

3/16/2026

LAURA A. AUSTIN, CLERK

BY: s/ ARLENE LITTLE
DEPUTY CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

ALVIN CLARK,

Plaintiff,

v.

Civil Action No. 6:26cv00027

TYSON FARMS, INC.,

Serve:

**United Agent Group Inc., Registered Agent
425 W. Washington St.**

Suite 4

Suffolk, VA 23434

and

TYSON POULTRY, INC.,

Serve:

**United Agent Group Inc., Registered Agent
1521 Concord Pike**

Suite 201

Wilmington, DE 19803

Defendants.

COMPLAINT

COMES NOW Alvin Clark, by counsel, and moves for judgment against Defendants Tyson Farms, Inc. and Tyson Poultry, Inc., jointly and severally, and as grounds therefore states as follows:

I. JURISDICTION AND VENUE

1. At the times material hereto, Alvin Clark is and was a resident of Danville, Virginia and is and was domiciled in the Commonwealth of Virginia.

2. At the times material hereto, Mr. Clark worked for Defendants in Ringgold, Virginia.

3. At the times material hereto, Tyson Farms, Inc. is and was a North Carolina corporation doing business in the Commonwealth of Virginia. Upon information and belief, and after a

reasonable inquiry, Tyson Farms, Inc. employed Plaintiff. Plaintiff's paychecks reflected that he was "Employed By: Tyson Farms, Inc."

4. At the times material hereto, Tyson Poultry, Inc. is and was a Delaware corporation. Defendants have represented to Plaintiff, via counsel, that Tyson Poultry, Inc. is a subsidiary of Tyson Foods, Inc., its parent corporation. Defendants have further represented to Plaintiff, via counsel, that Tyson Poultry, Inc. employed Mr. Clark in Ringgold, VA. However, neither Tyson Foods, Inc. nor Tyson Poultry, Inc. are registered with the Virginia State Corporation Commission to do business in the Commonwealth of Virginia. Tyson Foods Local Grain Services (Amelia Co) is the only entity registered with the Virginia State Corporation Commission that begins with the words "Tyson Foods." According to the Virginia State Corporation Commission, Tyson Foods Local Grain Services (Amelia Co) is a registered fictitious name for Tyson Farms, Inc. As stated, however, Defendants have represented to Plaintiff, via counsel, that Tyson Poultry, Inc. employed Plaintiff in Ringgold, VA.

5. Upon information and belief, and after a reasonable inquiry, Defendants are joint employers, integrated employers, and/or apparent agents of one another, as it relates to Plaintiff's employment.

6. A substantial part of the acts and/or omissions of Defendants from which the causes of action arise occurred within Ringgold, Virginia, which is within Pittsylvania County.

7. Tyson employs over 100,000 team members in the United States.

II. FACTS

8. Alvin Clark began employment with Tyson on or about July 30, 2024.

9. At the times relevant hereto, Mr. Clark held the role of Maintenance Mechanic Level 8.

10. Mr. Clark is black / African American and 62 years old.

11. Mr. Clark is a well-educated, qualified maintenance mechanic.

12. Mr. Clark has an associate's degree in electrical technology and significant workplace experience relevant to his field.

13. Mr. Clark was the only Maintenance Mechanic Level 8 at the Ringgold, Virginia Tyson location, for most of Mr. Clark's employment.

14. Mr. Clark was the oldest employee in his department.

15. Mr. Clark was the only black employee that worked in his area during his shift for most of his employment.

16. When an HVAC job opened, Mr. Clark expressed interest in the role.

17. In response, Supervisor Chris Harris tried to talk Mr. Clark out of his interest in the role, indicating that Mr. Clark "didn't want that job" and informing Mr. Clark that management was "looking for someone young to do that." Tyson's Caucasian leadership also told Mr. Clark that he would not receive the promotion, despite being the most qualified employee for the promotion, because he is a "nigger."

18. At the time, Mr. Clark was the highest-ranking mechanic in his department.

19. Then, a Maintenance Electrical Technician role opened.

20. Mr. Clark again informed Supervisor Harris of his interest in the role.

21. Tyson's normal practice was to select the most qualified internal candidate, who was Mr. Clark.

22. However, the Maintenance Electrical Technician role was given to an outside hire, who was Caucasian.

23. The new hire quit within a week.

24. Thus, the Maintenance Electrical Technician role was open again.

25. Mr. Clark applied again, but he was told that there was a “test” he would have to take.

26. Mr. Clark asked Peanut, D Shift Supervisor, and Rex, A Shift Supervisor, if they had ever given any such test for that role.

