

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Berthinia S. Williams v. Westgate Las Vegas Resort & Casino, et al.

Williams v. Westgate · No. 2:25-cv-00249-MMD-MDC · Decided November 26, 2025

SUMMARY

The United States District Court for the District of Nevada grants Defendants’ motion to dismiss a pro se employee’s amended complaint alleging Title VII and ADA claims and defamation. The court dismisses the Title VII and ADA claims against individual defendants with prejudice and dismisses with prejudice the defamation claim based on statements made in quasi-judicial proceedings, while granting leave to amend the remaining claims within 30 days.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Miranda M. Du
JURISDICTION	United States District Court for the District of Nevada
DECIDED	November 26, 2025
DOCKET	2:25-cv-00249-MMD-MDC
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved under Federal Rules of Civil Procedure 8 and 10 to dismiss Plaintiff's amended complaint as an improperly pleaded shotgun complaint and for failure to state legally cognizable claims against individual defendants and based on privileged statements. The court granted the motion, dismissed specified claims with prejudice, dismissed the remaining amended complaint subject to leave to amend, and allowed Plaintiff 30 days to file a second amended complaint.
STANDARD OF REVIEW	The court evaluated the sufficiency and clarity of the amended complaint under Federal Rules of Civil Procedure 8(a) and 10(b), accepting the pleaded allegations for purposes of the motion to dismiss and determining whether they provided fair notice and stated a cognizable claim.
PRECEDENTIAL VALUE	Unknown; district court order with no reported citation.
PARTIES	Berthinia S. Williams v. Westgate Las Vegas Resort & Casino, Keena Fisher, Veronica Sevilla, Myriam Mendoza

TOPICS

motions to dismiss

pleadings

civil procedure

title vii

ada / disability

PRACTICE AREAS

civil procedure

employment law

civil rights

disability discrimination

defamation

QUESTIONS PRESENTED

1. Whether the amended complaint should be dismissed under Federal Rules of Civil Procedure 8 and 10 because it presented multiple claims in an unclear narrative, failed to separate claims, and failed to identify which facts and claims applied to which defendants.
2. Whether Title VII and ADA claims may be maintained against individual supervisors or coworkers in their individual capacities.
3. Whether alleged defamatory statements made to the Nevada Equal Rights Commission and Nevada Employment Security Division during judicial or quasi-judicial proceedings are absolutely privileged.
4. Whether Plaintiff should receive leave to amend claims that were not dismissed with prejudice.

HOLDINGS

1. The amended complaint failed to provide fair notice of the claims and the grounds on which they rested because it combined race- and disability-discrimination allegations and defamation allegations in an unclear narrative, did not clearly differentiate the claims or supporting facts, and did not identify which claims were asserted against which defendants.
2. Title VII and ADA claims cannot be maintained against individual defendants in their individual capacities; the claims against Fisher, Sevilla, and Mendoza were dismissed with prejudice because amendment would be futile.
3. Defamation claims based on statements Sevilla made to NERC and ESD during judicial or quasi-judicial proceedings are barred by absolute privilege and were dismissed with prejudice because amendment would be futile.
4. Plaintiff was granted leave to amend claims not dismissed with prejudice, subject to filing a complete second amended complaint within 30 days that includes all facts, claims, defendants, and properly separated numbered allegations.

KEY QUOTATIONS

“pro se litigants are still bound by the rules of procedure.” (2)

“an amended pleading supersedes the original” (3)

“Plaintiff has leave to amend, pursuant to the limitations set forth in this order.” (3)

FACTUAL BACKGROUND

Williams was employed by Westgate and was terminated on May 28, 2023, allegedly because of misconduct connected to a mental-illness episode. She alleged that she experienced anxiety, temporarily lost control of her behavior, and was placed in danger of self-harm. She also alleged that Sevilla made untruthful statements to the Nevada Equal Rights Commission and Nevada Employment Security Division that interfered with her receipt of benefits. Williams asserted Title VII, ADA, and defamation claims.

