

Jeffrey J. Hepworth, ISB No. 3455
J. Grady Hepworth, ISB No. 10364
HEPWORTH LAW OFFICES
2229 W. State Street
P.O. Box 2815
Boise, ID 83702-2815
Telephone: (208) 333-0702
Facsimile: (208) 246-8655
courtservice@idalawyer.com
Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

MISTY D. Tucker, an individual

Plaintiff,

vs.

NUTRIEN AG SOLUTIONS, INC., a
Delaware Corporation registered and doing
business in the State of Idaho; JOHN DOE
CORPORATIONS I-V, unknown
corporations or business entities,

Defendant.

Defendants.

Case No. _____

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

COMES NOW, the Plaintiff, Misty D. Tucker (“Plaintiff” or “Tucker”), by and through her counsel of record, Hepworth Law Offices, for causes of action arising from the discrimination, disparate treatment, and wrongful termination Ms. Tucker experienced in the course of her employment with Nutrien Ag Solutions, Inc. (“Nutrien”) (formerly known as Agrium/Crop Production Services, Inc.) Nutrien discriminated and wrongfully terminated Ms. Tucker in violation

COMPLAINT AND DEMAND FOR JURY TRIAL

- 1

of Title VII of the Civil Rights Act, 42 U.S.C. § 2000e-2 *et seq.* and the Idaho Human Rights Act, I.C. § 67-5909 *et seq.* Ms. Tucker seeks monetary damages for her lost wages and general damages for her emotional distress.

I. PARTIES, JURISDICTION, AND VENUE

1. The Plaintiff, Misty Tucker, is a white female born in November 1987. Ms. Tucker is a United States citizen currently residing in Buhl, Idaho. Ms. Tucker graduated with an Associate degree in biology from the College of Southern Idaho, as well as a bachelor's degree in Agricultural Sciences from the University of Idaho.

2. Defendant Nutrien Ag Solutions, Inc. ("Nutrien") (formerly known as Agrium/Crop Production Services, Inc. and referred to as "CPS") is a Delaware corporation registered and doing business in the State of Idaho, with a registered agent as C T Corporation System, 921 S. Orchard St. STE G. Boise, ID 83705. Nutrien is engaged in business in at least forty-eight states, including a facility in Wendell, Idaho ("Wendell Facility") where Ms. Tucker was employed.

3. Defendant John Doe Corporations I-V are unknown corporations or other forms of business entities that may have directly or indirectly employed Misty Tucker and are liable for the acts of discrimination alleged herein, but whose identities and true names are not known at this time.

4. This Court has jurisdiction pursuant to 28 U.S.C. § 1331. The Plaintiff asserts federal subject matter jurisdiction pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e-2 *et seq.*

5. This Court has supplemental jurisdiction of the state law claims under the Idaho Human Rights Act, and tortious causes of action asserted herein pursuant to 23 U.S.C. § 1367. The factual basis of the state law claims brought under the Idaho Human Rights Act and tortious conduct are identical to the operative facts underlying the federal claims.

COMPLAINT AND DEMAND FOR JURY TRIAL

- 2

6. Venue is proper pursuant to 28 U.S.C § 1391 and 42 U.S.C. § 2000e-5(f)(3). The United States District Court for the District of Idaho is the federal judicial district embracing the City of Wendell in Gooding County, Idaho, where the unlawful employment practices were committed, and where the employment records relevant to such practice are maintained and administered.

7. Ms. Tucker filed a timely complaint with the Idaho Human Rights Commission (“IHRC”) and the Equal Employment Opportunity Commission (“EEOC”) on or about July 24, 2018. The IHRC and EEOC issued their Notice of Right to Sue on May 29, 2020. Less than ninety-days has elapsed since both agencies issued the Notices of Right to Sue, and Ms. Tucker has exhausted all administrative remedies under law.

II. GENERAL ALLEGATIONS

8. Ms. Tucker was hired by Nutrien (at the time Agrium/Crop Production Services) in November 2016 as a crop consultant, working at the Wendell Facility located at 564 S Idaho St. Wendell, ID 83355. Ms. Tucker’s job duties included selling company products and services, maintaining a sales program within her assigned territory and accounts, and monitoring competitive activities and trends. Ms. Tucker was hired by Facility Manager Mac Brown.