27. Both Supervisor Peanut and Supervisor Rex indicated no.

28. Upon information and belief and based on a reasonable inquiry, the test that Mr. Clark was given to take was designed solely for Mr. Clark.

29. Mr. Clark took the test and passed it.

30. Thereafter, Mr. Clark was told, “ain’t no nigger getting the job.”

31. Mr. Clark was also told by management that they “needed someone younger.”

32. Mr. Clark could easily perform the job duties of the Maintenance Electrical Technician role.

33. Mr. Clark was not selected for and never heard further about the Maintenance Electrical Technician role.

34. Mr. Clark reported the discrimination related to failing to place him in the foregoing roles to both Supervisor Harris and Tyson’s Human Resources Department, but nothing was done to correct the discrimination.

35. Continuing, during his employment, Tyson’s Caucasian leadership told Mr. Clark that they were going to stab him.

36. Tyson’s Caucasian leadership physically pulled knives out in the plant and threatened Mr. Clark with them.

37. Tyson’s Caucasian leadership told Mr. Clark that they were going to “cut [his] balls off.”

38. Tyson’s Caucasian leadership threatened Mr. Clark, “We’re going to do you just like Paul Deshazo.”

39. Paul Deshazo was a black man who worked at the local post office in Ringgold, Virginia that was killed in 1990 by a white man who cut off Mr. Deshazo's penis, put Mr. Deshazo's penis in Mr. Deshazo's mouth, shot him, and caught his car on fire.

40. Tyson's Caucasian leadership told Mr. Clark that they were going to hang him.

41. Tyson's Caucasian leadership threatened to hang Mr. Clark from a drop cord hanging from the ceiling.

42. Tyson's Caucasian leadership wrapped a forklift strap in the shape of a noose and hung it from the forks of the forklift, and then raised up the noose using the forks, in front of Mr. Clark.

43. Tyson's Caucasian leadership, Lead Dennis "DJ" Moser, pulled a gun on Mr. Clark and threatened him.

44. Supervisor Harris witnessed the discrimination and harassment of Mr. Clark firsthand and not only did nothing to stop, correct, or prevent the harassment, but incredibly, Supervisor Harris joined in by laughing about it and encouraging the horrifying harassment to continue.

45. Mr. Clark's coworker, Matthew Reeves, Maintenance Mechanic Level 5, told Tyson's employees that they needed to stop talking that way to Mr. Clark and needed to leave Mr. Clark alone.

46. Mr. Reeves is Caucasian.

47. Mr. Reeves is a Born-Again Christian.

48. In response to Mr. Reeves' requests that the race harassment against Mr. Clark stop, Tyson's Caucasian leadership referred to Mr. Reeves as a "nigger lover."

49. Tyson's Caucasian leadership told Mr. Reeves that he needed to separate from Mr. Clark as Mr. Reeves' skin was not black.

50. Tyson's Caucasian leadership told Mr. Reeves that he was not Mr. Clark's "kind."

51. Tyson's Caucasian leadership rubbed their own white wrist and told Mr. Reeves that he was not Mr. Clark's "kind."

52. Tyson's Caucasian leadership told Mr. Reeves that he should not sit at the same table as Mr. Clark.

53. Mr. Reeves quoted religious scripture to attempt to share information that may convince Tyson's employees to stop engaging in such horrendous acts.

54. In response, Lead Taylor Crews told Mr. Reeves that Lead Taylor Crews physically stood on a Bible, followed by an explicit statement.

55. Tyson's leadership pointed to a large black male employee on the cleaning crew, telling Mr. Reeves that the man would have his way and rape Mr. Reeves all night long.

56. When Mr. Reeves requested that the harassment stop, and reiterated Bible scripture, Tyson's leadership repeated the threat.

57. Tyson's leadership also made a comment about someone going in the back door of Mr. Reeves' home to have sex with or rape his wife.

58. Lead Crews also questioned Mr. Reeves, "What would you do if I broke into your house?"

59. Mr. Reeves, terrified, responded, "Don't do it, please. Don't do it. I have to protect my family."

60. On another occasion, a Lead told Mr. Reeves that he was going to see Mr. Reeves' wife when he got off work, knowing that Mr. Reeves was going to have to work all night thereafter. This Lead was aware that Mr. Reeves is a Born Again Christian and that such a comment would be offensive to his religious beliefs.

61. Tyson's leadership also gathered on various occasions at work to look at sexually explicit images and videos of women and children.

62. Mr. Reeves witnessed this behavior and spoke out against it to the individuals participating in it. Mr. Reeves relayed that it was sinful to view women in a lustful way.

63. It did not stop Tyson's leadership; instead, they just tried to hide it when Mr. Reeves was around and doubled down on their retaliation against him.

