UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

FUNDING ADVISORS CLAIMS RECOVERY, LLC, *et al.*,

Plaintiffs,

v.

ADVANCED CARE HOSPITALISTS, PL.,

Defendant.

Case No. 2:21-cv-1501
Judge Sarah D. Morrison
Magistrate Judge Kimberly A. Jolson

ORDER

This matter is before the Court for consideration of Defendant Advanced Care Hospitalists, PL.'s ("ACH") Motion for Partial Judgment on the Pleadings. (ECF No. 20.) Plaintiffs have opposed the Motion (ECF No. 23, 25) and seek leave to amend their Complaint if the Court grants ACH's motion. ACH replied (ECF No. 24) and opposed the leave request. This matter is now ripe for consideration.

I. STANDARD OF REVIEW

A motion for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c) is analyzed in the same manner as a motion to dismiss under Rule 12(b)(6). *Tucker v. Middleburg-Legacy Place*, 539 F.3d 545, 549 (6th Cir. 2008). To overcome such a motion, "a 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). "A claim has facial plausibility when the plaintiff

pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Id.* (citing *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 556 (2007)). The complaint need not contain detailed factual allegations, but it must include more than labels, conclusions, and formulaic recitations of the elements of a cause of action. *Directv, Inc. v. Treesh*, 487 F.3d 471, 476 (6th Cir. 2007). "Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice." *Iqbal*, 556 U.S. at 678 (citing *Twombly*, 550 U.S. at 555). A motion for judgment on the pleadings should be granted when there is no material issue of fact, and the moving party is entitled to judgment as a matter of law. *Tucker*, 539 F.3d at 549.

All well-pled factual allegations in the Amended Complaint are accepted as true for purposes of the Motion for Judgment on the Pleadings. *See id.*

II. CONCLUSION

Following review of the pleadings and the briefing in this case, it is clear that there are disputed factual allegations precluding judgment on the pleadings. ACH's Motion for Partial Judgment on the Pleadings (ECF No. 20) is **DENIED** and Plaintiffs' Motion for Leave to Amend (ECF No. 23) is **DENIED** as **MOOT**.

IT IS SO ORDERED.

/s/ Sarah D. Morrison
SARAH D. MORRISON
UNITED STATES DISTRICT JUDGE