

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION - DAYTON**

**AMANDA MCALEER, M.D.
201 Evergreen Dr.
Bellefontaine, Ohio 43311**

Plaintiff,

vs.

**THE SHELBY COUNTY MEMORIAL
HOSPITAL ASSOCIATION DBA
WILSON HEALTH DBA WILSON
MEMORIAL HOSPITAL
915 West Michigan Street
Sidney, Ohio 45365
and
c/o Stanley R. Evans, Registered Agent
100 South Main Street, Suite 102
Sidney, Ohio 45365**

and

**ERIC PRENGER, M.D.
Individually and in his Official Capacity
915 West Michigan Street
Sidney, Ohio 45365**

and

**MICHAEL TRYGSTAD, M.D.
Individually and in his Official Capacity
915 West Michigan Street
Sidney, Ohio 45365**

and

CASE NO. _____

JUDGE _____

JURY DEMAND ENDORSED HEREON

ROBERT MCDEVITT, JR., M.D.
Individually and in his Official Capacity
915 West Michigan Street
Sidney, Ohio 45365

and

CARRIE HUBER, M.D.
Individually and in her Official Capacity
915 West Michigan Street
Sidney, Ohio 45365

Defendants.

COMPLAINT

Now comes Plaintiff, Amanda McAleer, M.D., by and through the undersigned counsel, who hereby alleges and asserts against Defendants as follows:

I. PARTIES

1. Plaintiff, Amanda McAleer, M.D. (“Dr. McAleer”), is a resident of the State of Ohio and an OB/GYN physician employed by the Wilson Health Medical Group with privileges at The Shelby County Memorial Hospital Association d/b/a Wilson Health d/b/a Wilson Memorial Hospital.
2. Defendant, The Shelby County Memorial Hospital Association d/b/a Wilson Health d/b/a Wilson Memorial Hospital (“Wilson Health”), is an independent community hospital and Ohio non-profit corporation with a principal place of business at 915 West Michigan Street, Sidney, Ohio 45365. Wilson Health maintains a number of committees relevant to its

3. administration and the actions herein, including the Medical Executive Committee (“MEC”) and the Medical Peer Review Committee (“MPRC”).
4. Defendant, Eric Prenger, M.D. (“Dr. Prenger”), is a resident of the State of Ohio, a physician at Wilson Health, the Chief of Staff of Wilson Health, and the Chair of the MEC. He is being sued both as an individual and in his official capacity.
5. Defendant, Michael Trygstad, D.O. (“Dr. Trygstad”), is a resident of the State of Ohio, a physician with Wilson Health, Chair of the Wilson Health Medical Group Peer Review Committee, and, at all times relevant herein, was the interim Chief Medical Officer of Wilson Health, a member of the MEC, and a member of the MPRC. He is being sued both as an individual and in his official capacity.
6. Defendant, Robert McDevitt, Jr., M.D. (“Dr. McDevitt”), is a resident of the State of Ohio, a physician with Wilson Health, and at all time relevant herein was a voting member of the MEC and a member of the MEC Investigative Subcommittee. He is being sued both as an individual and in his official capacity.
7. Defendant, Carrie Huber, M.D. (“Dr. Huber”), is a resident of the State of Ohio and, at all times relevant herein, was an OB/GYN physician at Wilson Health Medical Group with privileges at Wilson Health, the Chair of the MPRC, and a voting member of the MEC. She is being sued both as an individual and in her official capacity.

II. JURISDICTION AND VENUE

8. Plaintiff incorporates each of the proceeding allegations within this Count by reference.
9. This Court has federal jurisdiction pursuant to 15 U.S.C. § 1 of the Sherman Act, 15 U.S.C. § 4 of the Clayton Act, 18 U.S.C. §§ 1342, 1962, and 1964, and 42 U.S.C. §§ 11101-11152 of the Health Care Quality Improvement Act of 1986 (“HCQIA”).

10. This Court has subject matter jurisdiction is established over Plaintiff's federal claims pursuant to 28 U.S.C. §§ 1331, 1332, and 1337.
11. This Court has supplemental or pendent jurisdiction of the remaining claims in this action pursuant to 28 U.S.C. § 1367(a) as said claims are so related to the original jurisdiction claims that they form part of the same case or controversy under Article III of the United States Constitution.
12. Venue is proper in the United States District Court for the Southern District of Ohio, Western Division in Dayton, Ohio, pursuant to 28 U.S.C. § 1391 as the conduct giving rise to the causes of action occurred in Shelby County, Ohio and/or some or all of the Defendants reside in the district, transact affairs in this district, and/or conduct a substantial amount of business in this district.

III. FACTS COMMON TO ALL CLAIMS

13. Plaintiff incorporates each of the proceeding allegations within this Count by reference.
14. Dr. McAleer graduated from Northeastern Ohio University College of Medicine in 2007.
15. After graduation, Dr. McAleer completed her residency at Riverside Methodist Hospital and became a board-certified OB/GYN.
16. Dr. McAleer began her medical career in 2011 as a junior partner at a private medical practice in Conway, South Caroline.
17. In 2014, she left her practice in Conway and joined a hospital-owned OB/GYN practice at Mary Rutan Hospital in Bellefontaine, Ohio, where she became the Department Chair of the OB/GYN group within a matter of months.
18. Seeking a better work/life balance, Dr. McAleer accepted an OB/GYN position with Wilson Care, LLC d/b/a Wilson Health Medical Group ("WHMG"), a medical practice

affiliated with Wilson Health composed of over 30 physicians and nurse practitioners across a broad spectrum of specialties.

19. Prior to starting work at WHMG on January 2, 2019, Dr. McAleer was appointed to the Wilson Health medical staff and granted privileges at Wilson Health based upon her employment with WHMG.

THE ORIGINS OF CONFLICT WITH DR. HUBER AND WILSON HEALTH

20. For the next eight months Dr. McAleer worked at WHMG and exercised her privileges at Wilson Health without incident.
21. This all changed after Dr. McAleer had a run in with Dr. Huber, one of her partners in the WHMG OB/GYN practice, as well as the Chair of the MPRC and a voting member of the MEC during all times relevant herein.
22. On August 22, 2019, Dr. McAleer took a vacation day, which required Dr. Huber to cover for her at Wilson Health.
23. Dr. Huber became personally offended when she discovered that Dr. McAleer was working a previously scheduled *locums* job at Lima Memorial Hospital on her vacation day.
24. Dr. Huber left several angry and unprofessional messages that same evening for Dr. McAleer at Lima Memorial Hospital and at the Lima OB/GYN private practice's messaging service demanding to speak to Dr. McAleer but refusing to divulge what the call was regarding.
25. Dr. McAleer called the Lima OB/GYN private practice she was covering for and apologized for Dr. Huber's extremely embarrassing and unprofessional calls.

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