64. Mr. Clark also requested that this harassment stop, to no avail.

65. Instead of stopping the behavior, it exacerbated it. By way of example, on one occasion, a shift supervisor, who was much larger than Mr. Clark, grabbed Mr. Clark in a bear hug and kissed him on the face. This event was in front of the work cameras and other witnesses.

66. On another occasion, Lead Moser pulled a loaded gun on Mr. Clark and Mr. Reeves in Tyson's parking lot and attempted to shoot Mr. Clark, but the gun jammed.

67. Mr. Reeves had to roll up the window and flee in the vehicle as Tyson's Caucasian leadership was lifting Mr. Clark up by pulling on his shirt.

68. Tyson's Caucasian leadership stated to Mr. Clark and Mr. Reeves, "We don't have to get you now, we'll get you down the road."

69. This event happened within view of Tyson's security cameras.

70. Thereafter, Mr. Clark and Mr. Reeves lived in fear of leaving work each day, fearing they would be followed and killed by Tyson's leadership.

71. Supervisor Harris stated that they were not going to be hiring anyone without prior mechanical experience. Yet, not long after Mr. Clark's and Mr. Reeves' lives were threatened, and they were told that they were going to be gotten "down the road," Tyson's management hired Mr. Clark's neighbor, who had no mechanical experience, and then threatened Mr. Clark that they knew where he lives and insinuated that they had eyes on his every movement now that they had sought out and hired his neighbor to work there.

72. Supervisor Harris even went inside Mr. Clark's vehicle, without permission, one day, for unknown reasons.

73. Mr. Clark feared for his safety so greatly that he did not return to his home and instead stayed in hotels trying to figure out what to do so that he was not located by Tyson's employees and murdered.

74. Mr. Clark also asked Lead Crews to stop Lead Moser from harassing him.

75. While Lead Crews harassed Mr. Clark and Mr. Reeves, he was the lesser of the two evils between Lead Moser and Lead Crews.

76. Nevertheless, nothing changed.

77. This horrific discrimination and retaliation persisted for months.

78. The race harassment was not only directed at Mr. Clark.

79. For example, Michael Terry Nowlin, Downtime Specialist, yelled out, in the presence of a female cleaning employee, who is black, "I can say whatever I want, black, black, black, black, black." She left the area, upset.

80. On one occasion, Mr. Clark asked Lead Moser why he did not like black people. Lead Moser responded, "I just don't like niggers, I just don't."

81. At the brink of a mental breakdown, Mr. Clark and Mr. Reeves requested a single day off work.

82. HR approved both Mr. Clark and Mr. Reeves having the day off.

83. Mr. Clark and Mr. Reeves reported to HR that they feared that Supervisor Harris would retaliate if they were granted the day off.

84. HR assured Mr. Clark and Mr. Reeves that they would not be retaliated against for requesting and receiving the day off work, stating that Mr. Clark and Mr. Reeves should not "worry

about Chris [Harris]”, and confirming their neither Mr. Reeves nor Mr. Clark would be assessed attendance points. Mr. Reeves asked if either of them needed to call into the attendance line, and HR responded, “no, don’t worry about it because I’m going to send Chris [Harris] an email, and he will not give you a point. I’ll make sure of that. We’re going to take care of it,” or words to that effect.

85. However, after Mr. Reeves utilized the day off, he was assessed three attendance points.

86. Mr. Reeves reported this retaliation to HR, who took no action to remedy the retaliation.

87. On March 14, 2025, Mr. Clark and Mr. Reeves called Tyson’s Concerns Hotline regarding how Supervisor Harris was also forcing them to work in unsafe conditions:

REPORT DETAILS

Report Submission Date

3/14/2025

Reported Company/Branch Information

Location Danville Plant

1725 Cane Creek Parkway Ringgold, VA 24586

City/State/Zip: Ringgold, VA, 24586, United States of America)

What is your relationship to Tyson?

Team Member

Details

Since May 20, 2024, Chris John Harris, supervisor, has always been rushing employees (names and job titles unknown) to go out to hazardous conditions to assemble the machine when it is not ready; disregard the safety of employees. A coworker (name and job title unknown) was once sprayed by chemicals in the eye because the machine was not ready to assemble and was rushed to assemble has been addressed with Chris; however he gets upset with the employees. The issue is still ongoing.

Follow-Up Notes

There are no additional notes for this report.

Follow-Up Questions/Comments

3/14/2025 11:15 AM posted by Organization

Thank you for reporting your concern to the Tyson Help Line. We strive to forward these to the appropriate parties for handling as quickly as possible. Please check for additional follow up regularly.

Chat Transcripts

There are no chat transcripts for this incident.

