

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No.

RON LAMB, an individual;  
COREY TATE, an individual;  
DARIUS WYNN, an individual;  
DARREN BROWN, an individual;  
ISAAC MEDLOCK, an individual;  
LARAY SMITH, an individual; and  
ROBERT SIMMONS, an individual,

Plaintiffs,

v.

WOODGRAIN INC., a corporation,

Defendant.

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**COMPLAINT AND JURY DEMAND**

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Plaintiffs, by and through their attorneys Benjamin DeGolia and Maddy Bullard of DEGOLIA LAW P.C., hereby allege as follows:

**INTRODUCTION**

1. This is a race discrimination and retaliation suit brought by seven African-American former employees of Defendant Woodgrain Inc. (“Woodgrain”), each of whom was discharged from their employment just weeks after signing a petition complaining of race-based discrimination at Woodgrain’s production facility in Aurora, Colorado.

2. Specifically, in late December 2024 and early January 2025, all seven Plaintiffs signed an open letter (the “Petition”) decrying (1) discriminatory pay, hiring, and promotion practices wherein Black and Brown employees at Woodgrain’s Aurora facility earned less and had

fewer opportunities than their white counterparts; and (2) Woodgrain's failure to take disciplinary or other remedial action after a white supervisor referred to Plaintiffs Tate, Wynn, and Smith as "monkeys."

3. The day after the signed Petition was shared with management, Woodgrain's Human Resources Director issued a letter warning employees not to discuss the Petition.

4. Just two weeks later, Plaintiffs were called into meetings during which Woodgrain's Human Resources Director instructed them that Woodgrain would not tolerate any further "drama" at the Aurora facility.

5. By the end of the month, all seven Plaintiffs had been summarily discharged without justification.

6. Plaintiffs bring claims for race discrimination and retaliation under Title VII of the Civil Rights Act of 1964, Section 1981, and the Colorado Anti-Discrimination Act, as well as claims for violation of Colorado's prohibition against restrictive employment agreements under C.R.S. § 8-2-113.

### **PARTIES**

7. At all times relevant to the subject matter of this action, all Plaintiffs were residents of and domiciled in the State of Colorado.

8. Defendant Woodgrain Inc. ("Woodgrain") is a foreign corporation with its principal place of business in Fruitland, Idaho.

9. At all times relevant, Plaintiffs were Defendant's "employee" and Defendant was their "employer" as those terms are defined in 42 U.S.C. § 2000e and C.R.S. § 24-34-401.

### **JURISDICTION AND VENUE**

10. This action arises under the laws of the United States and the State of Colorado and is brought pursuant to 42 U.S.C. §§ 2000e *et seq.*, 42 U.S.C. § 1981, C.R.S. §§ 24-34-401 *et seq.*, and C.R.S. § 8-2-113.

11. Jurisdiction is conferred on this Court pursuant to 28 U.S.C. §§ 1331 and 1367.

12. This Court has jurisdiction over Plaintiffs' claims for declaratory and injunctive relief pursuant to 28 U.S.C. §§ 2201 and 2202.

13. This Court has jurisdiction over Plaintiffs' claims for attorneys' fees and costs pursuant to 42 U.S.C. § 1988, 42 U.S.C. § 2000e-5(k), C.R.S. § 24-34-405(5), and C.R.S. § 8-2-113.

14. Venue is proper in the District of Colorado pursuant to 28 U.S.C. § 1391(b). All the events and omissions alleged herein occurred within the State of Colorado.

### **ADMINISTRATIVE EXHAUSTION**

15. On April 1, 2025, all seven Plaintiffs filed timely Charges of Discrimination with the U.S. Equal Employment Opportunity Commission ("EEOC").

16. The Charges of Discrimination were filed within 300 days of the last alleged discriminatory and retaliatory act.

17. On May 6, 2025, the EEOC issued Notices of Right to Sue for all seven Charges of Discrimination.

18. This action is filed within ninety (90) days of the issuance of the Notices of Right to Sue from the EEOC.

19. As such, Plaintiffs have exhausted all applicable administrative remedies at this time.

### **GENERAL FACTUAL ALLEGATIONS**

20. Woodgrain Inc. (“Woodgrain”) is one of the nation’s largest molding, millwork, and door manufacturing companies, with annual revenues of approximately \$800 to \$900 million as of May 2025.

21. In December 2023, Woodgrain acquired TrimCo Millwork (“Trimco”), which had production facilities in Idaho, Utah, and Aurora, Colorado.<sup>1</sup>

22. Of the seven Plaintiffs, four had worked at the Aurora facility prior to the Woodgrain acquisition.

23. At the time of the acquisition, nearly the entire non-management workforce at the Aurora facility were either African American or Hispanic.

24. In April 2024, Woodgrain brought in a new General Manager for the Aurora facility, Steven (“Steve”) Nybo.

25. Immediately upon arriving at Woodgrain, Mr. Nybo began talking openly about wanting to change the “culture” at the Aurora facility.

26. Although Mr. Nybo was not clear by what he meant about changing the “culture” at the facility, it soon became clear that for Mr. Nybo, changing the culture meant, at least in part, replacing African-American employees with white employees.

27. Indeed, Mr. Nybo began hiring young white employees with little or no experience in door and molding processing.

28. Many of these new white employees would be placed in identical positions to long-tenured Black and Hispanic employees, including Plaintiffs.

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<sup>1</sup> The Colorado facility is sometimes referred to as a “Denver” facility. In reality, the facility is located in Aurora, just across the border from the City and County of Denver.

29. Despite working the same jobs, many of the new white employees at the Aurora facility earned more than their Black and Hispanic counterparts.

30. For example, Woodgrain hired a white man who had no prior experience in door or trim processing, simply because the man frequently loitered at a gas station near the Aurora facility and decided to fill out an application.

