

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Hyung J. Kim v. Saval Food Service, LLC, et al.

Kim · No. SAG-25-3042 · Decided December 19, 2025

SUMMARY

The United States District Court for the District of Maryland granted defendants’ motions to dismiss Hyung J. Kim’s claims against Saval Food Service, LLC and Andrew Wellman. The court held that the complaint did not plausibly allege race or national-origin discrimination, an ADA failure-to-accommodate claim, retaliation, or defamation. The claims were dismissed without prejudice, and the case was administratively closed subject to a motion for leave to amend within thirty days.

CASE DETAILS

COURT	United States District Court for the District of Maryland
WRITING FOR THE COURT	Stephanie A. Gallagher
JURISDICTION	United States District Court for the District of Maryland
DECIDED	December 19, 2025
DOCKET	SAG-25-3042
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff sued his former employer and a supervisor, asserting employment discrimination, failure to accommodate under the Americans with Disabilities Act, retaliation, and defamation. Defendants moved to dismiss under Federal Rule of Civil Procedure 12(b)(6).
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepted well-pleaded factual allegations as true, drew reasonable inferences in the plaintiff's favor, separated factual allegations from legal conclusions, and assessed whether the complaint stated a facially plausible claim under Rules 8(a)(2) and 12(b)(6). Because plaintiff was self-represented, the complaint was liberally construed, but liberal construction did not excuse the failure to plead a plausible claim.
PRECEDENTIAL VALUE	unpublished
PARTIES	Hyung J. Kim v. Saval Food Service, LLC, Andrew Wellman

TOPICS

motions to dismiss

employment discrimination

ada discrimination

retaliation

defamation

PRACTICE AREAS

employment law

civil procedure

civil rights

disability discrimination

defamation

QUESTIONS PRESENTED

1. Whether the complaint plausibly alleged race- or national-origin discrimination in pay or termination.
2. Whether the complaint plausibly alleged that Kim had a qualifying disability and was denied a reasonable accommodation under the ADA.
3. Whether the complaint plausibly alleged retaliation despite failing to identify the statutory basis or protected activity.
4. Whether Saval's statement to the Department of Labor that Kim quit was capable of defamatory meaning.
5. Whether the allegations stated any actionable claim against supervisor Andrew Wellman.

HOLDINGS

1. The complaint failed to state a plausible race- or national-origin-discrimination claim because it alleged Kim's race and national origin but did not allege facts showing that either factor motivated the employer's pay or termination decisions or that similarly situated persons of different races or national origins were treated differently.
2. The complaint failed to state a plausible ADA failure-to-accommodate claim because Kim did not allege facts showing that he had a qualifying disability under the ADA.
3. The complaint failed to state a plausible retaliation claim because Kim did not identify the statutory basis for the claim or the protected activity in which he allegedly engaged.
4. The statement that Kim quit his employment was not defamatory as a matter of law, so the defamation claim failed.
5. The complaint failed to state an actionable claim against Wellman because the only alleged conduct was his disregard of Kim's complaints about the pay differential, and Kim did not allege that he raised possible discrimination or that Wellman otherwise took actionable conduct.

KEY QUOTATIONS

“For the reasons stated herein, Defendants’ motions to dismiss will be GRANTED and Plaintiff’s complaint will be dismissed without prejudice.”

“Administratively, this case will be closed, subject to reopening should Plaintiff file a motion seeking leave to amend his complaint to add additional factual allegations within thirty days of this opinion.”

FACTUAL BACKGROUND

Saval Food Service hired Kim, an Asian/Pacific Islander who identified his national origin as South Korean, as an hourly produce and specialty driver in February 2023. Kim alleged that he performed work similar to higher-paid delivery drivers, that his supervisor disregarded his complaints about the pay differential, and that he suffered an on-the-job injury, was absent for six weeks, and was not reasonably accommodated. Saval terminated him on February 28, 2025, and later told the Department of Labor that he had quit; Kim also alleged discrimination, retaliation, failure to accommodate, and defamation.

PROCEDURAL HISTORY

Kim filed a complaint concerning his employment, pay, injury, alleged failure to accommodate, termination, and the employer's statement to the Department of Labor that he had quit. Saval Food Service, LLC and Andrew Wellman each moved to dismiss. The court granted both motions and dismissed the complaint without prejudice, while allowing possible reopening if Kim moved for leave to amend within thirty days.

DISPOSITION

dismissed

CASES CITED

- In re Birmingham, 846 F.3d 88, 92 (4th Cir. 2017)
- Goines v. Valley Cmty. Servs. Bd., 822 F.3d 159, 165-66 (4th Cir. 2016)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 556, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 684 (2009)
- Willner v. Dimon, 849 F.3d 93, 112 (4th Cir. 2017)
- Johnson v. City of Shelby, 574 U.S. 10 (2014) (per curiam)
- E.I. du Pont de Nemours & Co. v. Kolon Indus., Inc., 637 F.3d 435, 440 (4th Cir. 2011)
- Semenova v. Md. Transit Admin., 845 F.3d 564, 567 (4th Cir. 2017)
- Houck v. Substitute Tr. Servs., Inc., 791 F.3d 473, 484 (4th Cir. 2015)
- Papasan v. Allain, 478 U.S. 265, 286 (1986)
- A Society Without a Name v. Virginia, 655 F.3d 342, 346 (4th Cir. 2011), cert. denied, 566 U.S. 937 (2012)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Estelle v. Gamble, 429 U.S. 97, 106 (1976)
- Bey v. Shapiro Brown & Alt, LLP, 997 F. Supp. 2d 310, 314 (D. Md. 2014), aff'd, 584 F. App'x 135 (4th Cir. 2014)
- Coulibaly v. J.P. Morgan Chase Bank, N.A., Civ. No. DKC-10-3517, 2011 WL 3476994, at *6 (D. Md. Aug. 8, 2011), aff'd, 526 F. App'x 255 (4th Cir. 2013)
- Brock v. Carroll, 107 F.3d 241, 242-43 (4th Cir. 1997) (Luttig, J., concurring in judgment)
- Weller v. Dep't of Soc. Servs., 901 F.2d 387, 391 (4th Cir. 1990)
- Beaudett v. City of Hampton, 775 F.2d 1274, 1278 (4th Cir. 1985)
- M.D. v. Sch. Bd. of Richmond, 560 F. App'x 199, 203 n.4 (4th Cir. 2014)

- Davis v. University of North Carolina, 263 F.3d 95, 99 (4th Cir. 2001)
- Offen v. Brenner, 402 Md. 191, 198-99, 935 A.2d 719, 723-24 (2007)
- Smith v. Danielczyk, 400 Md. 98, 115, 928 A.2d 795, 805 (2007)
- Gohari v. Darvish, 363 Md. 42, 55, 767 A.2d 321, 327 (2001)
- Aldina v. Meridian Grp. DC, LLC, No. 1:24-CV-1957 (RDA/IDD), 2025 WL 2424051, at *6 (E.D. Va. Aug. 21, 2025)
- San Antonio Express News v. Dracos, 922 S.W.2d 242, 248 (Tex. App. 1996)
- Mann v. City of Tupelo, No. 1:93CV107-B-D, 1995 WL 1945433, at *14 (N.D. Miss. Apr. 13, 1995)

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