88. With regard to the safety issues, every morning around 3am, after the cleaning crew finished cleaning, it was time for maintenance to reassemble the machines. However, Supervisor Harris directed Mr. Clark and Mr. Reeves to reassemble before the cleaners finished spraying acids and other cleaning agents, which caused Mr. Clark and Mr. Reeves to be unable to breathe.

89. Despite protest, Supervisor Harris forced Mr. Clark and Mr. Reeves to go out and begin the work before the workplace was safe.

90. On one such occasion, Tyson was understaffed. Mr. Clark and Mr. Reeves were working together to disassemble an extremely heavy steel pipe when the slippery pipe broke Mr. Clark's nose. The pipe was slippery from the cleaning agent that the cleaning crew used. Mr. Clark went to the bathroom and popped his broken nose into place, using dressings and bandages to stop the profuse bleeding. Mr. Clark told Supervisor Harris that he needed to go to the ER to have it checked, but Supervisor Harris told him, "Just go back to work." Mr. Clark sought medical care thereafter. Mr. Clark was diagnosed with a nasal fracture, had some restrictions for a week related to wearing anything on his face and refraining from pushing and/or pulling to prevent pressure on his face, and then he was returned to full duty. The injury left a scar/bump on Mr. Clark's nose.

91. On another occasion, Mr. Clark was sprayed in the eyes with a chemical cleaning agent, which caused his voice to change and his eyes to swell up.

92. Supervisor Harris made it apparent that he knew Mr. Clark and Mr. Reeves were the source of the report — it was about the unsafe conditions the two had endured, thus it was not very hard to put together.

93. After making the report, Supervisor Harris doubled down and amplified the times he demanded that Mr. Clark and Mr. Reeves begin their work before the conditions were safe.

94. Supervisor Harris' demands that Mr. Clark and Mr. Reeves put themselves in physical danger and work in unsafe conditions were a continuation of the discrimination and retaliation the two were enduring and an effort to force them to resign.

95. Tellingly, on one occasion, a very heavy gearbox fell on Mr. Reeves, pinning him against a steel rail, obstructing his ability to breathe. Mr. Clark was the only individual who helped Mr. Reeves escape; when Supervisor Harris was notified immediately thereafter, he could not bother himself to even stop scrolling on his phone.

96. On March 19, 2025, within 4 days of calling Tyson’s Concerns Hotline, Mr. Clark and Mr. Reeves were brought to the office and questioned about leaving work on a prior occasion for a very short lunch break, and then they were walked out of work and suspended “pending further investigation.”

97. Employees frequently left work at Tyson for a lunch break without clocking out.

98. In fact, Supervisor Harris often changed employees’ time punches to reflect that they were working when they were not.

99. At no time did either Mr. Reeves or Mr. Clark attempt to steal time by going to lunch.

100. Moreover, neither Mr. Reeves nor Mr. Clark had been warned about this being a problem, and they witnessed their colleagues frequently doing the same thing.

101. On March 26, 2025, both Mr. Clark and Mr. Reeves were called and informed that their employment was terminated.

102. While Mr. Clark and Mr. Reeves were told that they had the right to appeal and that someone would call them regarding the appeal, no one ever contacted either of them further.

103. Mr. Clark and Mr. Reeves were both stellar employees.

104. Mr. Clark was told that he was doing an “exceptional job.”

105. Mr. Clark was never assessed attendance points.

106. Mr. Clark was never written up during his employment.

107. Despite Mr. Clark and Mr. Reeves reporting the foregoing harassment to Tyson’s HR, the harassers remained employed by Tyson.

COUNT I: TITLE VII HOSTILE WORK ENVIRONMENT

108. Plaintiff incorporates by reference herein the preceding paragraphs of this Complaint.

109. Mr. Clark timely filed a Complaint with the Equal Employment Opportunity Commission on April 22, 2025, and filed this suit within 90 days of receipt of the Notice of Right to Sue, which was issued on January 8, 2026 (Ex. A).

110. Mr. Clark identifies his color / race as Black / African American.

111. Defendants had a duty to maintain a work environment free of race and color discrimination and harassment.

112. Defendants' action and inaction created a hostile and offensive work environment to Plaintiff that interfered with Plaintiff's work.

113. Defendants knew or should have known of the hostile work environment and failed to take prompt remedial action reasonably calculated to end the harassment.

114. As a direct and proximate result of Defendants' actions, Plaintiff has suffered and will continue to suffer loss of employment, pecuniary loss, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life and other non-pecuniary loss.

115. At all times material hereto, Defendants engaged in a discriminatory practice or practices with malice or reckless indifference to the protected rights of Plaintiff so as to support an award of punitive damages.

