

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

JESSICA THOMAS,

Plaintiff,

v.

PERDUE FOODS, LLC,

Defendant.

Civil Action No.:

5:22-cv-00428

**JURY TRIAL DEMANDED**

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**COMPLAINT**

COMES NOW Plaintiff Jessica Thomas and brings this action pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.*, including the Pregnancy Discrimination Act, and the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101, *et seq.*, as amended. Plaintiff alleges that Defendant Perdue Foods, LLC discriminated against her due to her sex, pregnancy, and disability, including through Defendant's failure to engage in the interactive process and to provide a reasonable accommodation for her disability, and ultimately terminating Plaintiff's employment, respectfully showing the Court as follows:

**JURISDICTION AND VENUE**

1.

This Court has original jurisdiction over the subject matter of this civil action pursuant to 28 U.S.C. §§ 1331, 1343, & 1391 and the enforcement provisions of Title VII of the Civil Rights Act and the Americans with Disabilities Act.

2.

Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391 because Plaintiff was employed, and the events underlying this action, occurred in Houston County, Georgia, which is located in this judicial district.

### **PARTIES**

3.

Plaintiff Jessica Thomas (hereinafter, “Plaintiff” or “Thomas”) is a citizen of the United States and a resident of the State of Georgia. At all times relevant to this suit, Ms. Thomas was employed with Defendant Perdue Foods, LLC.

4.

At all relevant times, Ms. Thomas was considered a covered, non-exempt employee under Title VII of the Civil Rights Act and the Americans with Disabilities Act.

5.

Defendant Perdue Foods, LLC (hereinafter, “Defendant”) is a foreign limited liability company organized under the laws of the State of Maryland with its principal office located at 31149 Old Ocean City Road, Salisbury, Maryland 21804. Defendant may be served with process by delivering a copy of the Summons and Complaint to its registered agent, CT Corporation System, located at 289 S. Culver Street, Lawrenceville, Gwinnett County, Georgia 30046.

6.

Defendant is a major chicken, turkey, and pork processing company that is engaged in interstate commerce, has an annual revenue in excess of \$500,000.00, and has employed in excess of 500 employees, working for at least 20 calendar weeks in 2020 and in prior calendar years.

7.

Defendant is a covered employer within the meaning of Title VII of the Civil Rights Act and the Americans with Disabilities Act.

### **STATEMENT OF FACTS**

8.

Plaintiff hereby pleads and incorporates by reference all of the allegations contained in Paragraphs 1 through 7, as if the same were set forth herein.

9.

As a General Laborer, Ms. Thomas duties were to check the quality of butchered and processed chicken on a conveyor belt.

10.

As a result, Ms. Thomas' job involved long days of standing on her feet.

11.

At all relevant times, Ms. Thomas was performing the duties of a General Laborer, and her performance was exemplary.

12.

On January 10, 2020, Ms. Thomas went to see her physician and she found out that she was likely pregnant. However, her doctor indicated that it was too early in her pregnancy to give her a pregnancy test. Critically, Ms. Thomas had already received a test from one of Defendant's on-site medical providers, Ms. Thomas already knew she was pregnant.

13.

For the same reason, Defendant was also aware that Ms. Thomas was pregnant.

14.

Over a period of several days, Ms. Thomas had not been feeling very well, but she assumed that it was just normal pains experienced during pregnancy.

15.

On January 21, 2020, while Ms. Thomas was at work, she noticed that the pains had become somewhat unbearable.

16.

The next day, she was still hurting some, but she tried to power through the pain and finish her shift.

17.

The pain increased so much that several of Ms. Thomas' co-workers noticed and recommended that she get help; however, when Ms. Thomas called out for her supervisor's assistance, she did not receive a response.

18.

When Defendant's employees call out of work, Defendant issues "points" that may potentially result in disciplinary action, up to and including termination of employment. As a result, Ms. Thomas went to work on January 22, 2020, for fear that she would be fired or otherwise disciplined.

19.

However, Ms. Thomas had to leave work in order to return to her medical provider. After she was examined, the provider explained that Ms. Thomas had one of the worst bladder infections that he had ever seen. As a result, the medical provider instructed Ms. Thomas to return to the office for each of the next three days to get medication via injection. Dr. Branch also explained to

Ms. Thomas that she could seriously risk her health, as well as the baby, if she missed any of the shots.

