

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 Buss, Walter
Cifuentes, Muwi Hlawnceu, Cody
Brustkern, Mark Smith, and John/Jane
Does 1- 10,

Defendants.

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

**INDIVIDUAL DEFENDANTS JOHN H. TYSON, NOEL WHITE, DEAN BANKS, STEPHEN
R. STOUFFER, TOM BROWER, MARY A. OLEKSIUK, ELIZABETH CROSTON, TOM
HART, HAMDIIJA BEGANOVIC, JAMES HOOK, RAMIZ MUHLEJIC, GUSTAVO CABAREA,
PUM PSING, ALEX BUSS, WALTER CIFUENTES, MUWI HLAWNCEU, CODY
BRUSTKERN, AND MARK SMITH'S MOTION TO DISMISS**

Defendants Tom Hart, Hamdija Beganovic, James Hook, Ramiz Muheljic, Gustavo Cabrera, Pum Piang, Alex Buss, Walter Cifuentes, Muwi Hlawnceu, Cody Brustkern, and Mark Smith (the “Supervisory Defendants”) and John Tyson, Noel White, Dean Banks, Stephen Stouffer, Tom Brower, Mary Oleksiuk, and Elizabeth Croston (the “Executive Defendants”) (collectively the “Individual Defendants”) join the Motion to Dismiss filed in this case by Tyson Foods, Inc. and Tyson Fresh Meats, Inc. (“Tyson”), and respectfully request dismissal of the claims asserted against them on the grounds set forth in that motion.

In addition, the Individual Defendants move for dismissal with prejudice under Rule 12(b)(6) on the additional grounds that the claims against them are barred by the Iowa Worker’s Compensation Act (“IWCA”). This Motion is supported by the attached Brief in Support of Motion to Dismiss pursuant to Local Rule 7.

WHEREFORE, the Individual Defendants. 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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