

COURT OF APPEALS OF OHIO
EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JESSICA L. WARREN,	:	
Plaintiff-Appellant,	:	
v.	:	No. 116125
TRANSDIGM GROUP INC., ET AL.,	:	
Defendants-Appellees.	:	

JOURNAL ENTRY AND OPINION

JUDGMENT: REVERSED AND REMANDED
RELEASED AND JOURNALIZED: October 22, 2026

Civil Appeal from the Cuyahoga County Common Pleas Court
Case No. CV-25-123681

Appearances:

Haber LLP, Richard C. Haber, Lindsey K. Self, Natalie D. Davis, and Elise D. Manchester, *for appellant*.

Baker & Hostetler LLP and Daniel M. Kavouras; Cravath, Swaine & Moore LLP, Daniel Slifkin, pro hac vice, Gary A. Bornstein, pro hac vice, Vanessa A. Lavelly, pro hac vice, Justin C. Clarke, pro hac vice, and Nicole A. Walsh, pro hac vice, *for appellee* TransDigm Group Inc.

Gair Gallo Eberhard LLP, Chris C. Gair, pro hac vice, and Corey B. Rubenstein, pro hac vice, *for appellee* Michael Lisman.

MICHELLE J. SHEEHAN, A.J.:

{¶ 1} Plaintiff-appellant Jessica Warren (“Warren”) appeals from the trial court’s order granting defendants-appellees TransDigm Group Incorporated (“TransDigm”) and Michael Lisman’s (“Lisman”) (collectively known as “Appellees”) motion to dismiss her allegations of sex discrimination, sexual harassment, retaliation, and request for declaratory judgment and staying the remainder of the claims set forth in her complaint pending arbitration.

{¶ 2} On appeal, Warren claims that the trial court erred in (1) dismissing her discrimination, harassment, and retaliation claims, (2) dismissing her request for a declaratory judgment that this case is not subject to arbitration, and (3) staying her breach-of-contract claim pending arbitration. Having thoroughly reviewed the record and applicable law, we find that the complaint sufficiently alleged claims of discrimination, harassment, and retaliation. And since the complaint sufficiently alleged a claim for sexual harassment, this case is not subject to arbitration pursuant to the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act (“EFAA”). As such, we reverse the trial court’s judgment.

I. Relevant Facts and Procedural History

A. Complaint

{¶ 3} On August 28, 2025, Warren filed a complaint against TransDigm. An amended complaint was subsequently filed to include TransDigm’s President

and Chief Executive Officer Michael Lisman as a defendant.¹ The facts set forth in the complaint alleged the following seven counts against Appellees:

Count I: Breach of Contract – Specific Performance.

Count II: Permanent Injunction.

Count III: Gender Discrimination/Harassment in violation of R.C. 4112.02.

Count IV: Retaliation in violation of R.C. 4112.02(I).

Count V: Direct or indirect acts of Lisman in violation of R.C. 4112.02(J).

Count VI: Declaratory judgment that this case is not subject to arbitration.

Count VII: Declaratory judgment that non-competition restrictions are inapplicable and alternatively are void.

{¶ 4} The following facts were alleged in the amended complaint.

1. Background

{¶ 5} TransDigm is a corporation whose principal place of business and headquarters are located in Cuyahoga County, Ohio. TransDigm produces, designs, and supplies “highly engineered component parts, systems and subsystems utilized in the aerospace industry.” Lisman was TransDigm’s Co-Chief Operating Officer from May 2023 through September 2025, before being appointed President and Chief Executive Officer in October 2025.

{¶ 6} In December 2018, Warren was hired by TransDigm as Associate General Counsel and was eventually promoted to General Counsel, Chief Compliance Officer and Secretary in February 2023 pursuant to a February 6, 2023

¹ Hereinafter the amended complaint will be referred to as “complaint.”

employment agreement (“Employment Agreement”) (attached to the complaint as Exhibit A).

2. Harassment Allegations

a. 2021 Management Meeting Incident

{¶ 7} In November, 2021, Warren attended TransDigm’s annual management meeting. The complaint alleged that during the meeting, an operating unit president from TransDigm followed Warren to her hotel room despite being told multiple times that “his advances were unwelcome.” This individual attempted to kiss Warren when they arrived at her hotel room. She pushed him away and ran into her room “to escape the unwanted advances.”

{¶ 8} Warren reported the incident, an investigation was conducted, and the individual was terminated as a result of the investigation. The complaint alleges that the individual was provided “a substantial severance package despite the fact that he was terminated for engaging in sexual assault and harassment and had no employment agreement which provided for any severance packages.”