20.

Based on her doctor's warning, Ms. Thomas immediately called Defendant's human resources department ("HR") and explained that she had a medical excuse and needed to be out of work for the next three days.

21.

In addition to the aforementioned bladder infection, Ms. Thomas has several other medical conditions that resulted in her pregnancy being considered "high risk." Specifically, Ms. Thomas has high blood pressure, which requires medication, and her prior pregnancy resulted in miscarriage. Defendant was also aware that Ms. Thomas takes medication to treat her depression.

22.

High blood pressure, or hypertension, is a long-term cardiovascular medical condition in which the blood pressure in the arteries remains elevated. In addition to an elevated blood pressure, this condition causes Ms. Thomas to experience chest pains and the feeling of her heart racing, extreme headaches, and difficulty with her vision. Additionally, the medication that Ms. Thomas takes for this condition causes her frequent use of the restroom, which is also tied to fluctuations in Ms. Thomas' weight. Hypertension, especially if not treated appropriately, increases the risk of damage to a person's kidneys, which could result in the need to undergo dialysis. As a result, Ms. Thomas' hypertension substantially impairs a number of Ms. Thomas' major life activities, including performing manual tasks, seeing, and eating. Moreover, hypertension has at times limited Ms. Thomas' ability to work, and there were occasions when Defendant sent Ms. Thomas home for the day because she was experiencing symptoms of this condition.

23.

Additionally, when a person like Ms. Thomas experiences a bladder infection, it is likely to result in a further increase in blood pressure.

24.

Ms. Thomas' hypertension also substantially increases the risk of developing pre-eclampsia, a disorder of pregnancy that is caused by high blood pressure and a significant amount of protein in the urine. Pre-eclampsia substantially increases the risk of adverse health impacts, up to and including death, to both mother and baby, which was a particular concern for Ms. Thomas in light of her prior miscarriage.

25.

As a result, hypertension and the related conditions described herein, are serious medical conditions that substantially impair major life activities, and for Ms. Thomas, is considered a "disability" under the Americans with Disabilities Act.

26.

On January 24, 2020, Ms. Thomas received a note for her medical provider to provide to her employer. Due to the bladder infection and in order to avoid future infections while she was pregnant, her provider gave two simple restrictions and recommended accommodations:

1/24/2020

To Whom It May Concern:

My patient Jessica Thomas will need a Bathroom Break EVERY HOUR and she needs to be allowed to drink water at all times.

If you have any questions or concerns please feel free to contact our office at [phone number].

Thank you,

Amy Carter, CNM

27.

Based on the note, the only accommodations that Ms. Thomas would need when she returned to work was to be able to use the restroom at least once per hour and that she have water available and be able to drink it at any time.

28.

Subsequently, Ms. Thomas explained to Defendant that it was unlikely that she would need to use the restroom as frequently as her doctor suggested; rather, she felt like she just needed to the ability to use the restroom if she had to.

29.

It was common for Defendant's employees, including General Laborers, to leave the production line to use the restroom, so long as they have advised the supervisor on duty that they are leaving. This has been particularly true for employees who are older or who have medical conditions, including one employee who was treating her hypertension with a diuretic or "water pill" that resulted in the need to frequently urinate.

30.

At no point did Ms. Thomas request that Defendant permit her to bring water on the production line; rather, Ms. Thomas' only request was that she have access to water when needed.

31.

When Ms. Thomas returned to her doctor for a follow up on Monday, January 27, 2020, the doctor advised Ms. Thomas to stay out a couple more days to allow for her urine to return to the proper color.

32.

On January 29<sup>th</sup>, Ms. Thomas contacted her doctor again. While her doctor was not comfortable with Ms. Thomas returning to work, he understood that she was worried about her job security and allowed her to return.

33.

Ms. Thomas contacted human resources that day, but she was told that she could not return to work because Defendant's HR Manager, Maria Rivera, (hereinafter, "HR Manager Rivera") was not in the office that day.

34.

Based on what Ms. Thomas was told, HR Manager Rivera would have to approve the return since there was a request for an accommodation.

35.

Subsequently, Ms. Thomas followed up with HR, but she ultimately found that HR Manager Rivera was not set to return until February 3, 2020.

36.

Ms. Thomas obtained a doctor's excuse for each day that she was absent.

37.

On Monday, February 3, 2020, Ms. Thomas arrived at work well before the start of her assigned 8:00 am shift.

