

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
KENTUCKY, PADUCAH DIVISION

Mendez v. Viwintech Windows & Doors

No. 5:25-cv-34-BJB (W.D. Ky. Mar. 5, 2026) · No. 5:25-cv-34-BJB · Decided March 5, 2026

SUMMARY

The court addresses Abel Mendez’s Title VII claims against Viwintech Windows & Doors and concludes that he failed to exhaust administrative remedies by obtaining an EEOC right-to-sue letter before filing suit. The court rejects equitable tolling, grants the defendant’s motion for summary judgment and the plaintiff’s motion to amend, and denies the remaining motions as moot.

CASE DETAILS

COURT	United States District Court for the Western District of Kentucky, Paducah Division
JURISDICTION	United States District Court for the Western District of Kentucky, Paducah Division
DECIDED	March 5, 2026
DOCKET	5:25-cv-34-BJB
DISPOSITION	other
PROCEDURAL POSTURE	Mendez, proceeding pro se, filed a Title VII employment-discrimination action in Kentucky state court. Viwintech removed the action to federal court and moved for summary judgment based on Mendez's failure to exhaust administrative remedies. Mendez filed several motions, including motions to amend and for equitable tolling.
STANDARD OF REVIEW	Summary judgment is appropriate when the moving party is entitled to judgment as a matter of law; the court resolved the undisputed exhaustion issue and determined that further amendment would be futile. Equitable tolling is granted only sparingly and requires consideration of the applicable five-factor test.
PRECEDENTIAL VALUE	unknown
PARTIES	Abel Mendez v. Viwintech Windows & Doors

TOPICS

- title vii
- employment discrimination
- summary judgment
- statute of limitations
- civil procedure

PRACTICE AREAS

employment law

civil rights

civil procedure

remedies

QUESTIONS PRESENTED

1. Whether Mendez was entitled to equitable tolling of the Title VII administrative-exhaustion deadline based on homelessness, mental-health conditions, and difficulty conducting legal research.
2. Whether Mendez's failure to obtain an EEOC right-to-sue letter before filing suit required summary judgment for Viwintech.
3. Whether Mendez should be permitted to amend his complaint a second time despite his failure to exhaust administrative remedies.

HOLDINGS

1. Equitable tolling was inappropriate because Mendez had actual and constructive notice of the exhaustion requirement, did not demonstrate diligence in pursuing his rights, did not establish reasonable ignorance of the requirement or inequitable conduct by Viwintech, and continued litigating for more than a year without obtaining the required letter.
2. Mendez failed to exhaust his Title VII administrative remedies because he filed suit without obtaining the required EEOC right-to-sue letter and never demonstrated that he subsequently obtained one.
3. Summary judgment was appropriate because Mendez had been given an additional opportunity to obtain or demonstrate an effort to obtain the right-to-sue letter, failed to do so, and no longer had a viable opportunity to cure the exhaustion defect.

KEY QUOTATIONS

“Where the plaintiff files suit prior to receiving the right to sue letter, the district court is compelled to dismiss the premature action for failure to exhaust administrative remedies.”

“Lack of prejudice to a defendant alone is never a sufficient basis to toll a statute of limitations; it matters only after a plaintiff has established that at least one of the other four factors might apply.”

FACTUAL BACKGROUND

Mendez alleged that Viwintech intentionally discriminated against him by firing him in March 2024. He filed a complaint with the Kentucky Department of Workplace Standards in March 2024 but did not obtain or provide evidence of an EEOC right-to-sue letter before filing his Title VII lawsuit. Although he became homeless and reported mental-health diagnoses after his employment ended, he continued litigating through 2025 without pursuing or obtaining the required letter.

PROCEDURAL HISTORY

Mendez alleged that Viwintech intentionally discriminated against him by terminating his employment in March 2024. He filed a state administrative complaint with the Kentucky Department of Workplace Standards and later filed suit in state court without obtaining an EEOC right-to-sue letter; Viwintech removed the case in March

2025. The district court ordered Mendez to allege or demonstrate exhaustion, but he did not do so and instead argued for equitable tolling. The court denied equitable tolling, granted Viwintech summary judgment, granted Mendez leave to amend as futile because amendment could not cure the exhaustion failure, and denied the remaining motions as moot.

DISPOSITION

other

CASES CITED

- Mitchell v. Chapman, 343 F.3d 811, 820 n.10 (6th Cir. 2003)
- Younis v. Pinnacle Airlines, 610 F.3d 359, 362 (6th Cir. 2010)
- Robertson v. Simpson, 624 F.3d 781, 783 (6th Cir. 2010)
- Zipes v. Trans World Airlines, 455 U.S. 385, 393 (1982)
- Amini v. Oberlin College, 259 F.3d 493, 500-02 (6th Cir. 2001)
- Truitt v. County of Wayne, 148 F.3d 644, 648 (6th Cir. 1998)
- Covert v. Cellco Partnership, 563 F. Supp. 3d 767, 769 (M.D. Tenn. 2021)
- Baldwin County Welcome Center v. Brown, 466 U.S. 147, 152 (1984)
- Parry v. Mohawk Motors of Michigan, 236 F.3d 299, 310 (6th Cir. 2000)
- Portis v. State of Ohio, 141 F.3d 632, 634 (6th Cir. 1998)
- Min Li v. Qi Jiang, 38 F. Supp. 3d 870, 874 (N.D. Ohio 2014)
- United States v. Alam, 960 F.3d 831, 836 (6th Cir. 2020)
- Rivers v. Barberton Board of Education, 143 F.3d 1029, 1032 (6th Cir. 1998)
- Burnett v. Transit Authority of Lexington-Fayette Urban County Government, 981 F. Supp. 2d 630, 633 (E.D. Ky. 2013)
- Yuhasz v. Brush Wellman, 341 F.3d 559, 569 (6th Cir. 2003)