

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION

Hus Hari Buljic individually and as
Administrator of the Estate of Sedika
Buljic, Honario Garcia individually
and as Administrator of the Estate of
Reberiano Leno Garcia, and Arturo de
Jesus Hernandez and Miguel Angel
Hernandez as Co-Administrators of
the Estate of Jose Luis Ayala, Jr.,

Plaintiffs,

vs.

Tyson Foods, Inc., Tyson Fresh Meats,
Inc., John H. Tyson, Noel W. White,
Dean Banks, Stephen R. Stouffer, Tom
Brower, Mary A. Oleksiuk, Elizabeth
Croston, Tom Hart, Hamdija Beganovic,
James Cook, Ramiz Muheljic, Gustavo
Cabarea, Pum Pisng, Alex Buff, Walter
Cifuentes, Muwi Hlawnceu, Cody
Brustkern, Mark Smith, and John/Jane
Does 1- 10,

Defendants.

Case No. 6:20-cv-02055-KEM

**TYSON FOODS, INC., AND TYSON FRESH MEATS, INC.'S
MOTION TO DISMISS**

Tyson Foods, Inc. and Tyson Fresh Meats, Inc. (“Tyson”) respectfully move to dismiss the complaint under Rule 12(b)(6) because the claims against Tyson are barred by the Iowa Workers’ Compensation Act (“IWCA”).

In addition, the complaint fails to plausibly allege that Tyson caused the alleged injury, fails to satisfy the particularity requirements of Rule 9(b), and even if the allegations were otherwise sufficient, the alleged causes of action would be

preempted by federal law. This Motion is supported by the attached Brief in Support of Motion to Dismiss pursuant to Local Rule 7.

WHEREFORE, Tyson Foods, Inc. and Tyson Fresh Meats, Inc. respectfully requests this Court dismiss Plaintiffs' Complaint and for such further relief as the Court deems just and necessary.

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CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2020, this document was electronically filed and served to the following:

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