

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

KACHADA WEBB,

Plaintiff,

v.

CIVIL ACTION NO. 9:21-cv-00305

JURY DEMANDED

**SANDERSON FARMS, INC.
(Processing Division)
Defendant.**

§
§
§
§
§
§
§
§
§
§
§

PLAINTIFF’S ORIGINAL COMPLAINT

Plaintiff Kachada Webb hereby files this, her Original Complaint, against Defendant Sanderson Farms, Inc. (Production Division) for violating federal law. The causes of action and summary of claims relating thereto are addressed below:

I. PARTIES, JURISDICTION AND VENUE

1. Plaintiff Kachada Webb (“Plaintiff” or “Webb”) is currently a citizen and resident of Palestine, Texas.

2. Defendant Sanderson Farms, Inc. (Processing Division) (“Sanderson Farms” or “Defendant”) is a Mississippi corporation licensed to do business in Texas. Defendant’s main offices are located at 127 Flynt Road, Laurel, Mississippi 39443. Defendant operates a poultry processing plant in Palestine, Texas where Plaintiff was employed.

3. Defendant Sanderson Farms, Inc. will be served by and through its registered agent for service, CT Corporation System, 1999 Bryan St #900, Dallas, TX 75201.

4. This court has jurisdiction to hear the merits of Plaintiff’s claims under 28 U.S.C. §§1331 as Plaintiff is claiming violations of Title VII of the Civil Rights Act of 1964, the

Pregnancy Discrimination Act and the Americans with Disabilities Act.

5. Venue exists in this district and division as detailed in 28 U.S.C. §1391.

6. Most of the acts alleged herein occurred in Anderson County, Texas.

II. FACTUAL BACKGROUND

7. Plaintiff was employed by Sanderson Farms (Processing Division) in second processing to cut shoulders. In the hiring process, Plaintiff was required (as are all employees of Sanderson Farms) to complete a post-offer medical questionnaire which inquired of medical conditions unrelated to her job duties. Plaintiff worked second shift which is 4:30 p.m. to 1:30 a.m. On March 5, 2020, Plaintiff found out she was pregnant for the first time. Plaintiff requested accommodation because of the limitations imposed by her physician. Plaintiff was never moved from her position in second processing. Unfortunately, Plaintiff suffered a miscarriage and had a DNC procedure on August 20, 2020. Plaintiff took three days off for the DNC procedure and submitted a full duty release to return to her job, which was required by Sanderson Farms for her to return to work.

8. On or about September 25, 2020 Plaintiff found out she was pregnant the second time. In October 2020 Plaintiff again requested to be moved to another position that was lighter duty because of her high-risk pregnancy. Plaintiff made the request to her supervisor, the superintendent, human resources, and the plant manager. Plaintiff's request was again refused. She was told "if you cannot perform everything, you cannot work."

9. On October 16, 2020, Plaintiff learned that she, again, had suffered a miscarriage and she contacted the company to inform them of that fact. The following day Plaintiff underwent another DNC procedure. When Plaintiff returned to work two days later and presented a note from her doctor regarding her miscarriage and the DNC procedure which stated that she needed restricted duty. Plaintiff was again told that she needed a full duty release to return to work and

was refused the ability to go back to work. Plaintiff was also told that the doctor's note was not specific enough and was questioned about the DNC procedure and whether it was actually a surgery. Plaintiff was put on a week's suspension at that time due to attendance issues.

10. On November 3, 2020 Plaintiff presented the full duty release forms from her doctor to Hope in HR which addressed her surgery/DNC. At that time, Plaintiff was terminated for missing too much time from work.

III. CAUSES OF ACTION

A. PREGNANCY DISCRIMINATION (TITLE VII & PDA)

11. Plaintiff incorporates by reference and re-alleges all of the foregoing and further alleges as follows:

12. Plaintiff is an employee within the meaning of Title VII and belongs to a class protected under the statute, namely she is/was pregnant. *See* 42 U.S.C. §2000e(k).

