

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH,
CENTRAL DIVISION

Whitney Burdett v. The University of Utah, et al.

Burdett v. The University of Utah, No. 2:25-cv-00472-AMA-DAO (D. Utah Mar. 12, 2026) · No. 2:25-cv-00472-AMA-DAO · Decided March 13, 2026

SUMMARY

The court granted in part and denied in part defendants’ motion to dismiss. It dismissed the plaintiff’s ADA and Title VII claims because she did not exhaust administrative remedies by filing a charge with the EEOC, while rejecting the defendants’ Eleventh Amendment immunity argument based on removal. The court declined supplemental jurisdiction over the remaining state-law claims and remanded them to Utah’s Third District Court.

CASE DETAILS

COURT	United States District Court for the District of Utah, Central Division
WRITING FOR THE COURT	Ann Marie McIff Allen
JURISDICTION	United States District Court for the District of Utah, Central Division
DECIDED	March 13, 2026
DOCKET	2:25-cv-00472-AMA-DAO
DISPOSITION	remanded
PROCEDURAL POSTURE	Defendants moved to dismiss claims in an action removed from state court. The court granted the motion in part as to the ADA and Title VII claims, denied the remaining dismissal requests, declined supplemental jurisdiction over the state-law claims, and remanded those claims to state court.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court assumes the truth of well-pleaded facts and draws reasonable inferences in the plaintiff’s favor. A complaint must contain sufficient factual matter to state a facially plausible claim for relief.
PRECEDENTIAL VALUE	unknown
PARTIES	Whitney Burdett v. The University of Utah, University of Utah Police Department, Chief Carver, Detective Egan, Detective Davis, Lieutenant Wahlin

TOPICS

motions to dismiss civil procedure ada discrimination title vii subject matter jurisdiction

PRACTICE AREAS

civil procedure employment law civil rights disability discrimination gender discrimination

QUESTIONS PRESENTED

1. Whether Defendants waived Eleventh Amendment immunity by removing the action from state court.
2. Whether Burdett's ADA and Title VII claims were subject to dismissal for failure to exhaust administrative remedies.
3. Whether the court should exercise supplemental jurisdiction over the remaining state-law claims after dismissing the federal claims.
4. Whether equitable tolling excused the failure to file an EEOC charge.

HOLDINGS

1. Defendants waived any otherwise available Eleventh Amendment immunity by removing the action from state court, including with respect to the ADA claim.
2. The ADA and Title VII claims were properly dismissed because Burdett did not exhaust administrative remedies by filing a charge of discrimination with the EEOC.
3. Equitable tolling was not warranted because Burdett did not establish active deception by Defendants and the cited internal-process document disclosed the EEOC as a resource.
4. The court declined to exercise supplemental jurisdiction over the remaining state-law claims and remanded them to Utah's Third District Court.

KEY QUOTATIONS

"Title I of the ADA requires a plaintiff to exhaust her administrative remedies before filing suit." (Section II)

"The first step to exhaustion is the filing of a charge of discrimination with the EEOC." (Section II)

"This is a high bar to overcome." (Section II)

"Plaintiff's claims under the ADA and Title VII are dismissed for failure to exhaust administrative remedies." (Order)

FACTUAL BACKGROUND

Burdett alleges that she was hired by the University of Utah Police Department on April 24, 2024. During training, Defendants questioned aspects of her background, and on or about June 10, 2024, she was injured and excused from further defensive-tactics training while continuing other classes. She was terminated on or about June 12, 2024, and asserted disability discrimination under the ADA and gender discrimination under Title VII. She did not allege that she filed a discrimination charge with the EEOC.

PROCEDURAL HISTORY

Burdett initiated the action in Utah state court, and Defendants removed it to federal court. Defendants moved to dismiss under Federal Rule of Civil Procedure 12(b)(6), arguing, among other things, Eleventh Amendment immunity and failure to exhaust administrative remedies. The federal claims were dismissed for failure to exhaust, and the remaining state-law claims were remanded to Utah's Third District Court.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The remaining state-law claims are remanded to Utah's Third District Court because the federal court declined to exercise supplemental jurisdiction after dismissing the ADA and Title VII claims.

CASES CITED

- *Leverington v. City of Colorado Springs*, 643 F.3d 719, 723 (10th Cir. 2011)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)
- *Estes v. Wyoming Department of Transportation*, 302 F.3d 1200, 1206 (10th Cir. 2002)
- *Wisconsin Department of Corrections v. Schacht*, 524 U.S. 381, 391 (1998)
- *Sutton v. Utah State School for Deaf & Blind*, 173 F.3d 1226, 1234 (10th Cir. 1999)
- *Lapides v. Board of Regents of University System of Georgia*, 535 U.S. 613, 624 (2002)
- *K. A. v. Barnes*, 134 F.4th 1067, 1073 (10th Cir. 2025)
- *Levy v. Kansas Department of Social & Rehabilitation Services*, 789 F.3d 1164, 1169 (10th Cir. 2015)
- *Elwell v. Oklahoma ex rel. Board of Regents of University of Oklahoma*, 693 F.3d 1303, 1316 (10th Cir. 2012)
- *Tennessee v. Lane*, 541 U.S. 509, 516-17 (2004)
- *Jones v. U.P.S., Inc.*, 502 F.3d 1176, 1183 (10th Cir. 2007)
- *Lincoln v. BNSF Railway Co.*, 900 F.3d 1166, 1181, 1185-86 (10th Cir. 2018)
- *Edmonds-Radford v. Southwest Airlines Co.*, 17 F.4th 975, 988 (10th Cir. 2021)
- *Avington v. Independent School District No. 1 of Tulsa County*, No. 24-CV-410, 2025 WL 1287736, at *4 (N.D. Okla. May 1, 2025)
- *Lowe v. Town of Fairland, Oklahoma*, 143 F.3d 1378, 1381 (10th Cir. 1998)
- *I Dig Texas, LLC v. Creager*, 98 F.4th 998, 1012-13 (10th Cir. 2024)
- *Montes v. Vail Clinic, Inc.*, 497 F.3d 1160, 1167 (10th Cir. 2007)
- *Gad v. Kansas State University*, 787 F.3d 1032, 1041 (10th Cir. 2015)

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