

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

JEANNE RHOADES,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 4:17-cv-02486
	)	
BJC HEALTH SYSTEM, et al.,	)	
	)	
Defendants.	)	

**DEFENDANTS’ MOTION TO DISMISS**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendants BJC Health System, Missouri Baptist Medical Center, Barnes-Jewish Hospital, St. Louis Children’s Hospital, Christian Hospital Northeast-Northwest, and CH Allied Services, Inc. (collectively, “Defendants”) hereby move to dismiss Plaintiff Jeanne Rhoades’s (“Plaintiff”) claims against them with prejudice. Plaintiff’s claims are based on a purported contract between the parties, but Plaintiff fails to state a claim against Defendants upon which relief may be granted because she cannot establish the existence of a valid, enforceable contract. Specifically, Plaintiff fails to plead *any* of the three required elements of a contract under Missouri law – offer, acceptance or consideration. Plaintiff’s claims are based on the notion that Defendants’ personnel policies create contractual obligations, but under well-established Missouri law, they do not.

For these reasons, as more fully set forth in Defendants’ Memorandum in Support of this Motion, which is filed herewith and incorporated herein by reference, Plaintiff’s claims against Defendants should be dismissed with prejudice.

WHEREFORE, Defendants respectfully request that the Court enter an order granting their Motion to Dismiss, dismissing Plaintiff’s claims with prejudice, awarding Defendants their

attorneys' fees and costs incurred in filing this Motion, and for such other and further relief as the Court deems just and proper.

Respectfully submitted,

**OGLETREE, DEAKINS, NASH,  
SMOAK & STEWART, P.C.**

*/s/ Andrew L. Metcalf*

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**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

I hereby certify that on September 29, 2017, a copy of the foregoing was filed with the Clerk of Court by using the CM/ECF system, which will send notice of electronic filing to the following:

Carl J. Lumley  
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**ATTORNEYS FOR PLAINTIFF**

*/s/ Andrew L. Metcalf*  
An Attorney for Defendants

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