

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION (CINCINNATI)

TRAVIS WALKER
2375 Montana Avenue,
Cincinnati, OH 45211

Plaintiff,

v.

KRAFT HEINZ FOODS CO., LLC
7325 Snider Road,
Mason, OH 45040

Serve Also:

Kraft Heinz Food Co., LLC
c/o CT Corporation Systems
Statutory Agent
4400 Easton Commons Way, Suite 125
Columbus, OH 43219

-and-

Kraft Heinz Foods Co., LLC
Co-Headquarters
1 PPG Place, Suite 3200
Pittsburgh, PA 15222

-and-

Kraft Heinz Foods Co., LLC
Co-Headquarters
200 East Randolph Street, Suite 7600
Chicago, IL 60601

Defendant.

CASE NO.

JUDGE:

**COMPLAINT FOR DAMAGES
AND INJUNCTIVE RELIEF**

**JURY DEMAND ENDORSED
HEREIN**

Plaintiff, Travis Walker, by and through undersigned counsel, as his Complaint against the
Defendant, states and avers the following:

PARTIES

1. Walker is a resident of the city of Cincinnati, Hamilton County, Ohio.
2. Defendant Kraft Heinz Foods Co., LLC, (“Kraft”) is a foreign incorporated for-profit company that conducts business within the state of Ohio and others.
3. The relevant location of the events and omissions of this Complaint took place was 7325 Snider Road, Mason, OH, 45040.
4. Kraft is, and was at all times hereinafter mentioned, Walker’s employer within the meaning of Title VII of the Civil Rights Act of 1964 (“Title VII”) 42 U.S.C §2000e, R.C. §4101 et seq., and R.C. § 4112.01 et seq.
5. Within 300 days of the adverse employment actions described herein, Walker filed a Charge of Discrimination with the Equal Employment Opportunity Commission (“EEOC”), Charge No. 473-2021-01184 (“EEOC Charge”).
6. On or about March 15, 2022, the EEOC issues and mailed a Notice of Right to Sue letter to Walker regarding the EEOC Charge.
7. Walker received the Notice of Right to Sue letter from the EEOC in accordance with 42 U.S.C. § 200e-5(f)(1), which had been attached hereto as Plaintiff’s Exhibit 1.
8. Walker has filed this Complaint on or before the 90-day deadline set forth in the Notice of Right to Sue letter.
9. Walker has properly exhausted all administrative remedies pursuant to 29 C.R.F. § 1614.407(b).

JURISDICTION & VENUE

10. All of the material events alleged in this Complaint occurred in or around Warren County, Ohio.

11. Therefore, personal jurisdiction is proper over Defendant pursuant to R.C. § 2307.382(A)(1) and/or (3).
12. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §1331 in that Plaintiff is alleging federal law claims under the Title VII.
13. This Court has supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. §1367, as Plaintiff's state law claims are so closely related to Plaintiff's federal law claims that they form part of the same case or controversy under Article III of the United States Constitution.
14. Venue is proper pursuant to 28 U.S.C. §1391.

FACTS

15. Walker is a former employee of Kraft.
16. At all times noted herein, Walker was fully qualified for, and could fully perform the essential functions of his position(s) with Kraft.
17. Walker is African American and therefore in a protected class for his race.
18. Walker worked for Kraft, ending as a Machine Operator and Food Processor, from on or around November 25, 2019, until Kraft wrongfully terminated his employment on or around January 22, 2021.
19. In or around February 2020, a lead position had opened for the third shift, for which Walker applied.
20. Walker did not get the job, and instead, it went to Kevin LNU (Asian-American). Kevin LNU resigned from the position shortly after receiving it.
21. This failure to promote Walker was an adverse employment action against him.
22. Kraft's cited reason, or lack thereof, for passing over Walker for a promotion was pretext.

23. Kraft actually passed over Walker for a promotion discriminatorily against his race.
24. In or around August 2020, another shift lead position became available.
25. Walker applied again on or around August 11, 2020 and interviewed with Processing Manager Nate Hufferman (Caucasian) and Processing Supervisor Gene Myers (Caucasian).
26. After the initial interview, Walker was called to come in for a few more interviews.
27. However, Walker was once again passed over for the job, and third shift Jelly Lead Kenny LNU (Caucasian) was given the job.
28. Kenny LNU was hired only one week prior to Walker.
29. Kenny LNU required more training than Walker.
30. Not giving Walker the position and giving it instead to an employee who was much less experienced was an adverse employment action against Walker.
31. This failure to promote Walker was another adverse employment action against him.
32. Kraft's cited reason, or lack thereof, for passing over Walker for a promotion was pretext.
33. Kraft actually passed over Walker for a promotion discriminatorily against his race.
34. Walker felt the decision was based on racial discrimination and made a complaint to Myers, Hufferman, and head of Human Resources ("HR") Sam Collins (Caucasian). This was a protected complaint of racial discrimination.
35. In or around late August 2020, Walker was called to a meeting with the head of the company (name unknown, Caucasian), Myers, and Hufferman to discuss his protected complaint of racial discrimination.
36. At the meeting, Walker was told why the other candidate was purportedly chosen over him and Walker left the meeting just wanting to move forward from the situation.

37. Kraft disregarded Walker's complaint and failed to take any action with respect to racial discrimination.
38. After the meeting, Walker's employment got worse.
39. Walker was reprimanded for wearing a personal face mask instead of those provided by the employer, but Caucasian employees and supervisors were not.
40. Later, Kraft suspended Walker for allegedly missing one initial on some paperwork, but employees such as Billy LNU (Caucasian), Fabian Thompson (Caucasian), and Brian Hand (Caucasian) also missed initials and were disparately not suspended.
41. On or around January 10, 2021, Walker caught COVID-19 and started his two-week quarantine. He gave notice thereof immediately after.
42. On or around January 12 or 13, 2021, Walker received a call from Kraft Processor Levi LNU (African American) asking why he quit.
43. Surprised, Walker said he did not quit but was under quarantine, to which Levi LNU informed him that his job had been posted open for bid.
44. Walker immediately called Collins, who didn't pick up, and emailed him asking what happened.
45. Collins emailed back to tell Walker that his employment was not terminated, but he was under investigation for an incident of insubordination on January 11, 2021.
46. January 11, 2021 was the first day of Walker's quarantine.
47. Collins did not specify what the insubordination was.
48. Walker suspected it may have been an incident involving Genevie LNU (Filipina).
49. Kenny LNU (the person hired instead of Walker) needed some assistance, so Genevie LNU asked Walker to train him.

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