38.

However, HR Manager Rivera did not show up and Ms. Thomas was forced to wait in Defendant's medical unit for several hours.

39.

While she was waiting, one of Defendant's on-site nurses told Ms. Thomas that HR Manager Rivera "has never accommodated anything for pregnant women."

40.

In discussing human resources, another one of the nurses said that they were probably going to have to "write [Ms. Thomas] out of work" and put her on leave.

41.

Ms. Thomas was shocked at what she had been told, and she explained that she was able to work and that she did not have a handicap.

42.

The nurse responded: "It's not up to us, it's up to [HR Manager Rivera]. The doctor gave you an accommodation and it is her decision. She has never accommodated anyone."

43.

After several hours of waiting, the nurses ultimately instructed Ms. Thomas to leave her telephone number and Ms. Thomas went home.

44.

The next morning, Ms. Thomas called the medical unit to check the status of her accommodation requests.

45.

On this call, one of the nurses told Ms. Thomas that they had "bad news," that HR Manager Rivera would not accommodate Ms. Thomas, and that Ms. Thomas was going to go out on leave. She was told to contact the third-party benefits coordinator in order to apply for short-term disability benefits.

46.

Short term disability is a benefit that Defendant makes available to all of its employees who chose to pay the monthly premium. Ms. Thomas was one of those employees enrolled in the short-term disability benefit.

47.

Still, Ms. Thomas did not want to go out on leave or use short-term disability, she wanted to, and was entirely able to continue working.

48.

Ms. Thomas' short-term disability payments were granted. However, she was told that payments would end at some point in Summer 2020. Critically, Ms. Thomas was eligible for leave under the Family and Medical Leave Act and she even had some paid personal time off that she never received.

49.

Still, Ms. Thomas neither requested nor needed medical leave on February 4, 2020.

50.

After her early-February conversations with the nurses, Ms. Thomas did not hear anything from Defendant for months.

51.

On or about July 22, 2020, one of Defendant's HR representatives contacted Ms. Thomas to advise her that short-term disability benefits were about to be exhausted. At some point during this conversation, Ms. Thomas mentioned the fact that she was still pregnant, and she was expecting to give birth in about six weeks.

52.

When Ms. Thomas mentioned that she was still pregnant, the HR representative told her that she would have to remain out of work until the delivery of her baby.

53.

According to its submission during the administrative proceedings, Defendant sent a letter to Ms. Thomas dated August 24, 2020, asking whether Ms. Thomas knew of a reasonable accommodation that would allow her to return to work, and advising her that if she did not respond by August 31, 2020, she would be removed from the payroll because of her inability to return from leave.

54.

Even if Defendant's assertion is true, it took Defendant 203 days from the day that Ms. Thomas tried to obtain an accommodation for Defendant to even suggest that it was willing to accommodate Ms. Thomas.

55.

While Defendant claims that Ms. Thomas signed for receipt of the August 24, 2020 letter the next day at 2:53 pm, Ms. Thomas was discharged from the hospital on August 25, 2020 at 3:09 pm after giving birth to her child the previous day.

56.

Ms. Thomas never received the August 24, 2020 letter.

57.

During the week of September 7, 2020, Ms. Thomas received a call from one of Defendant's HR representatives. The HR representative asked Ms. Thomas whether she was able to return to work. Ms. Thomas explained that she had just given birth and that her baby was

breastfeeding. Critically, Ms. Thomas also told the HR representative that she needed to have surgery to address a post-pregnancy complication and medical need. She said that while she was uncertain as to her ability to return at that time, she was scheduled to have an appointment with her medical provider soon, and she would find out then. Ms. Thomas also provided the HR representative with her medical provider's contact information.

58.

Ms. Thomas did not hear back from any of Defendant's representatives after her call with HR.

59.

On or after September 12, 2020, Ms. Thomas received a Georgia Department of Labor Separation Notice, which stated that she had been discharged because she had taken medical leave for six months.

60.

In the period between January 29, 2020 and September 10, 2020, Ms. Thomas never heard from HR Manager Rivera.

#### Procedural/Administrative Background

61.