31. Woodgrain expedited this man's application and paid him a starting wage of \$25 per hour.

32. At the same time, long-tenured African-American and Hispanic employees in the exact same position, including many of the Plaintiffs, earned only \$20 or \$21 per hour.

33. When Black employees, including Plaintiffs, would complain to Mr. Nybo about pay disparity, Mr. Nybo would simply respond that if the employees did not like it, they could find a new place to work.

34. Additionally, long-tenured African-American employees have been denied promotional opportunities, and open positions have instead been filled by new hires, all of whom are white.

35. For example, Robert Simmons is a Black employee who began working at Trimco in April 2021.

36. In 2022, Mr. Simmons was transitioned to a Sales Operations position in the Inside Sales Department.

37. Mr. Simmons left Trimco in August 2023 but returned in April 2024 and began working in the door shop. When two new positions opened up in Inside Sales in or around June 2024, Mr. Simmons immediately applied.

38. Despite having previously performed well in that exact same role, however, Mr. Mr. Simmons was not even interviewed for the position by Mr. Nybo.

39. Instead, Mr. Nybo hired two young white employees from outside the company with no experience in either sales or millwork.

40. Furthermore, the new white Sales Operations employees earned a higher hourly wage than Plaintiff Darren Brown, a Black employee who had begun working in the exact same role two years earlier.

41. Similarly, when an Operations Manager position opened in or around mid 2024, Mr. Brown immediately applied.

42. After he was not even contacted for an interview, Mr. Brown inquired with Mr. Nybo, and was told that Woodgrain had “lost” his application.

43. Mr. Brown was never actually interviewed by Mr. Nybo, and was not offered the position.

44. Mr. Brown was never informed why he was not offered the position.

45. Instead, Mr. Nybo hired James (“Jay”) Moore, a white man.

46. As Operations Manager, Mr. Moore was the direct supervisor for Plaintiffs Smith, Tate, and Wynn, and also supervised Plaintiffs Medlock and Simmons.

47. Mr. Moore immediately began showing contempt for the long-tenured Black employees, including Plaintiffs, and made little attempt to hide his racial animus.

48. For example, numerous employees overheard Mr. Moore making statements disparaging the long-tenured Black employees and expressing enthusiasm for replacing them with new employees.

49. On at least one occasion, Mr. Moore made a statement to a Black employee that he “can’t wait until we get a new crew” because “you motherfuckers can’t count.”

50. On October 11, 2024, Mr. Moore told three Black employees—Plaintiffs Tate, Wynn, and Smith, that they looked “like monkeys trying to fuck a coconut.”

51. Likening persons of African descent to monkeys is a centuries-old racist trope.

52. Plaintiffs Tate, Wynn, and Smith were shocked by this blatantly racist comment.

53. Plaintiff Tate immediately responded that Mr. Moore “sounds like an Alabama slave master” saying things like that.

54. In response, Mr. Moore stated, “Well what else would I call you other than monkeys?”

55. Plaintiffs Tate, Wynn, and Smith immediately asked Mr. Nybo to meet with them to report the incident and to discuss how Woodgrain would be responding.

56. When they met with Mr. Nybo on October 14, 2024, Mr. Nybo protected Mr. Moore and attempted to rationalize his comments.

57. For example, Mr. Nybo stated that Mr. Moore had simply used a “poor choice of words” and assured Plaintiffs that the situation “had been handled.”

58. As of October 14, 2024, however, Mr. Nybo had not even reported the incident to Woodgrain’s Human Resources Department.

59. Indeed, upon information and belief, other than a conversation with Mr. Moore, Mr. Nybo had taken no disciplinary or remedial action whatsoever.

60. As of October 14, 2024, Mr. Moore had not even received a formal write-up or any written discipline as a result of his comments likening Plaintiffs Smith, Tate, and Wynn to monkeys.

61. Upon information and belief, Mr. Nybo violated Woodgrain's policies regarding workplace harassment by failing to report Mr. Moore's conduct to Woodgrain's Human Resources Department.

62. During their meeting with Mr. Nybo on October 14, 2024, Plaintiffs Smith, Tate, and Wynn asked Mr. Nybo to escalate their concerns to Tara Schiff, whom they had been instructed was Woodgrain's human resources professional assigned to the Aurora facility.

63. In reality, Ms. Schiff has no training in handling workplace harassment complaints or investigations.

64. Ms. Schiff is an administrative assistant who has handled accounting for the Aurora facility and other former Trimco facilities since approximately 2001.

65. After multiple requests, Plaintiffs Smith, Tate, and Wynn convinced Mr. Nybo to involve Ms. Schiff.

66. Shortly thereafter, Mr. Nybo spoke with Ms. Schiff on the phone, and subsequently called Plaintiffs Smith, Tate, and Wynn into a conference room to speak with Ms. Schiff.

67. Plaintiffs Smith, Tate, and Wynn's conversation with Ms. Schiff lasted approximately two minutes.

68. Ms. Schiff did not ask Plaintiffs Smith, Tate, and Wynn to explain what happened or whether they felt safe in their workplace.

69. Ms. Schiff further did not explain whether she had taken any other steps to investigate the situation, such as interviewing Mr. Moore.

70. Instead, Ms. Schiff simply told Plaintiffs Smith, Tate, and Wynn that Mr. Nybo had "handled it."



71. Despite Ms. Schiff's dismissive response, Plaintiffs Smith, Tate, and Wynn believed that Woodgrain's Human Resources Department had been informed of the incident.

72. Over the next several months, Plaintiffs continued to experience significant disparate treatment, including verbal harassment by their supervisors.

73. As of late December 2024, Plaintiffs Smith, Tate, and Wynn had not been informed of the outcome of Woodgrain's Human Resources Department's investigation into the incident with Mr. Moore.