13. Defendant is an employer within the meaning of Title VII. *See* 42 U.S.C. §2000e(b).

14. Defendant intentionally discriminated against Plaintiff by terminating her employment because of or on the basis of pregnancy.

15. As a direct and proximate result of Defendant's conduct, Plaintiff suffered damages. Defendant's conduct was willful and justifies an award of punitive damages.

16. To the extent that Defendant contends that Plaintiff was fired for a legitimate non-discriminatory reason, said reason is a mere pretext for discrimination. Alternatively, the reason(s) given for Plaintiff's termination, while true are only some of the reasons, and Plaintiff's sex and pregnancy were motivating factors in the decision to terminate her employment. In other words, Defendant had mixed motives for Plaintiff's termination.

B. AMERICANS WITH DISABILITIES ACT

17. The allegations contained in previous paragraphs are hereby incorporated by reference.

18. As a result of her medical conditions described herein, Plaintiff has been an individual with a “disability” within the meaning of Section 3(2) of the Americans with Disabilities Act, 42 U.S.C. § 12102(2). More particularly, Plaintiff had impairments that substantially limits one or more of her major life activities, has a record of such an impairment, and/or was regarded by Sanderson Farms as having such an impairment.

19. Plaintiff is a “qualified individual with a disability” as that term is defined in § 101(8) of the ADA, 42 U.S.C. § 12111(8). More specifically, Plaintiff is an individual with a disability who, with reasonable accommodation, can perform the essential functions of her job as a poultry processor for Sanderson Farms.

20. The effect of these unlawful practices has been to deprive Plaintiff of equal employment opportunities, and to otherwise adversely affect her employment status as an individual with a disability within the meaning of the ADA. Based upon the stated allegations, Plaintiff asserts five claims under the ADA: (1) Disparate treatment based upon Defendant’s termination of Plaintiff based upon qualification standards and other criteria that screened her out as an individual with disabilities; (2) Disparate impact based upon the Fitness-for-Duty policy which requires a full-duty release which had an adverse impact on Plaintiff as an individual with disabilities by screening Plaintiff from employment by reason of her pregnancy related impairment; (3) Unlawful medical inquiry – alleging violation of 42 U.S.C. §12112(d)(4)(A), which provides that an employer “shall not require a medical examination an shall not make inquiries of an employee as to whether such employee is an individual with a disability or as to the nature or severity of the disability, unless such examination or inquiry is shown to be job-related

and consistent with business necessity;” (4) failure to make reasonable accommodation to Plaintiff’s disabilities, which constitutes discrimination against Plaintiff with respect to terms, conditions, or privileges of employment in violation of Section 102(b)(5)(A) of the ADA, 42 U.S.C. § 12112(b)(5)(A) and (5) regarded Plaintiff as disabled. In connection with Plaintiff’s accommodation claim, Sanderson Farms failed to undertake any good faith efforts, in consultation with Plaintiff, to identify and make a reasonable accommodation with Plaintiff.

IV. DAMAGES

21. As a result of Defendant’s violations of the law described herein, Plaintiff has suffered actual damages in the form of lost wages and benefits (past and future), in an amount that has not yet been fully established, but which will be provided at time of trial.

22. As a result of this willful and malicious violation of the law described herein, Plaintiff requests that she be awarded all damages, to which she is entitled, including punitive damages. Plaintiff also requests any additional equitable relief to which he is entitled.

23. Plaintiff also requests reasonable attorney’s fees and court costs.

V. JURY DEMAND

24. Plaintiff requests trial by jury on all claims for which a jury trial is available.

VI. PRAYER FOR RELIEF

Wherefore, Plaintiff requests that Defendant be cited to appear and answer, and that on final trial, Plaintiff have judgment against Defendant as follows:

- a. Judgment against Defendant for Plaintiff’s actual damages, including lost wages and benefits (both back pay and front pay), amount to be determined;
- b. Judgment against Defendant for punitive damages for the maximum amount allowed by law;
- c. An order that Defendant take such other and further actions as may be necessary to redress Defendant’s violation of the law;

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.