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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

TOMMY “SHANE” BODEN,

Plaintiff,

v.

CROP PRODUCTION SERVICES, INC.,

Defendant.

Case No. _____

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

Filing Fee: \$400.00

Plaintiff, Tommy “Shane” Boden, by and through his counsel of record Casperson Ulrich Dustin PLLC, as a cause of action against Defendant, Crop Production Services, Inc., alleges and complains as follows:

JURISDICTION AND VENUE

1. This is an action brought under the Americans with Disabilities Act Amendments Act (“ADAAA”), 42 U.S.C. § 12101, *et seq.*; and the Age Discrimination in Employment Act (“ADEA”), 29 U.S.C. § 621, *et seq.*; and the common law of the State of Idaho
2. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331, 1343 and 1367; 42 U.S.C. § 12117; and 29 U.S.C. § 626.

3. Venue in this action properly lies in the United States District Court for the District of Idaho, Eastern Division, pursuant to 28 U.S.C. § 1391(b) because the claims arose in this judicial district; and venue also properly lies in this district pursuant to 42 U.S.C. § 12117 because the unlawful employment practices were committed in this judicial district.

PARTIES

4. Plaintiff Tommy “Shane” Boden (“Boden” or “Plaintiff”) is a citizen and a resident of the United States of America, who resides in Ammon, Idaho.
5. Defendant Crop Production Services, Inc. (“Defendant”) is a Delaware corporation which conducts business in Idaho, and has an office in Idaho Falls, Idaho.
6. At all times material to this Complaint, Defendant regularly employed fifteen or more persons, and was engaged in an industry affecting commerce, bringing Defendant within the ambit of 42 U.S.C. § 12111. Defendant also regularly employed twenty or more persons, and was engaged in an industry affecting commerce, bringing Defendant within the ambit of 29 U.S.C. § 630.

FACTS COMMON TO ALL COUNTS

7. Boden realleges and incorporates by reference paragraphs 1 through 6 above, as though fully incorporated herein.
8. Boden began working for Defendant in or around March 2014, as an agricultural salesperson. Boden was recruited by Michael Larkin (“Larkin”) and hired by Larkin and Jeremy Jensen (“Jensen”). However, Larkin was Boden’s direct supervisor. Larkin left the company approximately nine months after Boden started.
9. After Larkin left the company, Jensen assigned Boden to report directly to Greg Eames (“Eames”) who was the manager at the Roberts, Idaho store. Eames was known to be very

difficult to work for. Jensen assigned Boden to work under Eames and moved the sales person who was struggling to work under Eames to a different location.

10. At all times he was employed by Defendant, Boden performed his job duties in a satisfactory manner.
11. On or about April 6, 2016, Boden was injured at work when he lost his balance stepping off a piece of equipment and fell back onto some discarded metal framework salvage.
12. After Boden was able to get up from the fall, he realized he had torn his shirt and was bleeding from several scrapes and cuts. He immediately went to the office and reported the injury to his supervisor Eames.
13. Eames asked if Boden was okay and he said, "I think so." However, Boden believed that Eames would make the proper reports of workplace injury as he was required to do. However, Boden later learned that Eames did not document or report Boden's injury.
14. Although the scrapes and cuts from Boden's injury eventually healed, he began having pain in his back and right leg. Consequently, on or about May 5, 2016, Boden spoke with Eames regarding seeing a doctor for his injury.
15. Eames informed Boden that he would have to use his own medical insurance because Eames could not do anything to submit Boden's injury as a worker's compensation claim. Eames also informed Boden that he did not want to try to submit the injury to worker's compensation because the paperwork was "two feet high."
16. After Boden explained to Eames that he would not use his own insurance for treatment for the injury, Eames said it was out of his hands, and that Boden would have to call Scott Clelland ("Clelland") who was the Environmental Health, Safety and Security representative for Defendant's Snake River Division.

17. Boden contacted Clelland and explained his April 6, 2016, injury and his ongoing issues with pain. Clelland informed Boden that submitting a workers compensation claim was relatively easy, but that Clelland could not do so because Eames never filled out an injury report.
18. Clelland then instructed Boden on how to complete an accident form online to submit. It took Boden approximately 20 minutes to fill out the form.
19. After Boden submitted the accident report and filed his claim, he saw a doctor who referred him to a spine specialist.
20. Boden received cortisone injections, and continued to have ongoing problems and medical treatment associated with the April 6, 2016, injury.
21. On or about May 12, 2016, several days after Boden spoke with Eames about his need for medical treatment, Defendant's Snake River Division Manager Jensen called Boden and asked Boden how he had injured himself.
22. After Boden explained how he was injured, Jensen repeatedly told him that he "knew better" when Boden told him he believed he was required to report the injury. Jensen again said that Boden "knew better."
23. Jensen then started interrogating Boden about his injury, asking if he was sure that he had not injured himself earlier and was now turning it in to get coverage from the company. Boden was shocked by Jensen's conduct, given that Boden had simply followed company protocol, and informed Jensen as much.
24. Boden also informed Jensen that he really did injure himself at work and would gladly allow him to review Boden's medical records to verify his injuries.

25. Subsequent to the phone call from Jensen, Boden's work environment changed significantly. Eames would no longer speak with Boden unless completely necessary, and Jensen would not return Boden's calls for several weeks.
26. Eames is well known for his offensive treatment of employees, including Boden.
27. Eames apparently also told another custom applicator that "every day I try to fire that son-of-a-b**ch," referring to Boden.
28. In or around May or June 2016, Defendant hired a young man to work as a salesman in the Idaho Falls North area ("New Salesman"). New Salesman had recently graduated from college and had little experience.
29. Boden thought it was odd that they would hire another sales person for the same area covered by Boden and was still being developed.
30. Shortly after New Salesman was hired, Boden received a call from the employee of one of Boden's established farm accounts. The employee told Boden that New Salesman had visited his farm in a remote area of Birch Creek. New Salesman had tried to solicit business but the employee of the established farm account informed New Salesman that they already did business with Defendant through Boden.
31. New Salesman stated to the employee that he did not know why Defendant had sent him all the way to the remote farm or why Defendant had him visit other client accounts already purchased through Boden. New Salesman also stated to the employee that he did not want Boden to know New Salesman had gone to the farm.
32. Eames and Jensen also began increasing their criticisms of Boden and his performance, based upon untrue allegations.

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