litigation privilege barred Collier and Scott's state-law claims for false light, abuse of process, malicious prosecution, intentional infliction of emotional distress, and civil conspiracy because the alleged misconduct consisted of statements and litigation filings made during or in connection with the pending judicial proceeding.
2. Collier failed to state an employment-retaliation claim against the EBG defendants because she did not allege facts showing that outside counsel controlled her employment, functioned as her joint employer, or otherwise had the ability to interfere with her employment.
3. Collier and Scott failed to state a civil RICO claim because they did not plausibly allege a cognizable business-or-property injury caused by the EBG defendants or a pattern of racketeering activity.
4. The court ordered Scott and H. Leon Hewitt to show cause within fourteen days why their alleged repeated citation fabrications and misrepresentations did not violate Rule 11(b), warrant contempt, or justify sanctions.

KEY QUOTATIONS

“The litigation privilege provides absolute immunity to parties, witnesses, lawyers, and judges from future lawsuits for statements made during and relevant to judicial proceedings.” (at 16)

“Collier and Scott’s First Amended Counterclaim (Doc. #28) is DISMISSED WITH PREJUDICE as against the EBG Defendants.” (at 34)

FACTUAL BACKGROUND

Kettering employed Collier briefly as System Director of its Research Institute and IRG Department, where she allegedly had access to confidential and trade-secret information. After Kettering suspended and terminated her, Collier allegedly forwarded numerous work emails and attachments to personal or third-party accounts and attempted to access confidential systems. Kettering filed claims under the Defend Trade Secrets Act, Ohio’s Uniform Trade Secrets Act, the Computer Fraud and Abuse Act, contract and tort theories, and a civil-extortion claim based on a demand letter sent by Scott. Kettering’s counsel, the EBG defendants, filed the complaint and a temporary-restraining-order motion, which formed the basis of nearly all claims in Collier and Scott’s amended counterclaim and third-party complaint.

PROCEDURAL HISTORY

Kettering filed the underlying action against Collier and Scott on August 13, 2025. Collier and Scott later filed an amended counterclaim and third-party complaint asserting retaliation, defamation, false light, abuse of process, malicious prosecution, intentional infliction of emotional distress, civil conspiracy, and civil RICO claims against the EBG defendants. The EBG defendants moved to dismiss, and the court granted that motion as to all claims against them. The court deferred ruling on Collier and Scott’s motion to dismiss and ordered a show-cause response concerning alleged fabricated or materially inaccurate case citations.

DISPOSITION

dismissed

CASES CITED

- Aelster v. Gardner, 164 Ohio St. 3d 546, 2020-Ohio-5484
- Surace v. Wuliger, 25 Ohio St. 3d 229, 233-34 (1986)
- Crecelius v. Luke, 122 Ohio St. 210 (1930)
- Steffes v. Stepan Co., 144 F.3d 1070, 1074 (7th Cir. 1998)
- Post v. Trinity Health-Mich., 44 F.4th 572, 579, 581 (6th Cir. 2022)
- Christopher v. Stouder Mem. Hosp., 936 F.2d 870, 874-75 (6th Cir. 1991)
- Compound Prop. Mgmt., LLC v. Build Realty, Inc., 462 F. Supp. 3d 839, 855 (S.D. Ohio 2020)
- In re ClassicStar Mare Lease Litig., 727 F.3d 473, 483 (6th Cir. 2013)
- Med. Marijuana, Inc. v. Horn, 604 U.S. 593, 601, 614 (2025)
- Anza v. Ideal Steel Supply Corp., 547 U.S. 451, 461 (2006)
- Twombly, 550 U.S. 544, 555, 570 (2007)

- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Chambers v. NASCO, Inc., 501 U.S. 32, 44-46 (1991)
- Roadway Express, Inc. v. Piper, 447 U.S. 752, 764-65 (1980)
- Link v. Wabash R. Co., 370 U.S. 626, 630, 632 (1962)
- Johnson v. Dunn, 792 F. Supp. 3d 1241, 1256, 1259, 1265 (S.D. Ala. 2025)
- United States v. Hayes, 763 F. Supp. 3d 1054, 1071 (E.D. Cal. 2025)
- State v. Carter, 72 Ohio App. 3d 553 (2d Dist. 1991)
- State v. Milam, 2022-Ohio-3965 (10th Dist.)
- Kenty v. Transamerica Premium Ins. Co., 72 Ohio St. 3d 415, 419 (1995)
- United States v. Pendergraft, 297 F.3d 1198, 1205 (11th Cir. 2002)
- Office Depot, Inc. v. Impact Office Prods., LLC, 821 F. Supp. 2d 912, 919-23 (N.D. Ohio 2011)
- Wilson v. Collins, 517 F.3d 421, 429 (6th Cir. 2008)

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