

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

ALAN OALMANN

CIVIL ACTION

VERSUS

NO. 20-380

SLIDELL MEMORIAL  
HOSPITAL FOUNDATION

SECTION M (2)

**ORDER & REASONS**

Before the Court is a motion by defendant Slidell Memorial Hospital Foundation (the “Foundation”) to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure for failure to state a claim.<sup>1</sup> Plaintiff Alan Oalmann brought this suit against the Foundation alleging claims of sexual harassment and sex discrimination under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e, *et seq.*<sup>2</sup> The Foundation seeks dismissal arguing that it is not the proper defendant because it was not Oalmann’s employer; rather, St. Tammany Parish Hospital Service District No. 2 d/b/a Slidell Memorial Hospital (the “Hospital”) was his employer.<sup>3</sup> Oalmann responds to the Foundation’s motion stating that he does not object to the dismissal of the Foundation, but requests that the Court grant him leave to file an amended complaint naming the Hospital as the defendant.

Rule 15(a)(2) of the Federal Rules of Civil Procedure provides that a party may amend its pleading with leave of court, and that courts “should freely give leave when justice so requires.” A district court has broad discretion in considering whether to grant leave to amend. *Giancarlo v. UBS Fin. Servs., Inc.*, 725 F. App’x 278, 287 (5th Cir. 2018). In this case, justice requires

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<sup>1</sup> R. Doc. 5.

<sup>2</sup> R. Doc. 2.

<sup>3</sup> R. Doc. 5-2.


granting leave to allow Oalmann to amend his complaint to name his actual former employer, the Hospital, as the defendant.

Accordingly, for the foregoing reasons,

IT IS ORDERED that Oalmann is GRANTED leave to file an amended complaint naming the Hospital as the defendant. Oalmann must file his amended complaint within fifteen (15) days from the date of this Order & Reasons.

IT IS FURTHER ORDERED that the Foundation's motion to dismiss (R. Doc. 5) is GRANTED, and Oalmann's claims against it are DISMISSED WITH PREJUDICE as soon as Oalmann files his amended complaint or fifteen (15) days after the date of this Order & Reasons, whichever is earlier.

New Orleans, Louisiana, this 17th day of April, 2020.

  
BARRY W. ASHE  
UNITED STATES DISTRICT JUDGE