74. Mr. Moore continued working at Woodgrain and acting as if nothing had happened.

75. In late December 2024, Plaintiff Darren Brown drafted an "open letter" (the "Petition") regarding the discriminatory conditions Black employees were experiencing at the Aurora facility.

76. The Petition, which was signed by twenty-one primarily Black and Hispanic employees at the Aurora facility, explained that Black and Brown employees at Woodgrain had been "treated as if we are second class citizens."

77. The Petition further referenced Mr. Moore's racist comments in October 2024, wrote that Black employees were told the statement "was supposed to be a joke," and wrote that when he approached his production manager, Plaintiff Lamb, about the situation and how it made him feel, Plaintiff Brown was instructed that the General Manager's position was simply that the situation "had been handled."

78. The Petition also described Woodgrain's disparate hiring, promotion, and pay practices resulting in Black and Hispanic employees receiving less pay and fewer promotional opportunities than white employees.

79. The Petition concluded that “[t]he toxic and biased culture . . . is not right and needs to be corrected.”

80. Plaintiff Brown circulated the Petition—which had been signed by 21 employees—to his managers and Woodgrain’s Human Resources Department via email on or around January 2, 2025.

81. The following day, January 3, 2025, Woodgrain’s management provided copies of a typed letter from Woodgrain’s Human Resources Director, Michelle Bloom, to all employees in the Aurora facility. The letter stated that their complaint was “surprising” because “Woodgrain managers, employees and customers find Woodgrain a good place to work.”

82. Ms. Bloom’s letter further stated that Human Resources would be launching an investigation, and that it was “strongly recommend[ed] that while the investigation is taking place, all Denver employees stay focused on production work, specifically avoiding all forms of excessive or disruptive gossip that might disparage Woodgrain. Vindictive gossip and/or gossip that is meant to tarnish Woodgrain’s or any employee’s reputation is a form of workplace bullying and will not be tolerated. Failure to comply with any of the above could lead to disciplinary action, up to and including termination of employment.”

83. Ms. Bloom’s letter continued:

We know that a two-page letter has been circulated to the Denver workforce, albeit the letter was not dated or signed. We encourage all employees to exercise caution. As employees of Woodgrain, you are not permitted to defame the company, other employees, our products or services. Any employee found to be defaming Woodgrain and/or spreading false or malicious information that harms Woodgrain, or its employees may be considered to have initiated a hostile work environment.

84. Around this time, Woodgrain’s management began increasing scrutiny over Plaintiffs and other non-white employees in the Aurora facility.

85. For example, before Plaintiffs and other non-white employees signed the Petition, employees in the trim and door shops were permitted to listen to music while they worked.

86. After the Petition was circulated and signed, Woodgrain began reprimanding Plaintiffs—but not their white counterparts—for listening to music during working hours.

87. Approximately one week after Ms. Bloom’s letter was provided to Plaintiffs, Woodgrain’s Regional Human Resources Manager, Melissa Stubbs, came to the Aurora facility, ostensibly to interview employees who had signed the Petition about their experiences with race-based disparate treatment.

88. When Ms. Stubbs began interviewing Plaintiffs, it became immediately clear that the incident involving Mr. Moore’s racist comments in October 2024 had never been reported to Woodgrain’s Human Resources Department.

89. For example, when Ms. Stubbs interviewed Plaintiff Lamb, Ms. Stubbs began the interviewing by asking *when* the “monkeys fucking a coconut” comment had taken place, suggesting Woodgrain’s Human Resources Department learned about the incident for the first time through the Petition.

90. Notably, all seven Plaintiffs were interviewed by Ms. Stubbs with either Mr. Nybo or Mr. Moore in the room.

91. Upon information and belief, Woodgrain deliberately chose to have Mr. Nybo and/or Mr. Moore present in order to intimidate Plaintiffs during their interviews.

92. On January 14, 2025, Plaintiff Brown wrote an email to Ms. Bloom, Ms. Stubbs, Ms. Schiff, and a few other Woodgrain managers. Plaintiff Lamb was also copied on the email. In the email, Plaintiff Brown expressed concern about the anticipated duration of the investigation; inquired about whether Woodgrain would be hiring an independent investigator; and asked how

Woodgrain intended to communicate updates to employees. Plaintiff Brown also asked whether Woodgrain would be investigating employees' concerns about disparate pay as part of its investigation.

93. Ms. Bloom sent an email responding to Plaintiff Brown later that same afternoon. She wrote:

Productivity, good work performance and meeting customer expectations are paramount for our Woodgrain workforce. For that reason, I will recommend that you exercise discretion when copying other workers on your email. Your emails should be sent only to me so as not to disturb the productivity of the workforce.

94. Three days later, on January 17, 2025, Ms. Bloom held meetings with each department at the Aurora facility.

95. At one of these meetings, Plaintiffs Tate, Smith, Simmons, and Wynn were all present.

96. This meeting lasted approximately 15-20 minutes.

97. At the meeting, Ms. Bloom repeatedly acknowledged that there had been problems at the facility, that she had come to Aurora to "hit the reset button," and that Woodgrain would not tolerate any further "drama" at the Aurora facility.

98. Ms. Bloom repeatedly instructed employees that Woodgrain's focus from that date forward would be on employee productivity and performance, that no drama would be tolerated, and that employees who failed to get on board would be "taken care of."

99. Especially in light of prior threatening and intimidating statements by Ms. Bloom and others, Plaintiffs understood Ms. Bloom's statements to be indicating that any further complaints about racially disparate treatment or harassment would result in termination.

100. Indeed, at one point during the meeting, Ms. Bloom mentioned that Woodgrain is an equal opportunity employer and did not tolerate harassment. When Plaintiff Simmons asked when that anti-discrimination policy took effect and pointed out that it had been violated, Ms. Bloom immediately shut him down, stating that Woodgrain was hitting the reset button and that they would not be discussing Plaintiffs' complaints of racial harassment and discrimination.

