

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Sejal Dave v. Montclair Board of Education

No. 2:25-cv-01412 (BRM) (CF) (D.N.J. Feb. 27, 2026) · No. 2:25-cv-01412 (BRM) (CF) · Decided February 27, 2026

SUMMARY

The United States District Court for the District of New Jersey ruled on Montclair Board of Education’s motion to dismiss Sejal Dave’s claims arising from her medical leave and nonrenewal of her teaching contract. The court dismissed the ADA discrimination and retaliation claims without prejudice because Dave had not exhausted the required administrative remedies. The court denied dismissal of her FMLA interference claim, holding that her allegations concerning the failure to provide individualized notice of FMLA rights were sufficient to survive a Rule 12(b)(6) motion.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Brian R. Martinotti
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	February 27, 2026
DOCKET	2:25-cv-01412 (BRM) (CF)
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss Counts I, II, and III of Plaintiff's complaint. The court granted dismissal of the ADA claims without prejudice and denied dismissal of the FMLA interference claim.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, draws reasonable inferences in favor of the nonmoving party, and determines whether the complaint contains sufficient factual matter to state a plausible claim for relief. The court may consider documents integral to or explicitly relied upon in the complaint without converting the motion to one for summary judgment.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Sejal Dave v. Montclair Board of Education

TOPICS

motions to dismiss

family and medical leave act

ada / disability

disability discrimination

civil procedure

PRACTICE AREAS

employment law

civil rights

disability discrimination

civil procedure

QUESTIONS PRESENTED

1. Whether Dave's ADA disability-discrimination and retaliation claims should be dismissed for failure to exhaust administrative remedies and obtain an EEOC notice of right to sue.
2. Whether Dave sufficiently pleaded an FMLA interference claim based on the Board's alleged failure to provide individualized notice of her FMLA rights.

HOLDINGS

1. The ADA disability-discrimination and retaliation claims were dismissed without prejudice because Dave acknowledged that the EEOC had not issued a notice of right to sue.
2. The complaint sufficiently stated an FMLA interference claim where Dave alleged that the Board failed to provide individualized notice of her FMLA rights, that she would have structured her leave differently had she received notice, and that the resulting leave extending beyond twelve weeks led to her termination or nonrenewal.
3. The court declined to consider the policy because it was not integral to or explicitly relied upon in the complaint.

KEY QUOTATIONS

“To make a claim of interference under the FMLA, a plaintiff must establish” (Opinion at III)

“Unlike an FMLA retaliation claim, ‘[a]n interference action is not about discrimination, it is only about whether the employer provided the employee with the entitlements guaranteed by the FMLA.’” (Opinion at III)

“To prevail on an FMLA interference claim, the employee merely needs to show she was entitled to benefits under the FMLA and that she was denied them.” (Opinion at III)

“Had he received the advice [the employer] was obliged to provide, he would have been able to make an informed decision about structuring his leave and would have structured it, and his plan of recovery, in such a way as to preserve the job protection afforded by the Act.” (Opinion at III)

FACTUAL BACKGROUND

Montclair Board of Education hired Sejal Dave as a special education teacher in or around October 2019. Dave alleged that she suffered from depression, anxiety, and panic attacks, and that her physician recommended a leave of absence beginning February 27, 2023; the Board approved the requested leave but allegedly failed to provide individualized notice of her FMLA rights or designate the leave as FMLA-protected. The Board

informed Dave during the leave that her contract would not be renewed, citing performance deficiencies, although she alleged that she had received no prior discipline and had received positive classroom-observation feedback.

PROCEDURAL HISTORY

Plaintiff filed her complaint on February 24, 2025, asserting ADA disability-discrimination and retaliation claims, FMLA interference and retaliation claims, and NJLAD disability-discrimination and retaliation claims. Defendant moved to dismiss Counts I, II, and III. Plaintiff stipulated to dismissal of the ADA claims because the EEOC had not issued a notice of right to sue. The court granted dismissal of Counts I and II without prejudice and denied dismissal of Count III.

DISPOSITION

other

CASES CITED

- Philips v. Cnty. of Alleghany, 515 F.3d 224, 228 (3d Cir. 2008)
- In re Burlington Coat Factory Sec. Litig., 114 F.3d 1410, 1426 (3d Cir. 1997)
- Shaw v. Digit. Equip. Corp., 82 F.3d 1194, 1220 (1st Cir. 1996)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 556-57, 570 (2007)
- Papasan v. Allain, 478 U.S. 265, 286 (1986)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- In re Rockefeller Ctr. Props. Sec. Litig., 184 F.3d 280, 287 (3d Cir. 1999)
- Doe v. Princeton Univ., 30 F.4th 335, 342, 345 (3d Cir. 2022)
- Capps v. Mondelez Global, LLC, 847 F.3d 144, 155 (3d Cir. 2017)
- Ross v. Gilhuly, 755 F.3d 185, 191-92 (3d Cir. 2014)
- Callison v. City of Phila., 430 F.3d 117, 120 (3d Cir. 2005)
- Thurston v. Cherry Hill Triplex, 941 F. Supp. 2d 520, 526-27 (D.N.J. 2013)
- Sopinski v. Lackawanna Cnty., 16-cv-00466, 2016 WL 6826166, at *4 (M.D. Pa. Nov. 18, 2016)
- Brown v. Am. Sintered Tech., No. 14-cv-0410, 2015 WL 917293, at *5 (M.D. Pa. Mar. 3, 2015)
- Conoshenti v. Public Serv. Elec. & Gas Co., 364 F.3d 135, 142-43, 145 (3d Cir. 2004)
- Lupyan v. Corinthian Colls. Inc., 761 F.3d 314, 318 (3d Cir. 2014)