PROCEDURAL HISTORY

Williams filed an amended complaint alleging Title VII, ADA, and defamation claims arising from her employment and termination by Westgate. Defendants moved to dismiss. The district court granted the motion, dismissed Title VII and ADA claims against the individual defendants and the defamation claim concerning statements made to NERC and ESD with prejudice, and granted leave to amend the remaining claims.

DISPOSITION

other

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 677-78 (2009)
- Erickson v. Pardus, 551 U.S. 89, 95 (2007)
- Ghazali v. Moran, 46 F.3d 52, 54
- Knapp v. Hogan, 738 F.3d 1106, 1109
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 & n.3 (2007)
- Morrow v. City of Oakland, 690 Fed.Appx 517, 518 (9th Cir.)
- Walsh v. Nevada Dep't of Human Res., 471 F.3d 1033, 1037
- Pope v. Motel 6, 114 P.3d 77, 282 (Nev. 2005)
- Dubric v. A Cab LLC, No. 215CV02136RCJCWH, 2016 WL 1449605, at *2-3 (D. Nev. Apr. 12, 2016)
- Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc., 896 F.2d 1542, 1546
- Lacey v. Maricopa Cnty., 693 F.3d 896, 928

OPINION

Berthinia S. Williams v. Westgate Las Vegas Resort & Casino, et al.

PER CURIAM.

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3 UNITED STATES DISTRICT COURT

4 DISTRICT OF NEVADA

5 * * * 6 BERTHINIA S. WILLIAMS, Case No. 2:25-cv-00249-MMD-MDC 7 Plaintiff, ORDER
v. 8

WESTGATE LAS VEGAS RESORT &

9 CASINO, et al., 10 Defendants. 11

I. SUMMARY

Pro se Plaintiff Berthinia S. Williams brings this action against Defendants Westgate Las Vegas Resort and Casino (“Westgate”), Keena Fisher, and Veronica Sevilla (collectively, “Defendants”) alleging various claims arising from her employment at Westgate. (ECF No. 20 (“Amended Complaint”).) Defendants filed a motion to dismiss the Amended Complaint. (ECF No. 21 (“Motion”).) For the reasons addressed below, the Court grants the motion.

II. BACKGROUND

Plaintiff was employed at Westgate, and was terminated on May 28, 2023 for alleged misconduct related to a mental illness episode. (ECF No. 20 at 2.) Prolonged or severe anxiety can lead to temporary increases in blood pressure and Plaintiff has high blood pressure. Defendants note that though the Amended Complaint names Myriam Mendoza as an additional Defendant, Plaintiff has not effectuated service. Mendoza has therefore not made an appearance. However, the Court’s reasoning as to the legal deficiencies of Plaintiff’s employment discrimination claims under federal laws relating to the individual defendants equally applies to Mendoza. Plaintiff responded (ECF No. 24 (“Response”)) and Defendants replied (ECF No. 25). 2 of stress. (Id. at 7.) She “basically blacked out saying things” and as a result, she was terminated. (Id.) Such an occurrence had not happened before. (Id.) Defendant Mendoza could have contacted a medic, and Plaintiff was placed in danger of self-harm. (Id.) Later, Defendant Sevilla made untruthful statements to the Nevada Equal Rights Commission (“NERC”) and the Employment Security Division (“ESD”) to prevent Plaintiff from receiving benefits that she was entitled to as a citizen. (Id. at 2.) Plaintiff brings two claims under Title VII of the Civil Rights Act and the Americans with Disabilities Act, as well as a state law claim for defamation. (Id. at 3.)