{¶ 9} The complaint alleges that at the same meeting, another operating unit president assaulted another female employee. This individual was also fired “and provided with a substantial severance package despite the fact that he was terminated for engaging in sexual assault and harassment and had no employment agreement which provided for any severance payments.”

b. 2023 Management Meeting Incident

{¶ 10} At the company's 2023 annual management meeting, an operating president from TransDigm insisted on dancing with numerous female employees, including Warren. The complaint alleged that this individual only relented when another male executive stepped in between them and told him to stop. This operating president remains employed by TransDigm. The complaint alleges that after Warren was terminated, she learned that at this same 2023 meeting, this individual had physically laid his hands on another female employee, despite the employee's repeated objections to his conduct.

c. 2024 Management Meeting Incident

{¶ 11} While attending the TransDigm's 2024 management meeting, Warren alleged she was again physically assaulted by another operating unit president from TransDigm. This individual choked Warren from behind, knocked her hat off, kissed her face, and smacked her hip and backside. This occurred in the presence of other TransDigm employees.

{¶ 12} Warren reported this incident within four to five days of the incident to the then CEO Kevin Stein ("Stein") and Lisman, who was the Co-Chief Operating Officer at the time. The complaint alleged that Lisman "displayed dissatisfaction" with Warren's complaints, asking her what she had done to cause the assault and why it took her so long to report the incident. Lisman also asked her if she was sure she wanted to move forward with the report, noting that the individual was "a good president."

{¶ 13} This operating unit president was also terminated, and as with the other alleged assaulter, “he received a substantial severance package despite the fact that he was terminated for engaging in sexual assault and harassment and had no employment agreement which provided for any severance packages.” The complaint further alleged that TransDigm released this individual from his non-competition obligations a few months after his termination.

{¶ 14} When Warren expressed her concerns about the pattern of sexual harassment and assault, she alleges that Stein dismissed her concerns, stating that she was “making a mountain out of a molehill.”

3. Work Culture

{¶ 15} The complaint further alleged that in addition to the two times Warren was sexually assaulted, she experienced other discriminatory and harassing conduct while employed at TransDigm.

{¶ 16} With respect to Lisman, Warren alleged that he justified paying less severance to TransDigm’s predominantly female vice presidents of finance because they were “gossips” and that he criticized sexual harassment and discrimination training as a “waste of time.” During Warren’s interview for her role as general counsel, Lisman “specifically asked her whether she could balance motherhood with her responsibilities and expressed doubt as to whether a woman with a family could effectively serve as General Counsel.”

{¶ 17} The complaint alleged that on multiple occasions, Stein had told Warren that TransDigm Board Chairman Nicholas Howley thought the women on

TransDigm's Board were "stupid" and "worthless" and that Howley wanted them removed. Warren alleged that consistent with the views expressed by Howley, numerous qualified female candidates were rejected for board positions in favor of two white men and that other females in the organization were routinely passed over for promotion.

4. Termination

{¶ 18} The complaint alleges that in the summer of 2024, Warren engaged in "other whistleblowing activity concerning TransDigm's compliance with applicable antitrust laws." As a result, Lisman became increasingly unhappy and expressed a desire to terminate her employment.

{¶ 19} On July 7, 2025, Warren was advised by Stein that "she would be removed from her position as General Counsel and replaced by Armani Vadee, an objectively less qualified male." She was advised that termination would not be immediate because the parties would work on proposed terms for her separation.

{¶ 20} A few days later, Warren advised Stein that she believed that she had been subject to a hostile work environment due to the sexual assault incidents. She also told him about the antitrust concerns that she had raised during her tenure and that she believed her "termination was unlawful and retaliatory."

{¶ 21} The parties failed to come to an agreement with respect to separation terms. On August 11, 2025, TransDigm attempted to initiate arbitration asserting that Warren's date of termination was August 11, 2025. The complaint alleges that

Warren's last paycheck was dated August 25, 2025, and reflected compensation through August 11, 2025.

{¶ 22} On August 18, 2025, Warren filed charges of discrimination against TransDigm and Lisman with the Ohio Civil Rights Commission, alleging that they had “discriminated against her, subjected her to sexual harassment and retaliated against her, resulting in her Resignation for Good Reason, and further retaliated against her by initiating a baseless claim in arbitration.”

{¶ 23} The complaint sought to invalidate the “pre-dispute arbitration agreement” maintaining that the claims for breach of contract and wrongful termination were not subject to arbitration pursuant to the EFAA.

