

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Traci Small v. Touchette Regional Hospital, Inc., Carla Jordan, and
Kelly Green Smith

Small · No. 3:23-CV-3629-MAB · Decided March 31, 2026

SUMMARY

In this memorandum and order, the U.S. District Court for the Southern District of Illinois addresses defendants’ motion for summary judgment on Traci Small’s Family and Medical Leave Act interference and retaliation claims arising from her termination as a nurse. The court also resolves the parties’ motions to seal medical records and related exhibits, directing the filing of publicly accessible versions with appropriate redactions. The excerpt analyzes whether Small’s knee condition, notice, eligibility, and the employer’s conduct create disputed issues concerning her FMLA claims.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	Mark A. Beatty
JURISDICTION	U.S. District Court for the Southern District of Illinois
DECIDED	March 31, 2026
DOCKET	3:23-CV-3629-MAB
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved for summary judgment on Plaintiff's claims for interference and retaliation under the Family and Medical Leave Act. The court granted the motion as to retaliation, denied it as to interference, and ordered that the interference claim proceed to trial. The court also resolved the parties' motions to file exhibits under seal.
STANDARD OF REVIEW	Summary judgment is appropriate when there is no genuine dispute of material fact and the moving party is entitled to judgment as a matter of law. The evidence must be viewed in the light most favorable to the nonmoving party, with all reasonable inferences drawn in that party's favor. The court may not weigh conflicting evidence, resolve credibility disputes, or determine which version of disputed facts is more persuasive.

PRECEDENTIAL VALUE	nonprecedential
PARTIES	Traci Small v. Touchette Regional Hospital, Inc., Carla Jordan, Kelly Green Smith

TOPICS

family and medical leave act summary judgment medical records privacy civil procedure employment law

PRACTICE AREAS

employment law civil procedure health law

QUESTIONS PRESENTED

1. Whether Defendants were entitled to summary judgment on Small's FMLA interference claim because she lacked a serious health condition, failed to provide timely and sufficient notice, failed to provide medical certification, used FMLA leave for an improper purpose, or was not actually denied or interfered with in receiving FMLA benefits.
2. Whether Defendants were entitled to summary judgment on Small's FMLA retaliation claim because the record lacked evidence of retaliatory animus, causation, or pretext.
3. Whether the parties' medical-record exhibits should remain sealed, be filed publicly with redactions, or be replaced with publicly available excerpts limited to material cited in the briefing.

HOLDINGS

1. Viewing the evidence in Small's favor, a reasonable jury could find that her recurring knee pain was a chronic serious health condition under the FMLA and rendered her unable to work during the relevant episode. Defendants therefore were not entitled to summary judgment on this ground.
2. Small's statement that she was taking FMLA leave for her knee, together with the surrounding evidence, created a genuine dispute about whether she provided sufficient and timely notice. Defendants were not entitled to summary judgment on the notice issue.
3. Small's failure to submit a complete medical certification did not entitle Defendants to summary judgment because the evidence did not show that TRH requested certification before terminating her. A post-termination request for certification did not establish as a matter of law that Small's interference claim failed.
4. Defendants did not establish as a matter of law that Small sought FMLA leave for an improper purpose. The timing and circumstances supported competing reasonable inferences, and the record lacked contemporaneous evidence that hospital personnel honestly suspected FMLA fraud or misuse.
5. Defendants were not entitled to summary judgment on the interference claim because a reasonable jury could find that TRH interfered with Small's attempted exercise of FMLA rights by failing to timely

request certification and terminating her before providing the required opportunity to obtain certification.

6. Defendants were entitled to summary judgment on the FMLA retaliation claim. Although Small engaged in protected activity and suffered an adverse employment action, she did not identify evidence from which a reasonable jury could infer retaliatory animus, causation, or pretext.
7. The court granted in part and denied in part the motions to seal. Exhibits containing information central to the dispute had to be publicly filed with appropriate redactions, while lengthy medical-record collections containing substantial irrelevant medical information could remain sealed, subject to public filing of cited or quoted portions.

KEY QUOTATIONS

“The employee “doesn't have to write a brief demonstrating a legal entitlement,” Aubuchon, 359 F.3d at 953, or even mention the FMLA in their leave request or otherwise invoke any of its provisions.” (Motion for Summary Judgment, A.2)

“Medical certification . . . is an ‘option’ for the employer, not a requirement . . . to maintaining an action.” (Motion for Summary Judgment, A.3)

“The FMLA broadly prohibits an employer's activity that restrains, limits, or discourages an employee's exercise or attempt to exercise FMLA rights.” (Motion for Summary Judgment, A.5)

FACTUAL BACKGROUND

Traci Small worked as a registered nurse for Touchette Regional Hospital for approximately fifteen years. On May 19, 2022, after experiencing severe knee pain and swelling, she requested to take FMLA leave for her knee after her requests to work a low-census shift or arrive late were denied. Hospital personnel treated the absence as unexcused and decided to terminate her without investigating her FMLA eligibility; the hospital later learned that an hours-worked report had mistakenly understated her hours and that she was in fact FMLA-eligible. The hospital nevertheless maintained her termination, and Small did not submit the requested medical certification by the deadline after her termination.