On October 21, 2020, Ms. Thomas submitted her Charge of Discrimination to the Equal Employment Opportunity Commission (hereinafter, "EEOC"), alleging that he had been subjected to discrimination based on sex, pregnancy, and disability, in violation of Title VII of the Civil Rights Act, the Pregnancy Discrimination Act, and the Americans with Disabilities Act. The EEOC later assigned Ms. Thomas Charge Number 410-2021-00632.

62.

Defendant had actual notice of the EEOC Charge, participated in the administrative proceedings, and was represented by counsel at that time.

63.

On September 2, 2022, the EEOC issued its Notice of Right to Sue dated September 1, 2022, which Ms. Thomas received through counsel on the same day.

64.

Ms. Thomas has exhausted her administrative remedies as to her Charge of Discrimination, and she is filing the instant action within ninety days of the EEOC's issuance and her receipt of the Notice of Right to Sue.

**COUNT I:  
DISCRIMINATION BASED ON SEX  
IN VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT**

65.

Plaintiff hereby pleads and incorporates by reference all of the allegations contained in Paragraphs 1 through 64, as if the same were set forth herein.

66.

Under Title VII of the Civil Rights Act, it is unlawful for an employer to discriminate against any individual with respect to his or her compensation, terms, conditions, or privileges of employment because of such person's sex. 42 U.S.C. § 2000e-2(a).

67.

Plaintiff is considered in a protected class as her sex is female.

68.

As alleged herein, Plaintiff was qualified for the position that she held with Defendant, and her performance was exemplary at all times.

69.

Beginning on February 3, 2020, Plaintiff was able to work, and she had obtained a certification from her doctor reflecting the same.

70.

However, as alleged herein, Defendant refused to allow Plaintiff to work simply because Defendant learned that Plaintiff was pregnant and female.

71.

Defendant apparently has a policy or practice whereby Defendant denies accommodations for employees who become pregnant and requires said employees to take a medical leave of absence or take leave using its short-term disability benefit.

72.

Defendant does not have a similar policy or practice for its male and/or non-pregnant employees, and Defendant does not deny such employees' requested accommodations or require them to take a medical leave of absence.

73.

Defendant denied Plaintiff's repeated requests that she be permitted to return to work.

74.

On September 12, 2020, Defendant terminated Plaintiff from her position because she had taken medical leave, that she neither wanted nor requested, for a period of six months.

75.

Defendant then held the position open, or reposted Plaintiff's position, while it continued to look for candidates to fill the position.

76.

Defendant will be unable to present any evidence of a legitimate nondiscriminatory motive for refusing to allow Plaintiff to return to work upon receiving notice that Plaintiff was pregnant, otherwise treating Plaintiff less favorably than her counterparts who are not female and/or pregnant and terminating Plaintiff because of her pregnancy.

77.

Defendant's stated reason for the termination – that Plaintiff took medical leave for six months – is entirely without merit.

78.

Plaintiff will prove that the Defendant's stated reasons are pretextual and were indeed motivated by Plaintiff's sex.

79.

Plaintiff has been injured by Defendant's discrimination based on sex against her, and she is entitled to all damages allowed under Title VII of the Civil Rights Act, including back pay, front pay and/or injunctive relief, compensatory and punitive damages in the maximum amount permitted by statute of not less than \$300,000.00, and reasonable attorney's fees and costs of litigation, all in an amount to be proven at trial.

**COUNT II:  
DISCRIMINATION BASED ON PREGNANCY  
IN VIOLATION OF THE PREGNANCY DISCRIMINATION ACT**

80.

Plaintiff hereby pleads and incorporates by reference all of the allegations contained in Paragraphs 1 through 64, as if the same were set forth herein.

81.

The Pregnancy Discrimination Act (hereinafter, “PDA”) is an amendment to Title VII of the Civil Rights Act of 1964. Discrimination on the basis of pregnancy, childbirth, or related medical conditions constitutes unlawful sex discrimination under Title VII. Women affected by pregnancy or related conditions must be treated in the same manner as other applicants or employees who are similar in their ability or inability to work.

82.

The PDA provides that the prohibition against sex-based employment discrimination in § 703(a) of Title VII, 42 U.S.C. § 2000e-2(a), applies with equal force to discrimination on the basis of “pregnancy, childbirth, or related medical conditions.” *See* 42 U.S.C. § 2000e(k). Further, the PDA provides that “women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes ... as other persons not so affected but similar in their ability or inability to work.” 42 U.S.C. § 2000e(k). The analysis required for a pregnancy discrimination claim is the same type of analysis used in other Title VII sex discrimination suits. *Armstrong v. Flowers Hosp., Inc.*, 33 F.3d 1308, 1312-13 (11th Cir.1994).

