

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

Maria Moreno v. Sonic Drive-In; Brad Stephens; and John Does I–X

Moreno · No. 2:25-cv-00372-RJS-DBP · Decided February 9, 2026

SUMMARY

The United States District Court for the District of Utah ruled on Defendants’ renewed motion to dismiss Maria Moreno’s employment-related claims. The court allowed Moreno’s Title VII discrimination and retaliation claims, UADA claim, FLSA claim, Utah Payment of Wages Act claim, and implied-covenant claim to proceed, but dismissed her ADEA and wrongful-termination claims. The decision applies Federal Rule of Civil Procedure 12(b)(6) pleading standards and was issued per curiam on February 9, 2026.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                     |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the District of Utah                                                                                                                                                                                                                                                                                                                               |
| WRITING FOR THE COURT | Robert J. Shelby                                                                                                                                                                                                                                                                                                                                                                    |
| JURISDICTION          | United States District Court for the District of Utah                                                                                                                                                                                                                                                                                                                               |
| DECIDED               | February 9, 2026                                                                                                                                                                                                                                                                                                                                                                    |
| DOCKET                | 2:25-cv-00372-RJS-DBP                                                                                                                                                                                                                                                                                                                                                               |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                                               |
| PROCEDURAL POSTURE    | Defendants Sonic Drive-In and Brad Stephens moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the amended complaint. The court granted the motion in part and denied it in part.                                                                                                                                                                                      |
| STANDARD OF REVIEW    | On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, views the allegations in the light most favorable to the nonmoving party, and determines whether the complaint contains sufficient factual matter to state a facially plausible claim for relief. Conclusory allegations and threadbare recitals of claim elements are not accepted as true. |
| PRECEDENTIAL VALUE    | unpublished_or_nonprecedential                                                                                                                                                                                                                                                                                                                                                      |

TOPICS

- employment discrimination
- title vii
- retaliation
- flsa
- motions to dismiss

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether Moreno plausibly alleged Title VII discrimination based on national origin or sex.
2. Whether Moreno plausibly alleged Title VII retaliation based on her complaints about discriminatory treatment and allegedly unlawful pay practices.
3. Whether Moreno plausibly alleged a Utah Antidiscrimination Act claim.
4. Whether Moreno plausibly alleged an FLSA overtime claim.
5. Whether Moreno adequately pleaded an ADEA age-discrimination claim.
6. Whether Moreno adequately pleaded a Utah common-law wrongful-termination claim.
7. Whether Moreno's Utah Payment of Wages Act and implied-covenant claims could proceed as alternative claims when defendants did not meaningfully address them.

## HOLDINGS

1. Moreno plausibly alleged a Title VII employment-discrimination claim because she alleged protected-class status, termination, discriminatory comments and treatment toward Hispanic employees, pretextual reasons for termination, and temporal circumstances supporting an inference of discriminatory motive.
2. Moreno plausibly alleged Title VII retaliation because she alleged protected opposition, a materially adverse action, and a causal connection supported by detailed complaints and close temporal proximity between the complaints and her termination.
3. Moreno's UADA claim plausibly survived dismissal because UADA claims are analyzed under the same standards as Title VII claims, and her Title VII claims were adequately pleaded.
4. Moreno plausibly alleged an FLSA overtime claim by alleging that she regularly worked more than forty hours per week and was not paid overtime for that work.
5. Moreno failed to plausibly plead an ADEA claim because the amended complaint did not clearly assert such a claim and did not allege that she was treated less favorably than persons outside the ADEA-protected class.
6. Moreno failed to plausibly plead a Utah public-policy wrongful-termination claim because she did not adequately support with legal authority her contention that her internal complaints about wage and discrimination violations implicated a clear and substantial public policy.
7. The Utah Payment of Wages Act and implied covenant of good faith and fair dealing claims survived dismissal because defendants did not meaningfully address them and alternative pleading is permissible.

