

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Gwendolyn Brown v. Julie M. Talavera, et al.

Brown · No. No. 25-1199, Div. (2) · Decided April 23, 2026

SUMMARY

The United States District Court for the Eastern District of Louisiana grants Diabetes & Metabolism Associates, APMC's motion to dismiss Gwendolyn Brown's Title VII and Louisiana employment-discrimination claims for failure to allege that the defendant employed the requisite number of employees. The dismissal is without prejudice to amendment, and Brown is granted 14 days to file an amended complaint if she can provide sufficient allegations consistent with Rule 11. The court does not reach the defendant's other arguments concerning the sufficiency and timeliness of the claims.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
WRITING FOR THE COURT	Donna Phillips Currault
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	April 23, 2026
DOCKET	No. 25-1199, Div. (2)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought employment-discrimination claims under Title VII and the Louisiana Employment Discrimination Law. Defendant Diabetes & Metabolism Associates, APMC moved under Federal Rule of Civil Procedure 12(b)(6), and the unopposed motion was granted with leave to amend.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and considers whether the complaint states a plausible claim for relief. The court does not accept conclusory allegations, unwarranted factual inferences, or legal conclusions as true. Dismissal is proper when a bar to relief appears on the face of the complaint.
PRECEDENTIAL VALUE	Unknown; federal district court order.

PARTIES

Gwendolyn Brown v. Diabetes & Metabolism Associates, APMC,
Julie M. Talavera

TOPICS

motions to dismiss

employment discrimination

title vii

racial discrimination

civil procedure

PRACTICE AREAS

civil procedure

employment law

civil rights

QUESTIONS PRESENTED

1. Whether the amended complaint stated a Title VII or Louisiana Employment Discrimination Law claim when it failed to allege that the defendant employed the number of employees required to qualify as an employer.
2. Whether the court should grant leave to amend despite the plaintiff's prior amendments and failure to oppose the motion.
3. Whether the complaint should be dismissed for failure to plead a prima facie case or as untimely under the applicable administrative-exhaustion and limitations rules.

HOLDINGS

1. The amended complaint failed to state a claim because it contained no allegations establishing that Diabetes & Metabolism Associates, APMC, qualified as an employer under Title VII or the Louisiana Employment Discrimination Law.
2. A plaintiff need not plead facts sufficient to establish a prima facie case under the McDonnell Douglas framework to survive a motion to dismiss, although the plaintiff must plead sufficient facts on the ultimate elements of a disparate-treatment claim to make the claim plausible.
3. Brown was entitled to 14 days to amend because she had not yet had an opportunity to amend the complaint asserting claims against her employer, and the record did not establish that amendment would be futile or that she was unwilling or unable to cure the pleading deficiency.

KEY QUOTATIONS

"Accordingly, Plaintiff has failed to state a claim for relief under Title VII or the LEDL because those provisions apply only to an "employer" as defined therein." (Section III)

"If Plaintiff can, consistent with her obligations under Rule 11, allege that Defendant Diabetes & Metabolism Associates employed the requisite number of employees as necessary to state a claim, Plaintiff will be granted 14 days within which to do so." (Section III)

FACTUAL BACKGROUND

Brown filed a form employment-discrimination complaint alleging that her termination was based on race and color. She later amended the complaint to identify Diabetes & Metabolism Associates, APMC, as her former employer, alleging that her supervisor treated others respectfully, singled her out and ostracized her because of race, imposed a greater workload on her, and retaliated after she raised concerns internally. The complaint did not allege how many employees the defendant employed during the relevant period. Brown attached an EEOC determination and notice of rights dated March 12, 2025, but not her EEOC charge.

PROCEDURAL HISTORY

Brown initially sued Julie M. Talavera based on alleged race- and color-based employment discrimination. The court dismissed claims against Talavera because she was not Brown's employer, granted leave to amend, later reopened the case to permit another amendment, and then dismissed the amended claims against Talavera for the same reason. Brown added her former employer, Diabetes & Metabolism Associates, APMC, as a defendant, which then moved to dismiss. The court granted that motion but allowed Brown 14 days to file another amended complaint alleging facts establishing the employer numerosity requirement.

