

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
TENNESSEE

Nicholas Shane Flippen v. Rolling Hills Hospital et al.

Flippen · No. 3:25-cv-00617 · Decided March 20, 2026

SUMMARY

This Report and Recommendation addresses motions in a pro se employment-discrimination action brought by Nicholas Shane Flippen against Rolling Hills Hospital, UHS of Delaware, Lisa Jones, and Shannon Geary. The Magistrate Judge recommends dismissing the intentional infliction of emotional distress claim for failure to state a claim, denying the individual defendants’ service-of-process dismissal motion, and dismissing those defendants under Federal Rule of Civil Procedure 21 because no other viable claim was asserted against them. The recommendation also denies the plaintiff’s request for leave to amend.

CASE DETAILS

COURT	United States District Court for the Middle District of Tennessee
JURISDICTION	United States District Court for the Middle District of Tennessee
DECIDED	March 20, 2026
DOCKET	3:25-cv-00617
DISPOSITION	other
PROCEDURAL POSTURE	Report and Recommendation on defendants' motions to dismiss an amended pro se complaint. The magistrate judge recommends granting the corporate defendants' Rule 12(b)(6) motion as to the intentional-infliction-of-emotional-distress claim and denying the individual defendants' Rule 12(b)(5) motion while dismissing those defendants under Rule 21 because no viable claim remains against them.
STANDARD OF REVIEW	Under Rule 12(b)(6), the court accepts well-pleaded allegations as true and construes the complaint in the plaintiff's favor, while requiring factual allegations sufficient to state a plausible claim for relief. Pro se pleadings receive liberal construction. Under Rule 12(b)(5), the court may consider record evidence and uncontroverted affidavits in determining whether service was sufficient. The plaintiff bears the burden of establishing proper service.
PRECEDENTIAL VALUE	nonprecedential

PARTIES

Nicholas Shane Flippen v. Rolling Hills Hospital, LLC, UHS of Delaware, Inc., Lisa Jones, Shannon Geary

TOPICS

motions to dismiss

intentional infliction of emotional distress

service of process

title vii

sexual harassment

PRACTICE AREAS

employment law

civil procedure

civil rights

torts

QUESTIONS PRESENTED

1. Whether Flippen's allegations of workplace harassment and discrimination plausibly stated a Tennessee intentional-infliction-of-emotional-distress claim.
2. Whether Lisa Jones and Shannon Geary should be dismissed under Rule 12(b)(5) for insufficient service of process.
3. Whether Jones and Geary should nonetheless be dismissed under Rule 21 because the only claim asserted against them was being dismissed.
4. Whether Flippen should be granted leave to amend the intentional-infliction-of-emotional-distress claim.

HOLDINGS

1. Allegations of workplace discrimination and harassment, even when traumatic to the plaintiff, are insufficient to establish the extreme and outrageous conduct required for an intentional-infliction-of-emotional-distress claim under Tennessee law when they do not go beyond the conduct supporting the employment-discrimination claims.
2. The motion to dismiss Jones and Geary under Rule 12(b)(5) should be denied because the court resolved their dismissal on another ground rather than dismissing them for insufficient service of process.
3. Jones and Geary should be dismissed from the action under Rule 21 because dismissal of the intentional-infliction-of-emotional-distress claim leaves no viable claim against them.
4. Leave to amend the intentional-infliction-of-emotional-distress claim should be denied because Plaintiff had already had ample opportunity to formulate the claim and his amended complaint and exhibits supplied its full factual basis.

KEY QUOTATIONS

“Liability has been found only where the conduct has been so outrageous in character, and so extreme in degree, as to go beyond all bounds of decency, and to be regarded as atrocious and utterly intolerable in a civilized community.” (at 6)

“discriminatory conduct does not automatically give rise to the imposition of liability for intentional infliction of emotional distress.” (at 7)

“It is clear that not every sexual harassment claim will automatically give rise to an IIED claim, even though, to some extent, all instances of sexual harassment can be considered outrageous.” (at 7)

FACTUAL BACKGROUND

Flippen worked at Rolling Hills Hospital from October 2021 through June 2023. He alleged that his supervisor, Shannon Geary, subjected him to yelling, public degradation, threats, and unwelcome sexual remarks; that he complained to Lisa Jones and human resources without effective action; and that he was constructively discharged on June 9, 2023. His amended complaint asserted employment-related statutory claims and state-law claims, including intentional infliction of emotional distress.

