

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

GURMEET KAUR,

Plaintiff,

v.

WHOLE FOODS MARKET, INC.,

Defendant.

CIVIL ACTION NO.

JURY TRIAL DEMANDED

COMPLAINT

NOW INTO COURT, Plaintiff, Gurmeet Kaur (“Plaintiff” or “Ms. Kaur”), by and through undersigned counsel, hereby submits her Complaint against Whole Foods Market, Inc. (“Defendant” or “WFM”).

INTRODUCTION

1.

Plaintiff Gurmeet Kaur, by and through her attorney, brings this action against WFM for violations of the Equal Pay Act of 1963, 29 U.S.C. §§ 206(d), et seq. (“EPA”), Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991, violations of 42 U.S.C. § 2000e et seq. and violations of 42 U.S.C. §1981 et seq. (“Title VII”) and the Lilly Ledbetter Fair Pay Act of 2009.

JURISDICTION AND VENUE

2.

This Court has jurisdiction over this action pursuant to 28 U.S.C. §1331, which confers original jurisdiction upon this Court for actions arising under the laws of the United States, and pursuant to 28 U.S.C. §§ 1343(3) and 1343(4), which confer original jurisdiction upon this Court in a civil action to recover damages or to secure equitable relief under (a) under any Act of Congress providing for the protection of civil rights; (ii) the EPA, (iii) the FLSA, (iv) the ADA, (v) EPSLA and (vi) Title VII. This Court also has jurisdiction over this action pursuant to 28 U.S.C. §1367, which confers supplemental jurisdiction upon this Court for all other claims that are so related to claims in the action within original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution.

3.

Defendant is an “employer” engaged in an industry affecting commerce as defined by 42 U.S.C. § 2000e(b).

4.

This court has personal jurisdiction over WFM. Defendant WFM is a for-profit corporation doing business in Louisiana. At all times relevant, WFM operated its business within the State of Louisiana.

5.

Defendant operates its business within the Eastern District of Louisiana. All actions and inactions by Defendants alleged herein occurred within the Eastern District of Louisiana. Venue in this district is proper for the Defendant pursuant to 28 U.S.C. §1391(b) & (c).

PARTIES

6.

Plaintiff Gurmeet Kaur is an Indian minority female residing in Metairie, Louisiana. At all relevant times, Plaintiff is and has been a resident of the State of Louisiana and met the definition of an “employee” under all applicable statutes.

7.

Upon information and belief, WFM is a corporation engaged in the operation of supermarket food chain that sells food products.

FACTS

8.

WFM is a privately owned multinational supermarket corporation that employees about 90,000 individuals across the United States, including Louisiana.

9.

The Defendant operates a branch of its corporation at 3420 Veterans Memorial Blvd, Metairie, LA 70002.

10.

On or about June 1, 2018, Plaintiff began her employment with WFM as a Prepared Foods Production Team Member.

11.

Even though Plaintiff was recognized by the company for her achievements, she has been the victim of continuous harassment, retaliation, racial discrimination, national origin discrimination, and religious discrimination from about 2019 to until she was wrongfully terminated.

12.

Since Plaintiff began her employment with WFM, she maintained aspirations in growing withing the company.

13.

Plaintiff adheres to the regulations and policies upheld by WFM. Furthermore, the Plaintiff has filed multiple reports concerning the observed violations during her employment with WFM.

14.

Plaintiff initially followed the appropriate chain of command when making her reports of violations witnessed. Plaintiff reported witnessed violations to Store Team Leader, Ernest Roy.

15.

Plaintiff reported harassment, discrimination, and employee violations including theft, falsifying records, inappropriate conduct, and dress code violations.

16.

On or about May 29, 2020, Plaintiff requested Mr. Roy to return the statements she made of company violations. Plaintiff has been reporting many company violations witnessed from WFM employees and her complaints were not being addressed.

17.

Mr. Roy informed Plaintiff that the reports were escalated to WFM President Christina Minardi. Plaintiff requested the return of her statements. Mr. Roy confessed to discarding Plaintiff's statements in the trash. While Plaintiff was expressing concerns about professionalism, Mr. Roy stated, "it's going to fall back on you" as he insisted that she vacate his office.

18.

Plaintiff was never provided any resolution for her complaints and all evidence of a years' worth of complaints was either lost or never provided to Plaintiff.

19.

Plaintiff has reported numerous violations of Team Trainer Ms. Mauri for harassment throughout Plaintiff's employment. WFM management has discussed and admitted to witnessing Ms. Mauri harassing the Plaintiff.

20.

On or about 2019, Mr. Justin Myers was reassigned for the Assistant Store Team Leader position at the WFM location where Plaintiff was employed. Plaintiff witnessed Mr. Myers and Ms. Mauri acting intimately towards one another and reported their conduct to the Ethics Website.

21.

Assistant Store Team Leader Justin Myers began harassing Plaintiff in retaliation. The harassment occurred two to three times a week throughout Plaintiff's employment. The harassment included: mocking Plaintiff's behavior and reading Plaintiff's confidential complaints out loud for other employees to hear while mocking them.

22.

Plaintiff was discriminated by her race (Asian) and national origin (Indian) by constantly referring to her as curry or chai lattes.

23.

Plaintiff suffered religious discrimination as she was referred to being Muslim based on her appearance. As Plaintiff tried to explain that her religion is Sikh, she suffered disparaging

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