III. DISCUSSION

Defendants argue that Plaintiff’s Amended Complaint must be dismissed under Federal Rules of Civil Procedure 8 and 10 because it is a classic shotgun pleading that brings three claims but fails to state the claims separately, fails to identify which claims are alleged against which Defendant, and presents claims in lengthy narratives that do not comply with Rule 10. (ECF No. 21 at 4.) Defendants argue that Plaintiff’s Amended Complaint should be dismissed without prejudice and with leave to amend and properly plead her claims in compliance with the Federal Rules of Civil Procedure. (Id.) Under Federal Rule of Civil Procedure 8(a), “a pleading must contain ‘a short and plain statement of the claim showing that the pleader is entitled to relief.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 677-78 (2009) (quoting Fed. R. Civ. P. 8(a)(2)). Pro se pleadings should be liberally construed and are held to less stringent standards than formal pleadings drafted by lawyers. See *Erickson v. Pardus*, 551 U.S. 89, 95 (2007). However, pro se litigants are still bound by the rules of procedure. *Ghazali v. Moran*, 46 F.3d 52, 54 (24 25 3) It is unclear whether Plaintiff alleges that she has anxiety. Plaintiff also claims in her Response that she had a “bipolar episode,” but this is not alleged in the Amended Complaint. (ECF No. 24 at 1.) Plaintiff’s Amended Complaint refers to a “Unemployment Division” (ECF No. 20 at

6) and the Court agrees with Defendants that she likely refers to the Nevada 28 Employment Security Division. 2 too little,” and the pleading lacks a baseline threshold of required factual and legal 3 allegations. *Knapp v. Hogan*, 738 F.3d 1106, 1109 (9th Cir. 2013). “Without some factual 4 allegations in the complaint, it is hard to see how a claimant could satisfy the requirement 5 of providing not only ‘fair notice’ of the nature of the claim, but also grounds’ on which the 6 claim rests.” *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 & n.3 (2007). 7 The Court agrees with Defendants. As Defendants indicate, Plaintiff’s Amended 8 Complaint incorporates claims for race and disability-based discrimination, as well as 9 defamation, in narrative form without clearly differentiating claims and which facts support 10 which claims. Plaintiff also mentions events that occurred in July 2022 and March 2023, 11 but it is unclear whether these events relate to any of Plaintiff’s claims. (ECF No. 20 at 7.) 12 With such unclear and sparsely pled factual allegations, Defendants have neither fair 13 notice of the claims, nor can they clearly discern the grounds upon which Plaintiff’s claims 14 rest. The Court thus dismisses Plaintiff’s Amended Complaint, subject to the limitations 15 of this order discussed below. 16 As to Plaintiff’s Title VII and ADA claims, Defendants argue that to the extent they 17 are raised against individuals in their individual capacities, the claims must be dismissed 18 with prejudice because such claims are limited to claims against Plaintiff’s employer. (*Id.*) 19 The Court agrees. As Defendants correctly argue, Plaintiff cannot bring her Title VII or 20 ADA claims against the individual defendants. See *Morrow v. City of Oakland*, 690 21 Fed.Appx 517, 518 (9th Cir. 2007) (“Title VII does not provide a cause of action against 22 supervisors or co-workers”); *Walsh v. Nevada Dep’t of Human Res.*, 471 F.3d 1033, 1037 23 (9th Cir. 2006) (“individual defendants cannot be held personally liable for violations of 24 the ADA”). Accordingly, to the extent that Plaintiff raises Title VII or ADA claims against 25 the individual defendants (Fisher, Sevilla and Mendoza), these claims are dismissed with 26 prejudice because amendment would be futile. 27 Lastly, Defendants argue that to the extent that Plaintiff’s defamation claim relates 28 to statements Defendant Sevilla made to the NERC and ESD, Plaintiff cannot state a 2 statements made during judicial and quasi-judicial proceedings. (ECF No. 21 at 6-7.) The 3 Court agrees. See *Pope v. Motel 6*, 114 P.3d 77, 282 (Nev. 2005) (noting an absolute 4 privilege to judicial and quasi-judicial proceedings, even where statements were false or 5 malicious); *Dubric v. A Cab LLC*, No. 215CV02136RCJCWH, 2016 WL 1449605, at *2-3 6 (D. Nev. Apr. 12, 2016) (finding privileged statements made in quasi-judicial proceedings 7 to the NERC and ESD). Accordingly, to the extent that Plaintiff seeks relief for defamatory 8 statements Defendant Sevilla made in proceedings to the NERC and ESD, this claim is 9 dismissed with prejudice as amendment would be futile. If Plaintiff has a defamation claim 10 arising from other factual allegations, Plaintiff has leave to amend to state a colorable 11 claim. 12 In sum, the Court grants Defendants’ Motion and dismisses Plaintiff’s Amended 13 Complaint. Plaintiff’s Title VII and ADA claims, to the extent they are raised against 14 Defendants Fisher, Sevilla and Mendoza, and Plaintiff’s defamation claim, as related to 15 statements made in quasi-judicial proceedings, are dismissed with prejudice as 16 amendment