83.

For the same reasons as those set forth in Count I, *supra*, Defendant treated Plaintiff differently than other persons who are not pregnant, but who also had similar ability to work.

84.

As a result, Defendant subjected Plaintiff to discrimination based on her pregnancy by refusing to accommodate Plaintiff's medical condition, refusing to allow her to work, and ultimately terminating her employment, all in violation of the Pregnancy Discrimination Act.

85.

Plaintiff has been injured by Defendant's discrimination based on pregnancy against her, and she is entitled to all damages allowed under the Pregnancy Discrimination Act, including back pay, front pay and/or injunctive relief, compensatory and punitive damages in the maximum amount permitted by statute of not less than \$300,000.00, and reasonable attorney's fees and costs of litigation, all in an amount to be proven at trial.

**COUNT III:  
DISCRIMINATION IN VIOLATION OF  
THE AMERICANS WITH DISABILITIES ACT**

86.

Plaintiff hereby pleads and incorporates by reference all of the allegations contained in Paragraphs 1 through 64, as if the same were set forth herein.

87.

The Americans with Disabilities Act prohibits covered entities from "discriminating against a qualified individual on the basis of disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment." 42 U.S.C. § 12112(a).

88.

Discrimination based on disability includes an employer's termination of the employee due to her disability. 42 U.S.C. § 12111.

89.

As alleged herein, Plaintiff has a disability, a history of a disability, and was perceived by Defendant as having a disability, that substantially limits a number of major life activities.

90.

Specifically, Plaintiff has high blood pressure and conditions related to her pregnancy that substantially limited several major life activities for Plaintiff, including her ability to perform manual tasks, seeing, eating, and her ability to work.

91.

Plaintiff was both perceived as having a disability and had a record of having a disability because Defendant, through its on-site medical clinic, had knowledge of Plaintiff's medical conditions, including the fact that she was pregnant.

92.

Plaintiff was hired as and was performing the duties in her role of General Laborer, and she was otherwise qualified and able to perform the essential functions of her job, with or without reasonable accommodation.

93.

Defendant terminated Plaintiff on September 12, 2020, and Plaintiff was replaced with an employee who was not pregnant and who did not have a pregnancy-related disability. The circumstances suggest that Plaintiff was terminated, not as a result of any supposed misconduct; rather, due to her pregnancy, pregnancy-related disability, or requests for an accommodation for said disability.

94.

Plaintiff has been injured by Defendant's discrimination due to her disability, and Plaintiff

is entitled to all damages allowed under the Americans with Disabilities Act, including back pay, front pay and/or injunctive relief, compensatory and punitive damages in the maximum amount permitted by statute of not less than \$300,000.00, and reasonable attorney's fees and costs of litigation, all in an amount to be proven at trial.

**COUNT IV:  
FAILURE TO PROVIDE REASONABLE ACCOMMODATION  
IN VIOLATION OF THE AMERICANS WITH DISABILITIES ACT**

95.

Plaintiff hereby pleads and incorporates by reference all of the allegations contained in Paragraphs 1 through 64, as if the same were set forth herein.

96.

The Americans with Disabilities Act prohibits covered entities from “discriminating against a qualified individual on the basis of disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.” 42 U.S.C. § 12112(a).

97.

Discrimination based on disability includes an employer's failure to make a “reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless such covered entity can demonstrate that the accommodation would impose an undue hardship on the operation of the business of such covered entity.” 42 U.S.C. § 12112(b)(5)(A).

98.

As alleged herein, Defendant and Plaintiff are a covered, nonexempt employer and non-exempt employee under the ADA, respectively. *See* 42 U.S.C. § 12111.

99.

As alleged herein, Plaintiff has a disability, a history of a disability, and was perceived by Defendant as having a disability, that substantially limits a number of major life activities.

100.

Specifically, Plaintiff has high blood pressure and conditions related to her pregnancy that substantially limited several major life activities for Plaintiff, including her ability to perform manual tasks, seeing, eating, and her ability to work.

101.

Plaintiff was both perceived as having a disability and had a record of having a disability because Defendant, through its on-site medical clinic, had knowledge of Plaintiff's medical conditions, including the fact that she was pregnant.

