

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

OPINION

2 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 12 Pro se Plaintiff Berthinia S. Williams brings this action against Defendants 13 Westgate Las Vegas Resort and Casino (“Westgate”), Keena Fisher, and Veronica 14 Sevilla (collectively, “Defendants”)1 alleging various claims arising from her employment 15 at Westgate.

(ECF No. 20 (“Amended Complaint”).) Defendants filed a motion to dismiss 16 the Amended Complaint. (ECF No. 21 (“Motion”).)2 For the reasons addressed below, the 17 Court grants the motion. 18 II. BACKGROUND 19 Plaintiff was employed at Westgate, and was terminated on May 28, 2023 for 20 alleged misconduct related to a mental illness episode. (ECF No. 20 at 2.)

Prolonged or 21 severe anxiety can lead to temporary increases in blood pressure and Plaintiff has high 22 23 24 25 1Defendants note that though the Amended Complaint names Myriam Mendoza as an additional Defendant, Plaintiff has not effectuated service. Mendoza has therefore 26 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 27 defendants equally applies to Mendoza. 28 2Plaintiff 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 3 terminated.

(Id.) Such an occurrence had not happened before. (Id.) Defendant Mendoza 4 could have contacted a medic, and Plaintiff was placed in danger of self-harm. (Id.) Later, 5 Defendant Sevilla made untruthful statements to the Nevada Equal Rights Commission 6 (“NERC”) and the Employment Security Division (“ESD”)4 to prevent Plaintiff from 7 receiving benefits that she was entitled to as a citizen.

(Id. at 2.) 8 Plaintiff brings two claims under Title VII of the Civil Rights Act and the Americans 9 with Disabilities Act, as well as a state law claim for defamation. (Id. at 3.) 10 III. DISCUSSION 11 Defendants argue that Plaintiff’s Amended Complaint must be dismissed under 12 Federal Rules of Civil Procedure 8 and 10 because it is a classic shotgun pleading that 13 brings three

claims but fails to state the claims separately, fails to identify which claims 14 are alleged against which Defendant, and presents claims in lengthy narratives that do 15 not comply with Rule 10.

(ECF No. 21 at 4.) Defendants argue that Plaintiff's Amended 16 Complaint should be dismissed without prejudice and with leave to amend and properly 17 plead her claims in compliance with the Federal Rules of Civil Procedure. (Id.) 18 Under Federal Rule of Civil Procedure 8(a), "a pleading must contain 'a short and 19 plain statement of the claim showing that the pleader is entitled to relief.'" *Ashcroft v. 20 Iqbal*, 556 U.S. 662, 677-78 (2009) (quoting Fed.

R. Civ. P. 8(a)(2)). Pro se pleadings 21 should be liberally construed and are held to less stringent standards than formal 22 pleadings drafted by lawyers. See *Erickson v. Pardus*, 551 U.S. 89, 95 (2007). However, 23 pro se litigants are still bound by the rules of procedure. *Ghazali v. Moran*, 46 F.3d 52, 54 24 25 3It 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 26 Complaint. (ECF No. 24 at 1.) 27 4Plaintiff'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 26" Day of November 2025. 27 MIRANDA M. DU 28 UNITED STATES DISTRICT JUDGE