B. Temporary Restraining Order and Preliminary Injunction

{¶ 24} The following day Warren filed her initial complaint with the trial court. She also filed a motion for temporary protection order and preliminary injunction “enjoining [TransDigm] from cancelling or terminating [Warren's] options” during litigation. TransDigm filed a brief in opposition, and a hearing was held on September 17, 2025. A week and a half later, the trial court granted Warren's motion, enjoining TransDigm from “cancelling or terminating [Warren's] unvested options during the pendency of this litigation.”

C. Motion to Dismiss and Stay Proceedings

{¶ 25} On December 4, 2025, Appellees filed a Civ.R. 12(B)(6) motion to dismiss Counts III (gender discrimination/harassment), IV (retaliation), V (direct or indirect acts of Lisman), and VI (a declaratory judgment that this case is not

subject to arbitration) of the complaint and to stay the proceedings pending arbitration pursuant to R.C. 2711.02(B) with respect to Counts I (breach of contract), II (permanent injunction), and VII (a declaratory judgment that noncompetition restrictions are inapplicable and alternatively are void). Two weeks later, Warren filed a brief in opposition to Appellees' motion to dismiss and to stay the proceedings.

{¶ 26} Warren also filed a partial motion for summary judgment on Counts I, VI, and VII, which was opposed by Appellees.

{¶ 27} After briefing was complete with respect to these motions, the trial court issued a judgment entry granting Appellees' motion to dismiss Counts III, IV, V, and VI and staying the proceedings with respect to the remaining counts. The court also denied Warren's partial motion for summary judgment.

D. Appeal

{¶ 28} Warren filed a notice of appeal from the trial court's judgment entry granting Appellees' motion to dismiss and staying the remaining counts. She raises the following assignments of error for our review:

1. The trial court committed reversible error in dismissing Ms. Warren's claims of gender discrimination, sexual harassment, and retaliation for failure to state a claim pursuant to Civ.R. 12(B)(6).
2. The trial court committed reversible error when it dismissed Ms. Warren's claim seeking a declaratory judgment stating that none of Ms. Warren's claims are arbitrable and when it stayed Ms. Warren's other claims pending arbitration in violation of the Ending Forced Arbitration of Sexual Assault and Harassment Act, 9 U.S. § 402.

3. The trial court committed reversible error when it stayed Ms. Warren’s breach of contract claim even though through the Employment Agreement between Ms. Warren and TransDigm permits her to seek specific performance of TransDigm’s obligation to compensate her through the Date of Termination specified in her Notice of Termination in a court of competent jurisdiction.

II. Law and Argument

A. First Assigned Error for Review – Dismissal of Warren’s Sex Discrimination, Harassment, and Retaliation Claims²

{¶ 29} In her first assigned error for review, Warren alleges that the trial court erred in dismissing her discrimination, harassment, and retaliation claims.

1. Standard of Review – Motion to Dismiss

{¶ 30} It has been well established that we review a trial court’s decision regarding a Civ.R. 12(B)(6) motion to dismiss de novo. *Gant v. Bolan*, 2026-Ohio-3226, ¶ 24 (8th Dist.), citing *Perrysburg Twp. v. Rossford*, 2004-Ohio-4362, ¶ 5. In conducting our review, we do so “without according the trial court any deference.” *Id.*, citing *6750 BMS, L.L.C. v. Drentlau*, 2016-Ohio-1385, ¶ 25 (8th Dist.), citing *Brown v. Cty. Commrs.*, 87 Ohio App.3d 704, 711 (4th Dist. 1993).

{¶ 31} A Civ.R. 12(B)(6) motion to dismiss for failure to state a claim upon which relief can be granted “is procedural and tests the sufficiency of the complaint.” *NorthPoint Props. v. Petticord*, 2008-Ohio-5996, ¶ 11 (8th Dist.), citing *State ex rel. Hanson v. Guernsey Cty. Bd. of Commrs.*, 65 Ohio St.3d 545 (1992). “Under a de

² Warren refers to her claim as a “gender” discrimination claim throughout these proceedings, though R.C. 4112.02(A) refers not to “gender” but to “sex.” For these reasons, we will refer to these claims as sex discrimination claims.

novo analysis, we must accept all factual allegations of the complaint as true and all reasonable inferences must be drawn in favor of the nonmoving party.” *Id.*, citing *Byrd v. Faber*, 57 Ohio St.3d 56 (1991). “The court need not, however, accept as true any unsupported and conclusory legal propositions advanced in the complaint.” *Colvin v. Ctr. for Dev. & Prop. Sols., L.L.C.*, 2021-Ohio-4392, ¶ 8 (10th Dist.), quoting *Bullard v. McDonald’s*, 2021-Ohio-1505, ¶ 11 (10th Dist.), citing *Morrow v. Reminger & Reminger Co. L.P.A.*, 2009-Ohio-2665, ¶ 7 (10th Dist.).

