

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

Pastor Jarvis Robinson v. Hertrich Family of Automobile
Dealerships, Inc.; Hertrich of New Castle, Inc.; Joshua Figueroa-
Sierra; Albert Guckes, Jr.

Robinson · No. Civil Action No. 24-653-CFC · Decided January 8, 2026

SUMMARY

In this memorandum opinion, the United States District Court for the District of Delaware considers a Rule 12(b)(6) motion concerning claims of racial discrimination, hostile work environment, and retaliation under the Delaware Discrimination in Employment Act and 42 U.S.C. § 1981. The court dismisses Robinson’s DDEA discrimination and hostile-work-environment claims because the allegations did not plausibly establish racial animus or severe and pervasive conduct, and it denies as moot the portion of the motion based on insufficient service.

CASE DETAILS

COURT	United States District Court for the District of Delaware
WRITING FOR THE COURT	Per curiam
JURISDICTION	United States District Court for the District of Delaware
DECIDED	January 8, 2026
DOCKET	Civil Action No. 24-653-CFC
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss Robinson's amended complaint alleging racial discrimination, hostile work environment, and retaliation under the Delaware Discrimination in Employment Act and 42 U.S.C. § 1981. Defendants' Rule 12(b)(5) insufficient-service challenge became moot after service was effectuated.
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, dismissing only when the claims lack facial plausibility. The complaint must contain more than labels, conclusions, or a formulaic recitation of the elements.

PRECEDENTIAL VALUE	unpublished district court memorandum opinion; precedential status unknown
PARTIES	Pastor Jarvis Robinson v. Hertrich Family of Automobile Dealerships, Inc., Hertrich of New Castle, Inc., Joshua Figueroa-Sierra, Albert Guckes, Jr.

TOPICS

employment discrimination racial discrimination retaliation motions to dismiss civil procedure

PRACTICE AREAS

employment law civil rights civil procedure

QUESTIONS PRESENTED

1. Whether Robinson plausibly alleged racial discrimination under the Delaware Discrimination in Employment Act.
2. Whether Robinson plausibly alleged a racially hostile work environment under the Delaware Discrimination in Employment Act.
3. Whether Robinson plausibly alleged that he engaged in protected activity for purposes of his Delaware Discrimination in Employment Act retaliation claim.
4. Whether Robinson plausibly alleged that, but for race, he would not have lost a legally protected contractual right under 42 U.S.C. § 1981.
5. Whether Robinson plausibly alleged protected activity for purposes of his 42 U.S.C. § 1981 retaliation claim.

HOLDINGS

1. Robinson failed to plausibly allege that the adverse employment action occurred under circumstances supporting an inference of intentional racial discrimination.
2. Robinson failed to plausibly allege a hostile work environment because he did not adequately allege race-based intentional discrimination and, independently, the alleged conduct was neither severe nor pervasive.
3. Robinson failed to plausibly allege protected activity because no reasonable person could believe that the workplace incidents identified in his internal grievance constituted race-based discrimination.
4. Robinson failed to state a § 1981 racial-discrimination claim because alleging that race was a motivating factor in his termination did not allege that he would not have suffered the loss of a legally protected right but for his race.
5. Robinson failed to state a § 1981 retaliation claim because he did not engage in protected activity when he reported incidents that were not reasonably understood as racial discrimination.

KEY QUOTATIONS

“But discrimination laws are not a general civility code.” (13)

“These incidents may have been uncomfortable, but they are routine workplace events that cannot be considered in any sense extreme or severe.” (17)

“No reasonable person could believe that the incidents Robinson complained about on April 26th—being told “when I call you, you answer your motherfucking phone,” being screamed at and instructed to tell a contractor to move his vehicle, and being accused of improperly purchasing safety cones without permission—without more were race-based discrimination.” (20)

“For the reasons stated above, I will dismiss Robinson’s Complaint (D.I. 31) for failure to state a claim upon which relief can be granted.” (23)

FACTUAL BACKGROUND

Robinson, who is Black, worked as a senior maintenance crew member for Hertrich beginning in December 2022. He alleged that supervisors and managers yelled at him, belittled him, micromanaged his duties, accused him of unauthorized purchases and poor work, and attempted to place him on an employee improvement plan. Robinson filed an internal grievance asserting that the conduct was based on race and retaliatory, but he was terminated after refusing to attend an internal meeting and declining to comply with the employee improvement plan.

PROCEDURAL HISTORY

Robinson filed an amended complaint asserting four counts against his former employer, a subsidiary, and two employees. Defendants moved to dismiss for failure to state a claim and initially also challenged service of process. The district court dismissed all four counts under Rule 12(b)(6) and denied the Rule 12(b)(5) portion of the motion as moot.

DISPOSITION

dismissed

CASES CITED

- Umland v. PLANCO Fin. Servs., 542 F.3d 59, 64 (3d Cir.)
- Warren Gen. Hosp. v. Amgen Inc., 643 F.3d 77, 84 (3d Cir.)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555-56 (2007)
- Phillips v. County of Allegheny, 515 F.3d 224, 234 (3d Cir.)
- Wagenhoffer v. Visionquest Ltd., 2016 WL 3947952, at *3 (Del. Super. Ct. July 14, 2016)
- Golod v. Bank of Am. Corp., 403 F. App'x 699, 702 n.2 (3d Cir.)
- Ewell v. NBA Props., Inc., 94 F. Supp. 3d 612, 624 (D.N.J.)
- Opsatnik v. Norfolk S. Corp., 335 F. App'x 220, 222-23 (3d Cir.)
- Taylor-Bray v. Del. Dep't of Servs. for Child., Youth & Their Fams., 627 F. App'x 79, 83 (3d Cir.)

- *Strothers v. City of Laurel, Md.*, 895 F.3d 317, 329-30 (4th Cir.)
- *Ocheltree v. Scollon Prods., Inc.*, 335 F.3d 325, 332-33 (4th Cir.)
- *Keys v. Humana, Inc.*, 684 F.3d 605, 610 (6th Cir.)
- *Faragher v. City of Boca Raton*, 524 U.S. 775, 787 n.1, 788 (1998)
- *Mandel v. M & O Packaging Corp.*, 706 F.3d 157, 167 (3d Cir.)
- *Petrocelli v. DaimlerChrysler Corp.*, 2006 WL 733567, at *4 (D. Del. Mar. 22, 2006)
- *Meritor Sav. Bank, FSB v. Vinson*, 477 U.S. 57, 67 (1986)
- *Sousa v. Amazon.Com, Inc.*, 2022 WL 4548910, at *2-3 (D. Del. Sept. 29, 2022)
- *Durham Life Ins. Co. v. Evans*, 166 F.3d 139, 149 (3d Cir.)
- *Moore v. City of Philadelphia*, 461 F.3d 331, 340-41 (3d Cir.)
- *Lehmann v. Aramark Healthcare Support Servs., LLC*, 630 F. Supp. 2d 388, 391 (D. Del.)
- *Comcast Corp. v. Nat'l Ass'n of Afr.-Am.-Owned Media*, 589 U.S. 327, 341 (2020)
- *CBOCS West, Inc. v. Humphries*, 553 U.S. 442, 457 (2008)
- *Castleberry v. STI Grp.*, 863 F.3d 259, 267 (3d Cir.)
- *Giles v. Family Court*, 411 A.2d 599, 601-02 (Del.)