## KEY QUOTATIONS

*“To survive a Rule 12(b)(6) motion, “a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’”*”

*“The court concludes these allegations are sufficiently specific to state a plausible Title VII discrimination claim.”*

*“Further, as a matter of law, the temporal proximity between Moreno’s alleged informal complaints and her firing is sufficient to establish an inference of causality between her protected activity and the materially adverse action.”*

*“These allegations are sufficient to establish that she was denied overtime pay for at least one workweek, which is all she needed to plead.”*

## FACTUAL BACKGROUND

Maria Moreno, a Hispanic woman from Mexico who was 48 years old, worked for Sonic for more than twenty-two years and most recently served as a general manager. She alleged that her supervisor treated Hispanic employees less favorably, made derogatory comments about Hispanic women, and manipulated employee time records to avoid paying overtime. After Moreno reported suspected wage-and-hour violations and forwarded similar complaints from other employees, she was terminated seventeen days later after receiving multiple allegedly pretextual explanations for the firing.

## PROCEDURAL HISTORY

Moreno filed the action on May 9, 2025, after receiving an EEOC right-to-sue letter. She filed an amended complaint on October 12, 2025, asserting claims under Title VII, the FLSA, Utah law, and related theories. Defendants renewed their motion to dismiss on December 9, 2025; the court dismissed the ADEA and wrongful-termination claims but allowed the remaining claims to proceed.

## DISPOSITION

other

## CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Smith v. United States, 561 F.3d 1090, 1098, 1104 (10th Cir. 2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 556, 570 (2007)
- Warnick v. Cooley, Warnick v. Cooley, 895 F.3d 746, 751 (10th Cir. 2018)
- Bryson v. Gonzales, 534 F.3d 1282, 1286 (10th Cir. 2008)
- Clinton v. Security Benefit Life Insurance Co., 63 F.4th 1264, 1275 (10th Cir. 2023)
- Sinclair Wyoming Refining Co. v. A & B Builders, Ltd., 989 F.3d 747, 765 (10th Cir. 2021)
- U.S. ex rel. Lemmon v. Envirocare of Utah, Inc., 614 F.3d 1163, 1173 (10th Cir. 2010)
- McNellis v. Douglas County School District, 116 F.4th 1122, 1137, 1139, 1141–42 (10th Cir. 2024)
- Khalik v. United Air Lines, 671 F.3d 1188, 1192–94 (10th Cir. 2012)
- Bennett v. Windstream Communications, Inc., 792 F.3d 1261, 1266 (10th Cir. 2015)
- FTC v. Nudge, LLC, 430 F. Supp. 3d 1230, 1245–46 (D. Utah 2019)

- Reznik v. inContact, Inc., 18 F.4th 1257, 1260 (10th Cir. 2021)
- Hertz v. Luzenac America, Inc., 370 F.3d 1014, 1015 (10th Cir. 2004)
- Anderson v. Coors Brewing Co., 181 F.3d 1171, 1179 (10th Cir. 1999)
- Metzler v. Federal Home Loan Bank of Topeka, 464 F.3d 1164, 1171–72 (10th Cir. 2006)
- Gottling v. P.R. Inc., 61 P.3d 989, 995 (Utah 2003)
- Knutson v. Security National Mortgage Co., No. 2:25-CV-00119-JNP-CMR, 2025 WL 3268469, at \*4 (D. Utah Nov. 24, 2025)
- Hinds v. Sprint/United Management Co., 523 F.3d 1187, 1195 (10th Cir. 2008)
- Roberts v. Winder, 16 F.4th 1367, 1384 (10th Cir. 2021)
- Hansen v. American Online, Inc., 96 P.3d 950, 952 (Utah 2004)
- Fox v. MCI Communications Corp., 931 P.2d 857, 859 (Utah 1997)
- Cabeness v. Thomas, 232 P.3d 486, 508–09 (Utah 2010)
- Touchard v. La-Z-Boy Inc., 148 P.3d 945, 950 (Utah 2006)
- Eateries, Inc. v. J.R. Simplot Co., 346 F.3d 1225, 1232 (10th Cir. 2003)
- Cline v. Clinical Perfusion Systems, Inc., 92 F.4th 926, 935 (10th Cir. 2024)
- Lebahn v. Owens, 813 F.3d 1300, 1308 (10th Cir. 2016)

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