{¶ 32} Civ.R. 8(A) provides that a complaint needs to include “a short and plain statement of the claim showing that the party is entitled to relief.” As such, we have noted that Ohio is a notice-pleading jurisdiction, recognizing “that Ohio has not adopted the heightened federal pleading standard outlined in *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 127 S.Ct. 1955, 167 L.Ed.2d 929 (2007), and *Ashcroft v. Iqbal*, 556 U.S. 662, 129 S.Ct. 1937, 173 L.Ed.2d 868 (2009), which requires a plaintiff to plead sufficient facts that state a ‘plausible’ claim for relief.” *Smiley v. Cleveland*, 2016-Ohio-7711, ¶ 5 (8th Dist.), citing *Tuleta v. Med. Mut. of Ohio*, 2014-Ohio-396, ¶ 23 – 31 (8th Dist.).

{¶ 33} With this in mind, a trial court may only dismiss a complaint under Civ.R. 12(B)(6), if it ““appear[s] beyond a doubt that the plaintiff can prove *no set of facts* in support of [her] claim that would entitle [her] to relief.”” (Emphasis in original.) *Smiley* at ¶ 5, quoting *O’Brien v. Univ. Community Tenants Union, Inc.*, 42 Ohio St.2d 242, 245 (1975), quoting *Conley v. Gibson*, 355 U.S. 41, 45 (1957). Under this standard, we have recognized that a “motion to dismiss is viewed with

disfavor and should rarely be granted.” *Tuleta* at ¶ 15, quoting *Slife v. Kundtz*, 40 Ohio App.2d 179, 182 (8th Dist. 1974).

2. Sex Discrimination Claims

a. Applicable Law

{¶ 34} R.C. Chapter 4112 governs discrimination actions in Ohio. R.C. 4112.02(A) provides, in relevant part, that it is an unlawful discriminatory practice “[f]or any employer, because of the . . . sex . . . of any person, to discharge without just cause, to refuse to hire, or otherwise to discriminate against that person with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment.” In reviewing claims of employment discrimination pursued under state law, Ohio courts look to federal antidiscrimination case law. *Dove v. Lakewood*, 2025-Ohio-453, ¶ 34 (8th Dist.), citing *Nelson v. Univ. of Cincinnati*, 2017-Ohio-514, ¶ 31 (10th Dist.), citing *Coryell v. Bank One Trust Co. N.A.*, 2004-Ohio-723, ¶ 15. *See also Plumbers & Steamfitters Joint Apprenticeship Comm. v. Ohio Civ. Rights Comm.*, 66 Ohio St.2d 192, 196 (1981) (Federal case law interpreting Title VII of the Civil Rights Act is generally applicable to cases involving alleged violations of R.C. Ch. 4112.).

{¶ 35} “[A] plaintiff alleging discrimination bears the initial burden of setting forth a prima facie case of discrimination by using either direct or indirect evidence.” *Glemaud v. MetroHealth Sys.*, 2018-Ohio-4024, ¶ 53 (8th Dist.), citing *Chang v. Univ. of Toledo*, 480 F.Supp.2d 1009, 1013 (N.D. Ohio 2007). Direct evidence of discrimination is “evidence which, if believed, requires the conclusion

that unlawful discrimination was at least a motivating factor in the employer's actions.” *Wexler v. White’s Fine Furniture, Inc.*, 317 F.3d 564, 570 (6th Cir. 2003), quoting *Jacklyn v. Schering-Plough Healthcare Prods. Sales Corp.*, 176 F.3d 921 (6th Cir. 1999). “Because employers typically do not announce their discriminatory intent, direct evidence of discrimination is rare.” *Montgomery v. ExchangeBase, L.L.C.*, 2024-Ohio-2585, ¶ 55 (8th Dist.), quoting *Kelley v. Dayton Pub. School*, 2024-Ohio- 979, ¶ 26 (2d Dist.).