101. Ms. Bloom also accused Plaintiffs—who, again, are all African American—of themselves using racial slurs and harassing other employees, without citing any evidence or providing any specifics.

102. At no point prior or subsequent to the January 17, 2025 meeting was any Plaintiff informed that they were under investigation for harassment or for violating any other employment policies with respect to workplace conduct.

103. Finally, also during this meeting, Ms. Bloom informed Plaintiffs that should they be separated from their employment, they were not permitted to work for any of Woodgrain's competitors, and read through a long list of companies Plaintiffs were prohibited from working for.

104. Ms. Bloom further stated that this prohibition against working for Woodgrain's competitors applied whether Plaintiffs voluntarily resigned or were involuntarily discharged.

105. Finally, Ms. Bloom stated that Woodgrain has many law firms working for it, and that any employee found working for a competitor would hear from Woodgrain's attorneys.

106. Shortly after the meeting, Plaintiff Lamb—who, as the Production Manager, was the most senior African American employee at the Aurora facility—was pulled into a conference room by Jeffery Williams, Woodgrain's District Manager for the Rocky Mountain Region.

107. Plaintiff Lamb had worked at Woodgrain for ten years. At no time in his decade-long tenure did Plaintiff Lamb ever receive a write-up or disciplinary action. Indeed, Plaintiff Lamb had not even received critical feedback throughout his employment, with the sole exception of being accused by Mr. Nybo of participating in preparing the Petition.

108. Mr. Williams simply informed Mr. Lamb that “we’re doing a reset” and “we’re not going to need your help anymore.”

109. Mr. Williams did not give Mr. Lamb any actual explanation as to why he was being discharged after ten years of employment.

110. Eleven days later, on January 28, 2025, Isaac Medlock was called into the office by Jay Moore and Steve Nybo.

111. When he arrived, Mr. Medlock—who had signed Mr. Brown’s petition—was informed that Woodgrain had looked at the GPS tracking history and alleged that Mr. Medlock had been driving to an unsanctioned location, which Messrs. Moore and Nybo asserted was his home, during work hours.

112. In reality, the drivers were not assigned to any single truck, and the drivers would each drive each of the trucks; Mr. Medlock had not actually driven to unsanctioned locations during working hours, and the location Messrs. Moore and Nybo accused him of visiting was not his home or any location he was familiar with.

113. On the basis of this pretextual accusation, which was not actually investigated, Mr. Medlock was summarily terminated.

114. The following day, Messrs. Brown, Smith, Tate, Wynn, and Simmons were brought into a conference room. When they arrived, they found four armed guards surrounding the conference table, and they were instructed to sit down.

115. Mr. Nybo then proceeded to read from a script that due to a business slowdown, the company was having to make budget cuts, and the five of them had been identified as low performers and were being terminated.

116. In reality, all five employees' performance had been satisfactory. Indeed, each of them had received positive performance reviews just days earlier.

117. What these employees have in common is that (1) they are all African American; and (2) they all signed the Petition prepared by Mr. Brown.

118. In summary, from January 17 to January 29, 2025, seven of the Aurora facility's African American employees, all of whom had signed the open letter prepared by Mr. Brown, were involuntarily terminated. In the case of Mr. Lamb, no asserted basis for his discharge was provided. In the case of Messrs. Medlock, Brown, Smith, Tate, Wynn, and Simmons, the asserted basis for their terminations was baseless.

119. The real reason that these employees were all terminated, nearly simultaneously, is that they are African American and that they repeatedly complained of racially discriminatory treatment at Woodgrain's Aurora facility.

#### **FACTS SPECIFIC TO PLAINTIFF RON LAMB**

120. Plaintiffs hereby incorporate all other paragraphs of this Complaint as if fully and separately set forth herein.

121. Plaintiff Ron Lamb began working in the door shop at TrimCo in or around 2015.

122. Mr. Lamb worked his way up and was eventually promoted to Production Manager, a role he held until his discharge in January 2025.

123. Upon information and belief, Plaintiff Lamb was compensated less than similarly-situated white Production Managers at Woodgrain facilities across the nation.

124. As Production Manager, Mr. Lamb supervised employees in the door and trim departments, including Plaintiffs Simmons, Smith, Tate, and Wynn.

125. Mr. Lamb also indirectly supervised and mentored employees in other departments, including the Inside Sales department.

126. Mr. Lamb excelled as Production Manager, and never received any negative performance review or discipline of any kind for the duration of his decade-long employment.

127. Due in part to his long tenure at TrimCo and Woodgrain and his preexisting personal relationships, Mr. Lamb had, over the years, referred many employees and helped them gain employment at Woodgrain.

128. This included Plaintiffs Brown, Simmons, Smith, Tate, and Wynn.

129. Due to his long tenure, personal relationships, and management position, Mr. Lamb was considered a leader and role model, especially for other African American employees at Woodgrain.

130. As soon as Mr. Nybo began talking openly of “changing the culture” at Woodgrain, Plaintiff Lamb began discussing with other African American employees, including Plaintiffs, his concerns about race discrimination at the Aurora facility.

131. By the time Mr. Moore called Plaintiffs Smith, Tate, and Wynn “monkeys,” Mr. Lamb had engaged in many conversations with Plaintiffs and other African American employees about Mr. Moore’s contempt for the non-white employees in the door and trim departments.

132. Mr. Lamb had also discussed some of his concerns directly with Mr. Nybo and attempted to advocate on behalf of other African American employees in the door and trim departments.



133. After Mr. Moore referred to Plaintiffs Smith, Tate, and Wynn as “monkeys,” Mr. Lamb had a conversation with Mr. Nybo about the investigation into the incident and disciplinary action against Mr. Moore.

134. During that conversation, which took place in October 2024, Mr. Nybo informed Mr. Lamb that the situation “had been handled” and declined to provide any additional information.

