

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

STEVEN C. WILKES,

PLAINTIFF,

v.

CIVIL CASE NO: 1:22cv0012-GHD-DAS

CARGILL, INC.

DEFENDANT.

COMPLAINT

COMES NOW, the Plaintiff, Steven C. Wilkes, (hereinafter referred to as "Plaintiff"), by and through the undersigned counsel of record, and states unto this Honorable Court a cause of action against Cargill, Inc., (hereinafter referred to as "Cargill") and would show unto the Court as follows:

1. This is an action to recover damages for violation of the Employee Retirement Income Security Act of 1974 (ERISA) 29 U.S.C. §1001, et. seq. This Court has federal question jurisdiction under 28 U.S.C. §1331 to recover damages for violation of the Employee Retirement Security Act of 19774. Venue is proper in the Northern District of Mississippi because the actions complained of herein occurred in the Northern District of Mississippi.
2. Steven C. Wilkes is an adult resident citizen of Lowndes County, Mississippi.
3. Defendant, Cargill, Inc., is a Delaware Corporation which may be served with process through its registered agent, CT Corporation in Flowood, Madison County,

Mississippi.

4. Plaintiff was employed by the Defendant from 1977 to 1986 as a full-time, regular employee. At the time, Cargill was operating a plant in Lowndes County, Mississippi.

5. In 1986, Cargill closed the Lowndes County plant and ceased operations.

6. At the time Cargill closed the Lowndes County plant, Plaintiff became fully vested by Cargill and became entitled to pension benefits.

7. Plaintiff never had disciplinary problems and was not terminated for cause by Cargill.

8. Cargill provided Plaintiff with paperwork which stated that he had been fully vested and Plaintiff was told verbally by Cargill that he was vested and would receive retirement benefits.

9. Plaintiff contacted Cargill in 2021 to set up his pension benefits and Cargill denied his benefits.

10. As a result of Cargill's failure to provide Plaintiff with the pension benefits to which he is entitled, Cargill has violated ERISA.

11. Plaintiff is entitled to damages for his pension, other benefits under the terms and conditions of the plan, attorney's fees, and other damages and costs as this Court deems appropriate.

Respectfully submitted this the 11th day of January, 2022,

/s/ Stephanie Smith Woodard
STEPHANIE SMITH WOODARD, MSB#105882
Counsel for Plaintiff

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SERVE DEFENDANT:

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