

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

Peggy Snyder)	
Plaintiff,)	
)	C.A. No.
v.)	
)	
DowDuPont, Inc., a Delaware Corporation)	TRIAL BY JURY DEMANDED
and E.I. DuPont de Nemours, Inc.,)	
a Delaware Corporation)	
Defendants.)	

COMPLAINT

1. Peggy Snyder is a resident of the United States, State of Delaware.

2. The defendant, E.I. DuPont de Nemours and Company is a corporation organized and existing under the laws of the State of Delaware, whose agent for service of process is The Corporation Trust Company, Corporation Trust Center, 1209 Orange St, Wilmington, DE 19801.

3. On September 1, 2017 a merge between E.I. DuPont de Nemours and Company and Dow Chemical became effective with the surviving company being DowDuPont, Inc., which assumed all the rights, duties, liabilities and debts of the defendant, E.I. DuPont de Nemours and Company.

4. The defendant, DowDuPont, Inc., is a corporation organized and existing under the laws of the State of Delaware whose agent for service of process is: The Corporation Trust Company, Corporation Trust Center, 1209 Orange St, Wilmington, DE 19801.

JURISDICTION

5. This Court has jurisdiction based upon the existence of a question arising under the laws of the United States of America.

6. This Court has supplemented jurisdiction over Delaware State claims pursuant to 28 U.S.C. §1367.

7. This action arises under the Americans with Disabilities Act, as amended. The Family Medical Leave Act, 29 U.S.C. § 2617 and 19 Del. C. § 720, et. seq.,

8. This Court has jurisdiction of the controversy based upon the provisions of 42 U.S.C. §§2000e-5(f)(3), 12117 as well as 28 U.S.C. §1331 and 1334.

VENUE

9. The unlawful employment practices alleged herein were committed within the State of Delaware. Accordingly venue lies in this Court, under 42 U.S.C. §1339(b).

EXHAUSTION OF ADMINISTRATIVE REMEDIES

10. Prior to the filing of this action the Plaintiff timely filed a written Charge of Discrimination under the provisions of 19 Del. C. §720, et seq., which was a simultaneous filing under 42 U.S.C. §2000e et seq., 42 U.S.C. §12101, et seq., with the Equal Employment Opportunity Commission, on November 1, 2016.

11. Thereafter, the Delaware Department of Labor issued the Plaintiff a “Right

to Sue Letter” on July 13, 2018 with regards to Charge Nos. SNY092116, and 17C-2017-00008.

12. This complaint is timely filed within ninety (90) days of the receipt of te above described “Right to Sue” letter.

FACTS

13. Plaintiff began working for the defendant EI DuPont de Nemours and Company as a technician from September 1, 1997 until her discharge on September 14, 2016.

14. The plaintiff in the past has suffered from a serious health condition on an intermittent basis consisting of migraine headaches and sinus infections.

15. During the twelve months prior to her termination on September 14, 2016 the Plaintiff had worked for the defendant DuPont during that twelve month period.

16. Plaintiff worked for the defendant DuPont at least 1,250 hours within the year prior to her termination.

17. Defendant DuPont employed fifty or more persons at the plaintiff’s work site, now known as the DuPont DOW Elastomers Kalrez® business unit at the Tralee Site, located in Newark, Delaware.

18. The plaintiff was employed as a Manufacturing Technician with eight hour work shifts.

19. In the year beginning in 2005, and specifically on April 19, 2005 while the plaintiff was taking intermittent family leave, DuPont Human Resources Representatives would on numerous occasions request that the plaintiff resign while handing her a letter detailing information about the FMLA time she had recently used.

20. On December 20, 2005 the same Human Resources Representatives (hereinafter referred to as “HR”) wrote to plaintiff informing that she had exhausted any Short Term Disability Leave implying that she should then apply for “Total & Permanent Disability Leave.”

21. On February 9, 2007 plaintiff again received a letter from the HR manager stating that she had an “...excessive use of disability leave reoccurring and other serious health problems.”

22. On February 9, 2007 the HR manager had unilaterally, without the plaintiffs knowledge or request, initiated a “Total & Permanent Disability Retirement Pension” application on the plaintiffs behalf.

23. On October 30, 2007 plaintiff received another letter from the same HR manager.

24. On November 12, 2007 plaintiff’s counsel wrote to DuPont’s HR manager explaining DuPont’s actions may have been in violation of the Americans with Disabilities Act and/or 42 U.S.C §2000e, describing male employees had missed

equal amounts of time and there had been no attempts to force them into retirement.

25. For the period of approximately four years thereafter beginning as of November 12, 2007 correspondence, described in ¶20, plaintiff suffered no further harassment or attempts to force her into retirement.

26. On July 28, 2011 DuPont insisted on a medical exam of the plaintiff because of her use of FMLA leave for her illnesses.

27. After the July 28, 2011 demand for a physical exam, her supervisor would ignore her request for vacation time.

28. On October 11, 2011 plaintiff was forcibly restrained in an office because she claimed she had a reaction to the use of certain chemicals at the job.

29. During the events described in ¶28, Plaintiff had to force her way out of the office.

30. Later in the same month of October, 2011 plaintiff received a letter, on October 25, 2011, from the HR manager insisting that she resign and apply for Total & Permanent Disability stating that there was no place for her to work at the site.

31. On November 3, 2011 plaintiff contacted Employee Assistance Program (“EAP”) complaining of harassment and that she was overwhelmed with stress.

32. The EAP personnel requested that she immediately obtain guidance from a

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