135. When Mr. Brown circulated his Petition referencing Mr. Moore’s racially discriminatory comments, Woodgrain’s failure to investigate those comments, and racially disparate pay and promotional opportunities, Mr. Lamb felt compelled to sign and did sign on or around December 31, 2024.

136. On January 17, 2025, Michelle Bloom came to Colorado and met with employees at the Aurora facility, including Plaintiff Lamb.

137. Later that same day, Plaintiff Lamb—who, as the Production Manager, was the most senior African American employee at the Aurora facility—was pulled into a conference room by Jeffery Williams, Woodgrain’s District Manager for the Rocky Mountain Region.

138. Plaintiff Lamb had worked at Woodgrain for ten years. At no time in his decade-long tenure did Plaintiff Lamb ever receive a write-up or disciplinary action. Indeed, Plaintiff Lamb had not even received critical feedback throughout his employment, with the sole exception of being accused by Mr. Nybo of participating in drafting the Petition.

139. Mr. Williams simply informed Plaintiff Lamb that “we’re doing a reset” and “we’re not going to need your help anymore.”

140. Mr. Williams did not give Plaintiff Lamb any actual explanation as to why he was being discharged after ten years of employment.

141. In reality, Plaintiff Lamb was discharged because he is African American and because he complained of race-based discrimination at Woodgrain's Aurora facility.

**FACTS SPECIFIC TO PLAINTIFFS SMITH, TATE, AND WYNN**

142. Plaintiffs hereby incorporate all other paragraphs of this Complaint as if fully and separately set forth herein.

143. Plaintiff LaRay Smith was hired by TrimCo in or around 2021.

144. Plaintiff Corey Tate was hired by Woodgrain in or around December 2023.

145. Plaintiff Darius Wynn was hired by Woodgrain in or around February 2024.

146. Plaintiffs Smith, Tate, and Wynn all worked in the Trim Department at Woodgrain's Aurora facility.

147. Plaintiffs Smith, Tate, and Wynn are all African American.

148. Upon information and belief, Plaintiffs Smith, Tate, and Wynn earned less than similarly-situated white employees both in the Aurora facility and at Woodgrain facilities across the nation.

149. On Friday, October 11, 2024, Plaintiffs Smith, Tate, and Wynn were working in the trim department when their supervisor, Jay Moore, told them they "looked like monkeys trying to fuck a coconut."

150. All three Plaintiffs were shocked that their white supervisor had referred to them as "monkeys."

151. Mr. Tate reacted immediately, telling Mr. Moore that he "sounds like an Alabama slave master" making comments like that.

152. In response, Mr. Moore doubled down on his hateful racist comment, stating only, "Well what else would I call you other than monkeys?"

153. Plaintiffs reported Mr. Moore's racist comment to their Production Manager, Plaintiff Lamb, and asked to set up a meeting with Mr. Nybo.

154. When Plaintiff Lamb reported the incident to Mr. Nybo the following Monday, Mr. Nybo warned Plaintiff Lamb not to make a "big deal" out of it.

155. When Plaintiffs Smith, Tate, and Wynn met with Mr. Nybo later that day, Mr. Nybo merely stated repeatedly that the situation "had been handled" and declined to answer any of Plaintiffs' specific questions about Mr. Nybo's investigation or the disciplinary action taken against Mr. Moore.

156. In reality, Mr. Nybo had not reported the incident to Woodgrain's Human Resources department, and Woodgrain's Human Resources team did not learn about the incident until months later.

157. Due to Woodgrain's racially disparate pay practices and other racially discriminatory practices and conduct, Plaintiffs Smith, Tate, and Wynn felt compelled to sign the Petition, which they did on December 31, 2024.

158. Plaintiffs Smith, Tate, and Wynn were summarily discharged because they are African American and because they complained of race-based discrimination at Woodgrain's Aurora facility.

#### **FACTS SPECIFIC TO PLAINTIFF ROBERT SIMMONS**

159. Plaintiffs hereby incorporate all other paragraphs of this Complaint as though fully and separately set forth herein.

160. Plaintiff Robert Simmons is an African American employee who began working at Trimco in April 2021.

161. In 2022, Mr. Simmons was transitioned to a Sales Operations position in Woodgrain's Inside Sales Department, a position he held for approximately one year.

162. Mr. Simmons left Trimco in August 2023 but returned in April 2024. When a position opened up on Inside Sales in or around June 2024, Mr. Simmons immediately applied.

163. Despite his training and experience working in this exact role, however, Mr. Simmons was not even interviewed by Mr. Nybo.

164. Instead, Mr. Nybo hired two young white employees from outside the company with no experience in either sales or production of doors and trim.

165. Upon information and belief, Mr. Simmons—who works in the door shop—earns less than similarly-situated white employees both in the Aurora facility and at Woodgrain facilities across the nation.

166. Due to Woodgrain's racially disparate pay practices, the fact he was passed over for a position that was given to a less-experienced white candidate, and Woodgrain's other racially discriminatory practices and conduct, Mr. Simmons felt compelled to sign the Petition, which he did on December 31, 2024.

167. In fact, Mr. Simmons was the first Woodgrain employee to sign the Petition.

168. Plaintiff Simmons was discharged because he is African American and because he complained of race-based discrimination at Woodgrain's Aurora facility.

**FACTS SPECIFIC TO PLAINTIFF ISAAC MEDLOCK**

169. Plaintiffs hereby incorporate all other paragraphs of this Complaint as if fully and separately set forth herein.

170. Plaintiff Isaac Medlock was hired by Woodgrain as a delivery driver in or around January 2024.

171. Upon information and belief, throughout his tenure at Woodgrain, Mr. Medlock was compensated less than similarly-situated white delivery drivers at the Aurora facility and at Woodgrain facilities across the nation.

