

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
INDIANA, HAMMOND DIVISION

William E. Loving v. Mohamed H. Adan and GNC Truck Services
LLC

Loving · No. 2:25-CV-566-JEM · Decided February 23, 2026

SUMMARY

The United States District Court for the Northern District of Indiana grants Defendants’ motion to dismiss Counts III and IV of William E. Loving’s complaint. The dismissed claims alleged negligent hiring, training, supervision, retention, and entrustment arising from an automobile accident. The court concludes that the complaint does not plausibly allege that GNC Truck Services knew or should have known that Defendant Mohamed H. Adan was unfit or had a habit of dangerous misconduct, and dismisses the claims without prejudice.

CASE DETAILS

COURT	United States District Court for the Northern District of Indiana, Hammond Division
WRITING FOR THE COURT	John E. Martin
JURISDICTION	United States District Court for the Northern District of Indiana, Hammond Division
DECIDED	February 23, 2026
DOCKET	2:25-CV-566-JEM
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss Counts III and IV of Plaintiff's complaint.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court tests the sufficiency of the complaint rather than the merits, accepts well-pleaded factual allegations and reasonable inferences as true, and requires the complaint to contain sufficient factual matter to state a plausible claim for relief under Rule 8(a).
PRECEDENTIAL VALUE	unpublished
PARTIES	William E. Loving v. Mohamed H. Adan, GNC Truck Services LLC

TOPICS

motions to dismiss

negligent hiring

negligent supervision

negligence

civil procedure

PRACTICE AREAS

civil procedure

torts

negligence

QUESTIONS PRESENTED

1. Whether the complaint plausibly stated claims against GNC for negligent hiring, training, supervision, or retention.
2. Whether the complaint plausibly stated a negligent-entrustment or related claim by alleging that GNC knew or should have known that Adan was incompetent, irresponsible, or unfit to operate the vehicle.

HOLDINGS

1. The complaint failed to state plausible claims because it alleged no facts showing that GNC knew or should have known that Adan had a habit of dangerous misconduct, was incompetent or irresponsible, or was otherwise unfit to operate the vehicle.
2. A complaint must provide more than labels, conclusions, or a formulaic recitation of the elements; it must allege sufficient factual matter to state a plausible claim for relief.

KEY QUOTATIONS

“A motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) tests the sufficiency of the complaint and not the merits of the suit.” (at 1)

“To survive a 12(b)(6) motion to dismiss for failure to state a claim, the complaint must first comply with Rule 8(a) by providing “a short and plain statement of the claim showing that the pleader is entitled to relief,”” (at 1)

“the “complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’”” (at 1-2)

“The Supreme Court explained that the “plaintiff’s obligation to provide the grounds of his entitlement to relief requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do.”” (at 2)

“The complaint includes a description of the accident in question, but no factual allegation that Adan had any habit of dangerous misconduct or unfitness to drive that GNC Trucking should have known about, and these claims must be dismissed.” (at 3)

FACTUAL BACKGROUND

Plaintiff alleged injuries arising from an automobile accident involving a vehicle he was driving and a semi-trailer truck driven by Mohamed H. Adan and owned by GNC Truck Services LLC. Counts III and IV alleged that GNC was negligent in hiring, training, supervising, or retaining Adan and that GNC knew or should have

known Adan was unfit to operate the vehicle. The complaint described the accident but did not allege facts showing that Adan had a habit of dangerous misconduct, was incompetent, or was otherwise unfit to drive in a manner GNC knew or should have known about.

PROCEDURAL HISTORY

Plaintiff filed the action in Indiana state court on October 16, 2025, arising from an automobile accident. Defendants removed the action to the United States District Court for the Northern District of Indiana on December 19, 2025. After the parties consented to magistrate-judge jurisdiction under 28 U.S.C. § 636(c), Defendants moved to dismiss Counts III and IV. The court granted the motion and dismissed those counts without prejudice.

