

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

BRADLEY R. PARKER,	)	Civil No. <u>4:21-CV-4150</u>
	)	
Plaintiff,	)	
	)	
vs.	)	<b>COMPLAINT</b>
	)	(Jury Trial Demanded)
RAVEN INDUSTRIES, INC.,	)	
	)	
Defendant.	)	

COMES NOW the Plaintiff, Bradley R. Parker, by and through his attorneys of record, Lynn, Jackson, Shultz & Lebrun, P.C., and Tracye L. Sherrill, and for his cause of action, alleges and states as follows:

**PRELIMINARY STATEMENT**

1. Plaintiff, Bradley R. Parker, brings this action against Raven Industries (“Defendant”) for violation of the Age Discrimination Act (“ADEA”), 29 U.S.C. §§ 621-634.
2. Defendant hired Plaintiff on November 5, 2007, as a Supply Chain Manager in the Electronic System Division of Raven Industries.
3. During his tenure at Raven Industries, Plaintiff Parker was never rated below average on any official annual performance review.
4. Despite Plaintiff’s good performance and other work achievements, Defendant subjected him to unlawful discrimination because he was a 59-year-old man.
5. On January 20, 2020, after 13 years of service to Raven Industries, Defendant summarily fired Parker, and had his duties absorbed by a new position with a

younger employee, with significantly less experience than Parker. Some of Parker's previous duties were distributed among younger, less qualified, less experienced employees.

### **PARTIES AND JURISDICTION**

6. Plaintiff is now a 60-year-old man who resides in Sioux Falls, South Dakota. Plaintiff was a resident of the State of South Dakota at all times material herein.

7. Plaintiff was at all times relevant, an employee of Defendant pursuant to 29 U.S.C. § 630 (f).

8. Defendant was at all times relevant, an employer as that term is defined in 20 U.S.C. §630 (b).

9. Defendant Raven Industries is a South Dakota corporation, engaged in interstate commerce. Its principal place of business in the State is in Sioux Falls, South Dakota. Accordingly, venue is proper and lies in this judicial district under 28 U.S.C. § 1391 (c). This court has supplemental jurisdiction over Plaintiff's related claims arising under state and local laws pursuant to 28 U.S.C. § 1367 (a).

### **CONDITIONS PRECEDENT**

10. On May 22, 2020, Plaintiff Parker timely filed a charge of age discrimination with the South Dakota Division of Human Rights.

11. On May 27, 2020, the South Dakota Division of Human Rights filed the charge of age discrimination with the United States Equal Employment Opportunity

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Commission (EEOC) pursuant to the Age Discrimination in Employment Act of 1967 (ADEA), 29 U.S.C. §621 et seq.

12. On May 28, 2021, the EEOC issued Plaintiff Parker a Notice of Right to Sue. This Complaint has been filed within 90 days of Plaintiff's receipt of that Notice. Plaintiff Parker has fully complied with all prerequisites to jurisdiction in this Court under the ADEA.

13. Contemporaneously with the filing of this Complaint, Plaintiff Parker has served a copy to Raven Industries, Inc., through personal service upon a corporate officer consistent with the Federal Rules of Civil Procedure, thereby satisfying the notice requirements.

### FACTS

14. Parker began working for Defendant on November 5, 2007, as a Supply Chain Manager in the Electronic Systems Division of Raven Industries.

15. During his tenure, Parker reached the top of his pay scale and still received a pay increase in 2017. Further, Parker found a cost savings of over \$900.00 per balloon system built for the Defendant, resulting in a \$600,000 cost savings per year.

16. Parker also trained and led six young, inexperienced buyers, into competent and confident team members.

17. Plaintiff performed his work satisfactorily in the capacity he was assigned by Defendant. As a result, Defendant promoted Plaintiff to Supply Chain Specialist

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effective November 1, 2012. Plaintiff maintained this position, which he held until the end of his employment with Defendant.

18. Parker's immediate supervisor, Angela Meyer, marginalized Parker while treating younger similarly situated employees more favorably. For example, Parker would order parts requested by the other employees, and when the end items were incorrect, only Parker was blamed for the mistake.

19. Defendant discharged Plaintiff on January 20, 2020, at which time Plaintiff was 59 years old.

20. Defendant's stated reason for Plaintiff's termination was "poor performance."

21. At the time of his termination, Plaintiff was qualified for the position which he held.

22. Tellingly, when Defendant terminated Parker, it ended up replacing his position with a lower-level buyer at least 20 years younger than Plaintiff, who was less experienced. Defendant also distributed some of the Plaintiff's previous duties among other younger, less qualified, less experienced employees.

**COUNT ONE**  
**AGE DISCRIMINATION IN VIOLATION OF THE AGE DISCRIMINATION IN**  
**EMPLOYMENT ACT, 29 U.S.C., §§ 621-634**

23. Parker repeats and realleges paragraphs 1 through 22 hereof, as if fully set forth herein.

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24. At all times relevant, Defendant was an “employer” as defined by 29 U.S.C. § 630 (b) and is covered by and subject to the ADEA, 29 U.S.C § 621, et seq.

25. Parker was at all times relevant, and until January 20, 2020, an “employee” of Defendant pursuant to 29 U.S.C. § 630 (f).

26. Defendant engaged in unlawful employment practices involving Plaintiff based on his age in violation of the Age Discrimination in Employment Act, 29 U.S.C. §621 et seq. These practices include, but are not limited to, Defendant’s marginalization of Plaintiff during employment while treating similarly situated younger employees more favorably, Defendant’s termination of Plaintiff from his employment and replacing him with a younger, less qualified, less experienced employee, and Defendant’s distributing some of Plaintiff’s duties after his termination to other younger, less qualified and less experienced employees.

27. The effect of the practices complained of has been to deprive Plaintiff of equal employment opportunities and otherwise adversely affect his status as an employee because of his age.

28. The unlawful employment practices complained of were intentional and were performed by Defendant with malice or with reckless indifference to the Age Discrimination in Employment Act, 29 U.S.C. §621 et seq. which protects Plaintiff.

29. Defendant’s reason for discharging Parker was pretextual.

30. As a direct and proximate cause of Defendant’s unlawful and discriminatory conduct towards and disparate treatment of Plaintiff, Parker suffered

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