

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
NORTH CAROLINA, SOUTHERN DIVISION

Reketta L. Montgomery v. Acquisition Experts, LLC

Montgomery v. Acquisition Experts, LLC, No. 7:25-CV-726-BO-RN (E.D.N.C. Jan. 2026) · No. 7:25-CV-726-BO-RN · Decided January 13, 2026

SUMMARY

The United States District Court for the Eastern District of North Carolina granted Acquisition Experts, LLC's Rule 12(b)(6) motion and dismissed Reketta L. Montgomery's employment-discrimination complaint in its entirety. The court held that several claims were unexhausted and that the remaining Title VII and ADA claims were not plausibly pleaded, including claims based on disability, race, adverse employment action, hostile work environment, and constructive discharge. The court also denied Montgomery's motion to amend her opposition and directed the clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of North Carolina, Southern Division
JURISDICTION	United States District Court for the Eastern District of North Carolina, Southern Division
DECIDED	January 13, 2026
DOCKET	7:25-CV-726-BO-RN
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court considered defendant's Rule 12(b)(6) motion to dismiss the complaint and plaintiff's motion for leave to amend her opposition to that motion.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded allegations as true and views them in the light most favorable to the plaintiff, but a complaint must contain sufficient factual matter to state a facially plausible claim. The court may consider documents attached to or incorporated into the complaint without converting the motion to one for summary judgment.
PRECEDENTIAL VALUE	Unknown; district court order with no reporter citation

TOPICS

motions to dismiss

motion to amend

employment discrimination

title vii

ada / disability

PRACTICE AREAS

employment law

civil rights

civil procedure

disability discrimination

QUESTIONS PRESENTED

1. Whether plaintiff should be permitted to file a third memorandum opposing the motion to dismiss.
2. Whether plaintiff exhausted her Title VII and ADA claims through her EEOC charge.
3. Whether plaintiff plausibly alleged that she was a qualified individual with a disability under the ADA.
4. Whether plaintiff plausibly alleged adverse employment action, constructive discharge, disparate treatment, wrongful termination, hostile work environment, or failure to accommodate.
5. Whether plaintiff could add factual allegations or new claims through her opposition brief or obtain leave to amend without filing a separate motion and proposed amended complaint.

HOLDINGS

1. The court denied plaintiff's motion to file a third memorandum opposing the motion to dismiss because she had already filed a timely opposition, had filed an additional opposition without leave, and failed to establish good cause for another filing.
2. Plaintiff's Title VII sex-discrimination, retaliation, and failure-to-promote claims were procedurally barred because they were not stated in, or naturally related to, her EEOC charge. Her hostile-work-environment claim was sufficiently exhausted because the charge mentioned a hostile work environment and identified the alleged harasser.
3. Plaintiff failed to plausibly allege that she was a qualified individual with a disability, and her ADA failure-to-accommodate, disparate-treatment, and hostile-work-environment claims were therefore dismissed.
4. Plaintiff failed to plausibly allege Title VII disparate-treatment and wrongful-termination claims because she did not adequately allege a qualifying adverse employment action, discriminatory motivation, or facts supporting the required elements of those claims.
5. Plaintiff failed to plausibly allege a Title VII or ADA hostile-work-environment claim and therefore could not rely on constructive discharge as the adverse employment action supporting her Title VII claims.
6. Plaintiff could not add factual allegations or new claims through her opposition brief, and her alternative request for leave to amend the complaint was denied because she did not file a separate motion or proposed amended complaint.

KEY QUOTATIONS

“A Rule 12(b)(6) motion tests the legal sufficiency of the complaint.” (Discussion)

“A complaint must allege enough facts to state a claim for relief that is facially plausible.” (Discussion)

“Plaintiff’s Title VII sex discrimination claims are non-exhausted and thus procedurally barred.” (Discussion)

“A hostile work environment exists where “the workplace is permeated with discriminatory intimidation, ridicule, and insult that is sufficiently severe or pervasive to alter the conditions of the victim’s employment and create an abusive working environment[.]”” (Discussion)

FACTUAL BACKGROUND

Plaintiff was hired by Acquisition Experts, LLC, as a contract specialist supporting the Marine Corps Installation Command—East at Camp Lejeune and temporarily performed project-manager duties. She alleged that the employer failed to accommodate medical appointments and symptoms associated with PTSD, anxiety, migraines, and other conditions, reprimanded and demoted her, subjected her to rude and disrespectful treatment, and caused her to resign. She asserted that the conduct was based on race, sex, and disability and filed an EEOC charge on March 4, 2024 identifying race and disability but not sex or retaliation.

