

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

John Hebert v. Spring-Ford Area School District, et al.

No. 25-CV-7140 (E.D. Pa. Jan. 5, 2026) · No. 25-CV-7140 · Decided January 5, 2026

SUMMARY

The United States District Court for the Eastern District of Pennsylvania grants John Hebert leave to proceed in forma pauperis in his pro se age-discrimination action. The court permits his ADEA failure-to-hire claims concerning two Technology Support positions to proceed against Spring-Ford Area School District, while dismissing the remaining claims, including claims against individual defendants, for failure to state a claim. The court grants leave to amend and denies the motion for appointment of counsel as premature.

CASE DETAILS

COURT	United States District Court for the Eastern District of Pennsylvania
WRITING FOR THE COURT	Hon. Mia R. Perez
JURISDICTION	United States District Court for the Eastern District of Pennsylvania
DECIDED	January 5, 2026
DOCKET	25-CV-7140
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a pro se employment discrimination complaint. Court screened the complaint pursuant to 28 U.S.C. § 1915(e)(2)(B).
STANDARD OF REVIEW	Plausibility standard for screening under 28 U.S.C. § 1915(e)(2)(B), applying Bell Atl. Corp. v. Twombly.
PRECEDENTIAL VALUE	unpublished

TOPICS

- age discrimination
- employment discrimination
- hostile work environment
- retaliation
- civil procedure

PRACTICE AREAS

- employment law
- civil rights
- civil procedure

QUESTIONS PRESENTED

1. Whether plaintiff's failure-to-hire age discrimination claims against Spring-Ford Area School District are plausible
2. Whether plaintiff's hostile work environment claim is plausible
3. Whether plaintiff's retaliation claim is plausible
4. Whether individual defendants can be held liable under the ADEA or PHRA

HOLDINGS

1. Plaintiff has alleged sufficient facts to state a plausible failure-to-hire age discrimination claim based on the Technology Support positions, as he alleged he was over forty, qualified, not hired, and significantly younger individuals were hired.
2. Plaintiff fails to state a plausible failure-to-hire claim for the Systems Administrator position because he does not allege that a significantly younger individual was hired for that position.
3. Plaintiff's hostile work environment claim is dismissed without prejudice because the allegations are undeveloped and fail to show conduct that was severe or pervasive.
4. Plaintiff's retaliation claim is dismissed without prejudice because his allegation that he 'verbally objected and complained about the comments' without factual development fails to support the elements of a retaliation claim.
5. ADEA claims against individual defendants Catalano and Bernat are dismissed with prejudice because the ADEA does not provide for individual liability.
6. Plaintiff has not alleged any plausible PHRA claim against the individual defendants because he provides no details about their roles at Spring-Ford or their involvement in the alleged discriminatory conduct.

KEY QUOTATIONS

“A general complaint about unfair treatment does not constitute protected activity; a plaintiff must show that he complained specifically about unlawful discrimination.” (at 10)

“The Supreme Court has emphasized that conduct must be extreme to satisfy this standard, so simple teasing, offhand comments, and isolated incidents (unless extremely serious) are inadequate.” (at 10)

FACTUAL BACKGROUND

John Hebert, age 57, worked as a temporary technical support specialist for Spring-Ford Area School District through a staffing agency. After his contract ended, he applied for several full-time technology support and systems administrator positions. He was not hired and alleges that significantly younger individuals were hired for the Technology Support positions. He also alleges that during his employment and in an exit interview, supervisors made derogatory comments about his performance.

PROCEDURAL HISTORY

Plaintiff John Hebert filed a pro se employment discrimination complaint and moved to proceed in forma pauperis. The Court granted leave to proceed in forma pauperis and screened the complaint under 28 U.S.C. § 1915(e)(2)(B).

DISPOSITION

other

REMAND INSTRUCTIONS

Plaintiff may file an amended complaint to cure deficiencies in the hostile work environment, retaliation, and PHRA individual liability claims, or may elect to proceed only on the ADEA failure-to-hire claims regarding the Technology Support positions.

CASES CITED

- Bell Atl. Corp. v. Twombly, 550 U.S. 544 (2007)
- Fowler v. UMPC Shadyside, 578 F.3d 203 (3d Cir. 2009)
- 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. Allegheny Cnty. Hous. Auth., No. 23-1105, 2024 WL 379959 (3d Cir. Feb. 1, 2024)
- E.E.O.C. v. Allstate Ins. Co., 778 F.3d 444 (3d Cir. 2015)
- Fowler v. AT&T, Inc., 19 F.4th 292 (3d Cir. 2021)
- Atkinson v. LaFayette Coll., 460 F.3d 447 (3d Cir. 2006)
- Kelly v. Drexel Univ., 94 F.3d 102 (3d Cir. 1996)
- 29 U.S.C. § 631(a)
- Willis v. UPMC Children's Hosp. of Pittsburgh, 808 F.3d 638 (3d Cir. 2015)
- Trans World Airlines, Inc. v. Thurston, 469 U.S. 111 (1985)
- McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973)
- Martinez v. UPMC Susquehanna, 986 F.3d 261 (3d Cir. 2021)
- Connelly v. Lane Constr. Corp., 809 F.3d 780 (3d Cir. 2016)
- Sarullo v. U.S. Postal Serv., 352 F.3d 789 (3d Cir. 2003)
- Nitkin v. Main Line Health, 67 F.4th 565 (3d Cir. 2023)
- Mandel v. M&Q Packaging Corp., 706 F.3d 157 (3d Cir. 2013)
- Huston v. Procter & Gamble Paper Prods. Corp., 568 F.3d 100 (3d Cir. 2009)
- Daniels v. Sch. Dist. of Phila., 776 F.3d 181 (3d Cir. 2015)
- Adams v. City of Newark, 747 F. Supp. 3d 721 (D.N.J. 2024)
- Howell v. Millersville Univ. of Pa., 749 F. App'x 130 (3d Cir. 2018)
- Anthony Hildebrand v. County of Allegheny, Hildebrand v. Allegheny Cnty., 923 F.3d 128 (3d Cir. 2019)
- Mulcahy v. Skipper, No. 21-2788, 2022 WL 3081873 (3d Cir. Aug. 3, 2022)

- Barber v. CSX Distrib. Servs., 68 F.3d 694 (3d Cir. 1995)
- Faragher v. City of Boca Raton, 524 U.S. 775 (1998)
- Burgess v. Dollar Tree Stores, Inc., 642 F. App'x 152 (3d Cir. 2016)
- Hill v. Borough of Kutztown, 455 F.3d 225 (3d Cir. 2006)
- Walker v. Wolf, No. 21-2427, 2022 WL 2703607 (3d Cir. July 12, 2022)
- Dici v. Commonwealth, 91 F.3d 542 (3d Cir. 1996)
- Jeannot v. Philadelphia Hous. Auth., 356 F. Supp. 3d 440 (E.D. Pa. 2018)
- Ahern v. Eresearch Tech., Inc., 183 F. Supp. 3d 663 (E.D. Pa. 2016)
- Garrett v. Wexford Health, 938 F.3d 69 (3d Cir. 2019)
- Argentina v. Gillette, 778 F. App'x 173 (3d Cir. 2019)
- Smith v. Price, No. 11-1581, 2012 WL 1068159 (M.D. Pa. Mar. 5, 2012)
- Tabron v. Grace, 6 F.3d 147 (3d Cir. 1993)
- 43 Pa. Cons. Stat. § 955(e)
- 42 U.S.C. § 2000e-2(a)
- 28 U.S.C. § 1915(e)(2)(B)