172. Mr. Medlock was also subjected to implicitly discriminatory statements about “changing the culture” at the Aurora facility as other Plaintiffs as described herein.

173. In addition to being subjected to these racially discriminatory practices, Mr. Medlock was also very concerned about the widespread pay disparity for African American employees at the Aurora facility, as well as racist harassment levied at African American employees.

174. Due to Woodgrain’s racially disparate pay practices and other racially discriminatory practices and conduct, Mr. Medlock felt compelled to sign the Petition, which he did on January 2, 2025.

175. On January 28, 2025, Mr. Medlock was called into the office by Jay Moore and Steve Nybo.

176. At that time, Mr. Medlock was informed that Woodgrain had looked at the GPS tracking history and alleged that Mr. Medlock had been driving to an unsanctioned location, which Messrs. Moore and Nybo asserted was his home, during work hours.

177. In reality, the drivers were not assigned a single truck, and the drivers would each drive each of the trucks; Mr. Medlock had not actually driven to unsanctioned locations during working hours.

178. On the basis of this pretextual accusation, which was not actually and/or thoroughly investigated, Mr. Medlock was summarily terminated.

179. In reality, Plaintiff Medlock was discharged because he is African American and because he complained of race-based discrimination at Woodgrain's Aurora facility, including by signing the Petition on or around January 2, 2025.

**FACTS SPECIFIC TO PLAINTIFF DARREN BROWN**

180. Plaintiffs hereby incorporate all other paragraphs of this Complaint as if fully and separately set forth herein.

181. Plaintiff Darren Brown was hired into a Sales Operations role in Woodgrain's Inside Sales department in or around December 2022.

182. Upon information and belief, throughout his tenure, Mr. Brown was compensated less than similarly-situated white employees both in the Aurora facility and at Woodgrain facilities across the nation.

183. In or around mid 2024, after having worked in the Inside Sales department for approximately one year, Mr. Brown applied for an open Operations Manager position at Woodgrain's Aurora facility.

184. After he was not even contacted for an interview, Mr. Brown inquired with Mr. Nybo and was told that Woodgrain had "lost" his application.

185. Mr. Brown was never interviewed for the position.

186. Mr. Brown was never informed why he was not offered the position; however, the position was filled by Mr. Moore, a white man.

187. Upon information and belief, Mr. Brown was never seriously considered for the position.

188. Due to Woodgrain's racially disparate pay practices, the fact he was passed over for a position that was given to a white candidate, and Woodgrain's other racially discriminatory

practices and conduct described herein, Mr. Brown felt compelled to prepare the Petition, which he also signed and circulated to other employees on or around December 31, 2024.

189. Mr. Brown circulated the Petition—which had been signed by 21 employees—to his managers and Woodgrain’s Human Resources Department via email on or around January 2, 2025.

190. On January 14, 2025, Plaintiff Brown wrote an email to Ms. Bloom, Ms. Stubbs, Ms. Schiff, and a few other Woodgrain managers. Plaintiff Lamb was also copied on the email. In the email, Plaintiff Brown expressed concern about the anticipated duration of the investigation; inquired about whether Woodgrain would be hiring an independent investigator; and asked how Woodgrain intended to communicate updates to employees. Plaintiff Brown also asked whether Woodgrain would be investigating employees’ concerns about disparate pay as part of its investigation.

191. Ms. Bloom sent an email responding to Plaintiff Brown later that same afternoon. She wrote:

Productivity, good work performance and meeting customer expectations are paramount for our Woodgrain workforce. For that reason, I will recommend that you exercise discretion when copying other workers on your email. Your emails should be sent only to me so as not to disturb the productivity of the workforce.

192. On January 29, 2025, Mr. Brown, along with Messrs. Smith, Tate, Wynn, and Simmons, was brought into a conference room and summarily discharged without any lawful basis.

193. Mr. Brown was discharged because he is African American and because he complained of race-based discrimination at Woodgrain’s Aurora facility.

### **CLAIMS FOR RELIEF**

#### **FIRST CLAIM FOR RELIEF Title VII of the Civil Rights Act of 1964**

**42 U.S.C. §§ 2000e *et seq.***  
**Race-Based Discrimination (Disparate Treatment)**

194. Plaintiffs hereby incorporate all other paragraphs of this Complaint as if fully and separately set forth herein.

195. Plaintiffs were at all times relevant to the subject matter of this lawsuit “employees” of Defendant Woodgrain Inc. as that term is defined by 42 U.S.C. § 2000e.

196. At all times relevant, Defendant was Plaintiffs’ “employer” as that term is defined in 42 U.S.C. § 2000e.

197. Plaintiffs are all African American men.

198. Title VII of the Civil Rights Act of 1964 prohibits an employer from discriminating in the terms and conditions of employment because of an employee’s race and color.

199. Defendant Woodgrain subjected Plaintiffs to less favorable terms and conditions of employment based on their race and color. This treatment included but was not limited to:

- a. Subjecting Plaintiffs to severe or pervasive harassment because of their race, including through racial slurs and tropes levied at Plaintiffs by supervisory employees;
- b. Paying Plaintiffs lower wages than similarly-situated white employees;
- c. Declining to consider Plaintiffs for hiring and promotional opportunities;
- d. Subjecting Plaintiffs to increased scrutiny in the enforcement of workplace policies compared to similarly-situated white employees; and
- e. Discharging Plaintiffs.

200. The breadth of Woodgrain’s racially discriminatory practices reflects a pattern and practice of intentional discrimination on the basis of race against African Americans that cuts across departments and permeates Woodgrain’s Aurora facility.



201. Upon information and belief, the above-described pattern of race-based discrimination extends beyond Woodgrain's Aurora facility to Woodgrain facilities across the nation.

202. The effect of the complained-of practices in the foregoing paragraph has been to deprive Plaintiffs of equal employment opportunities because of their race.

