

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
MASSACHUSETTS

Susan Keith v. HarbourVest Partners LLC, Nanci Palladino, Sean
Chau, and Jeni DiGiovanni

Keith · No. 1:25-cv-11384-JEK · Decided March 30, 2026

SUMMARY

The United States District Court for the District of Massachusetts granted defendants’ motions to dismiss claims brought by Susan Keith under the Age Discrimination in Employment Act and Massachusetts General Laws chapter 151B. The court held that Keith did not plausibly allege a causal connection between her age and the failure to hire her, and that the alleged interview conduct was not sufficiently severe or pervasive to support a hostile work environment claim. The court dismissed the federal claims with prejudice, dismissed the state-law claims without prejudice, and denied leave to file a second amended complaint.

CASE DETAILS

COURT	United States District Court for the District of Massachusetts
WRITING FOR THE COURT	Julia E. Kobick
JURISDICTION	United States District Court for the District of Massachusetts
DECIDED	March 30, 2026
DOCKET	1:25-cv-11384-JEK
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sued under the federal Age Discrimination in Employment Act and Massachusetts General Laws chapter 151B after being rejected for employment. Defendants moved to dismiss under Federal Rule of Civil Procedure 12(b)(6), and plaintiff sought leave to file a second amended complaint.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court determines whether, construing well-pleaded facts in the light most favorable to the plaintiff, the complaint states a claim for which relief can be granted. The complaint must allege a plausible entitlement to relief, and a pro se complaint is construed liberally.

PRECEDENTIAL VALUE	Unpublished district court memorandum and order; no precedential status stated.
PARTIES	Susan Keith v. HarbourVest Partners LLC, Nanci Palladino, Sean Chau, Jeni DiGiovanni

TOPICS

age discrimination hostile work environment motions to dismiss civil procedure employment law

PRACTICE AREAS

employment law civil rights federal employment law civil procedure

QUESTIONS PRESENTED

1. Whether Keith plausibly alleged an ADEA disparate-treatment claim based on HarbourVest's failure to hire her.
2. Whether Keith plausibly alleged an ADEA hostile-work-environment claim based on a single interview involving questions about family status and excessive typing.
3. Whether the court should exercise supplemental jurisdiction over the Massachusetts chapter 151B claims after dismissing all federal claims.
4. Whether Keith should be granted leave to file a second amended complaint when the proposed pleading added no new factual allegations capable of curing the deficiencies.

HOLDINGS

1. Keith failed to plausibly allege a causal connection between her age and HarbourVest's refusal to hire her; her ADEA disparate-treatment claim was therefore dismissed.
2. Assuming without deciding that an ADEA hostile-work-environment theory could apply to a job interview, Keith failed to plead conduct sufficiently severe or pervasive to state such a claim.
3. The court declined to exercise supplemental jurisdiction over Keith's remaining Massachusetts chapter 151B claims after dismissing all federal claims.
4. Leave to file a second amended complaint was denied because amendment would be futile where the proposed pleading added no new factual allegations capable of making the ADEA claims plausible.

KEY QUOTATIONS

“Because Keith has not alleged a plausible causal connection between her age and her rejection from the Business Analyst position at HarbourVest, her disparate treatment claim must be dismissed.” (Discussion I.A)

“The conduct Keith has alleged—a single interview in which the interviewer questioned Keith about her family status and typed excessively—may have been unpleasant, but it is not the kind of severe or pervasive conduct that gives rise to a plausible hostile work environment claim.” (Discussion I.B)

“Keith’s federal ADEA claims, Counts I and IV, are DISMISSED with prejudice.” (Conclusions and Orders)

FACTUAL BACKGROUND

Susan Keith, who was over forty, interviewed for a Business Analyst position with HarbourVest Partners after FDM Group shared her profile with HarbourVest. Although the initial interviewer expressed enthusiasm and discussed onboarding, a later interviewer, Sean Chau, focused on Keith's family status, parental responsibilities, and travel to visit her college-age child rather than her technical qualifications. HarbourVest ultimately rejected Keith, citing concerns about the gap in her résumé and her ability to get up to speed quickly. Keith alleged that the rejection resulted from age discrimination and that defendants attempted to conceal discriminatory conduct.

