

1 Raymond Babaian (State Bar No. 232486)  
 2 [rb@valiantlaw.com](mailto:rb@valiantlaw.com)  
 3 Kamran Shahabi (State Bar No. 276194)  
 4 [ks@valiantlaw.com](mailto:ks@valiantlaw.com)  
 5 **VALIANT LAW**  
 6 800 Ferrari Lane, Suite 100  
 7 Ontario, California 91764  
 8 Phone: 909 677 2270 ♦ Fax: 909 677 2290  
 9 Attorneys for Plaintiff, CONRAD LEPE

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
 9 **RIVERSIDE COUNTY**

10 CONRAD LEPE, an individual

11 Plaintiff,

12 v.

13 SWIFT BEEF COMPANY dba JBS CASE  
 14 READY PLANT; a Delaware Corporation;  
 15 and DOES 1 through 20, inclusive,

16 Defendants.

Case No. **CVRI 2202327**

**PLAINTIFF'S COMPLAINT FOR:**

1. Whistleblower Retaliation in Violation of Labor Code § 1102.5;
2. Disability Discrimination in Violation of FEHA;
3. Failure to Accommodate in Violation of FEHA;
4. Failure to Engage in the Interactive Process in Violation of FEHA;
5. Retaliation in Violation of FEHA;
6. Failure to Prevent Discrimination and Retaliation in Violation of FEHA
7. Wrongful Termination in Violation of Public Policy; and
8. Retaliation in Violation of Labor Code § 6310.

**DEMAND FOR JURY TRIAL**

VALIANT LAW  
 800 FERRARI LANE, SUITE 100  
 ONTARIO, CALIFORNIA 91764  
 TELEPHONE 909 677 2270 ♦ FAX 909 677 2290

28

1 COMES NOW PLAINTIFF, CONRAD LEPE, an individual, and alleges as follows:

2 **JURISDICTION AND VENUE**

3 1. This is an unlimited civil case, and the Court has jurisdiction over this action because  
4 the amount of controversy exceeds \$25,000, exclusive of interest and costs.

5 2. Jurisdiction and venue are also proper in this Court because all the claims alleged  
6 herein arose in Riverside County and all the defendants are doing or did business in Riverside  
7 County, and/or their principal place of business is in Riverside County, in each case, at the times  
8 relevant herein. *See also* California Code of Civil Procedure § 395, which provides that venue is  
9 proper in this County because Defendants reside in this County and the harm to Plaintiff occurred  
10 in this County.

11 **PARTIES**

12 3. Plaintiff CONRAD LEPE (hereinafter, "PLAINTIFF"), at all times relevant hereto,  
13 was, and is, a resident of the State of California.

14 4. PLAINTIFF is informed and believes, and thereon alleges, that Defendant SWIFT  
15 BEEF COMPANY dba JBS CASE READY PLANT (hereinafter, "JBS"), is a Delaware corporation  
16 which does substantial business in the State of California, County of Riverside, with its relevant  
17 business located at 15555 Meridian Pkwy, Riverside, CA 92518.

18 5. PLAINTIFF was employed by JBS to perform work in the County of Riverside,  
19 California during the applicable limitations period.

20 6. PLAINTIFF is informed and believes, and thereon alleges, that DOES 1 through 20  
21 (hereinafter, "DOES"), inclusive, are, or were, individuals and are, or were, doing business at all  
22 times herein mentioned and material hereto in the State of California, and are, or were, the alter ego,  
23 or the duly authorized agent, or the managing agent, or the principal, or owner, or the partner, or  
24 joint venture, or representative, or manager, or co-conspirator of each of the other defendants, and  
25 were at all times mentioned herein acting within the course and scope of said agency and  
26 employment, and that all acts or omissions alleged herein were duly committed with the ratification,  
27 knowledge, permission, encouragement, authorization and consent of each defendant designated  
28 herein.

VALIANT LAW  
800 FERRARI LANE, SUITE 100  
ONTARIO, CALIFORNIA 91764  
TELEPHONE 909 677 2270 ♦ FAX 909 677 2290

1 7. The true names and capacities, whether individual, corporate or associate, or  
2 otherwise, designated herein as DOES are unknown to PLAINTIFF at this time, who, therefore, sue  
3 said DOES by such fictitious names and will ask leave of Court to amend this Complaint to show  
4 their true names and capacities when ascertained.

5 8. PLAINTIFF is informed and believes and based thereon alleges that at all times  
6 material hereto, JBS and DOES 1 through 20 inclusive, (hereinafter collectively referred to as  
7 "DEFENDANTS") and each of them, were duly authorized agents, servants, representatives, co-  
8 conspirators of the other, the alter ego, the principal, the owner, or representatives, and were acting  
9 at all times within the course and scope of their agency or representative capacity with the  
10 knowledge and consent of the other.

11 9. All the acts and conduct herein and below described of every corporate Defendant  
12 was duly authorized, ordered by management-level employees of said corporate employers. In  
13 addition, thereto, said corporate employers participated in the aforementioned acts and conduct of  
14 their said employees, agents and representatives, and each of them; and upon completion of the  
15 aforesaid acts and conduct of said corporate employees, agents and representatives, the Defendant  
16 corporations, respectively and collectively, ratified, accepted the benefits of, condoned, lauded,  
17 acquiesced, authorized and otherwise approved of each and all of the said acts and conduct of the  
18 aforementioned corporate employees, agents and representatives.