116. The above-described acts of Defendants constitute race / color harassment and a hostile work environment, all in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§2000e, *et seq.*

COUNT II: VHRA HOSTILE WORK ENVIRONMENT

117. Plaintiff incorporates by reference herein the preceding paragraphs of this Complaint.

118. Mr. Clark timely filed a Complaint with the Virginia Office of Civil Rights on April 22, 2025, and filed this suit within 90 days of receipt of the Notice of Right to Sue, which was issued on January 8, 2026 (Ex. A).

119. Mr. Clark identifies his color / race as Black / African American.

120. Mr. Clark is 62 years old.

121. Defendants had a duty to maintain a work environment free of race, color, and age discrimination and harassment.

122. Defendants' action and inaction created a hostile and offensive work environment to Plaintiff that interfered with Plaintiff's work.

123. Defendants knew or should have known of the hostile work environment and failed to take prompt remedial action reasonably calculated to end the harassment.

124. As a direct and proximate result of Defendants' actions, Plaintiff has suffered and will continue to suffer loss of employment, pecuniary loss, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life and other non-pecuniary loss.

125. At all times material hereto, Defendants engaged in a discriminatory practice or practices with malice or reckless indifference to the protected rights of Plaintiff so as to support an award of punitive damages.

126. The above-described acts of Defendants constitute race, color, and age harassment and a hostile work environment, all in violation of the Virginia Human Rights Act, Va. Code §2.2-3905.

COUNT III: CLAIM FOR TITLE VII RACE / COLOR DISCRIMINATION

127. Plaintiff incorporates by reference herein the preceding paragraphs of this Complaint.

128. Mr. Clark timely filed a Complaint with the Equal Employment Opportunity Commission on April 22, 2025, and filed this suit within 90 days of receipt of the Notice of Right to Sue, which was issued on January 8, 2026 (Ex. A).

129. Mr. Clark identifies his color / race as Black / African American.

130. During his employment, Mr. Clark met or exceeded Tyson's reasonable business expectations.

131. Mr. Clark was not hired for the HVAC or Maintenance Electrical Technician positions because of his color / race.

132. Mr. Clark was told that a nigger would never get the positions.

133. Any reasons given by Tyson for not hiring Mr. Clark into these positions are pretextual in nature.

134. Mr. Clark was terminated from employment because of his color / race.

135. Any reasons given by Tyson for terminating Mr. Clark's employment are pretextual in nature.

136. Because the actions of Tyson supervisory employees were taken within the scope of their employment, Tyson is responsible for their actions based upon the doctrine of *respondeat superior*.

137. As a direct and proximate result of Tyson's actions, Mr. Clark has suffered and will continue to suffer pecuniary loss, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life and other non-pecuniary loss.

138. At all times material hereto, Tyson engaged in a discriminatory practice or practices with malice or reckless indifference to the federally protected rights of Mr. Clark so as to support an award of punitive damages.

139. The above-described acts by Tyson and employees of Tyson constitute race / color discrimination in violation of the Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e, *et seq.*

COUNT IV: CLAIM FOR SECTION 1981 RACE / COLOR DISCRIMINATION

140. Plaintiff incorporates by reference herein the preceding paragraphs of this Complaint.

141. Mr. Clark identifies his color / race as Black / African American.

142. During his employment, Mr. Clark met or exceeded Tyson's reasonable business expectations.

143. Mr. Clark was not hired for the HVAC or Maintenance Electrical Technician positions because of his color / race.

144. Mr. Clark was told that a nigger would never get the positions.

145. Any reasons given by Tyson for not hiring Mr. Clark into these positions are pretextual in nature.

146. Mr. Clark was terminated from employment because of his color / race.

147. Any reasons given by Tyson for terminating Mr. Clark's employment are pretextual in nature.

148. Because the actions of Tyson supervisory employees were taken within the scope of their employment, Tyson is responsible for their actions based upon the doctrine of *respondeat superior*.

149. As a direct and proximate result of Tyson's actions, Mr. Clark has suffered and will continue to suffer pecuniary loss, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life and other non-pecuniary loss.

150. At all times material hereto, Tyson engaged in a discriminatory practice or practices

with malice or reckless indifference to the federally protected rights of Mr. Clark so as to support an award of punitive damages.

151. The above-described acts by Tyson and employees of Tyson constitute race / color discrimination in violation of the Civil Rights Act of 1991, as amended, 42 U.S.C. § 1981, *et seq.*

COUNT V: CLAIM FOR RACE / COLOR / AGE DISCRIMINATION
IN VIOLATION OF THE VIRGINIA HUMAN RIGHTS ACT

152. Plaintiff incorporates by reference herein the preceding paragraphs of this Complaint.

153. Mr. Clark timely filed a Complaint with the Virginia Office of Civil Rights on April 22, 2025, and filed this suit within 90 days of receipt of the Notice of Right to Sue, which was issued on January 8, 2026 (Ex. A).