PROCEDURAL HISTORY

Small sued her employer and two employees after her termination, alleging FMLA interference and retaliation. Following discovery, Defendants moved for summary judgment on both claims, and both sides sought to seal exhibits, primarily medical records. The court found genuine disputes concerning the elements of the interference claim, but held that Plaintiff lacked evidence from which a reasonable jury could infer retaliatory animus or pretext. The court granted in part and denied in part the summary-judgment motion and entered directions concerning redacted and unsealed exhibits.

DISPOSITION

other

CASES CITED

- Chapman v. Raemisch, No. 05-C-1254, 2009 WL 425813, at *7 (E.D. Wis. Feb. 20, 2009)
- Stewart v. Wexford Health Sources, Inc., 14 F.4th 757, 760 (7th Cir. 2021)
- Hansen v. Fincantieri Marine Group, LLC, 763 F.3d 832, 836-37 (7th Cir. 2014)
- Armato v. Grounds, 766 F.3d 713, 719 (7th Cir. 2014)
- Maniscalco v. Simon, 712 F.3d 1139, 1143 (7th Cir. 2013)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 249 (1986)
- Zicarelli v. Dart, 35 F.4th 1079, 1083-86 (7th Cir. 2022)
- Mason v. Continental Illinois National Bank, 704 F.2d 361, 367 (7th Cir. 1983)
- Stoops v. One Call Communications, Inc., 141 F.3d 309, 312 (7th Cir. 1998)
- Lutes v. United Trailers, Inc., 950 F.3d 359, 363, 365-66 (7th Cir. 2020)
- Juday v. FCA US LLC, 57 F.4th 591, 595-96 (7th Cir. 2023)
- Scruggs v. Carrier Corp., 688 F.3d 821, 825 (7th Cir. 2012)
- Jones v. C & D Technologies, Inc., 684 F.3d 673, 677 (7th Cir. 2012)
- Stevenson v. Hyre Electric Co., 505 F.3d 720, 725-26 (7th Cir. 2007)
- Aubuchon v. Knauf Fiberglass, 359 F.3d 950, 952-53 (7th Cir. 2004)
- Collins v. NTN-Bower Corp., 272 F.3d 1006, 1008 (7th Cir. 2001)
- Burnett v. LFW, Inc., 472 F.3d 471, 478-82 (7th Cir. 2006)
- Valdivia v. Township High School District 214, 942 F.3d 395, 400 (7th Cir. 2019)
- Davis v. Illinois Department of Human Services, 137 F.4th 641, 650 (7th Cir. 2025)
- Wierman v. Casey's General Stores, 638 F.3d 984, 1000 (8th Cir. 2011)
- Graziadio v. Culinary Institute of America, 817 F.3d 415, 426 (2d Cir. 2016)
- Kempf v. Illinois Department of Human Services, 618 F. Supp. 3d 804, 809-10 (C.D. Ill. 2022)
- Pendarvis v. Xerox Corp., 3 F. Supp. 2d 53, 55-56 (D.D.C. 1998)
- Schober v. SMC Pneumatics, Inc., No. IP99-1285-C-T/G, 2000 WL 1231557, at *9 (S.D. Ind. Aug. 21, 2000)
- Branham v. Gannett Satellite Information Network, Inc., 619 F.3d 563, 572-73 (6th Cir. 2010)
- Vail v. Raybestos Products Co., 533 F.3d 904, 909-10 (7th Cir. 2008)
- Crouch v. Whirlpool Corp., 447 F.3d 984, 985-88 (7th Cir. 2006)
- Kariotis v. Navistar International Transportation Corp., 131 F.3d 672, 680 (7th Cir. 1997)
- Milman v. Fieger & Fieger, P.C., 58 F.4th 860, 869 (6th Cir. 2023)
- Smith v. Hope School, 560 F.3d 694, 697-701 (7th Cir. 2009)
- Matthys v. Wabash National, 799 F. Supp. 2d 891, 899-907 (N.D. Ind. 2011)
- Paterakos v. City of Chicago, 147 F.4th 787, 794 (7th Cir. 2025)
- Freelain v. Village of Oak Park, 888 F.3d 895, 901 (7th Cir. 2018)
- Pagel v. TIN Inc., 695 F.3d 622, 631 (7th Cir. 2012)
- Milligan-Grimstad v. Stanley, 877 F.3d 705, 711 (7th Cir. 2017)
- Curtis v. Costco Wholesale Corp., 807 F.3d 215, 221 (7th Cir. 2015)

- Formella v. Brennan, 817 F.3d 503, 513 (7th Cir. 2016)
- Culver v. Gorman & Co., 416 F.3d 540, 547 (7th Cir. 2005)

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