102.

Plaintiff was hired as and was performing the duties in her role of General Laborer, and she was otherwise qualified and able to perform the essential functions of her job, with or without reasonable accommodation.

103.

Plaintiff requested an accommodation for her disability on several occasions.

104.

Specifically, Plaintiff, at the recommendation of her medical provider, requested that Defendant allow Plaintiff to use the restroom when needed and at least once per hour and that she have access to water to drink.

105.

The accommodations requested was available, would have been effective, and would not

have posed an undue hardship, or any hardship, on Defendant.

106.

Moreover, the requested accommodations would have allowed Plaintiff to perform the essential functions of her job.

107.

Defendant expressly refused to provide the accommodation.

108.

Defendant expressly refused to consider any alternatives to the reasonable accommodation requested by Plaintiff.

109.

According to what its representatives told Plaintiff, Defendant does not provide accommodations to pregnant employees.

110.

Defendant refusal to provide a reasonable accommodation or engage in the interactive process, which meant that Defendant would not allow Plaintiff to return to work, which Defendant then cited as the basis for Plaintiff's termination.

111.

Plaintiff has been injured by Defendant's discrimination due to its failure to provide a reasonable accommodation, and Plaintiff is entitled to all damages allowed under the Americans with Disabilities Act, including back pay, front pay and/or injunctive relief, compensatory and punitive damages in the maximum amount permitted by statute of not less than \$300,000.00, and reasonable attorney's fees and costs of litigation, all in an amount to be proven at trial.

**JURY DEMAND**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff demands trial by jury on all issues so triable.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Jessica Thomas respectfully prays for the following relief:

- 1) That Summons and Process be issued to Defendant Perdue Foods, LLC, and that Defendant be served as provided by law;
- 2) That this matter be tried before a jury;
- 3) That judgment be awarded for and in favor of Plaintiff on Count I for discrimination based on sex and grant Plaintiff all relief allowable under the Title VII of the Civil Rights Act;
- 4) That judgment be awarded for and in favor of Plaintiff on Count II for discrimination based on pregnancy and grant Plaintiff all relief allowable under the Title VII of the Civil Rights Act and the Pregnancy Discrimination Act;
- 5) That judgment be awarded for and in favor of Plaintiff on Count III for discrimination based on disability and grant Plaintiff all relief allowable under the Americans with Disabilities Act;
- 6) That judgment be awarded for and in favor of Plaintiff on Count IV for discrimination based on disability, and particularly Defendant's failure and refusal to provide a reasonable accommodation or to engage in the interactive process, and grant Plaintiff all relief allowable under the Americans with Disabilities Act; and,
- 7) For such other relief as this Court shall seem just and proper.

*[Signature Page Follows]*

Respectfully submitted, this 1<sup>st</sup> day of December, 2022.



KENNETH E. BARTON III  
Georgia Bar No. 301171  
*Attorney for Plaintiff*

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(478) 841-9002 facsimile  
keb@cooperbarton.com

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

JESSICA THOMAS

(b) County of Residence of First Listed Plaintiff Pulaski (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Kenneth E. Barton III | Cooper, Barton & Cooper, LLP 170 College St., Macon, GA 31201 | 478-841-9007

DEFENDANTS

PERDUE FOODS, LLC

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, 1 1, 2 2, 3 3, 4 4, 5 5, 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, INTELLECTUAL PROPERTY RIGHTS, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes codes like 110 Insurance, 310 Airplane, 365 Personal Injury, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq. Brief description of cause: Employment Discrimination based on sex, pregnancy, and disability

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ n/a CHECK YES only if demanded in complaint: JURY DEMAND: [X] Yes [ ] No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE Dec 1, 2022 SIGNATURE OF ATTORNEY OF RECORD /s/ Kenneth E. Barton III

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Middle District of Georgia

JESSICA THOMAS

Plaintiff(s)

v.

PERDUE FOODS, LLC

Defendant(s)

Civil Action No. 5:22-cv-00428

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) PERDUE FOODS, LLC
c/o CT Corporation System
289 S. Culver Sreet
Lawrenceville, Gwinnett County, Georgia 30046

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Kenneth E. Barton III
Cooper, Barton & Cooper, LLP
170 College Street
Macon, Georgia 31201

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. 5:22-cv-00428

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_ .

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 \_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: