

Exhibit A

<p>DISTRICT COURT, CITY AND COUNTY OF WELD, STATE OF COLORADO</p> <p>Court Address: 901 9th Avenue Greeley, CO 80631</p> <hr/> <p>Plaintiffs: TIMOTHY CILA</p> <p>v.</p> <p>Defendants: JBS USA FOOD COMPANY HOLDINGS a/k/a JBS USA HOLDINGS, INC. a/k/a JBS USA PROMONTORY HOLDINGS I LLC a/k/a JBS USA PROMONTORY HOLDINGS II LLC</p> <hr/> <p>Attorneys for Plaintiff: Sarah A. Schreiber, Esq., #37767 Wilhite, Rose, McClure & Sawaya, PC 1600 Ogden Street Denver, CO 80218 Phone Number: (303) 839-1650 FAX Number: (303) 565-2035 E-mail: sschreiber@sawayalaw.com</p>	<p>DATE FILED: March 23, 2022 2:00 PM FILING ID: A4316418172F4 CASE NUMBER: 2022CV30189</p> <hr/> <p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> <p>Case Number:</p> <p>Div.: Ctrm:</p>
<p>COMPLAINT AND JURY DEMAND</p>	

Plaintiff, **TIMOTHY CILA** (hereinafter “Plaintiff”) by and through his attorneys, The Sawaya Law Firm, files his Complaint and Jury Demand against **JBS USA FOOD COMPANY HOLDINGS a/k/a JBS USA HOLDINGS, INC. a/k/a JBS USA PROMONTORY HOLDINGS I LLC a/k/a JBS USA PROMONTORY HOLDINGS II LLC** (hereinafter “Defendant JBS”), collectively (“Defendants”) and states as follows:

PARTIES, JURISDICTION, AND VENUE

1. On or about March 27, 2020, the date of the incident complained of, Plaintiff was a resident of Weld County, State of Colorado.
2. Defendant JBS has a principal office street at 1770 Promontory Circle, Greeley, CO 80634, and its registered agent is through the Corporation Service Company located at 1900 W. Littleton Boulevard, Littleton, CO 80120.
3. The Incident giving rise to this action occurred on or around March 27, 2020 at the JBS meat packing plant located in the city of Greeley, in Weld County, Colorado.

4. Jurisdiction and venue are proper in this action pursuant to C.R.C.P. 98(c) as the tort occurred in Weld County.

GENERAL ALLEGATIONS

5. Plaintiff incorporates and realleges the allegations contained in paragraphs 1 through 4 as if fully set forth herein.
6. On or about March 27, 2020, Plaintiff was employed by AgTac as a security guard working at the JBS meat packing plant in Greeley, Colorado.
7. Upon information and belief, Plaintiff was hired by AgTac on or around September 13, 2016 and was assigned to work at the JBS meat packing plant located at 800 N. 8th Avenue, Greeley, CO 80631 on or about September 13, 2016 in the capacity of a security guard.
8. Plaintiff worked Wednesday through Friday every week at JBS from approximately 6:00am through 2:00pm.
9. As part of his job duties, and not meant to be all inclusive, Plaintiff checked badges and bas when people came to work, inspected employee's bags randomly coming into the plant and all employee's bags when going home, and he was to inspect every bag, lunch box, etc. for equipment and for stolen beef for the day during shift change beginning around 1:00pm.
10. While working on March 27, 2020, a little before 2:00pm, Plaintiff encountered two Spanish speaking female JBS employees who were presenting letters from their doctors stating that they should quarantine at home for 14 days due to having Covid-19.
11. Upon information and belief, the two ladies were new employees and did not stay home following their doctors' notes as they wanted to turn in their notes directly to human resources.
12. These two ladies with Covid-19 were not wearing masks or gloves, despite Covid-19 being a grave health concern as of early March 2020.
13. Upon information and belief, these two ladies interacted with Plaintiff while they were improperly on the premises, and as a result, Plaintiff contracted Covid-19.
14. Defendant JBS was negligent in many aspects with respect to Plaintiff contracting Covid-19 on its premises.
15. Defendant JBS had a duty to ensure that its employees were properly adhering to the CDC's warnings and requirements with respect to Covid-19 in March 2020.

