

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
VIRGINIA, ROANOKE DIVISION

Forest Lawton v. Volvo Group North America, LLC

Lawton · No. 7:26-cv-00049 · Decided May 13, 2026

SUMMARY

The United States District Court for the Western District of Virginia denied Volvo Group North America, LLC’s partial motion to dismiss Count X of Forest Lawton’s amended complaint. The court held that Virginia Code § 2.2-3905(B)(7), read as part of the Virginia Human Rights Act, protects an employee’s opposition to an employer’s failure to provide pregnancy-related accommodations to a coworker. The court concluded that Lawton could pursue his VHRA retaliation claim based on that opposition activity.

CASE DETAILS

COURT	United States District Court for the Western District of Virginia, Roanoke Division
WRITING FOR THE COURT	Thomas T. Cullen
JURISDICTION	United States District Court for the Western District of Virginia, Roanoke Division
DECIDED	May 13, 2026
DOCKET	7:26-cv-00049
DISPOSITION	other
PROCEDURAL POSTURE	After removal from the Pulaski County Circuit Court, Volvo moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss Count X of Lawton's amended complaint, a Virginia Human Rights Act retaliation claim based on his opposition to the denial of pregnancy-related accommodations to a coworker.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court tests the legal sufficiency of the complaint, accepts well-pleaded allegations as true, draws reasonable inferences in the plaintiff's favor, and determines whether the complaint states a facially plausible claim for relief.
PRECEDENTIAL VALUE	unpublished
PARTIES	Forest Lawton v. Volvo Group North America, LLC

TOPICS

pregnancy discrimination

retaliation

motions to dismiss

statutory interpretation

civil procedure

PRACTICE AREAS

employment law

civil rights

QUESTIONS PRESENTED

1. Whether Virginia Code § 2.2-3905(B)(7) protects an employee who opposes an allegedly unlawful denial of pregnancy-related accommodation to a coworker.
2. Whether Lawton could rely in his opposition brief on Virginia Code § 2.2-3905(B)(7) even though his amended complaint specifically cited Virginia Code § 2.2-3909.
3. Whether Count X stated a plausible Virginia Human Rights Act retaliation claim sufficient to survive a Rule 12(b)(6) motion.

HOLDINGS

1. Virginia Code § 2.2-3905(B)(7) protects an individual from employer discrimination because the individual opposed any practice made unlawful by the Virginia Human Rights Act, including a practice prohibited by Virginia Code § 2.2-3909. Thus, Lawton's opposition to Volvo's alleged failure to provide reasonable pregnancy-related accommodations was protected opposition activity.
2. Lawton's failure to cite Virginia Code § 2.2-3905 in the amended complaint was not fatal because he pleaded a VHRA retaliation claim based on opposition activity and did not seek to introduce new facts or a new claim in his opposition brief.
3. Lawton sufficiently alleged that he engaged in protected opposition activity and was retaliated against because of that activity, so his VHRA retaliation claim could proceed beyond the pleading stage.

KEY QUOTATIONS

“This provision expressly prohibits employers, employment agencies (and similar entities), and labor organizations from discriminating against an individual (i.e. an employee, apprentice, applicant, or labor organization member) because of that individual’s opposition to a practice that this chapter—meaning the VHRA—has rendered unlawful.” (Section III)

“The provision’s plain language, then, protects opposition to any practice deemed unlawful discrimination under any provision in the VHRA, including Virginia Code § 2.2-3909.” (Section III)

FACTUAL BACKGROUND

Lawton, a production supervisor at Volvo, challenged his supervisor's direction to remove a chair being used as a pregnancy-related accommodation for a team member. He communicated his objection to Volvo's HR/Labor Relations personnel and alleged that the accommodation was nevertheless denied. Shortly afterward, Volvo placed Lawton on a performance-improvement plan and terminated him, allegedly citing inconsistent reasons.

Lawton also alleged that Volvo failed to accommodate his hearing impairment, but the motion addressed only his retaliation claim based on opposition to the coworker's pregnancy-related accommodation denial.

PROCEDURAL HISTORY

Lawton filed suit in the Pulaski County Circuit Court and was granted leave to file an amended complaint asserting ten causes of action. Volvo removed the action to the Western District of Virginia on January 20, 2026, and filed a partial motion to dismiss Count X. The court denied the motion to dismiss.

DISPOSITION

other

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Edwards v. City of Goldsboro, 178 F.3d 231, 243 (4th Cir. 1999)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 557, 570 (2007)
- Langford v. Joyner, 62 F.4th 122, 124 (4th Cir. 2023)
- Graves v. Taylor, No. 3:19-cv-00033, 2021 WL 2403148, at *4 n.8 (W.D. Va. June 11, 2021)
- Zelaya Sorto v. Doe, No. 5:18-CT-3242-FL, 2020 WL 5709249, at *4 n.6 (E.D.N.C. Sept. 24, 2020)
- Lynn v. Monarch Recovery Mgmt., Inc., 953 F. Supp. 2d 612, 624 (D. Md. 2013)
- Tyler v. Cain, 533 U.S. 656, 662 (2001)
- Groundworks Operations, LLC v. Campbell, 923 S.E.2d 919, 640 (Va. 2025)
- Boynton v. Kilgore, 623 S.E.2d 922, 926 (Va. 2006)
- Schilling v. Schmidt Baking Co., Inc., 876 F.3d 596, 601 (4th Cir. 2017)
- United States v. Al-Hamdi, 356 F.3d 564, 572 n.8 (4th Cir. 2004)
- Mike's Train House, Inc. v. Broadway Ltd. Imports, LLC, 708 F. Supp. 2d 527, 535 (D. Md. 2010)
- Boone v. Delta Air Lines, Inc., No. 4:25-cv-123, 2026 WL 917467, at *2 n.1 (E.D. Va. Apr. 1, 2026)
- Snowden v. Prince George's Cnty. Dep't of Corr., No. PJM 18-160, 2018 WL 3862253, at *3 n.2 (D. Md. Aug. 14, 2018)
- Clawson v. FedEx Ground Package Sys., Inc., 451 F. Supp. 2d 731, 734 (D. Md. 2006)