{¶ 36} Generally, in order to establish a prima facie case of sex discrimination in an employment action using indirect evidence, the plaintiff must establish that “(1) he or she is a member of a protected class, (2) he or she was qualified for the position in question, (3) he or she suffered an adverse employment action despite her qualifications and (4) he or she was treated less favorably than a similarly situated individual outside the protected class.” *Id.* at ¶ 56, citing *Birch v. Cuyahoga Cty. Probate Court*, 2007-Ohio-6189, ¶ 21 (8th Dist.).

b. Analysis

{¶ 37} In reviewing Warren’s complaint, we note that “[a] plaintiff is “ordinarily not required to allege in the complaint every fact he or she intends to prove; such facts may not be available until after discovery.”” *Brisbane v. Swagelok Co.*, 2025-Ohio-1450, ¶ 14 (8th Dist.), quoting *Thompson v. Stealth Investigations, Inc.*, 2010-Ohio-2844, ¶ 3 (2d Dist.), quoting *State ex rel. Hanson v. Guernsey Cty. Bd. of Commrs.*, 65 Ohio St.3d 545, 549 (1992). Nor is the pleader required to state all the elements of the claim. *Id.*, citing *Pierce v. Woyma*, 2010-Ohio-5590, ¶ 21

(8th Dist.), citing *Fancher v. Fancher*, 8 Ohio App.3d 79, 82-83 (1st Dist. 1982). Rather, “[n]otice pleadings” under Civ.R. 8(A) and 8(E) merely require that a claim concisely set forth only those operative facts sufficient to give “fair notice of the nature of the action.”” *Id.*, quoting *Lisboa v. Tramer*, 2012-Ohio-1549, ¶ 27 (8th Dist.), quoting *De Vore v. Mut. of Omaha Ins. Co.*, 32 Ohio App.2d 36, 38 (7th Dist. 1972).

{¶ 38} In her complaint, Warren alleged that while employed by TransDigm, she was subjected “to adverse employment actions based on her gender including but not limited to harassment based on gender, a discriminatory work environment permeated with sexual stereotype and misogynistic comments and behavior and ultimately forcing [her] to issue a Resignation for Good Reason.” Warren alleged that she had a successful career while working for TransDigm, which included “accomplishments such as signing and closing over \$3B in acquisitions and improving TransDigm’s Say-on-Pay performance over 185%.” Warren’s complaint also noted that she reported multiple instances where she had been subjected to sexual harassment from male colleagues who were eventually terminated.

{¶ 39} Warren also alleged that Lisman had justified paying less severance to TransDigm’s predominantly female vice presidents of finance because they were “gossips” and criticized sexual harassment and discrimination training as a “waste of time.” During Warren’s interview for the role of general counsel, Lisman “specifically asked her whether she could balance motherhood with her responsibilities and expressed doubt as to whether a woman with a family could

effectively serve as General Counsel.” The complaint finally alleged that she was replaced in her role as general counsel by an “objectively less qualified male.”

{¶ 40} Appellees allege that the complaint is deficient because it “failed to plead any causal connection between her gender and her termination.” However, the complaint specifically alleges that Appellees subjected her to “adverse employment actions based on her gender[.]” And assuming the facts alleged in the complaint are true, a reasonable inference could be made that the reason for Warren’s removal was based on her sex.

{¶ 41} As discussed above, the complaint was only required to allege facts to satisfy Civ.R. 8(A)’s liberal pleading standard in that they comprise of a “plain statement of the claim showing that the party is entitled to relief” and adequately give Appellees fair notice concerning the nature of the action being brought against them. *Morrisette v. DFS Servs., L.L.C.*, 2011-Ohio-2369, ¶ 18 (10th Dist.) (noting that in an age discrimination case, the plaintiff did not have to prove “but-for” causation at the pleading stage; rather “he needed only to satisfy Civ.R. 8(A)’s notice pleading requirement by alleging a short and plain statement of age discrimination showing he is entitled to relief”).

{¶ 42} Presuming all facts alleged in the complaint as true and making all reasonable inferences in favor of Warren, we conclude that complaint was sufficiently pleaded and gave fair notice of the nature of the action to the Appellees. As such, the trial court erred in dismissing Warren’s claims with respect to sex discrimination.

3. Sexual Harassment – Hostile Work Environment

a. Applicable Law

{¶ 43} R.C. 4112.02(A) provides that a plaintiff may establish a violation of R.C. 4112.02(A)'s prohibition of sex discrimination by demonstrating a “hostile work environment,” which has been described by the Ohio Supreme Court as “harassment that, while not affecting economic benefits, has the purpose or effect of creating a hostile or abusive working environment.” *Hampel v. Food Ingredients Specialties*, 89 Ohio St.3d 169, 176 (2000).

{¶ 44} In order to establish a hostile work environment claim, a plaintiff must show

(1) that the harassment was unwelcome, (2) that the harassment was based on sex, (3) that the harassing conduct was sufficiently severe or pervasive to affect the “terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment,” and (4) that either (a) the harassment was committed by a supervisor, or (b) the employer, through its agents or supervisory personnel, knew or should have known of the harassment and failed to take immediate and appropriate corrective action.

Id. at 176 – 177.

