

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

JOYCE R. WELCHER

PLAINTIFF

V.

5:09CV00304-WRW

**DAVIS NURSING ASSOCIATION d/b/a
DAVIS LIFE CARE CENTER;
LOUISE KING; and
BENITA PRIDGEON**

DEFENDANTS

ORDER

Pending is Defendant Louise King's Motion to Dismiss (Doc. No. 3). Plaintiff has responded.¹ As set out below, Defendant Louise King's Motion to Dismiss is GRANTED.

I. BACKGROUND

Defendant Louise King is the Director of Nurses for Defendant Davis Life Care Center.² Plaintiff was an employee of Davis Life Care Center.³ On September, 25, 2009, Plaintiff filed the Complaint in this action.⁴ The Complaint generally alleges claims for hostile work environment, retaliation, and disability discrimination.⁵ Defendant Louise King requests I dismiss any claims against her in her individual capacity under Title VII of the 1964 Civil Rights Act⁶ or the Americans with Disabilities Act⁷ ("ADA").

II. DISCUSSION

¹Doc. No. 7.

²Doc. No. 2.

³*Id*

⁴Doc. No. 1.

⁵*Id.*

⁶42 U.S.C. § 2000e

⁷42 U.S.C. § 12203(a)

In ruling on a Rule 12(b)(6) motion to dismiss, I must “accept as true all of the factual allegations contained in the complaint, and review the complaint to determine whether its allegations show that the pleader is entitled to relief.”⁸ All reasonable inferences from the complaint must be drawn in favor of the nonmoving party.⁹ A complaint need only contain “a short and plain statement of the claim showing that the pleader is entitled to relief.”¹⁰

Although it is unclear from the Complaint whether Plaintiff is attempting to assert a claim under Title VII for alleged retaliation and a claim under the ADA for alleged disability discrimination, the individual Defendant, Louise King, is not an employer as defined under either of those two acts.¹¹ Accordingly, to the extent Plaintiff raises claims against Defendant Louise King in her individual capacity under these acts, they are DISMISSED.

CONCLUSION

Based on the findings of fact and conclusions of law above, Defendant Louise King’s Motion to Dismiss is GRANTED.

IT IS SO ORDERED this 15th day of December, 2009.

/s/Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE

⁸*Schaaf v. Residential Funding Corp.*, 517 F.3d 544, 549 (8th Cir. 2008).

⁹*Crumpley-Patterson v. Trinity Lutheran Hosp.*, 388 F.3d 588, 590 (8th Cir. 2004).

¹⁰*Id.* (quoting Fed. R. Civ. P. 8(a)).

¹¹See *Bonomolo-Hagen v. Clay Central-Everly Cmty. Sch. Dist.*, 121 F.3d 446, 447 (8th Cir. 1997) (holding that the Eighth Circuit “has squarely held that supervisors may not be held individually liable under Title VII”); and *Morrow v. City of Jacksonville*, 941 F. Supp. 816, 819-20 (E.D. Ark. 1996) (supervisors may not be held individually liable under ADA).