

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

SHERYL LARUE

Plaintiff,

vs.

No.

UNITED STATES DEPARTMENT OF
AGRICULTURE, SONNY PERDUE,
Secretary of the United States Department of
Agriculture, FARM SERVICE AGENCY, an agency of
the United States Department of Agriculture, and
RICHARD FORDYCE, Administrator of the Farm
Service Agency,

Defendants.

**COMPLAINT FOR WRONGFUL TERMINATION AND DISCRIMINATION IN
VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964 AND THE AGE
DISCRIMINATION IN EMPLOYMENT ACT ("ADEA")**

COMES NOW, Plaintiff Sheryl LaRue, by and through her counsel, Jones Law Firm, LLC (Alexandra W. Jones), and for her Complaint for Wrongful Termination in Violation of Title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act ("ADEA") against the U.S. Department of Agriculture ("USDA"), Sonny Perdue as Secretary of USDA, the Farm Service Agency ("FSA"), and Richard Fordyce as Administrator of the FSA, alleges as follows:

PARTIES

1. Plaintiff Sheryl LaRue is a 59-year-old, white, Caucasian female and resident of Española, New Mexico who worked for the FSA for over 18 years before she was wrongfully discriminated against and terminated in December of 2018.

2. Defendant USDA is an executive department of the U.S. Government, and Sonny Perdue is the Secretary of the USDA.

3. Defendant FSA is an agency of the USDA, and Richard Fordyce is Administrator of the FSA.

4. Defendants are vicariously liable for the wrongful actions described herein.

JURISDICTION AND VENUE

5. Ms. LaRue was working within the District of New Mexico for the FSA at all times material to this complaint.

6. Defendants are sued for violations of Title VII of the Civil Rights Act of 1964, 42 USC § 2000e-16 and the Age Discrimination in Employment Act, 29 USC § 621, *et. seq.*, all of which occurred within the District of New Mexico.

7. Ms. LaRue timely filed a formal EEO complaint through the USDA Civil Rights Division.

8. Ms. LaRue received the Agency's Final Decision on August 10, 2020, and has therefore exhausted her administrative remedies pursuant to 29 CFR § 1614.407.

GENERAL ALLEGATIONS

9. Ms. LaRue was employed as the County Executive Director with the FSA for Rio Arriba County.

10. In over 18 years with the FSA, Ms. LaRue never had any poor performance review or disciplinary action taken against her until she was terminated in December 2018.

11. In 2015, Brendan Terrazas, a young, Hispanic male in his thirties, was hired as the District Director, thereby becoming Ms. LaRue's supervisor.

12. Upon his hire, Mr. Terrazas immediately began harassing Ms. LaRue about her age and encouraging Ms. LaRue to retire.

13. Mr. Terrazas frequently demonstrated preferential treatment towards younger, none-white Hispanic employees over the course of the following years.

14. Upon information and belief, Mr. Terrazas made various disparaging and untrue statements to representatives of the FSA State Office in an attempt to have Ms. LaRue terminated.

15. In October of 2018, Ms. LaRue received a notice of proposed termination for allegedly failing to follow instructions issued to her by the State Office in correspondence of May 2018.

16. Ms. LaRue did not fail to follow any instructions; to the contrary, she did exactly what was asked of her pursuant to the instructions by the State Office and Mr. Terrazas, as well as the FSA Policies and Handbooks.

17. The State Office's employees, including Mr. Terrazas, ignored FSA's policies regarding progressive discipline, and terminated Ms. LaRue on December 13, 2018 for the same alleged reasons outlined in the notice of proposed action.

18. The reasons provided for her termination were untrue, contrary to established FSA policies and procedures, and clearly pretextual.

19. Ms. LaRue's position was later filled by a non-white, Hispanic woman in her thirties.

COUNT I: DISCRIMINATION BASED ON AGE

20. Ms. LaRue incorporates the foregoing allegations as though fully restated herein.

21. Ms. LaRue was over the age of 40 when she was harassed and terminated as a result of her age.

22. Ms. LaRue was well-qualified for the position which she held as County Executive Director.

23. Ms. LaRue's position was filled by a younger female in her thirties.

24. As a result of the discriminatory actions of Defendants and their employees, Ms. LaRue has suffered damages in an amount to be proven at trial.

COUNT II: REVERSE DISCRIMINATION BASED ON RACE AND COLOR

25. Ms. LaRue incorporates the foregoing allegations as though fully restated herein.

26. The atmosphere and instances of employment terminations over the past five years by the FSA in New Mexico was such that the majority white individuals were treated disparately compared to other employed minority individuals

27. Ms. LaRue was well-qualified for her position which she held as County Executive Director.

28. Nevertheless, Ms. LaRue was terminated due to her race and color.

29. Other employees who were non-white minorities were retained, and Ms. LaRue's position was filled by a non-white Hispanic female.

30. As a result of Defendants' and their employees' discriminatory conduct, Ms. LaRue has suffered damages in an amount to be proven at trial.

COUNT III: DISCRIMINATION BASED ON SEX

31. Ms. LaRue incorporates the foregoing allegations as though fully restated herein.

32. Ms. LaRue, as a female, was part of a protected class.

33. Ms. LaRue was well-qualified for her position as County Executive Director.

34. Nevertheless, Ms. LaRue was terminated because she was an elder female.

35. Ms. LaRue's position was not eliminated after her termination.

36. As a result of Defendants' and their employees' discriminatory conduct, Ms. LaRue has suffered damages in an amount to be proven at trial.

DEMAND FOR JURY TRIAL AND DAMAGES

WHEREFORE, pursuant to Rule 38 Fed. R. Civ. P., Ms. LaRue demands a trial by jury.

Further, Ms. LaRue requests the Court enter judgment in her favor and against Defendants an award her damages for:

- A. Lost wages for back pay and front pay;
- B. Compensatory damages for mental anguish, distress and other expenses;
- C. Attorneys' Fees;
- D. Pre- and post-judgment interest;
- E. Any other damages as allowable by federal law.

Respectfully submitted:

JONES LAW FIRM, LLC

By: /s/ Alexandra W. Jones s/s

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