154. Mr. Clark identifies his color / race as Black / African American.

155. Mr. Clark is 62 years old.

156. During his employment, Mr. Clark met or exceeded Tyson's reasonable business expectations.

157. Mr. Clark was not hired for the HVAC or Maintenance Electrical Technician positions because of his color / race and age.

158. Mr. Clark was told that a nigger would never get the positions.

159. Mr. Clark was told that Tyson needed and was looking for someone younger for the positions.

160. Any reasons given by Tyson for not hiring Mr. Clark into these positions are pretextual in nature.

161. Mr. Clark was terminated from employment because of his color / race and age.

162. Any reasons given by Tyson for terminating Mr. Clark's employment are pretextual in nature.

163. As a direct and proximate result of Defendants' actions, Mr. Clark has suffered and will continue to suffer pecuniary loss, compensatory damages, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life and other non-pecuniary loss.

164. Pursuant to Virginia Code § 2.2-3908, "the court or jury may award to the plaintiff, as the prevailing party, compensatory and punitive damages and the court may award reasonable attorney fees and costs and may grant as relief any permanent or temporary injunction, temporary restraining order, or other order, including an order enjoining the defendants from engaging in such practice, or order such affirmative action as may be appropriate."

165. The above-described acts by Defendants and employees of Defendants constitute discrimination in violation of the Virginia Human Rights Act, Va. Code Ann. §§ 2.2-3901, *et seq.*

COUNT VI: CLAIM FOR AGE DISCRIMINATION

166. Plaintiff incorporates by reference herein the preceding paragraphs of this complaint.

167. Mr. Clark timely filed a Complaint with the Equal Employment Opportunity Commission on April 22, 2025, and filed this suit within 90 days of receipt of the Notice of Right to Sue, which was issued on January 8, 2026 (Ex. A).

168. Mr. Clark is 62 years old.

169. During his employment, Mr. Clark met or exceeded Tyson's reasonable business expectations.

170. Mr. Clark was not hired for the HVAC or Maintenance Electrical Technician positions because of his age.

171. Mr. Clark was told that Tyson needed and was looking for someone younger for the positions.

172. Any reasons given by Tyson for not hiring Mr. Clark into these positions are pretextual in nature.

173. Mr. Clark was terminated from employment because of age.

174. Any reasons given by Tyson for terminating Mr. Clark's employment are pretextual in nature.

175. As a direct result, Plaintiff has suffered and will continue to suffer loss of income and benefits.

176. Defendants acted intentionally, depriving Plaintiff of income because of his age, so as to support an award of liquidated damages.

177. The above-described acts of Defendants constitute age discrimination in violation of the Age Discrimination in Employment Act, as codified under 29 U.S.C. §§ 621 through 634.

**COUNT VII: CLAIM FOR INTERSECTIONAL DISCRIMINATION: RACE, COLOR
AND/OR AGE DISCRIMINATION**

178. Plaintiff incorporates by reference herein the preceding paragraphs of this complaint.

179. Mr. Clark timely filed a Complaint with the Virginia Office of Civil Rights on Equal Employment Opportunity Commission on April 22, 2025, and filed this suit within 90 days of receipt of the Notice of Right to Sue, which was issued on January 8, 2026 (Ex. A).

180. The actions of Defendants as described herein constitute intersectional discrimination based upon race / color in violation of the VHRA, Section 1981, and Title VII of the Civil Rights Act, and age in violation of the VHRA and ADEA.

181. As a direct result, Plaintiff has suffered and will continue to suffer loss of income and damages for emotional pain, suffering, inconvenience, mental anguish, and loss of enjoyment of life.

182. Defendants acted willfully and with actual malice or with reckless disregard of the law in depriving Plaintiff of income because the intersection of his race, color, and/or age, so as to support an award of liquidated and/or punitive damages.

COUNT VIII: CLAIM FOR TITLE VII RETALIATION

183. Plaintiff incorporates by reference herein the preceding paragraphs of this Complaint.

184. Mr. Clark timely filed a Complaint with the Equal Employment Opportunity Commission on April 22, 2025, and filed this suit within 90 days of receipt of the Notice of Right to Sue, which was issued on January 8, 2026 (Ex. A).

185. Defendants retaliated against Plaintiff by harassing him and terminating his employment due to his complaints of race / color discrimination, race / color-association discrimination, sex harassment, and retaliation in violation of Title VII of the Civil Rights Act of 1964, as amended.

