

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ALABAMA

Nadia Rover v. Commonwealth Hotels Inc.

Rover v. Commonwealth Hotels Inc., Civil Action No. 25-0485-WS-M (S.D. Ala. Mar. 31, 2026) · No. Civil
Action No. 25-0485-WS-M · Decided March 31, 2026

SUMMARY

The United States District Court for the Southern District of Alabama ruled on Commonwealth Hotels Inc.'s motion to dismiss claims arising from alleged sexual harassment and constructive discharge. The court denied dismissal of the Title VII hostile-work-environment and constructive-discharge claims, as well as the outrage and negligent or wanton employment claims. It dismissed the invasion-of-privacy claim with prejudice.

CASE DETAILS

COURT	United States District Court for the Southern District of Alabama
WRITING FOR THE COURT	William H. Steele
JURISDICTION	United States District Court for the Southern District of Alabama
DECIDED	March 31, 2026
DOCKET	Civil Action No. 25-0485-WS-M
DISPOSITION	other
PROCEDURAL POSTURE	Defendant's motion to dismiss the complaint under the asserted grounds was granted in part and denied in part.
STANDARD OF REVIEW	On a motion to dismiss, the court limited its review to arguments expressly advanced by the parties and declined to consider arguments raised for the first time in the reply. The court evaluated whether the complaint stated viable claims under the governing Title VII and Alabama-law standards.
PRECEDENTIAL VALUE	unpublished district-court order; precedential status not stated in the opinion
PARTIES	Nadia Rover v. Commonwealth Hotels Inc.

TOPICS

- motions to dismiss
- title vii
- hostile work environment
- constructive discharge
- invasion of privacy

PRACTICE AREAS

employment law

civil rights

torts

civil procedure

QUESTIONS PRESENTED

1. Whether the complaint plausibly alleged that the coworker's conduct, together with known harassment of other female employees, was sufficiently severe or pervasive to support a Title VII hostile-work-environment claim.
2. Whether the complaint plausibly alleged that the employer deliberately created intolerable working conditions sufficient to support a Title VII constructive-discharge claim.
3. Whether the alleged sexual comments and propositions stated an invasion-of-privacy claim under Alabama law.
4. Whether the allegations stated an Alabama outrage claim based on sexual harassment and the employer's alleged failure to correct known misconduct.
5. Whether the negligent or wanton supervision and retention claims could proceed based on an underlying Alabama tort, including outrage.
6. Whether arguments first raised in the defendant's reply should be considered.

HOLDINGS

1. The complaint adequately stated a hostile-work-environment claim because, at the motion-to-dismiss stage, the court could not conclude that the two alleged propositions, together with the harassment of other female employees known to Rover, were insufficiently severe or pervasive.
2. The complaint adequately stated a Title VII constructive-discharge claim because the alleged history of sexual harassment, employer knowledge, failure to remedy the harassment, failure to respond to Rover's complaints, and resulting conditions could support an inference that the employer deliberately made her working conditions intolerable.
3. The complaint failed to state a viable Alabama invasion-of-privacy claim because the alleged sexual comments and propositions, without more, generally do not constitute an intrusion into private matters that would be sufficiently offensive or objectionable to support liability.
4. The complaint adequately stated an Alabama outrage claim at the motion-to-dismiss stage because egregious sexual harassment may support the tort, and the complaint alleged both sexual propositions and the employer's failure to correct known recurring harassment.
5. The negligent or wanton supervision and retention claims were not dismissed because they could be based at least in part on the alleged Alabama-law outrage claim, and the defendant's argument that those counts necessarily failed because the invasion-of-privacy and outrage counts failed was raised for the first time in reply.

KEY QUOTATIONS

"In assessing whether a plaintiff satisfies the objective component of the fourth element, courts are not to consider the alleged harassment of other employees if the plaintiff was unaware of such incidents."

(Discussion, Part I)

“The defendant assumes rather than establishes that two instances within a month is insufficiently frequent.”

(Discussion, Part I)

“A plaintiff must show the work environment and conditions of employment were so unbearable that a reasonable person in that person's position would be compelled to resign.” (Discussion, Part II)

“To succeed on a claim alleging invasion of privacy relating to sexual harassment, a plaintiff must show: (1) that the matters intruded into are of a private nature; and (2) that the intrusion would be so offensive or objectionable that a reasonable person subjected to it would experience outrage, mental suffering, shame, or humiliation.” (Discussion, Part III)

“requires a showing that ... the employee committed a tort recognized under Alabama law” (Discussion, Part V)

FACTUAL BACKGROUND

Nadia Rover was employed by Commonwealth Hotels as a housekeeper. A male coworker twice made unsolicited sexual propositions to her, including an offer to pay for sex and a request for oral sex, and addressed her with a sexualized comment. Rover reported the conduct to her supervisor, who said the coworker had made sexual comments to other female employees and had driven several of them away; the employer allegedly failed to take reasonable corrective action. After threats from the coworker's family members and continued inaction by the employer, Rover resigned.

PROCEDURAL HISTORY

Rover filed a complaint asserting Title VII hostile-work-environment and constructive-discharge claims, Alabama invasion-of-privacy and outrage claims, and negligent or wanton supervision and retention claims. Commonwealth Hotels moved to dismiss, Rover responded, and the defendant replied. The court dismissed the invasion-of-privacy count with prejudice and denied the motion as to all other counts.

DISPOSITION

other

CASES CITED

- *Caldwell v. Kimberly-Clark USA, LLC*, 783 F. Supp. 3d 1367, 1377 (S.D. Ala. 2024)
- *Parker v. Exterior Restorations, Inc.*, 653 F. Supp. 3d 1105, 1108 (S.D. Ala. 2023)
- *Reeves v. C.H. Robinson Worldwide, Inc.*, 594 F.3d 798, 808 (11th Cir. 2010)
- *McCann v. Tillman*, 526 F.3d 1370, 1378 (11th Cir. 2008)
- *Adams v. Austal, U.S.A., L.L.C.*, 754 F.3d 1240, 1250 (11th Cir. 2014)
- *Melton v. I-10 Truck Center, Inc.*, 166 F.4th 905, 918 (11th Cir. 2026) (en banc)
- *Copeland v. Georgia Department of Corrections*, 97 F.4th 766, 776 (11th Cir. 2024)

- Bryant v. Jones, 575 F.3d 1281, 1298 (11th Cir. 2009)
- Ex parte Atmore Community Hospital, 719 So. 2d 1190, 1194 (Ala. 1998)
- McIsaac v. WZEW-FM Corp., 495 So. 2d 649, 652 (Ala. 1986)
- Baldwin v. Blue Cross/Blue Shield, Inc., 480 F.3d 1287, 1294-95, 1308-09 (11th Cir. 2007)
- Burden v. International Longshoremen's Association, Local No. 1410, 510 F. Supp. 2d 618, 629 (S.D. Ala. 2007)
- Jackson v. Alabama Power Co., 630 So. 2d 439, 440 (Ala. 1993)
- Stabler v. City of Mobile, 844 So. 2d 555, 560 (Ala. 2002)
- Wilson v. University of Alabama Health Services Foundation, P.C., 266 So. 3d 674, 677 (Ala. 2017)
- Lees v. Sea Breeze Health Care Center, Inc., 391 F. Supp. 2d 1103, 1107-08 (S.D. Ala. 2005)
- James v. Nationstar Mortgage, LLC, 92 F. Supp. 3d 1190, 1200 (S.D. Ala. 2015)