

**IN THE UNITED STATES DISTRICT COURT  
FOR MARYLAND**

Afnan Parker )  
8181 Professional Place, Suite 207 )  
Hyattsville, MD 20785 )  
) )  
) )  
) )  
Plaintiff, )  
) )  
v. )  
) )  
Whole Foods Market Group, Inc. )  
2405 York Road Ste 201 )  
Lutherville Timonium, Md 21093-2264 )  
) )  
) )  
) )  
) )  
Defendant. )

Case No.

**PLAINTIFF DEMANDS A  
TRIAL BY JURY**

**COMPLAINT**

COMES NOW, Plaintiff Afnan Parker (hereinafter “Plaintiff”), by and through the undersigned counsel files this Complaint for damages against Whole Foods Market Group (hereinafter “Defendant”) for cause would show that Defendant is liable to Plaintiff for sexual harassment, racial discrimination, religious discrimination, and failure to accommodate.

**PARTIES**

1. Plaintiff is an adult resident of Maryland.
2. Defendant is a multinational supermarket chain that is widely known for its organic foods.

3. Defendants principal office in Maryland is 2405 York Road  
Suite 201 Lutherville Timonium MD, 21093.

#### **JURISDICTION AND VENUE**

4. Plaintiff alleges the Defendant subjected him to unlawful discrimination, religious discrimination, and sexual discrimination. Plaintiff seeks relief under 42 U.S.C. § 1981 and 42 U.S.C. § 1983 for violations of his civil rights by Defendant.
5. Venue is proper in that the alleged acts occurred in the District of Columbia.

#### **ADMINISTRATIVE REMEDIES**

6. On October 14, 2022, Plaintiff filed with Maryland Commission on Civil Rights under claim 531-2023-00496 for charges of discrimination, sexual harassment, and religious discrimination.
7. Plaintiff also filed with the Equal Employment Opportunity Commission (“EEOC”) under claim EEOC Charge No. 570-2023-00388 for charges of discrimination, sexual harassment, and religious discrimination.
8. Plaintiff initiated this action timely.

#### **FACTUAL ALLEGATIONS**

9. On or about May 2, 2022, Plaintiff began working for Defendant as a full-time Service Member at its Glover Park Store located in Washington, DC.
10. Plaintiff’s duties included assisting team leaders in controlling customer flow, maintaining back stock, providing customer service. *See generally Exhibit A.*

11. Beginning on the first day of Plaintiff's employment with Defendant's, employee Zachary Smith ("Zachary") began making advances towards Plaintiff asking: "Are you married;" and "Do you f\*ck around?"
12. On the second day of Plaintiff's employment, Zachary began asking even more inappropriate questions and comments asking/stating: "do you go to gay bars;" stating he wanted to see the "tootsie roll" "between the Plaintiff's legs;" and also stating he "wanted to see how big *it* is."
13. Plaintiff on both dates asked Zachary to cease making sexual advances to which Zachary responded stating that Plaintiff "better watch himself" because Plaintiff's 90-day probation period "was not up yet." Zachary further states that he could have Plaintiff fired if he continued to reject his advances.
14. 3 weeks later, on or about May 27, 2022, Plaintiff was also called a "*n\*gger*" by an Defendant's Employee, Janelle. Janelle further stated that when she came to this country she was told to stay away from *n\*ggers*.
15. As a result of these actions, Plaintiff filed a formal complaint with Defendant's employee Human Resources Department.
16. Within one month of Plaintiff's employment around with Defendant, on or around June 6, 2022, Plaintiff was told by an employee, Syliva, that she did not like the Plaintiff and threatened to slash his tires and put sugar in his gas tank.
17. As a direct result of these threats, Plaintiff became extremely fearful and called the police.
18. Further, on June 8, 2022, Plaintiff requested accommodations for a religious observance since he was Muslim to attend Mosque services on Fridays. Plaintiff's manager, Mike Boomley ("Mike"), agreed to this religious accommodation verbally and referred Plaintiff

to supervisor Franny De Leon (“Franny”) for final approval but Plaintiff did not receive final approval from Franny.

19. A few days later on or about June 10, 2022, Plaintiff injured his foot and he informed Mike that he not be able to wear regular shoes due to his foot injury but he was otherwise able to work.
20. A few days later, on or about June 13, 2022, and in attempt to comply with his duties, Plaintiff filed an accommodation request to work with a medical boot with Franny but he never received an approval.
21. A few days later, on or about June 18, 2022, Plaintiff was issued a new member counseling form which is a *de facto* warning for employees still in their probationary period.
22. A few days after that, on or about June 23, 2022, Plaintiff was placed on administrative leave by the Defendant.
23. A few days later, on or about June 30, 2022, Plaintiff was terminated for hearsay and gossip without affording Plaintiff the opportunity to explain the misunderstanding.
24. As a result of the termination, Plaintiff experienced severe emotional distress and depression and was forced to have his foot amputated to which he needed the accommodation for.

### **RESPONDEAT SUPERIOR**

25. In Maryland, an employer is held liable for the actions of their employees. *Drug Fair of Maryland, Inc. v. Smith*, 283 A.2d 392 (Md. 1971)
26. In the instant matter, Defendant employed each of their store managers, supervisors, and employees who had the direct responsibility to train manage the staff, including but not

limited to the Plaintiff, and had the authority to manage each of the sexual harassment, failure to accommodate, and discriminatory issues.

27. Defendant is liable for the sexual harassment of the employee and the discriminatory actions of the employees, as each of the events occurred during and within the scope of the employee's job functions for the benefit of the Defendant.

### **NEGLIGENT HIRING**

28. Plaintiff re-alleges all prior and forthcoming paragraphs of the Complaint as if fully set forth herein.

29. At all relevant times hereto, Defendant's Zachary, Sylvia, Mike, Janelle, and Fran acted within the course and scope of their employment/agency by and through their employment/agent.

30. Defendant negligently hired their supervisor, Zachary, that sexually harassed the Plaintiff that they knew or should have known had propensities to sexually harass employees, and was making sexual advances to new hires.

31. Defendant owed Plaintiff and other staff including but not limited to the Plaintiff to protect him from sexual harassment and discrimination when hiring, and appropriately interview, investigate, and research that supervisor, Zachary had the propensity to sexually harass employees in the course and scope of his employment with Whole Foods.

32. Defendant breached their duty to Plaintiff when his supervisor, Zachary, an employee of the Defendant made sexual advances, sexual comments, and otherwise harassed Plaintiff in a sexual and improper manner thereby abusing his authority.

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