203. Defendant's actions described herein were engaged in with malice or with reckless indifference to Plaintiffs' federally protected rights.

204. As a direct and proximate cause of Defendant's actions, Plaintiffs have suffered damages, including lost wages and benefits, diminished reputation and other pecuniary losses, and emotional pain and suffering, mental anguish, inconvenience, humiliation, loss of dignity, and other non-pecuniary losses.

**SECOND CLAIM FOR RELIEF**  
**Title VII of the Civil Rights Act of 1964**  
**42 U.S.C. §§ 2000e *et seq.***  
**Retaliation**

205. Plaintiffs hereby incorporate all other paragraphs of this Complaint as if fully and separately set forth herein.

206. Plaintiffs participated in statutorily protected activity by opposing employment practices targeted at them that are unlawful under Title VII.

207. This protected activity included, among other things, complaining about a racially hostile work environment, racially discriminatory pay, racially discriminatory employment opportunities, and by signing the Petition in or around late December 2024.

208. As a result of Plaintiffs' protected opposition to discrimination, Woodgrain retaliated against them by subjecting them to less favorable terms and conditions of employment.

This treatment included but was not limited to:

- a. Threatening and intimidating Plaintiffs with respect to their complaints and communications with other employees relating to discriminatory practices;
- b. Subjecting Plaintiffs to increased scrutiny in the enforcement of workplace policies compared to similarly-situated white employees; and
- c. Discharging Plaintiffs.

209. As a direct and proximate cause of Defendant's actions, Plaintiffs have suffered damages, including lost wages and benefits, diminished reputation and other pecuniary losses, and emotional pain and suffering, mental anguish, inconvenience, humiliation, loss of dignity, and other non-pecuniary losses.

**THIRD CLAIM FOR RELIEF**  
**42 U.S.C. § 1981**  
**Race-Based Discrimination (Disparate Treatment)**

210. Plaintiffs hereby incorporate all other paragraphs of this Complaint as if fully and separately set forth herein.

211. At all times relevant to the subject matter of this lawsuit, each Plaintiff had a contractual employment relationship with Defendant.

212. Plaintiffs are all African American men.

213. Defendant subjected Plaintiffs to less favorable terms and conditions of their contractual employment relationship because of Plaintiffs' race.

214. Such treatment included but was not limited to:

- a. Subjecting Plaintiffs to severe or pervasive harassment because of their race, including through racial slurs and tropes levied at Plaintiffs by supervisory employees;
- b. Paying Plaintiffs lower wages than similarly-situated white employees;

- c. Declining to consider Plaintiffs for hiring and promotional opportunities;
- d. Subjecting Plaintiffs to increased scrutiny in the enforcement of workplace policies compared to similarly-situated white employees; and
- e. Discharging Plaintiffs.

215. The breadth of Woodgrain's racially discriminatory practices reflects a pattern and practice of intentional discrimination on the basis of race against African Americans that cuts across departments and permeates Woodgrain's Aurora facility.

216. Upon information and belief, the above-described pattern of race-based discrimination extends beyond Woodgrain's Aurora facility to Woodgrain facilities across the nation.

217. The treatment described in the preceding paragraph was imposed upon Plaintiffs because of their race, namely African American.

218. The effect of the complained-of practices in the foregoing paragraph has been to deprive Plaintiffs of equal employment opportunities because of their race.

219. Defendant's actions described herein were engaged in with malice or with reckless indifference to Plaintiffs' federally protected rights.

220. As a direct and proximate cause of Defendant's actions, Plaintiffs have suffered damages, including lost wages and benefits, diminished reputation and other pecuniary losses, and emotional pain and suffering, mental anguish, inconvenience, humiliation, loss of dignity, and other non-pecuniary losses.

**FOURTH CLAIM FOR RELIEF**  
**42 U.S.C. § 1981**  
**Retaliation**

221. Plaintiffs hereby incorporate all other Paragraphs of this Complaint as if fully and separately set forth herein.

222. Plaintiffs participated in statutorily protected activity by opposing unlawful racially discriminatory employment practices in violation of 42 U.S.C. § 1981.

223. This protected activity included, among other things, complaining about a racially hostile work environment, racially discriminatory pay, racially discriminatory employment opportunities, and by signing the Petition in or around late December 2024.

224. As a result of Plaintiffs' protected opposition to discrimination, Woodgrain retaliated against them by subjecting them to less favorable terms and conditions of employment. This treatment included but was not limited to:

- a. Threatening and intimidating Plaintiffs with respect to their complaints and communications with other employees relating to discriminatory practices;
- b. Subjecting Plaintiffs to increased scrutiny in the enforcement of workplace policies compared to similarly-situated white employees; and
- c. Discharging Plaintiffs.

225. As a direct and proximate cause of Defendant's actions, Plaintiffs have suffered damages, including lost wages and benefits, diminished reputation and other pecuniary losses, and emotional pain and suffering, mental anguish, inconvenience, humiliation, loss of dignity, and other non-pecuniary losses.

**FIFTH CLAIM FOR RELIEF**  
**C.R.S. §§ 24-34-501 *et seq.***  
**Colorado Anti-Discrimination Act**  
**Race-Based Discrimination (Disparate Treatment)**

226. Plaintiffs hereby incorporate all other paragraphs of this Complaint as if fully and separately set forth herein.

227. Plaintiffs were at all times relevant to the subject matter of this lawsuit “employees” of Defendant Woodgrain Inc. as that term is defined by C.R.S. § 24-34-401.

228. At all times relevant, Defendant was Plaintiffs’ “employer” as that term is defined in C.R.S. § 24-34-401.

229. Plaintiffs are all African American men.

230. The Colorado Anti-Discrimination Act prohibits an employer from discriminating in the terms and conditions of employment because of an employee’s race and color.

