

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

JOHN MITCHELL, an individual,)	
)	
Plaintiff,)	Case No. 2:24-cv-79
)	
v.)	
)	COMPLAINT
TYSON FOODS, INC.)	
)	
Defendant.)	
_____)	

INTRODUCTION

1. Plaintiff John Mitchell seeks relief from Defendant Tyson Foods, Inc.’s (“Tyson” or “Defendant”) pattern of discriminatory, unconstitutional, and illegal behavior against employees who request religious exemptions from Tyson’s COVID-19 vaccination mandate policy.
2. On August 3, 2021, Defendant imposed a draconian vaccine mandate for all employees. Defendant’s mandate addresses a very remote risk, asymptomatic deadly spread of COVID-19 to fellow employees, by a method (vaccination) that poses a higher risk of deadly spread of COVID-19 than asymptomatic spread.
3. Defendant responded to their employees seeking religious, disability and medical exemptions by informing those employees that they would be effectively terminated on November 1, 2021 and placed on an unpaid, unprotected, and unprecedented leave of absence with no assurance that they would be allowed to return to the workplace for up to one year (hereinafter Tyson’s “Vaccine Mandate”).

4. Defendant's unlawful actions left Plaintiffs with the impossible choice of suffering a physical assault and uninvited invasion of their bodies by receiving the experimental and harmful mRNA COVID-19 vaccine, at the expense of her religious beliefs, bodily autonomy, medical privacy, and her health, or losing their livelihoods.
5. This Faustian bargain is no bargain at all and is precisely what is forbidden by federal and Texas civil rights law.
6. Defendants' actions violated federal and Texas law by mandating an experimental medical treatment, retaliating against employees who engaged in protected activity, failing to provide reasonable accommodations for exemptions, and violating the sacred rights of privacy and bodily integrity.
7. Plaintiffs respectfully implore this Court to order that Defendants comply with the laws protecting the rights of the citizens of Texas against precisely such catch-22 "choices."

PARTIES

8. Plaintiff John Mitchell ("Plaintiff" or "Mitchell") was employed as a machining and welding supervisor at Tyson's plant in Amarillo, Texas, ("Amarillo plant") who requested an exemption from the Vaccine Mandate on religious grounds. Tyson denied his exemption request. Instead, Tyson placed Mr. Mitchell on an unelected, unpaid, and unprotected leave of absence. Mr. Mitchell is a citizen of Texas.
9. Defendant Tyson Foods, Inc. ("Tyson"), together with its subsidiaries, is a corporation that operates as a worldwide food processing and marketing company.
10. Tyson is the world's largest processor and marketer of chicken, beef, and pork.

11. At all relevant times, Tyson knew or should have known the laws, policies, practices, and conditions alleged herein.

JURISDICTION AND VENUE

12. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331. Plaintiff seeks remedies under Title VII of the Civil Rights Act pursuant to 42 U.S.C. §§ 2000e et seq.; the Americans With Disabilities Act pursuant to 42 U.S.C. §§ 12101 et seq.
13. This Court has supplemental jurisdiction over the state claims raised in this action pursuant to 28 U.S.C. § 1367.
14. This Court has personal jurisdiction over Defendant Tyson it transacts business in Texas, and the wrongful conduct and resulting injuries alleged herein substantially occurred in this state.
15. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(e) because the cause of action arises primarily from Tyson's Amarillo plant situated in Potter County.
16. An actual and justiciable controversy exists between Plaintiffs and Defendant.

FACTS AND BACKGROUND

Coronavirus and Tyson's Response

17. In the spring of 2020, Tyson began implementing mitigation procedures for its workforce, including several of the following requirements for its employees: masks, face

shields, social distancing, temperature checks, COVID-19 testing,¹ and self-quarantines.²

Tyson initially made several accommodations for hourly employees.³ For example, in March of 2020, the company relaxed attendance policies in its plants by “[e]liminating any punitive effect for missing work due to illness.”⁴

18. Tyson experienced substantial success reducing the risk of COVID-19 spread through self-quarantining for the symptomatic and testing for the asymptomatic persons. As even Anthony Fauci admits, the risk of asymptomatic spread is very rare and very low, with experts estimating it is largely a non-existent risk. At worst, asymptomatic risk of employees spreading lethal COVID-19 is less than one-in-a-million. Even in that one-in-a-million risk, testing easily addresses asymptomatic risk without requiring bodily invasion against a person’s will of an experimental drug with unknown long-term side effects due to its novel mRNA methodology, with the worst short-term adverse events reported in the government’s VAERS database in American history, and whose administration offends the conscience of millions of Americans’ deeply held spiritual

¹ Tyson Foods, Tyson Foods CEO Provides Update on Efforts to Address COVID-19 (April 6, 2021) available at <https://www.tysonfoods.com/news/news-releases/2020/4/tyson-foods-ceo-provides-update-efforts-address-covid-19> (last visited Sept. 27, 2021); Tyson Foods, Why Tyson Has Taken a Leading Position on COVID-19 Testing (July 1, 2021) available at <https://thefeed.blog/2020/07/01/covid-19-testing-at-tyson-foods/> (Last visited Sept. 27, 2021).

² Tyson Foods, Protecting Team Members and Our Company; Ensuring Business Continuity (March 17, 2020) available at <https://www.tysonfoods.com/news/news-releases/2020/3/protecting-team-members-and-our-company-ensuring-business-continuity> (last visited Sept. 27, 2021); Chaitin Cato, Tyson Team Innovates to Make Face Shields for Frontline Workers (July 6, 2021) available at <https://thefeed.blog/2020/07/06/tyson-innovates-to-make-face-shields-for-frontline-workers/> (last visited Sept. 27, 2021).

³ *Ibid.*

⁴ *Ibid.*

beliefs and religious faith due to the use of aborted fetal cells in its testing, development and production of each of these experimental vaccines.

19. The Food and Drug Administration (“FDA”) issued an Emergency Use Authorization (“EUA”) for the Pfizer-BioNTech vaccine on December 1, 2020. One week later, the FDA issued a second EUA for the Moderna COVID-19 vaccine. Finally, the FDA issued an EUA for the Johnson & Johnson COVID-19 vaccine on February 27, 2021.
20. Though the FDA has approved the use of a currently unavailable vaccine for future use, the only vaccines available for use in the United States at the time in question are these three experimental, investigative and unlicensed drugs, all of which were either developed, tested, or produced with the use of fetal cells from aborted fetuses. Pfizer’s FDA-approved Comirnaty vaccine had not yet been administered to the public.

Tyson’s Unlawful Vaccine Mandate

21. We face an unparalleled moment in history, when employers have begun mandating an experimental vaccine that utilizes novel technology and, not only has conferred little to no benefit to recipients, but has injured tens of thousands of individuals who elected or were forced to receive the vaccine by virtue of vaccination mandates exactly like Tyson’s.
22. On approximately August 3, 2021, Tyson publicly announced it would require all “[t]eam members at U.S. office locations to be fully vaccinated by October 1, 2021.”⁵ (A true and correct copy of Tyson’s August 3, 2021 COVID-19 vaccine mandate, is attached

⁵ Tyson Foods, *Tyson Foods to Require COVID-19 Vaccination for its U.S. Workforce* (Aug. 3, 2021) available at <https://www.tysonfoods.com/news/news-releases/2021/8/tyson-foods-require-covid-19-vaccinations-its-us-workforce> (last visited Sept. 27, 2021).

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