DISPOSITION

dismissed

CASES CITED

- Gibson v. City of Chicago, 910 F.2d 1510, 1520 (7th Cir. 1990)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555-56, 570 (2007)
- Conley v. Gibson, 355 U.S. 41, 47 (1957)
- Ashcroft v. Iqbal, 556 U.S. 662, 677-78 (2009)
- Indep. Trust Corp. v. Stewart Info. Servs. Corp., 665 F.3d 930, 934-35 (7th Cir. 2012)
- Windy City Metal Fabricators & Supply, Inc. v. CIT Tech. Fin. Serv., Inc., 536 F.3d 663, 668 (7th Cir. 2008)
- Hudgins v. Bemish, 64 N.E.3d 923, 933 (Ind. Ct. App. 2016)
- Treat v. Tom Kelley Buick Pontiac GMC, Inc., 710 F. Supp. 2d 762, 772 (N.D. Ind. 2010), aff'd, 646 F.3d 487 (7th Cir. 2011)
- Briggs v. Finley, 631 N.E.2d 959, 967 (Ind. Ct. App. 1994)
- Peterson v. Farrakhan, No. 2:03-CV-319 PS, 2006 WL 1722362, at *7 (N.D. Ind. June 22, 2006)
- Hardsaw v. Courtney, 665 N.E.2d 603 (Ind. Ct. App. 1996)
- United States Steel Corp. v. Summit Inc., No. 2:24-CV-126-GSL-JEM, 2025 WL 2623235, at *5 (N.D. Ind. Sept. 11, 2025)

OPINION

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA HAMMOND
DIVISION WILLIAM E. LOVING,) Plaintiff,)) v.) CAUSE NO.: 2:25-CV-566-JEM)
MOHAMED H. ADAN and) GNC TRUCK SERVICES LLC,) Defendant.) OPINION AND
ORDER This matter is before the Court on Defendants' Motion to Dismiss Counts III and IV of
Plaintiff's Complaint [DE 12], filed January 14, 2026.

Plaintiff filed a response on February 12, 2026, and on February 19, 2026, Defendants filed a reply. I. Background On October 16, 2025, Plaintiff filed a Complaint in state court against

Defendants for injuries arising out of automobile accident between the vehicle being driven by Plaintiff and a semi-trailer truck driving by Defendant Adan and owned by Defendant GNC Truck Services.

Defendants removed the action to this Court on December 19, 2025. The parties consented to have this case assigned to a United States Magistrate Judge to conduct all further proceedings and to order the entry of a final judgment in this case.

Thus, this Court has jurisdiction to decide this case pursuant to 28 U.S.C. ' 636(c). II. Standard of Review A motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) tests the sufficiency of the complaint and not the merits of the suit. See *Gibson v. City of Chicago*, 910 F.2d 1510, 1520 (7th Cir. 1990).

In ruling on such a motion, the Court accepts as true all of the well-pleaded facts 1 alleged by the plaintiff and all reasonable inferences that can be drawn therefrom. See *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555-56 (2007).

To survive a 12(b)(6) motion to dismiss for failure to state a claim, the complaint must first comply with Rule 8(a) by providing “a short and plain statement of the claim showing that the pleader is entitled to relief,” Fed. R. Civ. P. 8(a)(2), such that the defendant is given “fair notice of what the... claim is and the grounds upon which it rests.” *Twombly*, 550 U.S. at 555 (quoting *Conley v. Gibson*, 355 U.S. 41, 47 (1957)).

Second, the “complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citing *Twombly*, 550 U.S. at 570).

The Supreme Court explained that the “plaintiff’s obligation to provide the grounds of his entitlement to relief requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do.” *Twombly*, 550 U.S. at 555 (quotation marks and brackets omitted).

