

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

Steve Tesch v. Kyndryl, Inc.

Tesch · No. No. 4:26-cv-00036-DGK · Decided June 4, 2026

SUMMARY

The United States District Court for the Western District of Missouri granted Kyndryl, Inc.’s motion to dismiss two theories of retaliation under the Missouri Human Rights Act. The court held that the plaintiff’s complaint could not have been the but-for cause of his termination because it was made after the termination decision, and that alleged failures to investigate or meaningfully respond were not actionable adverse employment actions. The court dismissed those theories with prejudice but left standing the retaliation theory based on Kyndryl’s alleged failure to interview, respond to, or hire the plaintiff for positions for which he was qualified.

CASE DETAILS

COURT	United States District Court for the Western District of Missouri, Western Division
WRITING FOR THE COURT	Greg Kays
JURISDICTION	United States District Court for the Western District of Missouri, Western Division
DECIDED	June 4, 2026
DOCKET	No. 4:26-cv-00036-DGK
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss two retaliation theories pleaded under Count III of Plaintiff's Missouri Human Rights Act claim.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts the complaint's factual allegations as true, views them in the light most favorable to the plaintiff, liberally construes the complaint, and determines whether it pleads enough facts to state a facially plausible claim for relief.
PRECEDENTIAL VALUE	unknown
PARTIES	Steve Tesch v. Kyndryl, Inc.

TOPICS

retaliation

age discrimination

employment discrimination

motions to dismiss

civil procedure

PRACTICE AREAS

employment law

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QUESTIONS PRESENTED

1. Whether Tesch could state an MHRA retaliation claim based on his termination when his protected complaint was made after he had already been selected for termination.
2. Whether Kyndryl's alleged failure to properly investigate or meaningfully respond to Tesch's age-discrimination complaint constituted an adverse employment action supporting an MHRA retaliation claim.

HOLDINGS

1. Tesch could not establish a prima facie MHRA retaliation claim based on his termination because he complained about age discrimination only after his manager had already told him he would be terminated as part of the reduction in force; therefore, the complaint could not have been the but-for cause of the termination.
2. Tesch could not establish a prima facie MHRA retaliation claim based on Kyndryl's alleged failure to properly investigate or meaningfully respond to his age-discrimination complaint because those alleged actions did not constitute a qualifying adverse employment action, and the argument was conceded when Plaintiff failed to address it.

KEY QUOTATIONS

“Because Plaintiff cannot establish a prima facie retaliation claim under either of these two theories, the motion is GRANTED.”

“Plaintiff’s retaliation claims based on (1) his termination and (2) the failure to investigate or meaningfully reply to his complaint are DISMISSED WITH PREJUDICE for failure to state a claim.”

FACTUAL BACKGROUND

Kyndryl employed Tesch beginning in September 2021 and announced a company-wide reduction in force in October 2024. Although his manager initially told him he would not be affected, Tesch was later informed that his employment would end on October 29, 2024. Tesch complained on October 22 that he had been selected because of his age and alleged that Kyndryl retaliated by terminating him and by failing to properly investigate or meaningfully respond to his complaint.

PROCEDURAL HISTORY

Plaintiff sued Kyndryl alleging age discrimination, national-origin discrimination, and retaliation under the Missouri Human Rights Act. Kyndryl moved to dismiss the retaliation theories based on Plaintiff's termination

and the alleged failure to investigate or meaningfully respond to his complaint. The court granted the motion and dismissed those two theories with prejudice, while noting that the retaliation theory based on Kyndryl's failure to interview, respond to, or hire Plaintiff remained pending.

DISPOSITION

other

CASES CITED

- Stodghill v. Wellston School District, 512 F.3d 472, 476 (8th Cir. 2008)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Monson v. Drug Enforcement Administration, 589 F.3d 952, 961 (8th Cir. 2009)
- Miller v. Toxicology Lab. Inc., 688 F.3d 928, 931 (8th Cir. 2012)
- Williams v. United Parcel Service, Inc., 963 F.3d 803, 807 (8th Cir. 2020)
- Kader v. Board of Regents of Harris-Stowe State University, 565 S.W.3d 182, 190 (Mo. 2019)