16. Defendant JBS had a duty to protect against known dangers on its property, including its employees who were infected with Covid-19 from coming to work, and failing to wear masks.
17. There are a number of preventative measures that can be taken to limit or completely eliminate the spread of COVID-19. Preventive measures to reduce the chances of infection include wearing a mask in public, avoiding crowded places, keeping distance from others, ventilating indoor spaces, managing potential exposure durations, washing hands with soap and water often and for at least twenty seconds, practicing good respiratory hygiene, and avoiding touching the eyes, nose, or mouth with unwashed hands.¹ This information was public, widely known, and notorious to any person in the United States at the time of the incident.
18. Defendant JBS' employees were not wearing a mask when they came to work on March 27, 2020, did not properly keep distance from Plaintiff, and there were no proper barriers in place to limit the two employees' with Covid-19 from spreading their germs to Plaintiff at the security location.
19. Furthermore, Defendant JBS had a responsibility to provide proper protective gear to its employees, and ensure the safety of those on its premises, including proper masks, barriers, and/or other basic safety precautions to limit the transmission of Covid-19.
20. Defendant JBS owed a duty to exercise reasonable care to protect Plaintiff against dangers of known, anticipated, or potential risks that would be known in the exercise of reasonable care including protecting against basic exposure to Covid-19 from infected employees.
21. Defendant unreasonably failed to exercise care in protecting everyone in the JBS meat packing plant from the dangers of being infected by Covid-19.
22. Plaintiff was wearing a face mask and gloves at the time of his interaction with the two JBS employees.
23. Yet, Plaintiff contracted Covid-19 after this interaction on or about March 29, 2020 or March 30, 2020, and was hospitalized for 35 days as a result, and almost lost his life. He also had significant health problems during and after the 35-day hospitalization and was required to engage in rehabilitation and had to leave his employment due to his health and dangers of Covid-19 at the JBS meat packing plant.
24. Plaintiff was not comparatively at fault in causing his own injuries, damages, or losses.
25. As a direct and proximate result of the Incident described above, Plaintiff incurred in the past, and will continue to incur into the future, medical and other health care and

¹ "Recommendation Regarding the Use of Cloth Face Coverings, Especially in Areas of Significant Community Based Transmission". U.S. Centers for Disease Control and Prevention (CDC). 28 June 2020.

rehabilitation expenses related to injuries, past and future loss of earnings, loss of earning capacity, and loss of time.

26. As a direct and proximate result of the collision described above, Plaintiff incurred non-economic damages including, but not limited to, pain and suffering, inconvenience, emotional distress, and impairment to quality of life.
27. As a direct and proximate result of the collision described above, Plaintiff suffers from lasting physical impairment.

FIRST CAUSE OF ACTION
(Negligence Against Defendant JBS)

28. The allegations contained in paragraphs 1 through 27 above are incorporated herein by reference as if now set forth verbatim.
29. Defendant JBS owed Plaintiff a duty to exercise reasonable care in its operation of the JBS meat packing plant with respect to Covid-19.
30. Defendant failed to protect Plaintiff from exposure to Covid-19 by taking reasonable safety precautions while knowing that Covid-19 exposure was dangerous, and highly transmissible.
31. Defendant JBS breached the duty owed to exercise reasonable care by negligently and carelessly acting in the following respects:
 - a. Failing to put proper safety protocols in place with respect to requiring and ensuring that its employees wore appropriate masks;
 - b. Failing to put proper safety protocols in place with respect to requiring and ensuring that its employees wore appropriate gloves;
 - c. Failing to proper safety protocols in place with respect to erecting or placing barriers of any nature between its employees and the security guards;
 - d. Failing to properly train and/or supervise its employees with respect to wearing masks, gloves, and/or utilizing other protective gear when entering the JBS meat packing plant;
 - e. Failing to properly train and/or supervise its employees with respect to procedures when an employee tests positive with Covid-19 and instructing them not to enter the JBS meat packing plant at all once receiving a positive test result;
 - f. Failing to place signage and warnings in appropriate areas of the JBS meat packing plant to warn of requirements of wearing protective equipment due to the highly transmissible nature of Covid-19;

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