{¶ 45} The Ohio Supreme Court made clear that “actions that are simply abusive, with no sexual element, can support a claim for sexual harassment if they are directed at an employee because of his or her sex. Simply put, ‘harassment alleged to be because of sex need not be explicitly sexual in nature.’” *Id.* at 178 – 179, quoting *Carter v. Chrysler Corp.*, 173 F.3d 693, 701 (8th Cir. 1999).

b. Analysis

{¶ 46} When determining whether alleged harassment is severe or pervasive to affect the “terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment” under R.C. 4112.02(A), “courts view the work environment “as a whole,” considering the “totality” of the facts and circumstances.” *Pickett v. Steve’s Doghouse, Inc.*, 2025-Ohio-2368, ¶ 51 (8th Dist.), quoting *Montgomery*, 2024-Ohio-2585, at ¶ 60 (8th Dist.). This includes “the frequency of the alleged discriminatory conduct; its severity; whether it is physically threatening or humiliating, or a mere offensive utterance and whether it unreasonably interferes with an employee’s work performance.” *Montgomery* at ¶ 60, citing *Hampel* at 180 – 181. “[T]he issue is not whether each incident of harassment standing alone is sufficient to sustain the cause of action in a hostile environment case, but whether — taken together — the reported incidents make out such a case.” *Id.*, quoting *Williams v. GMC*, 187 F.3d 553, 562 (6th Cir. 1999).

{¶ 47} In her complaint, Warren alleged that on three separate occasions, she had been subject to sexual harassment by three separate individuals. During the first incident that occurred at a management meeting in 2021, an operating unit president at TransDigm followed her to her hotel despite being told “his advances were unwelcome.” The complaint alleged another incident that occurred in 2023 where another operating president insisted on dancing with numerous female employees, including Warren, and only stopped once another male employee intervened. The third incident occurred at the 2024 management meeting where

the complaint alleged that Warren was physically assaulted by another operating unit president. The individual choked her from behind, kissed her, and smacked her hip and backside while in the presence of other TransDigm employees.

{¶ 48} The complaint alleged that she reported two of these incidents and the two reported individuals were terminated. The complaint alleged that these individuals received substantial severance packages despite the fact that they were terminated for engaging in sexual assault and harassment and had no employment agreement that provided for any severance packages.

{¶ 49} In addition, the complaint also alleged a number of incidents of harassment including numerous misogynistic statements and actions Warren alleged to have observed.

{¶ 50} Presuming these facts to be true and making all reasonable inferences in favor of Warren, we conclude that the complaint was sufficiently pleaded and gave fair notice to the Appellees regarding the nature of Warren's allegations.

{¶ 51} Appellees claim that they took appropriate corrective action in terminating the two individuals reported by Warren by terminating their employment. They also dispute whether her remaining harassment allegations affected her employment or that it was "severe or pervasive." But that discussion expands outside our scope of review, since "[u]nder [the Ohio Rules of Civil Procedure], a plaintiff is not required to prove his or her case at the pleading stage." *Fink v. Twentieth Century Homes, Inc.*, 2010-Ohio-5486, ¶ 28 (8th Dist.), quoting *York v. Ohio State Highway Patrol*, 60 Ohio St.3d 143, 145 (1991). Rather, our

review of the complaint is more narrow, requiring us to make all reasonable inferences in favor of the complainant and determine whether Warren’s complaint set forth operative facts sufficient to state a claim and give Appellees fair notice of the nature of the action.

{¶ 52} Here, the complaint sufficiently pleads operative facts that, if taken as true, would support Warren’s hostile work environment claim. Claims that TransDigm’s actions in terminating the reported individuals or that the alleged conduct was not reasonably severe or persuasive fall outside the pleading standard and are better left resolved under a more fully developed record. “The notice pleading standard “relies on liberal discovery rules and summary judgment motions to define disputed facts and issues and to dispose of unmeritorious claims,” and it ‘should not be transposed into a rigid pleading standard for discrimination cases.’” *Morrisette*, 2011-Ohio-2369, at ¶ 18 (10th Dist.), quoting *Gessner v. Union*, 2004-Ohio-5770, ¶ 11-12 (2d Dist.), quoting 5 C. Wright & A. Miller, *Federal Practice and Procedure* (2d Ed. 1990) Section 1202, p. 76.

{¶ 53} Accordingly, the trial court erred in dismissing Warren’s claims with respect to her hostile work environment/harassment claims.

4. Retaliation

a. Applicable Law

{¶ 54} Retaliation is proscribed by R.C. 4112.02(I), which prohibits any person to discriminate in any manner against any other person because that person has opposed any unlawful discriminatory practice defined in this section or because that person has made a charge,

testified, assisted, or participated in any manner in any investigation, proceeding, or hearing under sections 4112.01 to 4112.07 of the Revised Code.

