

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

RURAL COMMUNITY WORKERS ALLIANCE
and JANE DOE;

Plaintiffs,

v.

SMITHFIELD FOODS, INC. AND SMITHFIELD
FRESH MEATS CORP.,

Defendants.

CIVIL ACTION NO:

COMPLAINT

INTRODUCTORY STATEMENT

1. Supplying the nation with food during the COVID-19 crisis is an essential task.
2. Equally essential is the need for businesses engaged in the production and sale of food—including large corporate meat and poultry processors like Defendants Smithfield Foods, Inc. and Smithfield Fresh Meats Corp. (collectively “Smithfield”)—to ensure the safety and protection of their critical workforce, the communities within which they operate, and the public generally
3. In the last month, America has seen how an employer’s failure to protect its workforce can result in disaster. Thousands of workers employed in the food supply chain around the country have fallen ill with COVID-19. They have gone on to infect family members and community members and their illnesses have strained our healthcare infrastructure. Many workers and their family members have died as a consequence of infections that have spread at workplaces in our Nation’s food supply chain.
4. Workers employed by Smithfield are all too familiar with this phenomenon.
5. Smithfield is one of the largest and most profitable meat producers in the United States.

6. Yet, several plants owned and operated by Smithfield around the country have become major COVID-19 hot spots.

7. Earlier this month, hundreds of employees of Smithfield's plant in South Dakota contracted COVID-19, and Smithfield was forced to close that plant after it became the country's leading hot spot. At least two of those employees has died.

8. Also recently, workers at a Smithfield plant in Cudahy, Wisconsin raised concerns after that plant experienced more than two dozen confirmed cases.

9. Notwithstanding the horrific situation facing many of its employees around the country and abundantly clear guidance from the Centers for Disease Control (CDC) and state public health officials, Smithfield continues to operate its plant in Milan, Missouri in a manner that contributes to the spread of disease.

10. In direct contravention of CDC guidelines, at its Milan, MO plant Smithfield (1) provides insufficient personal protective equipment; (2) forces workers to work shoulder to shoulder and schedules their worktime and breaks in a manner that forces workers to be crowded into cramped hallways and restrooms, (3) refuses to provide workers sufficient opportunities or time to wash their hands, (4) discourages workers from taking sick leave when they are ill and even establishes bonus payments that encourage workers to come into work sick, and (5) has failed to implement a plan for testing and contact-tracing workers who may have been exposed to the virus that causes COVID-19.

11. Smithfield is so unwilling to acknowledge its responsibilities to its workers and the communities where it operates that it recently blamed "certain cultures" for the spread of the disease in its South Dakota plant, rather than its failure to provide personal protective equipment,

failure to allow for hand washing and social distancing, and the policies its maintains in plants around the country to incentivize sick workers to continue coming to work.¹

12. Smithfield may perceive that these policies allow the company to continue producing and packaging as much pork as possible for as cheaply as possible.

13. In fact, however, the costs of Smithfield's conduct are extraordinary, but they are borne by Smithfield's workers, their family members, and the broader community.

14. Put simply, workers, their family members, and many others who live in Milan and in the broader community may die—all because Smithfield refused to change its practices in the face of this pandemic.

15. Fortunately, workers and other community members at risk are not helpless in protecting themselves from this harm. Centuries-old common law principles, including the doctrine of public nuisance, allow private parties to enforce the right of the public generally to abate conduct that contributes to the spread of pestilence and disease.

16. This suit does not seek money damages. All Plaintiffs seek is an injunction to force Smithfield to change its practices such that if it continues to operate, it must comply with, at a bare minimum, CDC guidance, the orders of state public health officials, and additional protective measures that public and occupational health experts deem necessary based on the particular structure and operation of the Milan plant.

17. Because Smithfield will not act, the law allows Plaintiffs to seek redress to ensure the safe operation of the facility and to protect their community.

¹ Albert Samaha, *Smithfield Foods Is Blaming 'Living Circumstances In Certain Cultures' For One of America's Largest COVID-19 Clusters*, BuzzFeed News (Apr. 20, 2020), <https://www.buzzfeednews.com/article/albertsamaha/smithfield-foods-coronavirus-outbreak>

THE PARTIES

Defendant Smithfield

18. Defendant Smithfield Foods, Inc. is a Virginia corporation with its headquarters in Smithfield, Virginia.
19. Defendant Smithfield Fresh Meats Corp. is a Virginia corporation with its principal place of business in Smithfield, Virginia.
20. Smithfield owns and operates a meat processing plant in Milan, Missouri (the “Plant”).
21. Smithfield is one of the largest meat processors in the United States. It has over 50,000 employees nationwide. As of late 2018, its annual revenues exceeded \$15 billion.

Plaintiff Jane Doe

22. Plaintiff Jane Doe is participating in this action under a pseudonym because her years of experience working for Smithfield suggest to her that Smithfield is likely to retaliate against her for speaking out against the company.
23. Doe resides in Milan, Missouri and has worked at Smithfield in Milan for more than 5 years.
24. For most of that time, she has worked on the “cut floor” where she works side-by-side with several other workers to cut and process pig meat for up to eleven hours every day.
25. Doe’s work at the plant has always been grueling, repetitive, and in many cases, dangerous, but since the emergence of the COVID-19 pandemic, she has become more fearful and concerned than ever by the workplace conditions to which she is subjected while working at the Milan Plant.
26. Doe is aware of at least eight co-workers who have had to stay home after displaying COVID-19 symptoms.

27. Doe is scared of the potential consequences she faces for filing this lawsuit; she and her family depend on Smithfield, and she does not want to lose her job or hurt her standing with the company.

28. Doe is participating in this case, notwithstanding those fears, because she considers Smithfield’s failure to follow the health and safety standards that she has heard so much about through the media—including setting up rules to allow for social distancing, hand washing, and to encourage workers to take sick leave—to present a dire threat to her health, the health of her coworkers, her family, including her children, and to her entire community.

Plaintiff RCWA

29. Plaintiff Rural Community Workers Alliance (“RCWA”) is a Missouri non-profit corporation with its principal place of business in Green City, Missouri.

30. RCWA is a membership organization whose members consist exclusively of workers in Northern Missouri, including numerous members who work at the Plant. Seven members of RCWA’s current leadership council work at the Plant and between 60 and 70 workers who attend its meetings work at the Plant. Hundreds of the Plant’s workers have used RCWA’s services over the years.

31. RCWA’s members nominate representatives to serve on the organization’s Health Action Council, which in turn sets the direction and activities of the organization.

32. RCWA’s members continue to perform their essential job functions at the Plant, but they are fearful for their own health and safety and the health and safety of their families and community due to the risk of contracting COVID-19 created by Smithfield’s working environment.

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