

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MISSOURI, EASTERN DIVISION

Sadeik Gibbs v. Actalent, Inc., et al.

Gibbs · No. 4:25-cv-01442-CMS · Decided May 7, 2026

SUMMARY

The United States District Court for the Eastern District of Missouri grants Invenergy, LLC’s motion to dismiss claims brought under Title VII and the Missouri Human Rights Act for failure to exhaust administrative remedies. The court concludes that the plaintiff’s EEOC right-to-sue letter could not be considered because it was not attached to or referenced in the complaint, and that the MHRA right-to-sue letter was obtained after the lawsuit was filed. The claims against Invenergy are dismissed without prejudice.

CASE DETAILS

COURT	United States District Court for the Eastern District of Missouri, Eastern Division
WRITING FOR THE COURT	Cristian M. Stevens
JURISDICTION	United States District Court for the Eastern District of Missouri, Eastern Division
DECIDED	May 7, 2026
DOCKET	4:25-cv-01442-CMS
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant Invenergy, LLC moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the plaintiff's Title VII and Missouri Human Rights Act claims for failure to exhaust administrative remedies.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts the complaint's factual allegations as true and views them in the light most favorable to the plaintiff, but may consider documents attached to the complaint and materials necessarily embraced by the pleadings. Matters outside the pleadings that are not excluded require conversion of the motion to one for summary judgment under Rule 12(d).
PRECEDENTIAL VALUE	unpublished

PARTIES

Sadeik Gibbs v. Actalent, Inc., Invenergy, LLC, et al.

TOPICS

motions to dismiss

exhaustion of remedies

title vii

employment discrimination

civil procedure

PRACTICE AREAS

employment law

civil rights

civil procedure

administrative law

QUESTIONS PRESENTED

1. Whether the court could consider an EEOC right-to-sue letter attached to Gibbs's response to the motion to dismiss when the complaint neither attached nor referenced the letter.
2. Whether Gibbs adequately demonstrated exhaustion of Title VII administrative remedies when the complaint did not allege or attach an EEOC charge or right-to-sue letter.
3. Whether Gibbs's Missouri Human Rights Act claims were barred because the complaint did not allege or attach an MHRC right-to-sue letter and the alleged letter was issued after the lawsuit was filed.

HOLDINGS

1. The court could not consider the EEOC right-to-sue letter attached to Gibbs's response because the complaint did not attach it, allege its contents, or reference it, and the document was not necessarily embraced by the pleadings.
2. Gibbs failed to demonstrate exhaustion of administrative remedies for his Title VII claims because the complaint neither alleged nor attached an EEOC charge or right-to-sue letter.
3. Gibbs's Missouri Human Rights Act claims were properly dismissed because he did not obtain the required MHRC right-to-sue letter before filing suit and did not allege or attach the letter to his complaint.

KEY QUOTATIONS

“For a complaint to survive a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6), it “must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’””

“The Court may consider documents necessarily embraced by the pleadings, defined by the Eighth Circuit as “documents whose contents are alleged in a complaint and whose authenticity no party questions, but which are not physically attached to the pleading.””

FACTUAL BACKGROUND

Gibbs, a Black male assistant site manager employed by Actalent and assigned to Invenergy projects, alleged that an Invenergy site manager and construction manager subjected him to racial insults, threats, physical attacks, intimidation, and interference with his work. After Gibbs complained about the conduct, he was removed from the Split Rail project and later resigned. He filed this action without attaching or referencing an

EEOC or Missouri Human Rights Commission right-to-sue letter in the complaint; the MHRC letter was allegedly issued after the lawsuit began.

PROCEDURAL HISTORY

Gibbs filed suit on September 24, 2025, asserting claims against Invenergy under 42 U.S.C. § 1981, Title VII, and the Missouri Human Rights Act. Invenergy moved to dismiss the Title VII and MHRA claims. The court granted the motion and dismissed Counts XIV through XXI without prejudice.

DISPOSITION

dismissed

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 129 S. Ct. 1937, 1949, 173 L. Ed. 2d 868 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 555, 570, 127 S. Ct. 1955 (2007)
- Lustgraaf v. Behrens, 619 F.3d 867, 873 (8th Cir. 2010)
- Stodghill v. Wellston Sch. Dist., 512 F.3d 472, 476 (8th Cir. 2008)
- Gunter v. Morrison, 497 F.3d 868, 873-74 (8th Cir. 2007)
- Park Irmat Drug Corp. v. Express Scripts Holding Co., 911 F.3d 505, 512 (8th Cir. 2018)
- Zarn v. Minn. Dep't of Human Servs., 165 F.4th 1143, 1149 (8th Cir. 2026)
- Weakley v. Permalok Corp., 4:19-CV-259-SPM, 2019 WL 932112, at *3 (E.D. Mo. Feb. 25, 2019)
- Davis v. Walsh, 4:25-CV-113-ACL, 2025 WL 776571, at *3 (E.D. Mo. Mar. 11, 2025)
- Ashtani v. City of Golden Valley, 666 F.3d 1148, 1151 (8th Cir. 2012)
- Gillick v. Elliott, 1 F.4th 608, 610 n.2 (8th Cir. 2021)
- Owen v. Gen. Motors Corp., 533 F.3d 913, 918 (8th Cir. 2008)
- Igoe v. Dep't of Labor & Indus. Rels. of State of Mo., 152 S.W.3d 284, 287 (Mo. 2005) (en banc)
- Farrow v. St. Francis Med. Ctr., 407 S.W.3d 579, 591 (Mo. 2013) (en banc)