

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
NORTH CAROLINA, ASHEVILLE DIVISION

Catherine Nicholson v. HCA Healthcare, Inc., Jamie Gosnell, Jared Allen, Megan Tipton, Heather McFarland Thorp, Kristen Tilghman, Christopher Berry, Kelly Brady, Amanda Carver, Nina Murchison, Evadora Boyd, Jennifer McFadden, Teri Clark, and Charlene Atkinson

Nicholson · No. 1:25-cv-00076-MR-WCM · Decided June 2, 2026

SUMMARY

The court addresses multiple motions to dismiss claims arising from alleged employment discrimination, retaliation, defamation, civil conspiracy, intentional and negligent infliction of emotional distress, and negligent hiring, retention, and supervision. It denies dismissal of the employment discrimination claims against HCA, the defamation per se and civil conspiracy claims against the individual defendants, and grants dismissal of the IIED and NIED claims. The ruling also considers whether HCA may qualify as a joint employer under Fourth Circuit law.

CASE DETAILS

COURT	United States District Court for the Western District of North Carolina, Asheville Division
WRITING FOR THE COURT	Martin Reidinger
JURISDICTION	United States District Court for the Western District of North Carolina, Asheville Division
DECIDED	June 2, 2026
DOCKET	1:25-cv-00076-MR-WCM
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved to dismiss the First Amended Complaint under Federal Rule of Civil Procedure 12(b)(6).
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and draws reasonable inferences in the plaintiff's favor, but does not accept bare legal conclusions. The complaint must contain sufficient factual matter to state a claim that is plausible on its face.

TOPICS

employment discrimination

motions to dismiss

defamation

intentional infliction of emotional distress

negligence

PRACTICE AREAS

employment law

civil rights

torts

civil procedure

QUESTIONS PRESENTED

1. Whether Plaintiff plausibly alleged that HCA was her employer under Title VII, the ADEA, and the NCEEPa under the Fourth Circuit's joint-employment doctrine.
2. Whether Plaintiff pleaded a defamation per se claim with sufficient particularity based on allegedly false patient-abuse statements communicated to the North Carolina State Board of Nursing.
3. Whether Plaintiff plausibly pleaded a civil conspiracy claim under North Carolina law and sufficiently alleged an exception to the intracorporate-immunity rule.
4. Whether Plaintiff's allegations of discriminatory treatment and allegedly fabricated patient-abuse allegations stated a claim for intentional infliction of emotional distress.
5. Whether Plaintiff's negligent infliction of emotional distress claim failed because it relied on the same allegedly intentional conduct supporting her IIED claim.
6. Whether Plaintiff stated a negligent hiring, retention, and supervision claim based on alleged wrongful discharge and discriminatory treatment by HCA employees.

HOLDINGS

1. Plaintiff plausibly alleged at the pleading stage that HCA may qualify as her employer under the joint-employment doctrine, so HCA's motion to dismiss the nine employment discrimination claims was denied.
2. Plaintiff adequately pleaded a defamation per se claim because she identified the substance, subject matter, approximate timing, and recipient of the allegedly false statements sufficiently to provide fair notice.
3. Plaintiff plausibly stated a North Carolina civil conspiracy claim by alleging a conspiracy, wrongful acts in furtherance of it, and resulting injury, and by alleging facts potentially supporting an exception to the intracorporate-immunity rule.
4. Plaintiff failed to state an IIED claim because the alleged discriminatory treatment and fabricated patient-abuse allegations did not meet North Carolina's high threshold for extreme and outrageous conduct.
5. Plaintiff failed to state an NIED claim because the claim relied on the same conduct alleged to be intentional and did not specifically allege negligent conduct.

6. Plaintiff failed to state a negligent hiring, retention, and supervision claim because the alleged wrongful discharge was attributed to the employer rather than an employee's tortious conduct, and Plaintiff did not identify an incompetent employee or facts showing HCA's knowledge of incompetence.

KEY QUOTATIONS

“To survive a motion to dismiss pursuant to Rule 12(b)(6), “a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’””

“The ultimate question is “whether a putative employer exercise[s] significant control” over the individual.”

“A civil conspiracy claim, therefore, “is premised on the underlying act.””

“Such intentional conduct cannot sustain the Plaintiff’s NIED claim.”

FACTUAL BACKGROUND

Plaintiff, a registered nurse who identifies as Black, White, and Native American and is over forty, worked at Mission Hospital through a staffing arrangement with Aya Healthcare. She alleged that HCA-managed Mission subjected her to discriminatory scheduling, hostility, and retaliation after she reported mistreatment and filed a patient-safety report. She was terminated for alleged clinical-performance concerns and later faced a Nursing Board complaint that she alleged was fabricated. She asserted employment discrimination claims against HCA and defamation, civil conspiracy, IIED, NIED, and negligent hiring, retention, and supervision claims against HCA and individual defendants.

