

IN THE IOWA DISTRICT COURT FOR BLACK HAWK COUNTY

Levita Simmons, Administrator of the)
Estate of Arthur Scott, and Jeffrey)
Orvis, Executor of the Estate of James)
Orvis)

Case No.

Plaintiffs,

v.

Tyson Foods, Inc., doing business as)
Tyson Pet Products, and Tyson Fresh)
Meats Group, a wholly owned subsidiary)
of Tyson Foods, Inc., John H. Tyson,)
Noel W. White, Dean Banks, Steven R.)
Stouffer, Tom Brower, Mary A.)
Oleksink, Elizabeth Croston, Scott)
Walston, David Scott, Tom Hart, Cody)
Brustkern, John Casey, Bret Tapken,)
Hamdija Beganovic, Ramiz Mujelic, and)
Unknown Plant Managers and)
Supervisors at Tyson Waterloo Plant)
and Unknown Plant Managers and)
Supervisors at Tyson Independence)
Plant.

**PETITION AND
JURY TRIAL DEMAND**

Defendants.

COMPLAINT

Plaintiff Levita Simmons, Administrator of the Estate of Arthur Scott, and
Plaintiff Jeffrey Orvis, Successor in Interest to Estate of James Orvis, by and
through their undersigned attorneys, bring this complaint seeking monetary
damages against Defendant Tyson Foods, Inc., doing business as Tyson Pet
Products, Tyson Fresh Meats Group, John H. Tyson, Noel W. White, Dean Banks,
Steven R. Stouffer, Tom Brower, Mary A. Oleksink, Elizabeth Croston, Scott
Walston, David Scott, Tom Hart, Hamdija Beganovic, Ramiz Mujelic, and Unknown

Plant Managers and Supervisors at Tyson Waterloo Plant and Unknown Plant
Managers and Supervisors at Tyson Independence Plant:

INTRODUCTION

1. The global pandemic caused by the novel coronavirus COVID-19 has engulfed the United States. The workers who keep America's animal factories running have suffered as a result of the coronavirus pandemic in ways that few other people have—the calamitous consequences have included sickness and death for many hard-working people.

2. Many of America's factory farm workers are low-income, lack specialized skills, and enjoy few, if any, job prospects besides working at the local factory farm. They work very hard over long hours, receive low pay, and perform physically grueling and emotionally devastating work, all to keep the nation's supply of meat steady and affordable.

3. The factory farms that employ these farm workers have been deemed “essential” and have stayed open.

4. Many plant workers have never received adequate sick leave, other paid time off, or protections from being summarily fired.

5. These workers are thus forced to continue working, even if sick, in order to avoid being fired.

6. This puts all of the workers at risk. That risk is exacerbated because the plants are unmitigated breeding grounds for coronavirus, where employees lack

personal protective equipment, work elbow to elbow, and in conditions that include inconsistent cleaning and sanitation.

7. Tyson Foods, Inc. (Tyson) is a behemoth in the animal agriculture industry. Its annual revenue in 2019 was \$43 billion. It produces meat for human consumption, as well as dog food and dog treats.

8. Despite its vast wealth and resources, Tyson Foods, Inc., operating through two of its subsidiaries in Iowa, has chosen to let workers get sick and die, rather than take proper steps to ensure a safe workplace.

9. Placing profits above people, Tyson enjoys the financial benefits of being deemed an “essential” business but has not followed the clear health and safety guidelines for protecting essential workers by the Centers for Disease Control and Prevention (“CDC”) and the Occupational Health and Safety Administration (“OSHA”).

10. The consequences of Tyson’s failure to protect its workers has been dire: COVID-19 has spread at its Waterloo and Independence plants to employees, as well as to the people they live with and the communities at large, causing serious illness and multiple deaths. Had the business implemented appropriate preventative measures, those harms would have been greatly reduced.

11. Tragically, the fates of Tyson’s employees, as well as numerous Iowans living in the vicinity of these two plants, was largely preventable. Defendants ignored clear evidence that their employees were at serious risk of catching a

serious disease, COVID-19, instead of putting basic health and safety measures in place to protect them.

12. Plaintiffs bring this action for injunctive relief to require Tyson, through two of its subsidiaries, to follow CDC and OSHA guidelines and keep its workers safe. They also seek monetary relief to redress the harms that they have suffered and will continue to suffer in the future.

JURISDICTION AND VENUE

13. This Court has jurisdiction over the Defendants because a substantial portion of the acts and omissions giving rise to the Plaintiffs' claims occurred in Black Hawk County, Iowa.

14. Plaintiffs certify, pursuant to IA Code § 619.18, that this action meets applicable jurisdictional requirements for amount in controversy.

15. Venue is proper under IA Code § 616.18 because more than one Defendant resides in Black Hawk County.

PARTIES

A. The Named Plaintiffs

16. Plaintiff Levita Simmons is the Administrator of the Estate of Arthur Simmons. Mr. Simmons was a 51-year-old father and employee of Tyson. He worked at the Tyson Pet Products Plant in Independence, Iowa, which makes dog treats. Mr. Simmons died on April 23, 2020 of COVID-19.

17. Plaintiff Jeffrey Orvis is the Executor of the Estate of his brother, James Orvis. James worked in the laundry room at the Tyson Plant in

Independence, Iowa, which processes pork. Mr. Orvis died on April 19, 2020 of COVID-19.

B. The Defendants

18. Defendant Tyson Foods, Inc. (“Tyson”) is a Delaware corporation with its principal place of business in Arkansas.

19. Defendant Tyson Fresh Meats, Inc. (“Tyson Fresh Meats”) is a wholly owned subsidiary of Tyson Foods, Inc., also incorporated in Delaware. It operates a pork processing facility in Waterloo, Iowa.

20. Defendant Tyson Pet Products is a wholly owned subsidiary of Tyson Foods, Inc. It is a Delaware corporation with its principal place of business in Arkansas. Tyson Pet Products manufactures dog food treats at its Independence, Iowa plant under the brand name “True Chews.”

21. Defendant John H. Tyson is the Chair of Tyson Foods, Inc.

22. Defendant Noel W. White is the Chief Executive Officer of Tyson Foods, Inc.

23. Defendant Dean Banks is the President of Tyson Foods, Inc.

24. Defendant Steven R. Stouffer is the President of Tyson Fresh Meats, Inc.

25. Defendant Tom Brower is the Senior Vice President of Health and Safety of Tyson Foods, Inc.

26. Defendant Mary A. Oleksink is the Chief Human Resources Officer of Tyson Foods, Inc.

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