

SUPERIOR COURT OF THE STATE OF DELAWARE

Brown v. Transforming Lives, Inc.

Brown v. Transforming Lives, Inc. · No. K24C-02-028 JJC · Decided January 23, 2026

SUMMARY

The Delaware Superior Court considers defendants’ motion for summary judgment in an employment-discrimination and whistleblower-retaliation action brought under the Delaware Discrimination in Employment Act and Delaware Whistleblowers’ Protection Act. The court addresses joint-employer status, gender discrimination, hostile work environment, retaliation, and whether the plaintiff reported a qualifying statutory violation. The opinion text provided ends before the court’s complete discussion and disposition are visible.

CASE DETAILS

COURT	Superior Court of the State of Delaware
WRITING FOR THE COURT	Jeffrey J. Clark, Resident Judge
JURISDICTION	Superior Court of the State of Delaware
DECIDED	January 23, 2026
DOCKET	K24C-02-028 JJC
DISPOSITION	other
PROCEDURAL POSTURE	Defendants Transforming Lives, Inc. and Akoben, LLC moved for summary judgment on the plaintiff's Delaware Discrimination in Employment Act claims and Delaware Whistleblowers' Protection Act claim after discovery concluded.
STANDARD OF REVIEW	Summary judgment is appropriate when the record demonstrates no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. The record is viewed in the light most favorable to the nonmoving party. Delaware employment-discrimination claims are evaluated under the McDonnell Douglas burden-shifting framework when there is no direct evidence of discrimination.
PRECEDENTIAL VALUE	Published Delaware Superior Court memorandum opinion

TOPICS

- summary judgment
- employment discrimination
- hostile work environment
- retaliation
- whistleblower

PRACTICE AREAS

employment law

employment discrimination

civil procedure

whistleblower retaliation

QUESTIONS PRESENTED

1. Whether the summary-judgment record created a genuine issue of fact as to whether Transforming Lives, Inc. and Akoben, LLC jointly employed Brown for purposes of the Delaware Discrimination in Employment Act.
2. Whether Brown presented evidence that defendants denied her the new position because of her gender.
3. Whether Brown presented evidence of severe or pervasive gender-based harassment sufficient to support a hostile-work-environment claim under the Delaware Discrimination in Employment Act.
4. Whether Brown engaged in protected activity and established causation for her Delaware Discrimination in Employment Act retaliation claim.
5. Whether Brown's report concerning allegedly improper billing identified an actual or reasonably believed statutory, regulatory, or policy violation sufficient to support a Delaware Whistleblowers' Protection Act claim.

HOLDINGS

1. A genuine issue of material fact existed as to whether Transforming Lives, Inc. jointly employed Brown with Akoben, LLC. Contractual language describing the companies' employment relationship was relevant but not dispositive, and the evidence regarding offers of employment, supervision, termination communications, and W-2 forms required a factfinder to resolve the issue.
2. Defendants were entitled to summary judgment on Brown's claim that they denied her the new position because of her gender because the record contained no evidence from which a reasonable factfinder could infer that gender was a motivating factor in the decision.
3. Defendants were entitled to summary judgment on Brown's hostile-work-environment claim because the isolated incidents she identified were neither severe nor pervasive and the record did not support an inference that the conduct was motivated by gender.
4. Defendants were entitled to summary judgment on Brown's DDEA retaliation claim because the record did not show that she reported gender discrimination or establish a causal connection between her alleged complaint and the denial of the new position.
5. Akoben was entitled to summary judgment on Brown's DWPA claim because the record supported neither an actual statutory or regulatory violation nor a reasonable belief that the director had advocated fraud or another qualifying violation.

KEY QUOTATIONS

“Agreements between two potential joint employers are not dispositive regarding the issue of joint employment, however.” (19)

“The DDEA, like Title VII, was never intended to be a “general civility code.”” (23)

“WHEREFORE, for the reasons stated above, Defendants’ motion for summary judgment is GRANTED.”
(33)

FACTUAL BACKGROUND

Brown worked for Akoben, LLC and contended that Transforming Lives, Inc. and Akoben jointly employed her. She alleged that defendants discriminated against her based on gender by failing to select her for a new curriculum specialist position, subjected her to a gender-based hostile work environment, and retaliated against her for reporting mistreatment. She also alleged that Akoben retaliated against her under the Delaware Whistleblowers' Protection Act after she reported that a director encouraged employees to bill for certain communications and activities. The court found no evidence supporting gender-based discrimination, protected activity or causation, or an actual or reasonably believed statutory violation underlying the whistleblower claim.