186. As a result of Defendants' discriminatory acts, Plaintiff has suffered and will continue to suffer pecuniary loss, mental anguish, pain and suffering, shame, humiliation, embarrassment, loss of enjoyment of life and other non-pecuniary loss.

187. Defendants acted willfully toward Plaintiff with actual malice or with reckless disregard of the protected rights of Plaintiff so as to support an award of punitive damages.

188. The above-described acts of Defendants constitute retaliation in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§2000e, *et seq.*

COUNT IX: CLAIM FOR SECTION 1981 RETALIATION

189. Plaintiff incorporates by reference herein the preceding paragraphs of this Complaint.

190. Defendants retaliated against Plaintiff by harassing him and terminating his employment due to his complaints of race / color discrimination and retaliation in violation of the Civil Rights Act of 1991, as amended, 42 U.S.C. § 1981, *et seq.*

191. As a result of Defendants' discriminatory acts, Plaintiff has suffered and will continue to suffer pecuniary loss, mental anguish, pain and suffering, shame, humiliation, embarrassment, loss of enjoyment of life and other non-pecuniary loss.

192. Defendants acted willfully toward Plaintiff with actual malice or with reckless disregard of the protected rights of Plaintiff so as to support an award of punitive damages.

193. The above-described acts of Defendants constitute retaliation in violation of the Civil Rights Act of 1991, as amended, 42 U.S.C. § 1981, *et seq.*

COUNT X: CLAIM FOR VHRA RETALIATION

194. Plaintiff incorporates by reference herein the preceding paragraphs of this Complaint.

195. Mr. Clark timely filed a Complaint with the Virginia Office of Civil Rights on April 22, 2025, and filed this suit within 90 days of receipt of the Notice of Right to Sue, which was issued on January 8, 2026 (Ex. A).

196. Pursuant to Va. Code § 2.2-3905(B)(7), "It is an unlawful discriminatory practice for: (7) (i) An employer to discriminate against any employees ... because such individual has opposed any practice made an unlawful discriminatory practice by this chapter [Chapter 39: Virginia Human Rights Act]"

197. Mr. Clark opposed practices made unlawful discriminatory practices by Chapter 39 when he reported race, color, race-association, color-association, sex, and age discrimination and retaliation.

198. Defendants retaliated against Plaintiff by harassing him and terminating his employment due to his complaints of race, color, race-association, color-association, sex, and age discrimination and retaliation in violation of the VHRA.

199. As a direct and proximate result of Defendants' actions Plaintiff has suffered and will continue to suffer pecuniary loss, compensatory damages, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life and other non-pecuniary loss.

200. Defendants acted with malice or with willful and wanton disregard for the rights of Plaintiff, thereby supporting an award of punitive damages.

201. Pursuant to Va. Code § 2.2-3908(B), "the court or jury may award to the plaintiff, as the prevailing party, compensatory and punitive damages and the court may award reasonable attorney fees and costs and may grant as relief any permanent or temporary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in such practice, or order such affirmative action as may be appropriate."

202. The above-described acts by Defendants and employees of Defendants constitute retaliation in violation of the Virginia Human Rights Act, Va. Code §§ 2.2-3900, *et seq.*

COUNT XI: RETALIATION IN VIOLATION OF VA CODE § 40.1-27.3

203. Plaintiff incorporates by reference herein the preceding paragraphs of this Complaint.

204. Va. Code § 40.1-27.3(A)(1) states that "[a]n employer shall not discharge, discipline, threaten, discriminate against, or penalize an employee, or take other retaliatory action regarding an employee's compensation, terms, conditions, location, or privileges of employment, because the employee: Or a person acting on behalf of the employee in good faith reports a violation of any federal or state law or regulation to a supervisor[.]"

205. Mr. Clark reported to his supervisor and Tyson's hotline in good faith violations of at least Title VII of the Civil Rights Act, Section 1981, the ADEA, the VHRA, OSHA, Va. Code § 40.1-51.2, and Va. Code § 18.2-57.

206. Tyson retaliated against Mr. Clark for his protected activity by terminating his employment.

207. Tyson's retaliatory act happened in close temporal proximity to Mr. Clark's protected acts.

208. During his employment, Mr. Clark met or exceeded Tyson's reasonable business expectations.

209. Mr. Clark was retaliated against due to his protected acts in violation of Va. Code § 40.1-27.3.

210. As a direct and proximate result of the retaliation against Mr. Clark, he has suffered and will continue to suffer pecuniary loss.