231. Defendant Woodgrain subjected Plaintiffs to less favorable terms and conditions of employment based on their race and color. This treatment included but was not limited to:

- a. Subjecting Plaintiffs to harassment because of their race, including through racial slurs and tropes levied at Plaintiffs by supervisory employees;
- b. Paying Plaintiffs lower wages than similarly-situated white employees;
- c. Declining to consider Plaintiffs for hiring and promotional opportunities;
- d. Subjecting Plaintiffs to increased scrutiny in the enforcement of workplace policies compared to similarly-situated white employees; and
- e. Discharging Plaintiffs.

232. The breadth of Woodgrain’s racially discriminatory practices reflects a pattern and practice of intentional discrimination on the basis of race against African Americans that cuts across departments and permeates Woodgrain’s Aurora facility.

233. Upon information and belief, the above-described pattern of race-based discrimination extends beyond Woodgrain’s Aurora facility to Woodgrain facilities across the nation.

234. The effect of the complained-of practices in the foregoing paragraph has been to deprive Plaintiffs of equal employment opportunities because of their race.

235. Defendant's actions described herein were engaged in with malice or with reckless indifference to Plaintiffs' federally protected rights.

236. As a direct and proximate cause of Defendant's actions, Plaintiffs have suffered damages, including lost wages and benefits, diminished reputation and other pecuniary losses, and emotional pain and suffering, mental anguish, inconvenience, humiliation, loss of dignity, and other non-pecuniary losses.

**SIXTH CLAIM FOR RELIEF**  
**C.R.S. §§ 24-34-501 *et seq.***  
**Colorado Anti-Discrimination Act**  
**Retaliation**

237. Plaintiffs hereby incorporate all other paragraphs of this Complaint as if fully and separately set forth herein.

238. Plaintiffs participated in statutorily protected activity by opposing employment practices targeted at them that are unlawful under the Colorado Anti-Discrimination Act.

239. This protected activity included, among other things, complaining about a racially hostile work environment, racially discriminatory pay, racially discriminatory employment opportunities, and by signing the Petition in or around late December 2024.

240. As a result of Plaintiffs' protected opposition to discrimination, Woodgrain retaliated against them by subjecting them to less favorable terms and conditions of employment. This treatment included but was not limited to:

- a. Threatening and intimidating Plaintiffs with respect to their complaints and communications with other employees relating to discriminatory practices;

- b. Subjecting Plaintiffs to increased scrutiny in the enforcement of workplace policies compared to similarly-situated white employees; and
- c. Discharging Plaintiffs.

241. As a direct and proximate cause of Defendant's actions, Plaintiffs have suffered damages, including lost wages and benefits, diminished reputation and other pecuniary losses, and emotional pain and suffering, mental anguish, inconvenience, humiliation, loss of dignity, and other non-pecuniary losses.

**SEVENTH CLAIM FOR RELIEF**  
**C.R.S. §§ 8-2-113**  
**Violation of the Prohibition Against**  
**Unlawful Covenants Not to Compete**

242. At all times relevant to the subject matter of this lawsuit, Plaintiffs were "employees" of Defendant and Defendant was Plaintiffs' "employer."

243. Colorado law prohibits employers from using "force, threats, or other means of intimidation to prevent any person from engaging in any lawful occupation at any place the person sees fit." C.R.S. § 8-2-113(1.5)(a).

244. Violation of the above-referenced provision is a class 2 misdemeanor. C.R.S. § 8-2-113(1.5)(b).

245. Colorado law further provides that covenants not to compete are void except as to employees earning at least the threshold amount for "highly compensated workers" as determined by the Colorado Department of Labor and Employment's Division of Labor Standards and Statistics. C.R.S. § 8-2-113(2)(a), (b).

246. Even where an employee earns the above-referenced threshold amount—which, in 2025, was \$127,091 per year—a covenant not to compete must be "no broader than reasonably

necessary to protect the employer's legitimate interest in protecting trade secrets." C.R.S. § 8-2-113(2)(b).

247. Colorado law strictly prohibits an employer from "enter[ing] into, present[ing] to a worker or prospective worker as a term of employment, or attempt[ing] to enforce any covenant" that is void pursuant to the above-referenced sections. C.R.S. § 8-2-113(8)(a).

248. At all times relevant to the subject matter of this lawsuit, Plaintiffs were not "highly compensated employees" pursuant to Colorado law.

249. By instructing Plaintiffs that they are prohibited from working for any of Woodgrain's competitors, and by threatening that any employee found to be working from a Woodgrain competitor would hear from Woodgrain's attorneys, Defendant, by and through its representative Michelle Bloom, violated the prohibition against unlawful covenants not to compete as set forth herein.

250. As a result of Defendant's unlawful conduct described herein, Plaintiffs have suffered damages, including but not limited to lost wages, restricted career opportunities, damage to reputation, humiliation, stress, and other pecuniary and non-pecuniary damages, and are entitled to actual damages, statutory penalties, declaratory and injunctive relief, reasonable costs, and attorney fees as set forth in C.R.S. § 8-2-113(8)(b).

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs requests that the Court enter judgment in their favor, and against Defendant, for the following relief:

- a. Actual economic damages as established at trial;



- b. Compensatory damages, including but not limited to those for past and future pecuniary and non-pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other non-pecuniary losses;
- c. Punitive damages for all claims as allowed by law in an amount to be determined at trial;
- d. Injunctive and declaratory relief;
- e. Pre-judgment and post-judgment interest at the highest lawful rate;
- f. The appropriate tax-offset permitted by law;
- g. Attorneys' fees and costs; and
- h. Such further relief as justice requires, and any other relief as this court deems just and proper.

**JURY DEMAND**

Plaintiffs hereby demand a jury trial on all issues so triable.

Respectfully submitted this 21st day of May, 2025.

*s/ Benjamin DeGolia*

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