

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Tammi Roberson v. Aramark and Matt Hubacher

Roberson · No. 26-CV-334 · Decided April 3, 2026

SUMMARY

The United States District Court for the Eastern District of Wisconsin screened Tammi Roberson’s first amended complaint alleging employment discrimination, harassment, retaliation, and related misconduct by Aramark and Matt Hubacher. The court held that the complaint did not plausibly connect the alleged adverse actions to a protected characteristic under Title VII or the Americans with Disabilities Act and was not complete as required. The court granted Roberson until April 27, 2026, to file a second amended complaint, warning that failure to do so could result in a recommendation of dismissal.

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
WRITING FOR THE COURT	William E. Duffin
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	April 3, 2026
DOCKET	26-CV-334
DISPOSITION	other
PROCEDURAL POSTURE	Screening of a pro se plaintiff's first amended complaint under 28 U.S.C. § 1915(e)(2), following the court's prior order identifying deficiencies in the original complaint.
STANDARD OF REVIEW	The court applied the standards governing a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6) when screening the complaint under 28 U.S.C. § 1915(e)(2)(B)(ii). Well-pleaded factual allegations were accepted as true, but the complaint was required to contain sufficient factual matter to plausibly show an entitlement to relief.
PRECEDENTIAL VALUE	Nonprecedential district court screening order

TOPICS

civil procedure

pleadings

motions to dismiss

employment discrimination

title vii

ada / disability

PRACTICE AREAS

civil procedure

employment law

employment discrimination

civil rights

QUESTIONS PRESENTED

1. Whether the first amended complaint stated a claim for employment discrimination under Title VII.
2. Whether the first amended complaint stated a claim for disability discrimination under the Americans with Disabilities Act.
3. Whether the amended complaint complied with the requirement that it be complete in itself and replace the original complaint without reference to it.

HOLDINGS

1. The amended complaint failed to state a Title VII claim because it did not allege facts plausibly connecting Roberson's termination or other adverse treatment to a protected characteristic.
2. The amended complaint failed to state an ADA discrimination claim because Roberson did not allege that she was a qualified person with a disability or that anyone treated her differently because of an ADA-protected characteristic.
3. The amended complaint did not comply with the requirement that it be complete in itself and state all allegations and requested relief without reference to the original complaint.
4. When screening under 28 U.S.C. § 1915(e)(2)(B)(ii), the court applies the same standards used for a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6).

KEY QUOTATIONS

“To survive screening or a motion to dismiss, a plaintiff need only allege enough facts to allow for a plausible inference that the adverse action suffered was connected to her protected characteristics.”

“The complaint must be sufficiently detailed “to give the defendant fair notice of what the claim is and the grounds upon which it rests.””

“If the complaint contains well-pleaded, non-frivolous factual allegations, the court should assume the veracity of those allegations and “then determine whether they plausibly give rise to an entitlement to relief.””

FACTUAL BACKGROUND

Roberson alleged that Aramark employed her in a school kitchen and terminated her employment without explanation. She asserted harassment, discrimination, retaliation, stalking, gossip, and frivolous disciplinary write-ups, but did not identify the discriminatory actors, explain the conduct, or allege when it occurred. She also referenced a prior sexual-harassment complaint and disability discrimination, but did not allege that the

termination or other conduct occurred because of a protected characteristic or that she was a qualified person with a disability under the ADA.

PROCEDURAL HISTORY

The court screened Roberson's original complaint on March 12, 2026, and ordered her to address deficiencies preventing her from stating a claim. Roberson filed a first amended complaint, but the court concluded that it was not complete in itself and still failed to state a claim under Title VII or the Americans with Disabilities Act. Rather than dismissing the action at this stage, the court permitted Roberson to file a second amended complaint by April 27, 2026.

DISPOSITION

other

CASES CITED

- DeWalt v. Carter, 224 F.3d 607, 611 (7th Cir. 2000)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Conley v. Gibson, 355 U.S. 41, 47 (1957)
- Ashcroft v. Iqbal, 556 U.S. 662, 679 (2009)
- Kaminski v. Elite Staffing, 23 F.4th 774, 777 (7th Cir. 2022)
- Reid v. Payne, 841 F. App'x 1001, 1002 (7th Cir. 2021)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WISCONSIN TAMMI ROBERSON, Plaintiff, v. Case No. 26-CV-334 ARAMARK and MATT HUBACHER, Defendants. ORDER Currently pending before the court is plaintiff Tammi Roberson's first amended complaint. (ECF No. 6.)

The court screened Roberson's original complaint on March 12, 2026, and ordered her to address certain deficiencies that prevented her from stating a claim to relief. (ECF No. 5.) The court must now review her amended complaint and determine whether it is sufficient to proceed under 28 U.S.C. § 1915. 1. Legal Standards The court will briefly restate the relevant standards that it laid out in its first order screening Roberson's case.

(See ECF No. 5.) The court must determine that the case (1) is not frivolous or malicious, (2) does not fail to state a claim upon which relief may be granted, and (3) does not seek monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). Only the second question remains at issue.

