

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

Na'Quan Thomas v. Solera Senior Living, LLC, et al.

No. 25-4944 (E.D. Pa. Dec. 19, 2025) · No. 2:25-cv-04944 · Decided December 19, 2025

SUMMARY

The United States District Court for the Eastern District of Pennsylvania screened Na’Quan Thomas’s amended in forma pauperis complaint against Solera Senior Living, LLC. The court allowed Thomas’s Title VII and 42 U.S.C. § 1981 retaliation claims to proceed to service, while dismissing his remaining claims and defendants with prejudice, including claims for wrongful termination, failure to investigate, intentional infliction of emotional distress, and defamation.

CASE DETAILS

COURT	United States District Court for the Eastern District of Pennsylvania
WRITING FOR THE COURT	Mary Kay Costello
JURISDICTION	United States District Court for the Eastern District of Pennsylvania
DECIDED	December 19, 2025
DOCKET	2:25-cv-04944
DISPOSITION	dismissed
PROCEDURAL POSTURE	Screening of amended complaint pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) by pro se plaintiff proceeding in forma pauperis
STANDARD OF REVIEW	28 U.S.C. § 1915(e)(2)(B)(ii) — same as Rule 12(b)(6) motion to dismiss standard: whether the complaint contains sufficient factual matter to state a claim plausible on its face
PRECEDENTIAL VALUE	unpublished

TOPICS

- retaliation
- title vii
- employment discrimination
- civil rights
- motions to dismiss
- civil procedure
- hostile work environment

PRACTICE AREAS

- employment law
- civil rights
- civil procedure

QUESTIONS PRESENTED

1. Whether plaintiff states plausible retaliation claims under Title VII and 42 U.S.C. § 1981
2. Whether plaintiff states a plausible claim for intentional infliction of emotional distress under Pennsylvania law
3. Whether reasserted claims previously dismissed with prejudice should be dismissed again
4. Whether declaratory relief is available to adjudicate past conduct

HOLDINGS

1. Thomas alleges sufficient facts — protected activity (reporting racial discrimination), adverse employment actions (suspension and termination), and causal connection — to state a plausible retaliation claim under Title VII, which will proceed to service.
2. Section 1981 claims are subject to the same analytical framework as Title VII but are limited to challenging private acts of race discrimination in connection with making and enforcing contracts, including interference with at-will employment. Thomas's allegations of retaliation for reporting racial discrimination in connection with his at-will employment state a plausible § 1981 claim.
3. Allegations of racial discrimination, retaliation, and mishandling of an HR complaint do not constitute the extreme and outrageous conduct required to state an IIED claim under Pennsylvania law. The IIED claim is dismissed with prejudice.
4. The reasserted Pennsylvania common law wrongful termination claim and negligent and willful failure to investigate claim are dismissed with prejudice again for the reasons stated in the Court's earlier Memorandum.

KEY QUOTATIONS

“Courts in this district have 'repeatedly found [that a]s reprehensible as deliberate discrimination can be, . . . discrimination alone does not meet the extreme and outrageous conduct standard necessary to state a claim for [IIED].’”

“Pennsylvania courts have found extreme and outrageous conduct only in the most egregious of situations, such as mishandling of a corpse, reckless diagnosis of a fatal disease, and having sexual contact with young children.”

“Declaratory judgment is inappropriate solely to adjudicate past conduct' and is also not 'meant simply to proclaim that one party is liable to another.’”

FACTUAL BACKGROUND

Plaintiff Na'Quan Thomas, a black man, was employed as a Resident Assistant at Echo Lake Senior Living, operated by defendant Solera. On August 16, 2025, while assisting a resident, the resident's husband yelled racial slurs at Thomas, called him the n-word with an expletive, and slammed a door into Thomas's leg. The incident was witnessed by two employees who corroborated Thomas's account. When Thomas reported the incident, his supervisor restricted him without hearing his side. Thomas filed a formal HR complaint. He was suspended the next day and, after days of being ignored by HR, received a termination letter dated August 25, 2025.

PROCEDURAL HISTORY

Plaintiff proceeding in forma pauperis filed an initial complaint asserting Title VII, § 1981, PHRA, wrongful termination, failure to investigate, and defamation claims. In a prior memorandum (2025 WL 2901065), the Court dismissed Title VII claims against individual employees with prejudice, dismissed PHRA and defamation claims without prejudice, and allowed Title VII retaliation claims against Solera to proceed. The Amended Complaint reasserts claims against Solera only, reasserting the previously dismissed wrongful termination and failure to investigate claims, and adding a new emotional distress claim.

DISPOSITION

dismissed

CASES CITED

- Thomas v. Solera Senior Living LLC, No. 25-4944, 2025 WL 2901065 (E.D. Pa. Oct. 10, 2025)
- Corliss v. O'Brien, 200 F. App'x 80 (3d Cir. 2006)
- Andela v. Admin. Office of U.S. Courts, 569 F. App'x 80 (3d Cir. 2014)
- Taggart v. Saltz, No. 20-3574, 2021 WL 1191628 (3d Cir. Mar. 30, 2021)
- Tourscher v. McCullough, 184 F.3d 236 (3d Cir. 1999)
- Ashcroft v. Iqbal, 556 U.S. 662 (2009)
- Talley v. Wetzel, 15 F.4th 275 (3d Cir. 2021)
- Shorter v. United States, 12 F.4th 366 (3d Cir. 2021)
- Fisher v. Hollingsworth, 115 F.4th 197 (3d Cir. 2024)
- Vogt v. Wetzel, 8 F.4th 182 (3d Cir. 2021)
- Mala v. Crown Bay Marina, Inc., 704 F.3d 239 (3d Cir. 2013)
- Doe v. The Trustees of the Univ. of Pa., 270 F. Supp. 3d 799 (E.D. Pa. 2017)
- McGreevy v. Stroup, 413 F.3d 359 (3d Cir. 2005)
- Vu v. Kott, No. 23-3336, 2024 WL 2802849 (E.D. Pa. May 31, 2024)
- Ellis v. Genesis Healthcare Corp., No. 18-5536, 2019 WL 1303981 (E.D. Pa. Mar. 20, 2019)
- Bogle v. City of Phila., No. 15-0394, 2015 WL 4159443 (E.D. Pa. July 9, 2015)
- Cheney v. Daily News L.P., 654 F. App'x 578 (3d Cir. 2016)
- Hershman v. Muhlenberg Coll., 17 F. Supp. 3d 454 (E.D. Pa. 2014)
- Bernstein v. Serv. Corp. Int'l, No. 17-4960, 2018 WL 6413316 (E.D. Pa. Dec. 6, 2018)
- Brown v. J. Kaz, Inc., 581 F.3d 175 (3d Cir. 2009)
- Anjelino v. New York Times Co., 200 F.3d 73 (3d Cir. 1999)
- McCleave v. R.R. Donnelley & Sons Co., 226 F. Supp. 2d 695 (E.D. Pa. 2002)
- Castleberry v. STI Group, 863 F.3d 259 (3d Cir. 2017)
- Jones v. Unknown D.O.C. Bus Driver & Transp. Crew, 944 F.3d 478 (3d Cir. 2019)