PROCEDURAL HISTORY

Plaintiff filed this action pro se and in forma pauperis on June 4, 2025, asserting Title VII, Tennessee Human Rights Act, state-law tort, and Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act claims. After an initial review found non-frivolous claims, Plaintiff filed a first amended complaint. Defendants moved to dismiss in lieu of answers. The case was referred to the magistrate judge for pretrial proceedings, who issued this Report and Recommendation.

DISPOSITION

other

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Morgan v. Church's Fried Chicken, 829 F.2d 10, 11-12 (6th Cir. 1987)
- Haines v. Kerner, 404 U.S. 519, 520 (1972)
- Jourdan v. Jabe, 951 F.2d 108, 110 (6th Cir. 1991)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-61 (2007)
- Mik v. Federal Home Loan Mortg. Corp., 743 F.3d 149, 157 (6th Cir. 2014)
- Mixon v. Ohio, 193 F.3d 389, 400 (6th Cir. 1999)
- Lillard v. Shelby Cty. Bd. of Educ., 76 F.3d 716, 726 (6th Cir. 1996)
- Metro. Alloys Corp. v. State Metals Indus., Inc., 416 F. Supp. 2d 561, 563 (E.D. Mich. 2006)
- Spencer v. Caracal Int'l, LLC, 516 F. Supp. 3d 755, 758 (M.D. Tenn. 2021)
- Chapman v. Lawson, 89 F. Supp. 3d 959, 971 (S.D. Ohio 2015)
- Fitzgerald v. Hickman Cnty. Gov't, 2018 WL 1634111, at *14 (Tenn. Ct. App. Apr. 4, 2018)
- Rogers v. Louisville Land Co., 367 S.W.3d 196, 205 (Tenn. 2012)
- Brown v. Mapco Exp., Inc., 393 S.W.3d 696, 703 (Tenn. Ct. App. 2012)
- Bain v. Wells, 936 S.W.2d 618, 622-23 (Tenn. 1996)
- Miller v. Willbanks, 8 S.W.3d 607, 614 (Tenn. 1999)
- Medlin v. Allied Inv. Co., 217 Tenn. 469, 479, 398 S.W.2d 270, 274 (1966)

- Arnett v. Domino's Pizza I, L.L.C., 124 S.W.3d 529, 540 (Tenn. Ct. App. 2003)
- Fisher v. Nissan N. Am., Inc., 951 F.3d 409, 423 (6th Cir. 2020)
- Kilpatrick v. HCA Hum. Res., LLC, 838 F. App'x 142, 147 (6th Cir. 2020)
- Cossairt v. Jarrett Builders, Inc., 292 F. Supp. 3d 779, 790 (M.D. Tenn. 2018)
- DeSoto v. Bd. of Parks & Recreation, 64 F. Supp. 3d 1070, 1096 (M.D. Tenn. 2014)
- Barrett v. Whirlpool Corp., 704 F. Supp. 2d 746, 749 (M.D. Tenn. 2010)
- Stacy v. MVT Servs., LLC, No. 3:11-CV-01241, 2012 WL 2281495, at *8 (M.D. Tenn. June 18, 2012)
- Lambert v. Cent. Transp., Inc., No. 3:07-00052, 2008 WL 11389189, at *13 (M.D. Tenn. Apr. 24, 2008)
- Jenkins v. Nashville Pub. Radio, No. 3:02CV0179, 2005 WL 3358871, at *4 (M.D. Tenn. Dec. 9, 2005)
- Sawyer v. Lexington-Fayette Urb. Cnty. Gov't, 18 F. App'x 285, 287 (6th Cir. 2001)
- Jones v. Stover Diagnostics Lab'ys, Inc., No. 3:19-CV-00740, 2023 WL 163138, at *4 (M.D. Tenn. Jan. 10, 2023)
- Foman v. Davis, 371 U.S. 178, 182 (1962)
- Meadows v. Caliber Home Loans, 2019 WL 1242667, at *6 (M.D. Tenn. Mar. 18, 2019)
- Thomas v. Arn, 474 U.S. 140 (1985)
- United States v. Walters, 638 F.2d 947 (6th Cir. 1981)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-middle-district-of-tennessee-united-states-district-court-for-t/2026/nicholas-shane-flippen-v-rolling-hills-hospital-et-al-sh1kh8rh>