PROCEDURAL HISTORY

Plaintiff filed the action on March 12, 2025, asserting employment discrimination claims, tort claims, and a negligent hiring, retention, and supervision claim. Plaintiff voluntarily dismissed ANC Mission Hospital, Inc. and filed a First Amended Complaint against HCA Healthcare, Inc. and individual defendants. The court considered four fully briefed motions to dismiss and granted them in part and denied them in part.

DISPOSITION

other

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Aziz v. Alcolac, Inc., 658 F.3d 388, 391 (4th Cir. 2011)
- Walters v. McMahan, 684 F.3d 435, 439 (4th Cir. 2012)
- Butler v. Drive Automotive Industries of America, Inc., 793 F.3d 404, 409-10, 414 (4th Cir. 2015)
- Haavistola v. Community Fire Co. of Rising Sun, 6 F.3d 211, 219 n.2 (4th Cir. 1993)
- Johnson v. Crossroads Ford, Inc., 230 N.C. App. 103, 111, 749 S.E.2d 102, 108 (2013)
- Bendross v. Town of Huntersville, 159 N.C. App. 228, 582 S.E.2d 726 (2003)

- *Smith v. First Union National Bank*, 202 F.3d 234, 247 (4th Cir. 2000)
- *Percell v. International Business Machines, Inc.*, 765 F. Supp. 297, 302 (E.D.N.C. 1991), *aff'd sub nom. Percell v. International Business Machines Corp.*, 23 F.3d 402 (4th Cir. 1994)
- *Efird v. Riley*, 342 F. Supp. 2d 413, 427-28 (M.D.N.C. 2004)
- *Andrews v. Elliot*, 109 N.C. App. 271, 274, 426 S.E.2d 430, 432 (1993)
- *Boyce & Isley, PLLC v. Cooper*, 153 N.C. App. 25, 29, 568 S.E.2d 893, 898 (2002)
- *King v. Chaffin*, 759 F. Supp. 3d 690, 695 (W.D.N.C. 2024)
- *Hatfill v. New York Times Co.*, 416 F.3d 320, 329 (4th Cir. 2005)
- *Collins v. AB Biodisk North America, Inc.*, No. 5:08-CV-355-H, 2009 WL 10705350, at *6 (E.D.N.C. Mar. 16, 2009)
- *Mason v. Health Management Associates, LLC*, 421 F. Supp. 3d 237, 248 (W.D.N.C. 2019)
- *Jackson v. Blue Dolphin Communications of North Carolina, L.L.C.*, 226 F. Supp. 2d 785, 791 (W.D.N.C. 2002)
- *Piraino Bros., LLC v. Atlantic Financial Group, Inc.*, 211 N.C. App. 343, 350, 712 S.E.2d 328, 333 (2011)
- *Shope v. Boyer*, 268 N.C. 401, 405, 150 S.E.2d 771, 774 (1966)
- *Seguro-Suarez by & through Connette v. Key Risk Insurance Co.*, 261 N.C. App. 200, 218 n.6, 819 S.E.2d 741, 754-55 (2018)
- *Painter's Mill Grille, LLC v. Brown*, 716 F.3d 342, 353 (4th Cir. 2013)
- *Clark v. Clark*, 280 N.C. App. 403, 414-15, 867 S.E.2d 704, 715 (2021)
- *Bratcher v. Pharmaceutical Product Development, Inc.*, 545 F. Supp. 2d 533, 544 (E.D.N.C. 2008)
- *Smith-Price v. Charter Behavioral Health Systems*, 164 N.C. App. 349, 355, 595 S.E.2d 778, 783 (2004)
- *Stephenson v. Carolina Physicians Network Inc.*, No. 3:21-CV-103-FDW-DCK, 2021 WL 4558198, at *4 (W.D.N.C. Oct. 5, 2021)
- *Demarco v. Charlotte-Mecklenburg Hospital Authority*, 268 N.C. App. 334, 342, 836 S.E.2d 322, 328 (2019)
- *Mitchell v. Lydall, Inc.*, 1994 WL 38703, at *3 (4th Cir. 1994)
- *Bonham v. Wolf Creek Academy*, 767 F. Supp. 2d 558, 573 (W.D.N.C. 2011)
- *Turpin v. Charlotte Latin Schools, Inc.*, 293 N.C. App. 330, 353-54, 900 S.E.2d 352, 369-70 (2024)
- *Medlin v. Bass*, 327 N.C. 587, 591, 398 S.E.2d 460, 462 (1990)
- *Hogan v. Forsyth Country Club Co.*, 79 N.C. App. 483, 495, 340 S.E.2d 116, 124 (1986)
- *Whitfield v. DLP Wilson Medical Center, LLC*, 482 F. Supp. 3d 485, 494 (E.D.N.C. 2020)

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