

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

SUVERINO FRITH, SAVANNAH KINZER,
CEDRICK JUAREZ, FAITH WALSH,
MACKENZIE SHANAHAN, COREY SAMUEL,
ABDULAI BARRY, LINDSAY VUONG,
SAMANTHA BERIMBAU, CAMILLE TUCKER-
TOLBERT, ANA BELÉN DEL RIO-RAMIREZ,
LYLAH STYLES, KAYLA GREENE, and
SHARIE ROBINSON, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

WHOLE FOODS MARKET, INC.

Defendant

Case No. _____

**CLASS ACTION COMPLAINT REQUESTING
PRELIMINARY AND PERMANENT INJUNCTIVE RELIEF**

1. Due to the onset of the global coronavirus pandemic, grocery workers (like many other workers around the country) are now required to wear masks to work.

Following the death of George Floyd and demonstrations this spring around the country protesting police violence and other discrimination against Blacks, more people have been showing their support for the Black Lives Matter movement. Recently, in a show of solidarity, Whole Foods employees in a number of stores around the country began wearing masks with the message Black Lives Matter. They did this to protest racism and police violence against Blacks and to show support for Black employees.

2. Although Whole Foods and its parent company Amazon have professed to support the Black Lives Matter movement, Whole Foods began disciplining employees for wearing these masks. Although Whole Foods had not previously strictly enforced its

dress code policy (and had not disciplined employees for wearing other messages, including political messages), the company began sending employees home without pay for wearing Black Lives Matters masks. Whole Foods has threatened employees with termination if they continue wearing the masks. In some locations, employees have been given disciplinary “points” when they are sent home for wearing the mask, which put them at risk for termination. One of the lead organizers, Plaintiff Savannah Kinzer, was terminated on Saturday, July 18, 2020, because of the discipline she received for wearing a Black Lives Matter mask and for her involvement and leadership in organizing her co-workers to wear the masks and protesting Whole Foods’ discipline of employees for doing so.

3. The above-named plaintiffs now bring this Complaint on behalf of themselves and other similarly situated employees who have worked for Defendant Whole Foods Market, Inc. (“Whole Foods”), alleging that Whole Foods has violated Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.*, by discriminating against Black employees and other employees for showing support for Black employees and protesting racism in the workplace by wearing Black Lives Matter masks. Whole Foods has further retaliated against employees for protesting racism in the workplace and protesting Whole Foods’ failure to allow employees to wear Black Lives Matter masks at work.

4. Whole Foods’ selective enforcement of its dress code in disciplining employees who wear apparel expressing support for the Black Lives Matter movement constitutes unlawful discrimination on the basis of race and on the basis of employees’ affiliation with and advocacy for Black employees. Whole Foods has further unlawfully

retaliated against its employees in violation of Title VII for their opposition to its unlawful and discriminatory practices.

5. Plaintiffs bring this claim on behalf of themselves and similarly situated Whole Foods employees across the country who have been subject to Whole Foods' discriminatory and retaliatory policy. Plaintiffs seek preliminary and permanent injunctive relief, calling for an end to Whole Foods' policy of not allowing employees to wear Black Lives Matter masks at work. They also seek redress for employees who have been disciplined for wearing Black Lives Matter masks, including expungement of discipline from the records of those employees who have been disciplined, back pay for employees who have been sent home without pay, and reinstatement of Plaintiff Savannah Kinzer who was terminated in retaliation for wearing a Black Lives Matter mask and protesting Whole Foods' discriminatory and retaliatory policy.

II. PARTIES

6. Plaintiff Suverino Frith resides in Randolph, Massachusetts, and works for Whole Foods at the River Street location in Cambridge, Massachusetts.

7. Plaintiff Savannah Kinzer resides in Boston, Massachusetts, and worked for Whole Foods at the River Street location in Cambridge, Massachusetts, until her termination on July 18, 2020.

8. Plaintiff Cedrick Juarez resides in Boston, Massachusetts, and works for Whole Foods at the River Street location in Cambridge, Massachusetts.

9. Plaintiff Faith Walsh resides in Boston, Massachusetts, and works for Whole Foods at the River Street location in Cambridge, Massachusetts.

10. Plaintiff Mackenzie Shanahan resides in Cambridge, Massachusetts, and works for Whole Foods at the River Street location in Cambridge, Massachusetts.

11. Plaintiff Corey Samuel resides in Dorchester, Massachusetts, and works for Whole foods at the River Street location in Cambridge, Massachusetts.

12. Plaintiff Abdulai Barry resides in Cambridge, Massachusetts, and works for Whole Foods at the Alewife Parkway (Fresh Pond) location in Cambridge, Massachusetts.

13. Plaintiff Lindsay Vuong resides in Belmont, Massachusetts, and works for Whole Foods at the Alewife Parkway (Fresh Pond) location in Cambridge, Massachusetts.

14. Plaintiff Samantha Berimbau resides in Melrose, Massachusetts, and works for Whole Foods at the Alewife Parkway (Fresh Pond) location in Cambridge, Massachusetts.

15. Plaintiff Camille Tucker-Tolbert resides in Federal Way, Washington, and worked for Whole Foods at the Westlake Avenue in Seattle, Washington.

16. Plaintiff Ana Belén Del Rio-Ramirez resides in Oakland, California, and worked for Whole Foods at the Telegraph Avenue location in Berkeley, California.

17. Plaintiff Lylah Styles resides in Manchester, New Hampshire, and works for Whole Foods at the Orchard Street location in Bedford, New Hampshire.

18. Plaintiff Kayla Greene resides in Manchester, New Hampshire, and works for Whole Foods at the Orchard Street location in Bedford, New Hampshire.

19. Plaintiff Sharie Robinson resides in Manchester, New Hampshire, and works for Whole Foods at the Orchard Street location in Bedford, New Hampshire.

20. Plaintiffs brings these claims on behalf of themselves and similarly situated Whole Foods employees across the country who have been subjected to Whole Foods' discriminatory and retaliatory policy of not allowing employees to wear Black Lives Matter masks at work.

21. Defendant Whole Foods Market, Inc. is a corporation headquartered in Austin, Texas. Whole Foods operates hundreds of grocery stores throughout the United State. Whole Foods is owned by parent corporation Amazon.com, Inc., a corporation headquartered in Seattle, Washington.

III. JURISDICTION AND VENUE

22. This Court has general federal question jurisdiction over this matter pursuant to 28 U.S.C. § 1331, as this case arises under federal law, namely, Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.*

23. The District of Massachusetts is a proper venue for this action pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to the claim took place in Massachusetts.

IV. STATEMENT OF FACTS

24. In recent weeks, Plaintiffs and other Whole Foods employees across the country have been subject to unlawful discrimination and retaliation by Whole Foods through its selective enforcement of its dress code policy.

25. Specifically, Whole Foods has prohibited its employees from wearing masks and other apparel and accessories with the message Black Lives Matter.

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