PROCEDURAL HISTORY

Keith filed the action on May 15, 2025, and filed an amended complaint six days later. The defendants moved to dismiss for failure to state a claim. At the hearing, Keith voluntarily requested dismissal of Counts II and III and the family-status theory in Count V, and later moved for leave to file a second amended complaint. The court granted the motions to dismiss, dismissed the ADEA claims with prejudice, dismissed the remaining state-law claims without prejudice, and denied leave to amend as futile.

DISPOSITION

other

CASES CITED

- Bazinet v. Beth Israel Lahey Health, Inc., 113 F.4th 9, 15 (1st Cir. 2024)
- Cortés-Ramos v. Martin-Morales, 956 F.3d 36, 41 (1st Cir. 2020)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 559 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Rivera v. Centro Médico de Turabo, Inc., 575 F.3d 10, 15 (1st Cir. 2009)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Gross v. FBL Fin. Servs., Inc., 557 U.S. 167, 177 (2009)
- McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973)
- Velez v. Thermo King de Puerto Rico, Inc., 585 F.3d 441, 446-47 (1st Cir. 2009)
- Walsh v. HNTB Corp., No. 24-1499, 2026 WL 710036, at *5 (1st Cir. Mar. 13, 2026)
- Woods v. Friction Materials, Inc., 30 F.3d 255, 259 (1st Cir. 1994)
- Reeves v. Sanderson Plumbing Prods., Inc., 530 U.S. 133, 149 (2000)
- Stark v. Bunch, No. 19-cv-12109-ADB, 2020 WL 4369700, at *4-5 (D. Mass. July 30, 2020)
- Dick v. Wood Hole Oceanographic Inst., No. 21-cv-10007-DJC, 2021 WL 3146049, at *4 (D. Mass. July 26, 2021)
- Adamson v. Multi Cmty. Diversified Servs., Inc., 514 F.3d 1136, 1146-48 (10th Cir. 2008)
- Kentucky Ret. Sys. v. E.E.O.C., 554 U.S. 135, 143-44 (2008)

- *Higgins v. State St. Corp.*, 323 F. Supp. 3d 203, 206-07 (D. Mass. 2018)
- *Rivera-Rodriguez v. Frito Lay Snacks Caribbean, a Div. of Pepsico Puerto Rico, Inc.*, 265 F.3d 15, 24 (1st Cir. 2001)
- *Havercombe v. Dep't of Educ. of the Commonwealth*, 250 F.3d 1, 6 (1st Cir. 2001)
- *Noviello v. City of Boston*, 398 F.3d 76, 92 (1st Cir. 2005)
- *Pomales v. Celulares Telefónica, Inc.*, 447 F.3d 79, 83 (1st Cir. 2006)
- *Borrás-Borrero v. Corporación del Fondo del Seguro del Estado*, 958 F.3d 26, 36-37 (1st Cir. 2020)
- *Camelio v. Am. Fed'n*, 137 F.3d 666, 672 (1st Cir. 1998)
- *Rivera-Díaz v. Humana Ins. of Puerto Rico, Inc.*, 748 F.3d 387, 392 (1st Cir. 2014)
- *Swartz v. Sylvester*, 53 F.4th 693, 703 (1st Cir. 2022)
- *ACA Fin. Guar. Corp. v. Advest, Inc.*, 512 F.3d 46, 55 (1st Cir. 2008)
- *Nikitine v. Wilmington Tr. Co.*, 715 F.3d 388, 390 (1st Cir. 2013)
- *Snyder v. Collura*, 812 F.3d 46, 51 (1st Cir. 2016)
- *Lu v. Niles*, No. 16-cv-12220-FDS, 2017 WL 3027251, at *5 (D. Mass. July 17, 2017)

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