19 **EXHAUSTION OF ADMINISTRATIVE PROCEEDINGS**

20 10. PLAINTIFF exhausted his administrative remedies by timely filing a complaint for  
21 the issues required to be raised herein against DEFENDANT with the California Department of Fair  
22 Employment & Housing ("DFEH") and thereafter received a "Right to Sue" letter from the DFEH  
23 attached hereto as **Exhibit "A."**

24 **FACTUAL ALLEGATIONS**

25 11. JBS is a corporation in the business of food processing and is one of the world's  
26 largest processors of fresh beef and pork, including the business location relevant to this action  
27 located at 15555 Meridian Pkwy, Riverside, CA 92518, which was at all relevant times  
28 PLANTIFF's legal employer and primary place of employment.

VALIANT LAW  
800 FERRARI LANE, SUITE 100  
ONTARIO, CALIFORNIA 91764  
TELEPHONE 909 677 2270 ♦ FAX 909 677 2290

1           12.     PLAINTIFF began his employment with JBS in the Maintenance Department as a  
2 Mechanic in or about May 2019. By all accounts, PLAINTIFF was a model employee for JBS,  
3 always met expectations and was willing to go above and beyond what was expected of him.  
4 PLAINTIFF had an exemplary tenure with JBS and never received a write-up prior to JBS’s  
5 discriminatory and retaliatory scheme to terminate PLAINTIFF’s employment.

6           13.     Notwithstanding his work ethic and dedication to the company, PLAINTIFF was  
7 mistreated, discriminated and retaliated against, and ultimately, wrongfully terminated.

8           14.     Throughout his employment with DEFENDANTS, PLAINTIFF was eager to  
9 impress and excel in his work. However, in or about the last week of August 2019, PLAINTIFF  
10 notified DEFENDANTS that he had been experiencing respiratory complications that required his  
11 absence from work. Specifically, PLAINTIFF notified DEFENDANTS that his doctor had  
12 prescribed antibiotics, steroids, an inhaler, and recommended he undergo X-ray examinations of his  
13 lungs. PLAINTIFF provided DEFENDANTS a doctor note placing him off work through the  
14 beginning of September 2019. At such time, DEFENDANTS began to perceive and/or regard  
15 PLAINTIFF as having a disability and/or medical condition in need of reasonable accommodation.

16           15.     Thereafter, PLAINTIFF returned to work on or about September 6, 2019, after his  
17 short medical absence, however, his medical complications persisted causing PLAINTIFF’s doctor  
18 to place him off work again. As such, PLAINTIFF notified DEFENDANTS that his medical  
19 condition and disability relapsed and provided DEFENDANTS a notice from his doctor that he  
20 would be able to return to work on or about September 12, 2019. However, after returning to work  
21 for a short time, PLAINTIFF was again placed off work for the last week of September 2019 with  
22 an expected return date of October 3, 2019, for his recurring medical condition. Accordingly,  
23 PLAINTIFF reached out to DEFENDANTS to provide all necessary documentation and requested  
24 a meeting with Human Resources representative Araceli Burket (hereinafter “Burket”) and  
25 PLAINTIFF’S Supervisor, Carlos Palacios (hereinafter “Palacios”) to discuss a reasonable  
26 accommodation. However, upon PLAINTIFF’s return to work during the first week of October  
27 2019, Burket and Palacios failed to conduct any good faith interactive process to see if PLAINTIFF  
28 could be accommodated.

VALIANT LAW  
800 FERRARI LANE, SUITE 100  
ONTARIO, CALIFORNIA 91764  
TELEPHONE 909 677 2270 ♦ FAX 909 677 2290

1           16.     Upon his return, PLAINTIFF complained to Palacios that various JBS employees  
2 were routinely arriving at work showing signs of being ill but were not being sent home; a practice  
3 contrary to JBS’s policy which PLAINTIFF reasonably believed to be hazardous to the health and  
4 safety of DEFENDANTS’ employees in violation of Cal/OSHA, including PLAINTIFF’s well-  
5 being. PLAINTIFF complained that such a practice continued to put his, as well as his co-workers’  
6 health and safety at risk and could further exacerbate his own disability and medical condition.  
7 Despite PLAINTIFF’s pleas for help and complaints regarding the foregoing, Palacios failed to take  
8 any action, including agreeing to an interactive process, and embarked on a retaliatory scheme aimed  
9 toward forcing PLAINTIFF’s resignation.

10           17.     Further, after PLAINTIFF’s disability notice and request for accommodation,  
11 Palacios and PLAINTIFF’s Plant Manager, consistently engaged in retaliatory conduct aimed to  
12 harass, embarrass and defame PLAINTIFF. In doing so, DEFENDANTS routinely attempted to  
13 single out and “make an example” of PLAINTIFF during department meetings in retaliation for his  
14 complaints and disability. On or about October 23, 2019, PLAINTIFF complained to Palacios about  
15 the harassment and retaliation he reasonably believed he was being subjected to—conduct  
16 PLAINTIFF had not previously experienced prior to his disability notice. In response, Palacios  
17 issued an unwarranted and retaliatory write-up on or about October 25, 2019, for, “trying to be a  
18 perfectionist”—a write up that made no legal or justifiable sense.

19           18.     As a result of DEFENDANTS failing to protect the health and safety of their  
20 employees, failure to follow their own policy, and ignoring PLAINTIFF’s health condition,  
21 PLAINTIFF continued to fall ill after returning to work. Accordingly, in or about the beginning of  
22 November 2019, PLAINTIFF was forced to again seek medical leave for his medical  
23 condition/disability and continued to submit medical documentation as directed. However, rather  
24 than engaging in any good faith interactive process to see if PLAINTIFF could be accommodated,  
25 DEFENDANTS egregiously told PLAINTIFF he should start looking for employment elsewhere.

26           19.     On November 19, 2019, PLAINTIFF returned to work at JBS only to fall ill again  
27 and be placed off work on November 22, 2019. Upon notification of PLAINTIFF’s leave, Palacios  
28 egregiously responded: “As we discussed, please pursue seeking work in a dry location,” ignored

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.