PROCEDURAL HISTORY

Plaintiff filed a pro se complaint on May 1, 2025, asserting Title VII and ADA employment-discrimination claims. Defendant moved to dismiss under Rule 12(b)(6). Plaintiff filed an initial opposition, a second opposition without leave, and then moved to file a third opposition; she also requested leave to amend her complaint in the alternative. The court denied the motion to amend the opposition, denied the request to amend the complaint, granted the motion to dismiss, dismissed the complaint in its entirety, and directed the clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- In re Weiss, 111 F.3d 1159, 1170 (4th Cir. 1997)
- Chilove Chery Saimplice v. Ocwen Loan Servicing, Inc., 368 F. Supp. 3d 858, 865 (E.D.N.C. 2019)
- Papasan v. Allain, 478 U.S. 265, 283 (1986)
- Mylan Labs., Inc. v. Matkari, 7 F.3d 1130, 1134 (4th Cir. 1993)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Jones v. Calvert Group, LTD., 551 F.3d 297, 300 (4th Cir. 2009)
- Fort Bend Cty., Texas v. Davis, 587 U.S. 541 (2019)
- Walton v. Harker, 33 F.4th 165, 172-73 (4th Cir. 2022)
- Sydnor v. Fairfax Cty., Va., 681 F.3d 591, 593 (4th Cir. 2012)
- Parker v. Reema Consulting Servs., Inc., 915 F.3d 297, 306 (4th Cir. 2019)
- Cowgill v. First Data Techs., Inc., 41 F.4th 370, 384 (4th Cir. 2022)
- Bonds v. Leavitt, 629 F.3d 369, 379 (4th Cir. 2011)

- McCleary-Evans v. Maryland Dep't of Transp., State Highway Admin., 780 F.3d 582, 585 (4th Cir. 2015)
- Wicomico Nursing Home v. Padilla, 910 F.3d 739, 751 (4th Cir. 2018)
- Richardson v. Md. Transit Admin., 2019 U.S. Dist. LEXIS 32754, at *21 (D. Md. Mar. 1, 2019)
- Coon v. Rex Hosp., Inc., 2021 WL 3620282, at *8 (E.D.N.C. Aug. 16, 2021)
- Patterson v. McDonald, 220 F. Supp. 3d 634, 638 (M.D.N.C. 2016)
- Perkins v. Int'l Paper Co., 936 F.3d 196, 207-12 (4th Cir. 2019)
- Holland v. Washington Homes, Inc., 487 F.3d 208, 214 (4th Cir. 2007)
- Scott v. Health Net Fed. Servs., LLC, 463 F. App'x 206, 208 (4th Cir. 2012)
- Muldrow v. City of St. Louis, Missouri, 601 U.S. 346, 355 (2024)
- Batchelor v. City of Wilson, 747 F. Supp. 3d 845, 860 (E.D.N.C. 2024)
- Crawford v. Prince George's Cnty. Bd. of Educ., 2023 WL 2600363, at *7 (D. Md. Mar. 21, 2023)
- Harris v. Forklift Sys., Inc., 510 U.S. 17, 21 (1993)
- Bass v. DuPont de Nemours & Co., 324 F.3d 761, 765 (4th Cir. 2003)
- Jessup v. Barnes Grp., Inc., 23 F.4th 360, 367 (4th Cir. 2022)
- Jacobs v. N.C. Admin. Off. of the Cts., 780 F.3d 562, 572 (4th Cir. 2015)
- Johnson v. Baltimore City, Maryland, 2026 WL 31776, at *4 (4th Cir. Jan. 6, 2026)
- Neal v. Sandhills, 737 F. Supp. 3d 291, 296 (M.D.N.C. 2024)
- Francis v. Giacomelli, 588 F.3d 186, 197 (4th Cir. 2009)

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