

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TEXAS, SHERMAN DIVISION

Andrea K. Pitts v. Serrato Corporation d/b/a North Texas Job Corps
Center

Civil No. 4:25-CV-528-SDJ · No. Civil No. 4:25-CV-528-SDJ · Decided February 11, 2026

SUMMARY

The United States District Court for the Eastern District of Texas considers Serrato Corporation’s Rule 12(b)(6) motion to dismiss Andrea K. Pitts’s wrongful-discharge claim under Texas law. The court holds that Pitts failed to plead facts showing that she was discharged solely for refusing to perform an illegal act, dismisses Count Three without prejudice, and grants leave to amend by February 27, 2026.

CASE DETAILS

COURT	United States District Court for the Eastern District of Texas, Sherman Division
JURISDICTION	United States District Court for the Eastern District of Texas, Sherman Division
DECIDED	February 11, 2026
DOCKET	Civil No. 4:25-CV-528-SDJ
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss Count Three of Plaintiff's complaint, which asserted wrongful discharge under Texas law. Plaintiff did not respond. The court evaluated the motion on the merits, dismissed Count Three without prejudice, and granted leave to amend.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court considers the complaint and certain incorporated or central documents, accepts well-pleaded facts as true, views them in the light most favorable to the plaintiff, and determines whether the pleaded facts state a plausible claim for relief.
PRECEDENTIAL VALUE	Unknown; memorandum opinion and order from a federal district court with no reported citation identified.
PARTIES	Andrea K. Pitts v. Serrato Corporation d/b/a North Texas Job Corps Center

TOPICS

motions to dismiss

wrongful termination

employment at-will

title vii

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether Pitts plausibly pleaded a Texas wrongful-discharge claim under the narrow public-policy exception to employment at will.
2. Whether the motion to dismiss could be granted solely because Pitts failed to respond.

HOLDINGS

1. Pitts failed to state a plausible Texas wrongful-discharge claim because she did not allege that Serrato asked her to perform an illegal act, that she refused to perform it, or that her discharge was based solely on that refusal.
2. A district court may not grant a motion to dismiss solely because the plaintiff failed to oppose it; the court must evaluate the merits of the motion.

KEY QUOTATIONS

“Wrongful discharge is such an exception, but it is “very narrow,” applying only to “the discharge of an employee for the sole reason that the employee refused to perform an illegal act.””

“But the Court does not grant the motion to dismiss solely based on Pitts’s failure to respond; rather, it will evaluate the merits of Serrato’s arguments.”

FACTUAL BACKGROUND

Andrea K. Pitts worked for approximately twenty-nine years at the North Texas Job Corps Center, including under Serrato Corporation after it assumed operations. Serrato disciplined Pitts after allegations that she used inappropriate language and later disclosed confidential information, and ultimately terminated her employment. Pitts alleged that a Hispanic employee who disclosed confidential information was not disciplined or discharged, and that Serrato retaliated against her for filing an internal discrimination complaint. Her complaint also asserted a Texas wrongful-discharge claim, but did not allege that Serrato asked her to perform an illegal act or that she was terminated for refusing to do so.

PROCEDURAL HISTORY

Pitts sued Serrato asserting race discrimination, retaliation, and wrongful discharge. Serrato moved to dismiss only the wrongful-discharge count under Rule 12(b)(6). The court granted the motion as to Count Three, denied it insofar as it sought disposition based solely on Plaintiff’s failure to respond, and allowed Pitts to file an amended complaint.

DISPOSITION

dismissed

CASES CITED

- Webb v. Morella, 457 F. App'x 448, 452 n.4 (5th Cir. 2012) (per curiam)
- Lone Star Fund V (U.S.), L.P. v. Barclays Bank PLC, 594 F.3d 383, 387 (5th Cir. 2010)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-80, 129 S. Ct. 1937, 173 L. Ed. 2d 868 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 556, 570, 127 S. Ct. 1955, 167 L. Ed. 2d 929 (2007)
- In re Katrina Canal Breaches Litig., 495 F.3d 191, 205 (5th Cir. 2007)
- Montgomery Cnty. Hosp. Dist. v. Brown, 965 S.W.2d 501, 502 (Tex. 1998)
- Sabine Pilot Serv., Inc. v. Hauck, 687 S.W.2d 733, 735 (Tex. 1985)

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