PROCEDURAL HISTORY

Brown filed suit in the Delaware Superior Court in February 2024, initially naming Transforming Lives, Inc. and Dr. Malik Muhammad. She amended the complaint to remove Muhammad and name Akoben, LLC, then filed a second amended complaint correcting formatting errors. After discovery concluded and oral argument was held, the court granted defendants' motion for summary judgment on all claims.

DISPOSITION

other

CASES CITED

- McDonnell-Douglas v. Green, 411 U.S. 792, 802-03 (1973)
- Riner v. Nat'l Cash Reg., 434 A.2d 375, 376 (Del. 1981)
- Graves v. Lowery, 117 F.3d 723, 727, 729 (3d Cir. 1997)
- Bourne v. V.C. Enter./Kirby Home Cleaning Sys., 157 F. Supp. 3d 372, 378-79 (D. Del. 2016)
- Plaso v. IJKG, LLC, 553 F. App'x 199, 204 (3d Cir. 2014)
- Acree v. Bayhealth Med. Ctr., 2023 WL 2700208, at *5-8 (Del. Super. March 29, 2023)
- Fisher v. Townsends, Inc., 695 A.2d 53, 59, 61 (Del. 1997)
- Wagenhoffer v. Visionquest Nat'l Ltd., 2016 WL 3947952, at *4, *6-7 (Del. Super. July 14, 2016)
- Muldrow v. City of St. Louis, 144 S. Ct. 967, 974 (2024)
- Bostock v. Clayton Cnty., 590 U.S. 644, 657 (2020)
- Harris v. Forklift Sys., 510 U.S. 17, 21, 23 (1993)
- Oncale v. Sundowner Servs., 523 U.S. 75, 80-81 (1998)
- Meritor Sav. Bank, FSB v. Vinson, 477 U.S. 57, 66 (1986)
- Crockett v. Mission Hosp., Inc., 717 F.3d 348, 354 (4th Cir. 2013)
- Faragher v. City of Boca Raton, 524 U.S. 775, 787-88 (1998)
- Caver v. City of Trenton, 420 F.3d 243, 262 (3d Cir. 2005)

- Honey v. Dover Downs, Inc., 2021 WL 6197082, at *5 (D. Del. Dec. 9, 2021)
- Busby v. Kramer, 22 F. App'x 758, 759-60 (9th Cir. 2001)
- Burlington Northern and Santa Fe Ry. Co. v. White, 548 U.S. 53, 64 (2006)
- Slagle v. Cnty. of Clarion, 435 F.3d 262, 268 (3d Cir. 2006)
- Curay-Cramer v. Ursuline Acad. of Wilm., Del., Inc., 450 F.3d 130, 134-35 (3d Cir. 2006)
- Daniels v. Sch. Dist. of Philadelphia, 776 F.3d 181, 195 (3d Cir. 2015)
- Miller v. State, Dept. of Public Safety, 2011 WL 1312286, at *9 (Del. Super. April 6, 2011)
- Marra v. Phila. Hous. Auth., 497 F.3d 286, 302 (3d Cir. 2007)
- Smith v. Del. State Univ., 47 A.3d 472, 476 (Del. 2012)
- Fender v. Del. Div. of Revenue, 628 F. App'x 95, 98 (3d Cir. 2015)
- Chance v. Kraft Heinz Food Co., 2018 WL 6655670, at *10-11 (Del. Super. Dec. 17, 2018)
- Kelsall v. BayHealth, Inc., 2015 WL 9312477, at *2 (Del. Super. Dec. 18, 2015)
- Wisconsin Bell, Inc. v. United States ex rel. Heath, 604 U.S. 140, 148 (2025)