The Seventh Circuit Court of Appeals has explained that “[t]he complaint ‘must actually suggest that the plaintiff has a right to relief, by providing allegations that raise a right to relief above the speculative level.’” *Indep. Trust Corp. v. Stewart Info. Servs. Corp.*, 665 F.3d 930, 935 (7th Cir. 2012) (quoting *Windy City Metal Fabricators & Supply, Inc. v. CIT Tech.*

Fin. Serv., Inc., 536 F.3d 663, 668 (7th Cir. 2008)). In order “[t]o meet this plausibility standard, the complaint must supply enough fact to raise a reasonable expectation that discovery will reveal evidence supporting the plaintiff’s allegations.” *Indep. Trust Corp.*, 665 F.3d at 934-935 (quoting *Twombly*, 550 U.S. at 556) (quotation marks omitted). Additionally, “each allegation must be simple, concise, and direct.” Fed.

R. Civ. P. 8(d)(1). III. Analysis Defendants move to dismiss two of Plaintiff's claims: Count III alleges that Defendant GNC Truck Services was negligent in its hiring, training, supervision, or retention of its drivers, thereby breaching its duty owed to Plaintiff and the public, and Count IV alleges that GNC knew or should have known that Defendant Adan was unfit to operate the vehicle involved in the accident underlying the case.

Defendants argue that the factual allegations in the Complaint are insufficient to demonstrate that GNC is liable for the misconduct alleged. "Indiana recognizes the tort of negligent hiring and retention of an employee and has adopted Restatement [(Second) of Torts] § 317 as the standard in regard to such a claim." *Hudgins v. Bemish*, 64 N.E.3d 923, 933 (Ind.

Ct. App. 2016). A successful claim for negligent hiring or retention requires the plaintiff to demonstrate that the employer hired or retained the employee in question despite the fact that the employer knew or should have known that the employee "was in the 'habit of misconducting [him]self in a manner dangerous to others.'" *Treat v. Tom Kelley Buick Pontiac GMC, Inc.*, 710 F. Supp. 2d 762, 772 (N.D.

Ind. 2010), *aff'd*, 646 F.3d 487 (7th Cir. 2011) (quoting *Briggs v. Finley*, 631 N.E.2d 959, 967 (Ind. Ct. App. 1994)). Similarly, an injured third party has a cause of action for negligent entrustment against a person who entrusts a vehicle to someone who they know to be incompetent, irresponsible, or lacking the capacity to safely operate it. *Peterson v. Farrakhan*, No. 2:03-CV-319 PS, 2006 WL 1722362, at *7 (N.D.

Ind. June 22, 2006) citing *Hardsaw v. Courtney*, 665 N.E.2d 603 (Ind.App.1996). Defendants argue that Plaintiff has not alleged sufficient facts to support claims for negligent entrustment, hiring, training, supervision, or retention. Plaintiff argues that it does not yet have enough information about the employment arrangement between Defendants to include any additional facts at this stage, but that discovery will reveal the needed details.

Federal Rule of Civil Procedure 8(a)(2)'s requirement for a pleading to contain "a short and plain statement of the claim showing that the pleader is entitled to relief," which "demands more than an unadorned, the-defendant-unlawfully- harmed-me accusation." *Iqbal*, 556 U.S. at 677–78.

The complaint includes a description of the accident in question, but no factual allegation that Adan had any habit of dangerous misconduct or unfitness to drive that GNC Trucking should have known about, and these claims must be dismissed. See *United States Steel Corp. v. Summit Inc.*, No. 2:24-CV-126-GSL-JEM, 2025 WL 2623235, at *5 (N.D. Ind. Sept. 11, 2025) (dismissing counts when "Plaintiff does not allege facts that plausibly suggest Defendants knew or should have known that they needed to exercise control over their employees to prevent their scheme").

IV. Conclusion For the foregoing reasons, the Court hereby GRANTS Defendants' Motion to Dismiss Counts III and IV of Plaintiff's Complaint [DE 12] and ORDERS that Counts III and IV

of Plaintiff's Complaint are dismissed without prejudice. SO ORDERED this 23rd day of February, 2026. s/ John E. Martin_____ MAGISTRATE JUDGE JOHN E. MARTIN
UNITED STATES DISTRICT COURT cc: All counsel of record 4

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-northern-district-of-in/2026/william-e-loving-v-mohamed-h-adan-and-gnc-truck-services-llc-z30q6wm0>