{¶ 55} R.C. 4112.02(A) prohibits, in relevant part, the following unlawful discriminatory practice:

For any employer, because of . . . sex . . . of any person, to discharge without just cause, to refuse to hire, or otherwise to discriminate against that person with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment.

{¶ 56} As discussed above, when interpreting and deciding claims brought under R.C. 4112.02, Ohio courts may rely on federal antidiscrimination case law. *Brown v. O'Reilly Auto Stores, Inc.*, 2015-Ohio-5146, ¶ 22 (8th Dist.), citing *Mauzy v. Kelly Servs., Inc.*, 75 Ohio St.3d 578, 582 (1996).

{¶ 57} In order to establish a prima facie case of retaliation under R.C. 4112.02(I), the plaintiff must demonstrate the following four elements: “(1) claimant engaged in a protected activity; (2) claimant’s engagement in the protected activity was known to the opposing party; (3) the opposing party thereafter took adverse action against the claimant; and, (4) there exists a causal connection between the protected activity and the adverse action.” *Hughes v. Miller*, 2009-Ohio-963, ¶ 29 (8th Dist.), citing *Greer-Burger v. Temesi*, 2007-Ohio-6442, ¶ 13, citing *Canitia v. Yellow Freight Sys., Inc.*, 903 F.2d 1064, 1066 (6th Cir. 1990), as modified by fn. 2.

b. Analysis

{¶ 58} Warren’s complaint alleged that on several occasions, she engaged in protected activity. This activity included two reports she made concerning sexual harassment that she experienced at the 2021 and 2024 annual management meetings. After she was advised that she was to be removed from her position as general counsel, she advised Appellees numerous times that she had been subject to harassment and discriminatory conduct.

{¶ 59} Warren further alleged that TransDigm subjected her to

adverse employment actions, including the removal from her role as General Counsel, demanding that [Warren] agree to unlawful post-employment restrictions, commencing arbitration in retaliation of [her] Resignation for Good Reason which was based in part on TransDigm’s prior retaliation against [her], forcing her resignation and then attempting to terminate her employment in violation of her Employment Agreement and then seeking to avoid all contractual severance obligations under the terms of [her] Employment Agreement when she would not agree to unlawful terms and raised allegations of harassment and retaliation.

{¶ 60} Appellees allege that the complaint fails to adequately demonstrate causation between the protected activity and the alleged adverse employment activity, particularly because the complaint failed to demonstrate a sufficient temporal relationship between the two. However, Warren was not required to meet this heightened evidentiary standard in order to allege a claim for discrimination. Rather, as discussed above, the complaint was only required to allege facts to satisfy Civ.R. 8(A)’s liberal pleading standard in that they comprise of a “plain statement of the claim showing that the party is entitled to relief” and adequately give Appellees

fair notice concerning the nature of the action being brought against them. *See Morrisette*, 2011-Ohio-2369, at ¶ 18 (10th Dist.).

{¶ 61} While we offer no opinion on the substantive merits of Warren’s claims, we do find that the facts alleged in her complaint were sufficient to satisfy Civ.R. 8(A)’s liberal pleading standard to support an allegation for retaliation. For this reason, the trial court erred in dismissing Warren’s retaliation claim.

{¶ 62} Accordingly, Warren’s first assignment of error is sustained.

B. Second and Third Assigned Errors for Review – Arbitration

{¶ 63} In her second and third assigned errors for review, Warren claims that the trial court erred when it stayed the case pending arbitration and denied her request for a declaratory judgment that this case was not subject to arbitration pursuant to the EFAA, 9 U.S.C. 402. Since Warren’s second and third assignments of error rely on the same facts and law, we will address them together.

1. Standard of Review – De Novo

{¶ 64} The pertinent question before this court is whether the EFAA is applicable to this case since the complaint alleges sexual assault and harassment. Our review, therefore, “requires scrutiny of the complaint in light of relevant law.” *Hansbrough v. Marshall Dennehey, P.C.*, 2026-Ohio-657, ¶ 18 (8th Dist.). In doing so, we evaluate the EFAA’s applicability to a dispute under Ohio Civ.R. 12(B)(6) pleading standards. *Id.* at ¶ 21. If a plaintiff’s claims survive that analysis, “they are ipso facto nonfrivolous” and the EFAA applies. *Id.* As such, “we review the EFAA’s application to the case de novo.” *Id.* at ¶ 19.

