

discriminatory act (Exhibit A). Plaintiff further sued within ninety (90) days after receiving the right-to-sue letter issued by the EEOC (Exhibit B).

PARTIES

4. Plaintiff, Steven Powell, ("Plaintiff" or "Powell") is a resident of Guntersville, Marshall County, Alabama, and performed work for Defendant in the counties composing the Northern District of Alabama during the events of this case. Thus, under 28 U.S.C. § 1391(b), venue for this action lies in the Middle Division.

5. Defendant Pilgrim's Pride Corporation ("Defendant") is a company registered and doing business in the State of Alabama and has sufficient minimum contacts with the State of Alabama. It is subject to service of process in Alabama.

6. Defendant has more than five hundred employees.

7. Defendant's 2020 revenue was more than 12 billion dollars.

FACTS

8. Plaintiff incorporates by reference and realleges each preceding paragraph as if set out herein.

9. Plaintiff is a person of African ancestry, colloquially referred to as Black.

10. Plaintiff began his employment with Defendant on or about August 12, 2019, as a Live Hanger.

11. Plaintiff's performance appraisals met Defendant's expectations.

12. On May 7, 2020, Plaintiff was driving a forklift. Rodney Jackson ("Jackson"), a Black male employee, asked Plaintiff to take a broken cage to the maintenance shack.

13. Another employee repaired the cage, and Jackson began to yell and insult Plaintiff.

14. Jackson continued yelling and insulting Plaintiff as Plaintiff parked the forklift, preparing for his lunch break.

15. Plaintiff clocked out in the break room. As he did so, Jackson approached him and continued to yell.

16. Jackson pushed Plaintiff and struck him in the face.

17. Plaintiff did not strike Jackson in return.

18. The Head Supervisor, Jim Ed LNU, walked Plaintiff to the Human Resources Office.

19. Plaintiff reported the incident with Jackson to Ms. Bishop ("Bishop"). Bishop sent Plaintiff home for the rest of the day.

20. The next day, Bishop called Plaintiff and informed him that a knife had been discovered on Jackson. However, Bishop stated there was no proof of the altercation from the previous day because the cameras in the break room did not work.

21. Upon information and belief, personal weapons are forbidden at Defendant's workplace.

22. Plaintiff spoke to Lonnie Brooks ("Brooks"), Bishop's supervisor.

23. Brooks told Plaintiff that witnesses had stated that Plaintiff was the aggressor.

24. Plaintiff was not the aggressor.

25. Brooks transferred Plaintiff to the first shift because Plaintiff no longer felt safe on the second shift.

26. On May 11, 2020, Plaintiff reported to the first shift.

27. When Plaintiff arrived at work, Defendant asked Plaintiff to sign a weapons sheet.

28. Plaintiff did not agree to sign a weapons sheet because he had signed one the day Defendant hired him.

29. Plaintiff had no weapons on May 10, the day before.

30. Karen LNU, the first shift supervisor, sent Plaintiff home.

31. The next day, May 12, 2020, Brent Lane ("Lane") attempted to terminate Plaintiff because he did not sign the weapons sheet.

32. Plaintiff spoke with Lane's boss and explained that he had already signed a weapons sheet.

33. Lane's boss told Plaintiff that they would not fire him but would give him a few days off while Defendant investigated the situation.

34. On May 14, 2020, Plaintiff returned to work.

35. A week later, Jackson started working the first shift as well.

36. From May 2020 to December 2020, Jackson worked the first shift on and off.

37. During that time, Jackson continued to harass Plaintiff. Plaintiff continued to report the harassment to his supervisors.

38. Jackson repeatedly informed other employees when Plaintiff was in earshot that he had a knife in his pocket.

39. Plaintiff's supervisors said they would remedy Jackson's behavior, but it did not stop.

40. On December 3, 2020, Jackson and his second shift supervisor were conversing in front of the timeclock blocking Plaintiff from clocking out.

41. Plaintiff politely asked Jackson and the supervisor to move, and Plaintiff clocked out.

42. No altercation took place.

43. There is no policy prohibiting employees from asking others to refrain from blocking the timeclock upon information and belief.

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