

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

Alake Gbohunmi and Stephanie Keene v. Momentum Advisory
Collective

Gbohunmi · No. 2:24-cv-01677 · Decided December 19, 2025

SUMMARY

The United States District Court for the Eastern District of Pennsylvania dismissed with prejudice Alake Gbohunmi’s claim for retaliation under 42 U.S.C. § 1981, holding that she did not plausibly allege objectively reasonable protected activity. The court declined to exercise supplemental jurisdiction over Stephanie Keene’s Pennsylvania Human Relations Act claims and dismissed the entire action with prejudice.

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	2:24-cv-01677
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the amended complaint. The court considered Plaintiff Gbohunmi's amended claim for retaliation under 42 U.S.C. § 1981 and Plaintiff Keene's remaining pregnancy-discrimination and retaliation claims under the Pennsylvania Human Relations Act.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, draws reasonable inferences in the plaintiff's favor, disregards legal conclusions and conclusory allegations, and determines whether the complaint states a facially plausible claim for relief.
PRECEDENTIAL VALUE	unpublished

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QUESTIONS PRESENTED

1. Whether Gbohunmi plausibly alleged that she engaged in protected activity under 42 U.S.C. § 1981 by reporting conduct based on an objectively reasonable, good-faith belief that the conduct constituted race discrimination.
2. Whether Gbohunmi's amended complaint plausibly alleged a § 1981 retaliation claim.
3. Whether the court should grant further leave to amend Gbohunmi's claim.
4. Whether the court should exercise supplemental jurisdiction over Keene's remaining PHRA claims after dismissing the federal claim.

HOLDINGS

1. A plaintiff asserting retaliation under § 1981 must plausibly allege that she engaged in protected activity by acting under a good-faith, objectively reasonable belief that the employer engaged in unlawful race discrimination. General complaints of unfair treatment, unsupported assertions of retaliation or hostility, and conduct not connected to race do not satisfy this requirement.
2. The amended complaint failed to state a plausible § 1981 retaliation claim because it did not adequately plead protected activity.
3. Further amendment would be futile, so the court dismissed Gbohunmi's § 1981 retaliation claim with prejudice.
4. After dismissing the only federal claim, the court declined to exercise supplemental jurisdiction over Keene's remaining PHRA claims.

KEY QUOTATIONS

“To establish a retaliation claim under Section 1981, a plaintiff must show (1) that she engaged in protected activity; (2) the employer took an adverse employment action against her; and (3) a causal connection between her participation in the protected activity and the adverse employment action.” (III.A)

“Thus, Gbohunmi’s belief that she was reporting unlawful conduct was not objectively reasonable.” (III.A)

“Because Plaintiff Gbohunmi failed to cure the defects in her Section 1981 retaliation claim, and because the only claims remaining in this action are Plaintiff Keene’s state-law claims, the Court will dismiss this entire action with prejudice.” (IV)

FACTUAL BACKGROUND

Gbohunmi alleged that Momentum hired her as a token African American employee to manage out and terminate African American employees, and that Black employees and other people of color were terminated or

pushed out at a disproportionate rate. She complained to a supervisor that she believed she had been hired to carry out those terminations as cover for the company to avoid a race-discrimination lawsuit. She also alleged exclusion from meetings, ignored emails, unclear job responsibilities, gossip, slander, ostracism, and other hostile treatment after her complaints, and alleged that she was terminated within ten days of lodging them. The court found these allegations either conclusory, speculative, or unconnected to race, except for an allegation that a supervisor asked her race at hiring.

PROCEDURAL HISTORY

The court previously dismissed both plaintiffs' federal race-based discrimination and retaliation claims, while concluding that Keene adequately pleaded state-law PHRA claims and granting leave to amend. Gbohunmi filed an amended complaint asserting only a federal § 1981 race-retaliation claim. The court denied dismissal based solely on the two-day delay in filing the amended complaint, dismissed Gbohunmi's amended federal retaliation claim with prejudice, declined supplemental jurisdiction over Keene's PHRA claims, and dismissed the action with prejudice.

DISPOSITION

dismissed

CASES CITED

- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Connelly v. Lane Constr. Corp., 809 F.3d 780, 787, 790 (3d Cir. 2016)
- Dole v. Arco Chem. Co., 921 F.2d 484, 486-87 (3d Cir. 1990)
- Gardner v. Authorized Distrib. Network, 91cv5335, 1992 WL 245873, at *1 (E.D. Pa. Sept. 21, 1992)
- Castleberry v. STI Grp., 863 F.3d 259, 267 (3d Cir. 2017)
- Daniels v. Sch. Dist. of Phila., 776 F.3d 181, 193-94 (3d Cir. 2015)
- Wilkerson v. New Media Tech. Charter Sch. Inc., 522 F.3d 315, 322 (3d Cir. 2008)
- Solkoff v. Pa. State Univ., 18cv0683, 2018 WL 11544289, at *1 n.1 (E.D. Pa. Dec. 11, 2018)
- Davis v. City of Newark, 417 F. App'x 201, 203 (3d Cir. 2011) (per curiam)
- Barber v. CSX Distrib. Servs., 68 F.3d 694, 702 (3d Cir. 1995)
- Kengerski v. Harper, 6 F.4th 531, 540 (3d Cir. 2021)
- Riley v. Borough of Eddystone, 24cv1835, 2024 WL 4844794, at *4 (E.D. Pa. Nov. 20, 2024)
- Lara v. Samuel Adams Pennsylvania Brewing Co., LLC, 20cv0498, 2020 WL 5211206, at *2, *10 (E.D. Pa. Sept. 1, 2020)
- Oran v. Stafford, 226 F.3d 275, 291 (3d Cir. 2000)
- Jablonski v. Pan Am. World Airways, Inc., 863 F.2d 289, 292 (3d Cir. 1988)
- Jones v. Unknown D.O.C. Bus Driver & Transp. Crew, 944 F.3d 478, 483 (3d Cir. 2019)
- Caiby v. Link, 22cv1403, 2023 WL 2539011, at *2 (E.D. Pa. Mar. 16, 2023)

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