2. Applicable Law

{¶ 65} It has been well established that public policy in Ohio favors arbitration. *Caston v. The Woodlands of Shaker Hts.*, 2024-Ohio-2267, ¶ 13 (8th Dist.), citing R.C. 2711; *Williams v. Aetna Fin. Co.*, 83 Ohio St.3d 464, 471 (1998). The Ohio Supreme Court has explained that arbitration is favored because it provides the parties with an economical means of resolving a dispute and unburdening crowded court dockets. *Hayes v. Oakridge Home*, 2009-Ohio-2054, ¶ 15. “In light of the strong presumption favoring arbitration, all doubts should be resolved in its favor.” *Id.*, citing *Ignazio v. Clear Channel Broadcasting, Inc.*, 2007-Ohio-1947, ¶ 18. As such, “both the FAA and Ohio's Arbitration Act provide that a court shall stay proceedings and compel arbitration when ‘an issue is referable to arbitration under an agreement in writing for arbitration.’” *Sinley v. Safety Controls Tech.*, 2020-Ohio-4068, ¶ 15 (8th Dist.), quoting R.C. 2711.02.

{¶ 66} Both parties recognize that Warren’s Employment Agreement with TransDigm contains an arbitration provision providing that “[a]ny dispute or controversy arising under or in connection with this Agreement shall be settled exclusively by arbitration[.]” However, “[l]ike any statutory directive . . . the FAA’s policy favoring arbitration “may be overridden by a contrary congressional command.”” *Hansbrough* at ¶ 25, quoting *Mera v. SA. Hospitality Group, L.L.C.*, 2025 U.S. Dist. LEXIS 225349, *15-16 (S.D.N.Y. Nov. 14, 2025), quoting *Shearson/Am. Express, Inc. v. McMahon*, 482 U.S. 220, 226 (1987). As we have

recognized, the EFAA is one such contrary command, which carves “out an exception to the general public policy favoring arbitration.” *Id.*

{¶ 67} The EFAA provides that

[n]otwithstanding any other provision of this title, at the election of the person alleging conduct constituting a sexual harassment dispute or sexual assault dispute, or the named representative of a class or in a collective action alleging such conduct, no predispute arbitration agreement or predispute joint-action waiver shall be valid or enforceable with respect to a case which is filed under Federal, Tribal, or State law and relates to the sexual assault dispute or the sexual harassment dispute.

9 U.S.C. 402(a). In other words, the EFAA “allows an individual claiming sexual harassment or assault to elect judicial resolution, rather than arbitral resolution of their claims, even if the individual previously agreed to arbitrate such claims if they arose.” *Hansbrough* at ¶ 25, quoting *Memmer v. United Wholesale Mtge., L.L.C.*, 135 F.4th 398, 406 (6th Cir. 2025).

3. Analysis

{¶ 68} In order to determine whether the EFAA applies to a particular case we must review the complaint under Ohio’s notice-pleading standard as described above. *See id.* at ¶ 47. As discussed above, pursuant to our own de novo review of the complaint under Ohio’s notice pleading standard, we have determined that Warren has sufficiently alleged facts that, if true, would support her claims of sexual harassment. As such, since Warren’s complaint sufficiently pled sexual harassment claims they are “by definition nonfrivolous” and therefore covered by the EFAA. *See id.* at ¶ 48.

{¶ 69} With respect to her breach-of-contract claims concerning Warren’s third assignment of error, the EFAA covers those as well. We have recognized that “if a plaintiff properly invokes the EFAA, an arbitration agreement is unenforceable as to a plaintiff’s entire ‘case,’ not merely a plaintiff’s ‘claims’ of sexual assault or sexual harassment.” *Id.* at ¶ 49, citing *Mera* at *19. As such, Warren’s entire case is covered by the EFAA and not subject to arbitration. This includes her breach-of-contract claims set forth in the complaint. Therefore, the trial court erred in staying the remainder of the proceedings pending arbitration.

{¶ 70} Accordingly, Warren’s second and third assignments of error are sustained.

III. Conclusion

{¶ 71} Based on our review of the record and the applicable law, we find that the trial court erred in dismissing Warren’s complaint, in part, and staying the remainder of the case pending arbitration.

{¶ 72} Accordingly, we reverse the trial court’s judgment and remand the case for further proceedings consistent with this opinion.

It is ordered that appellant recover of appellees costs herein taxed.

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this court directing the common pleas court to carry this judgment into execution.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27
of the Rules of Appellate Procedure.

MICHELLE J. SHEEHAN, ADMINISTRATIVE JUDGE

MICHAEL JOHN RYAN, J., and
DEENA R. CALABRESE, J., CONCUR