DISPOSITION

other

CASES CITED

- Edward H. Bohlin Co., Inc. v. Banning Co., 6 F.3d 350, 356 (5th Cir. 1993)
- Webb v. Morella, 457 F. App'x 448, 452 & n.4 (5th Cir. 2012)
- Ramsey v. Signal Delivery Serv., Inc., 631 F.2d 1210, 1214 (5th Cir. 1980)
- Sewell v. Monroe City School Board, 974 F.3d 577, 581 (5th Cir. 2020)
- Kirkland v. Big Lots Store, Inc., 547 F. App'x 570, 572 (5th Cir. 2013)
- Jones v. Alcoa, Inc., 339 F.3d 359, 366 (5th Cir. 2003)
- Clark v. Amoco Production Co., 794 F.2d 967, 970 (5th Cir. 1986)
- Ashcroft v. Iqbal, 556 U.S. 662 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 545, 555, 557-58, 569-70 (2007)
- Lormand v. U.S. Unwired, Inc., 565 F.3d 228, 257 (5th Cir. 2009)
- Gonzales v. Kay, 577 F.3d 600, 603 (5th Cir. 2009)
- Ferrer v. Chevron Corp., 484 F.3d 776, 780 (5th Cir. 2007)
- Gentilello v. Rege, 627 F.3d 540, 544 (5th Cir. 2010)
- Cutrer v. McMillan, 308 F. App'x 819, 820 (5th Cir. 2009) (per curiam)
- McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973)
- Swierkiewicz v. Sorema N.A., 534 U.S. 506, 510-12 (2002)
- Raj v. Louisiana State University, 714 F.3d 322, 331 (5th Cir. 2013)
- Chhim v. University of Texas at Austin, 836 F.3d 467, 470 (5th Cir. 2016) (per curiam)
- Wright v. Union Pacific Railroad Co., 990 F.3d 428, 433 (5th Cir. 2021)

- Cicalese v. University of Texas Medical Branch, 924 F.3d 762, 767-68 (5th Cir. 2019)
- Whitlock v. Lazer Spot, Inc., 657 F. App'x 284, 286 (5th Cir. 2016)
- Kanida v. Gulf Coast Medical Personnel LP, 363 F.3d 568, 576 (5th Cir. 2004)
- Hamilton v. Dallas County, 79 F.4th 494, 502 (5th Cir. 2023) (en banc)
- Stone v. Louisiana Department of Revenue, 590 F. App'x 332, 339 (5th Cir. 2014)
- Arbaugh v. Y&H Corp., 546 U.S. 500, 513, 516 (2006)
- Lowrey v. Pettit, 737 So. 2d 213, 216 (La. App. 2 Cir. 1999)
- King v. Phelps Dunbar, L.L.P., 743 So. 2d 181, 187 (La. 1999)
- In re Asbestos Plaintiffs v. Borden, Inc., 826 So. 2d 581, 589 (La. App. 4 Cir. 2002)
- Rivero v. Fidelity Investments, Inc., 1 F.4th 340, 344 (5th Cir. 2021)
- Taylor v. Books A Million, Inc., 296 F.3d 376, 378-80 (5th Cir. 2002)
- Jones v. City of Houston, 756 F. App'x 341, 348 (5th Cir. 2018) (per curiam)
- National Railroad Passenger Corp. v. Morgan, 536 U.S. 101, 109 (2002)
- Conner v. Louisiana Department of Health and Hospitals, 247 F. App'x 480, 481 (5th Cir. 2007)
- Mennor v. Fort Hood National Bank, 829 F.2d 553, 555-56 (5th Cir. 1987)
- Jay v. International Salt Co., 868 F.2d 179, 180 n.1 (5th Cir. 1989)
- Cook v. Lee College, 798 F. Supp. 417, 420-21 (S.D. Tex. 1992)
- Harrison v. Mayorkas, No. 21-161, 2022 WL 2237135, at *2-3 (E.D. La. June 21, 2022)
- Stewart v. Smitty's Supply, Inc., No. 18-10058, 2020 WL 433362, at *2 (E.D. La. Jan. 28, 2020)
- Woods v. Delta Air Lines, Inc., No. 25-10505, 2025 WL 2986375, at *2 (5th Cir. Oct. 23, 2025)
- F.D.I.C. v. Conner, 20 F.3d 1376, 1385 (5th Cir. 1994)
- Dierlam v. Trump, 977 F.3d 471, 478 n.44 (5th Cir. 2020)
- Eason v. Thaler, 14 F.3d 8, 9 (5th Cir. 1994)
- Hart v. Bayer Corp., 199 F.3d 239, 247 n.6 (5th Cir. 2000)
- Neitzke v. Williams, 490 U.S. 319, 329-30 (1989)
- Irizarry v. Secretary, Florida Department of Corrections, No. 21-10591, 2021 WL 3231163, at *1 n.1 (11th Cir. July 22, 2021)
- Great Plains Trust Co. v. Morgan Stanley Dean Witter & Co., 313 F.3d 305, 329 (5th Cir. 2002)
- Hale v. King, 642 F.3d 492, 503 (5th Cir. 2011)
- Brown v. Brown, 842 F. App'x 948, 949 (5th Cir. 2021)
- Mendoza-Tarango v. Flores, 982 F.3d 395, 402 (5th Cir. 2020)
- Jones v. Greninger, 188 F.3d 322, 327 (5th Cir. 1999)