



Eman Al-Khadra, M.D. v. Cincinnati Children's Hospital Medical Center and Hector Wong, M.D.

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Plaintiff Eman Al-Khadra, M.D. pursued to trial claims against her employer, Cincinnati Children's Hospital Medical Center, and her supervisor, Director of the Critical Care Division within the Department of Pediatrics, for sexual harassment, sex discrimination, retaliation related to her benefits while on a medical leave of absence, retaliation related to her termination during the lawsuit, negligent supervision and retention (of alleged harasser), and wrongful discharge in violation of public policy.

Dr. Al-Khadra was hired as a faculty member within the Critical Care Division effective July 2006. Although she accepted her employment offer immediately, and her contemporaneous written comments about her recruitment and her supervisor were exceedingly positive, she later claimed in her lawsuit that the supervisor sexually harassed her beginning with her recruitment.

Dr. Al-Khadra also claimed that a relationship between her supervisor and another female faculty member in the Division was part of the sexual harassment that she experienced. She claimed to one person at the Hospital that she believed she was hired because of her looks and that she needed to participate in sexual favors to advance at the Hospital. She also claimed that she was disadvantaged by the favoritism allegedly shown to the subordinate by the supervisor.

In early 2009, Dr. Al-Khadra received a routine billing compliance notice that her billing memos needed to be reconciled with patient services as reflected on patient records. Because she was in Boston on a year-long medical leave, the patient records and compliance notice were mailed to her there. Unbeknownst to the Hospital, Dr. Al-Khadra viewed this routine notice as suspicious, although a similar notice was issued to many others. She sent the entire packet, including unredacted patient records, to her attorney for review.

Dr. Al-Khadra returned to work in July 2009 and filed her lawsuit in September 2009. In November, Children's Hospital issued document requests to Dr. Al-Khadra through its counsel, Frost Brown Todd. In February 2010, FBT received in production the patient records previously disclosed by Dr. Al-Khadra to her attorney in February 2009. Following an investigation into this disclosure, the Hospital determined that Dr. Al-Khadra had violated Hospital policies designed to comply with HIPAA and terminated her employment on March 29, 2010.

Dr. Al-Khadra's counsel filed a preliminary injunction with the Court asking for her reinstatement to different supervision. The Court, in an extraordinary move, granted the motion. Accordingly, she returned to work on April 14, 2010.

After lengthy discovery, the Court denied the defendants' motions for summary judgment, and the case proceeded to a jury trial. The unique procedural posture of the case allowed Dr. Al-Khadra's counsel to argue to the jury that it held Dr. Al-Khadra's career in its hands. Dr. Al-Khadra sought nearly \$4 million in total damages at trial.

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