

Premier Health Client Wants Out Of Ex-Director's Age Bias Suit

By **Ryan Harroff**

Law360 (November 13, 2024, 8:02 PM EST) -- University of Louisville Health has said it does not belong in an age bias suit brought against Premier Healthcare Solutions Inc. by one of the latter firm's former regional directors, arguing that it should be dismissed from the former worker's suit because he fell short on procedural requirements.

In a motion to dismiss Tuesday, UofL Health Inc. and UofL Health - Louisville Inc. told a North Carolina federal judge that 53-year-old former Premier Healthcare employee Hubert Stump failed to name the two university health entities as respondents on his charge to the U.S. Equal Employment Opportunity Commission **before he filed his suit** in September.

That means, the motion states, that he did not exhaust his administrative remedy options against them, and that his discrimination and retaliation claims against them must be dismissed.

Also, the UofL Health companies said Stump failed to properly tie them to North Carolina for the purposes of jurisdiction. The University of Louisville and its healthcare entities are in Kentucky, unlike Premier Healthcare, which has its headquarters in Charlotte, North Carolina.

The UofL Health companies were Stump's "ostensible alleged employer" when he was assigned by Premier Healthcare to manage their accounts with the Charlotte-based company, according to the motion. Therefore, the motion states, it is improper for the claims to be heard in the Tar Heel State when UofL Health does not operate in that area, regardless of Stump's purported failure to exhaust his administrative remedies.

"Stump attempts to hale UofL Health into North Carolina where it lacks the requisite minimum contacts," The UofL Health companies said. "Stump does not allege that any of UofL Health's sizable workforce resides in North Carolina (nor could he). Nor does Stump allege that UofL Health targets any of its business to the North Carolina marketplace, which is already home to its own preeminent healthcare systems."

According to Stump's suit, he was pushed out of his role as a regional director as part of a larger trend of workers around his age getting fired or forced to resign because of their age. Some of the purported discrimination allegedly came from UofL Health workers, the suit says. Stump also alleges that Premier Health's human resources department failed to act when he voiced concerns about the alleged discrimination he faced, and that his allegedly hostile work environment only got worse after he reported the issues.

All of that allegedly happened in Kentucky, according to the UofL Health companies' motion. Noting that location, as well as the administrative remedies issue, they urged the Western District of North Carolina court to throw out Stump's claims against them.

Premier Healthcare filed an answer to the suit Nov. 7 in which it denied Stump's claims and asserted multiple affirmative defenses — including arguments that Stump failed to mitigate his damages and that his purported injuries were of his own making. But Premier had not filed its own motion to dismiss the suit, as of Wednesday.

Counsel for the parties did not immediately respond to requests for comment Wednesday.

UofL Health is represented by Brent R. Baughman, Aaron W. Marcus and Colleen B. Parga of Dentons Bingham Greenebaum LLP, and John Michael Durnovich and Tate Ogburn of Poyner Spruill LLP.

Stump is represented by Stanley B. Green and Dawn T. Mistretta of Green Mistretta Law PLLC.

Premier Health is represented by S. Abigail Littrell and Benjamin R. Holland of Ogletree Deakins Nash Smoak & Stewart PC.

The case is Hubert E. Stump v. Premier Healthcare Solutions Inc. et al., case number 3:24-cv-00881, in the U.S. District Court for the Western District of North Carolina.

--Additional reporting by Gina Kim. Editing by Amy French.