In determining whether or not a complaint is sufficient to state a claim under 28 U.S.C. § 1915(e)(2)(B)(ii), the court applies the same well-established standards applicable to a motion to dismiss

pursuant to Federal Rule of Civil Procedure 12(b)(6). *DeWalt v. Carter*, 224 F.3d 607, 611 (7th Cir. 2000).

The complaint must be sufficiently detailed “to give the defendant fair notice of what the claim is and the grounds upon which it rests.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (quoting *Conley v. Gibson*, 355 U.S. 41, 47 (1957)) (quotation marks and ellipses omitted). If the complaint contains well-pleaded, non-frivolous factual allegations, the court should assume the veracity of those allegations and “then determine whether they plausibly give rise to an entitlement to relief.” *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009).

2. Factual Allegations With the standards set forth in 28 U.S.C. § 1915(e)(2) in mind, the court turns to the allegations in Roberson’s amended complaint. Roberson states that she was employed by Aramark to work in the kitchen at Brown Deer Middle/High School. (ECF No. 6 at 1, 4.) She was fired without explanation but claims that defamation and discrimination were key factors.

(Id. at 4.) Roberson claims that she and her wife (who also worked in the kitchen) were harassed, discriminated against, attacked, and stalked with retaliatory intent. (ECF No. 6 at 2.) She also references hearsay, accusations, gossip, and stalking. (Id. at 4.) Roberson states that she and her wife were written up for frivolous issues, such as being off the premises during lunch, although the whole staff was off premises during lunch.

(Id. at 3.) She also states that her supervisor asked an assistant cook whether she (Roberson) was going to be locked up and recounts that her mailbox was vandalized after she filed for unemployment. (Id.) Roberson does not otherwise identify who engaged in the allegedly discriminatory actions, what they entailed, or when they occurred. (Id. at 1–4.) She states that her termination came immediately following her wife’s confrontation of two other individuals who worked with them in the kitchen.

(See id. at 1–2.) Roberson states that she filed a sexual harassment complaint against a paraprofessional at the high school named “Mr. B.” prior to her termination. (ECF No. 6 at 2.) She has not named “Mr. B” or the school as a defendant in this action. Roberson explains that Matt Hubacher’s name was brought up when she applied for unemployment and for relief from the Equal Employment Opportunity Commission (EEOC), so she assumed he worked in Human Resources for Aramark.

(ECF No. 6 at 1.) It is unclear whether Roberson still wishes to name him as defendant in this action, as she does not specifically allege that he participated in any wrongdoing. (See generally id.) 3. Analysis The court instructed Roberson in its first screening order that she must file an amended complaint that is complete in itself, meaning that the amended complaint must fully state her allegations and request for relief without reference to her original complaint.

Roberson failed to do so and attempted to clarify the original complaint instead. Even overlooking the lack of completeness, Roberson has once again failed to state a claim upon which relief can be granted. The Seventh Circuit Court of Appeals has explained that the pleading requirement for Title VII employment discrimination claims is low: “To survive screening or a motion to dismiss, a plaintiff need only allege enough facts to allow for a plausible inference that the adverse action suffered was connected to her protected characteristics.” *Kaminski v. Elite Staffing*, 23 F.4th 774, 777 (7th Cir.

2022). Even construing Roberson’s complaint liberally, as the court is required to do for a pro se plaintiff, she cannot state a claim under Title VII because she does not allege that her termination or any discriminatory conduct occurred because of a protected characteristic. Roberson’s original complaint also included a checked box for disability discrimination, but Roberson again does not allege that she is a qualified person with a disability under the Americans with Disabilities Act.

Thus, she has not alleged anything that creates a plausible inference that anyone treated her differently because of a characteristic protected by either Title VII or the ADA. The court will allow Roberson to file a second amended complaint if she wishes to proceed with this action. If she files a second amended complaint, it will replace the prior complaints and must be complete without reference to them.

See *Reid v. Payne*, 841 F. App’x 1001, 1002 (7th Cir. 2021). 4. Conclusion IT IS THEREFORE ORDERED that Roberson must file a second amended complaint with the court no later than April 27, 2026. If Roberson fails to do so, the court will recommend that her complaint and this action be dismissed. IT IS FURTHER ORDERED that all of the plaintiff’s filings with the court shall be mailed to the following address: Office of the Clerk United States District Court 362 United States Courthouse 517 E. Wisconsin Avenue Milwaukee, WI 53202 DO NOT MAIL ANYTHING DIRECTLY TO CHAMBERS.

It will only delay the processing of the matter. Roberson should also retain a personal copy of each document. Roberson is further advised that failure to comply with all deadlines in this matter may have serious consequences, up to and including the loss of certain rights or the dismissal of this entire action.

In addition, Roberson must immediately notify the Clerk of Court of any change of address. Failure to do so could result in orders or other information not being timely delivered, thus affecting the legal rights of the parties. Dated at Milwaukee, Wisconsin this 3rd day of April, 2026.
a & g c WILLIAM E. DUFFI US. Magistrate Judge