would be futile. Plaintiff has leave to amend her remaining claims. 17 If Plaintiff chooses to file a second amended complaint, she is advised that the 18 second amended complaint replaces the Amended Complaint, so the second amended 19 complaint must be complete in itself. See *Hal Roach Studios, Inc. v. Richard Feiner & 20 Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989) (holding that “an amended pleading 21 supersedes the original”); see also *Lacey v. Maricopa Cnty.*, 693 F.3d 896, 928 (9th Cir. 22 2012) (holding that for claims dismissed with prejudice, a plaintiff is not required to 23 reallege such claims in a subsequent amended complaint to preserve them for 24 appeal). This means that the second amended complaint must contain all facts and 25 claims and identify all defendants that she intends to sue. 26 Plaintiff is further informed that under Federal Rule of Civil Procedure 8(a), a 27 pleading need only “a short and plain statement of the claim showing that the pleader is 28 entitled to relief.” Fed. R. Civ. P. 8(a)(2). For each claim, Plaintiff should allege facts 1 sufficient to show what each defendant did to violate her rights. Moreover, as Defendants 2 || correctly noted in its Motion, Plaintiff must plead basic elements to bring an actionable 3 || claim under Title VII and the ADA. (ECF No. 21 at 5-6.) Plaintiff is informed that she 4 || should plead facts to support each claim she brings against each Defendant. Lastly, under 5 || Federal Rule of Civil Procedure 10(b), a party must state its claims or defenses in 6 || numbered paragraphs. Fed. R. Civ. P. 10(b). Plaintiff should separate her claims and 7 || related factual allegations into separate, numbered paragraphs.

8 || IV. CONCLUSION

9 The Court notes that the parties made several arguments and cited to several 10 || cases not discussed above. The Court has reviewed these arguments and cases and 11 || determines that they do not warrant discussion as they do not affect the outcome of the 12 || Motion before the Court. 13 It is therefore ordered that Defendants’ motion to dismiss (ECF No. 21) is granted. 14 || Plaintiff’s Amended Complaint (ECF No. 20) is dismissed. To the extent that Plaintiff 15 || raises Title VII and ADA claims against Defendants Fisher, Sevilla and Mendoza, these 16 || claims are dismissed with prejudice as amendment would be futile. To the extent that 17 || Plaintiff’s defamation claim alleges that statements made in quasi-judicial proceedings 18 || are defamatory, this claim is dismissed with prejudice as amendment would be futile. 19 || Plaintiff has leave to amend, pursuant to the limitations set forth in this order. 20 It is further ordered that Plaintiff has 30 days from the date of entry of this order to 21 || file a second amended complaint. 22 It is further ordered that, if Plaintiff does not file a second amended complaint within 23 || 30 days of this order, this action will be subject to dismissal with prejudice for failure to 24 || state a claim. 25 DATED THIS 26th Day of November 2025. 27

MIRANDA M. DU

28 UNITED STATES DISTRICT JUDGE