

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
ILLINOIS, PEORIA DIVISION

Simmons v. OSF Healthcare System and Jomel Labayog

Simmons · No. 2:26-cv-2039 · Decided May 12, 2026

SUMMARY

The United States District Court for the Central District of Illinois granted OSF Healthcare System’s motion to dismiss claims arising from alleged workplace sexual harassment. The court dismissed the Title VII claim without prejudice because the complaint did not plausibly allege that the alleged harasser was a supervisor or that OSF was negligent in discovering or remedying the harassment. The court also dismissed the Illinois Gender Violence Act claim without prejudice after declining to exercise supplemental jurisdiction, and granted the plaintiff fourteen days to amend.

CASE DETAILS

COURT	United States District Court for the Central District of Illinois, Peoria Division
WRITING FOR THE COURT	Jonathan E. Hawley
JURISDICTION	United States District Court for the Central District of Illinois, Peoria Division
DECIDED	May 12, 2026
DOCKET	2:26-cv-2039
DISPOSITION	other
PROCEDURAL POSTURE	Defendant OSF Healthcare System moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the Title VII and Illinois Gender Violence Act counts of Plaintiff's three-count complaint.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, draws reasonable inferences in favor of the nonmovant, and asks whether the complaint contains sufficient factual matter to state a claim that is plausible on its face. Legal conclusions and conclusory recitations of the elements are not accepted as true.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- sexual harassment
- hostile work environment
- title vii
- motions to dismiss
- civil procedure

PRACTICE AREAS

employment law

civil rights

civil procedure

QUESTIONS PRESENTED

1. Whether the complaint plausibly alleged that Labayog was Simmons's supervisor for purposes of imposing strict employer liability under Title VII.
2. Whether the complaint plausibly alleged that OSF was negligent in discovering or remedying harassment if Labayog was merely a coworker.
3. Whether the court should exercise supplemental jurisdiction over the Illinois Gender Violence Act claim after dismissing the federal Title VII claim.

HOLDINGS

1. The complaint did not plausibly allege that Labayog was Simmons's supervisor because it alleged only that she was his nurse practitioner and that he wrote her a recommendation letter, without alleging that he possessed authority to directly affect the terms and conditions of her employment.
2. The complaint did not plausibly allege that OSF was negligent in discovering or remedying the alleged harassment, and therefore failed to state a Title VII claim against OSF on a coworker-harassment theory.
3. The court dismissed Count Three without prejudice and relinquished supplemental jurisdiction over the Illinois Gender Violence Act claim after dismissing the federal Title VII claim.

KEY QUOTATIONS

“To qualify as a supervisor, one must possess (or, at this juncture, be plausibly alleged to possess) “the power to directly affect the terms and conditions of the plaintiff’s employment.””

“But to create that question of fact, a plaintiff must first at least allege the existence of a supervisor (with plausible factual support).”

FACTUAL BACKGROUND

Simmons was employed by OSF's Cancer Center as a clinical registered nurse beginning in September 2021 and later became associated with Dr. Jomel Labayog as a prospective nurse practitioner. She alleged that Labayog subjected her to repeated sexually suggestive comments and physical contact during late 2024 and January 2025, including groping her buttocks. She reported the January 2025 incident to the nurse manager. Her complaint did not allege facts showing that Labayog had authority to hire, fire, promote, demote, discipline, or transfer her, or that OSF negligently discovered or remedied the alleged harassment.

PROCEDURAL HISTORY

Chelsey Simmons filed a three-count complaint on January 30, 2026, asserting claims under Title VII against OSF, the Illinois Human Rights Act against Jomel Labayog, and the Illinois Gender Violence Act against OSF and Labayog. OSF moved to dismiss Counts One and Three. The court granted the motion without prejudice and allowed Simmons fourteen days to file an amended complaint.

DISPOSITION

other

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 663, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Swanson v. Citibank, N.A., 614 F.3d 400, 404 (7th Cir. 2010)
- Vesely v. Armslist LLC, 762 F.3d 661, 665-66 (7th Cir. 2014)
- Alam v. Miller Brewing Co., 709 F.3d 662, 666 (7th Cir. 2013)
- Turner v. The Saloon, Ltd., 595 F.3d 679, 684 (7th Cir. 2010)
- Nischan v. Stratosphere Quality, LLC, 865 F.3d 922, 930 (7th Cir. 2017)
- Vance v. Ball State University, 646 F.3d 461, 469-70 (7th Cir. 2011)
- Jajeh v. County of Cook, 678 F.3d 560, 568 (7th Cir. 2012)
- Andonissamy v. Hewlett-Packard Co., 547 F.3d 841, 848 (7th Cir. 2008)
- Montgomery v. American Airlines, Inc., 626 F.3d 382, 390 (7th Cir. 2010)
- McGinnis v. United States Cold Storage, No. 16-CV-8841, 2018 WL 2320930, at *6 (N.D. Ill. May 22, 2018)
- Ross v. UChicago Argonne, LLC, No. 18 CV 4200, 2020 WL 2041338, at *8 (N.D. Ill. Apr. 28, 2020)
- Leggette v. Dr Pepper/Seven Up, Inc., No. 22 CV 2376, 2022 WL 6750261, at *2 (N.D. Ill. Oct. 11, 2022)
- Arbaugh v. Y&H Corp., 546 U.S. 500, 514 (2006)
- Wright v. Associated Insurance Cos., Inc., 29 F.3d 1244, 1250 (7th Cir. 1994)
- Jauquet v. Green Bay Area Catholic Education, Inc., 996 F.3d 802, 812 (7th Cir. 2021)