9. Upon information and belief, Ms. Tucker was the first female crop consultant ever hired by Mr. Brown. At the time of her employment, Ms. Tucker was the only female employee at the Wendell facility who was not an administrative assistant.

10. Ms. Tucker was hired at the same time as two other male employees. Ms. Tucker understood that the three new hires would be taking over consulting territories held by older male employees who were retiring. Whereas one of the new hires left for a different company not long after starting, Ms. Tucker trained with one of the male employees, Wyatt Andreasen. Ms. Tucker believes she and

COMPLAINT AND DEMAND FOR JURY TRIAL

- 3

Mr. Andreasen were hired for materially the same position, and thus had substantially equal skills, abilities, and responsibilities, and performed duties under similar working conditions within the same establishment. However, both individuals had noticeably different career trajectories as a result of the disparate opportunities given to them by Defendants.

11. As she and Mr. Andreasen were training, Ms. Tucker began to be treated differently than her male counterpart. For example, in January 2017, both new hires were required to obtain a CDL license for their positions. However, only Mr. Andreasen was told to get his Class A license. Mr. Andreasen was also required to get forklift trained, whereas Ms. Tucker was specifically told not to. Ms. Tucker was also not fit tested for chemical safety gear, such as a respirator, even though Mr. Andreasen was told that the equipment was mandatory for all crop consultants. Ms. Tucker was also never given a key to the office, despite the fact all new hires had a key. To her knowledge, Ms. Tucker was the only employee who never received one. Ultimately Mr. Andreasen was given substantially greater training and mentorship by his male colleagues throughout the course of his career, including a “book of business” and prospective clients. Ms. Tucker was never offered any mentorship or career opportunities because of her gender.

12. Ms. Tucker also observed prejudice against women in the workplace. For example, one of the managers, Jeremy, refused to talk to or respond to Ms. Tucker’s emails for nearly the duration of her employment at CPS. Ms. Tucker also observed another manager, Chris Smith, refuse to work with a female consultant from Dow Chemical Company simply on the basis of her gender. When Mr. Smith was asked by Mr. Brown why he would not work with the Dow Chemical employee, Mr. Smith replied, “she would prefer me pussy-whipped.” Other employees followed Mr. Smith’s sexist lead. Ms. Tucker remembers Mr. Smith was struggling to replace a microwave at work, and one of the co-

COMPLAINT AND DEMAND FOR JURY TRIAL

- 4

workers made fun of him by saying “hey, your skirt is showing.” Whereas Ms. Tucker tried to ignore the derogatory comments of her older, male colleagues, they are nonetheless indicative of how the company treated their only female crop consultant.

13. Within months of being hired, Ms. Tucker and her husband became pregnant with their second child. Ms. Tucker continued training and working towards getting acclimated in her new job, including attending the winter sales meeting.

14. In approximately April 2017, Ms. Tucker had complications with her pregnancy, which caused her to have trouble walking. Because of the complications, Ms. Tucker had to go on short-term disability leave that month. Ms. Tucker had her second child who was born on May 26, 2017, and Ms. Tucker returned to work on August 1, 2017.

15. However, upon returning to work with full medical clearance, Ms. Tucker found that Defendant refused to give her the same opportunities as her male colleagues. Whereas a major portion of most crop consultant’s roles is done while making sales calls and spending time managing accounts in the field, Defendant asked Ms. Tucker to focus on implementing a new software that the company was rolling out. Ms. Tucker gladly complied, as she had experience with similar programs through her formal education and her previous job experience with other companies.

16. Ms. Tucker understood the implementation of the software was in the course and scope of her duties as a crop consultant, and Ms. Tucker was never approached about changing her position title or her core duties.

17. Ms. Tucker continued to complete sales calls, specifically by cold-calling account leads in her territory. Crop Consultants are entitled to commissions and/or bonuses based on sales and accounts opened. In an effort to make more sales, she began cold-calling more prospective clients,

COMPLAINT AND DEMAND FOR JURY TRIAL

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.