211. Pursuant to Va. Code § 40.1-27.3, Mr. Clark is entitled to "(i) an injunction to restrain continued violation of this section, (ii) the reinstatement of the employee to the same position held before the retaliatory action or to an equivalent position, and (iii) compensation for lost wages, benefits, and other remuneration, together with interest thereon, as well as reasonable attorney fees and costs."

COUNT XII: DISCRIMINATION IN VIOLATION OF
VA. CODE § 40.1-51.2:1

212. Plaintiff incorporates by reference herein the preceding paragraphs of this Complaint.

213. Plaintiff engaged in the protected activity of reporting workplace safety violations to his supervisors and to Tyson's Hotline.

214. Defendants discriminated against Plaintiff in violation of Va. Code § 40.1-51.2:1 for engaging in protected activities by terminating his employment.

215. Pursuant to Va. Code § 40.1-51.2:2, Plaintiff has exhausted all administrative remedies for his Va. Code § 40.1-51.2:1 discrimination claim. Specifically, Plaintiff filed a safety whistleblower retaliation complaint with the Virginia Department of Labor and Industry (“the DOLI”) on April 22, 2025, within 60 days of his termination from employment, and the DOLI has since closed their investigation.

216. Plaintiff seeks, and is entitled to, all appropriate relief for this claim pursuant to Va. Code § 40.1-51.2:2(B), which pursuant to the DOLI’s VOSH Program Directive 04-011E, issued July 1, 2016, includes injunctive and equitable relief, including reinstatement, or front pay in lieu of reinstatement, compensatory damages, including lost wages and benefits and emotional pain and suffering damages, and punitive damages. In addition, pursuant to *Prop. Damage Specialists, Inc. v. Rechichar*, 292 Va. 410 (2016), the violation should be abated “without economic loss to the employee,” thus including attorneys’ fees and costs in appropriate relief and entitling Plaintiff to attorneys’ fees and costs. Plaintiff is entitled to prejudgment interest pursuant to Va. Code § 6.2-302.

WHEREFORE, Plaintiff Alvin Clark prays for judgment against Defendants Tyson Farms, Inc. and Tyson Poultry, Inc., jointly and severally, and for equitable relief, injunctive relief, compensatory damages, including emotional pain and suffering, back pay and benefits, and other equitable relief, including reinstatement and/or front wages and benefits, punitive damages, liquidated damages, and for costs and attorneys’ fees and post judgment interest pursuant to Va. Code § 8.01-382 and Va. Code § 6.2-302, and for such other and further relief as may be just and equitable.

TRIAL BY JURY IS DEMANDED.

Respectfully Submitted,

ALVIN CLARK

By 

Brittany M. Haddox (VSB No. 86416)

HADDOX LAW

1203 Texas Street

Salem, VA 24153

brittany@haddox.law

540-765-4284

Counsel for Plaintiff



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Richmond Local Office
400 N. Eight Street, Suite 350
Richmond, VA 23219
(804) 362-6910
Website: www.eeoc.gov

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

(This Notice replaces EEOC FORMS 161, 161-A & 161-B)

Issued On: 01/08/2026

To: Alvin Clark



Charge No: 438-2025-01488

EEOC Representative and email: ERIC PETERSON
INVESTIGATOR
ERIC.PETERSON@EEOC.GOV

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

The EEOC has granted your request for a Notice of Right to Sue, and more than 180 days have passed since the filing of this charge.

The EEOC is terminating its processing of this charge. The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court **WITHIN 90 DAYS** of your receipt of the EEOC's official notice of dismissal. Otherwise, your right to sue based on the above-numbered charge will be lost.

NOTICE OF YOUR RIGHT TO SUE

This is official notice that the EEOC has dismissed your charge and has issued you notice of your right to sue the respondent(s) on this charge. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of EEOC's official notice of dismissal.** You should keep a record of the date you received the EEOC's official notice of dismissal. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file a lawsuit based on this charge, please sign-in to the EEOC Public Portal and upload the court complaint to charge 438-2025-01488.

On behalf of the Commission,

A handwritten signature in black ink that reads "Daron L. Calhoun".

Daron L. Calhoun
Local Office Director

Cc:

Lorri Baker
2200 W Don Tyson Pkwy
Springdale, AR 72762

NA NA
2200 W Don Tyson Pkwy
Springdale, AR 72762

Brittany M Haddox Esq.
Haddox Law
1203 Texas Street
Salem, VA 24153

Please retain this Notice for your records.

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

*(This information relates to filing suit in Federal or State court **under Federal law**. If you also plan to sue claiming violations of State law, please be aware that time limits may be shorter and other provisions of State law may be different than those described below.)*

IMPORTANT TIME LIMITS – 90 DAYS TO FILE A LAWSUIT

If you choose to file a lawsuit against the respondent(s) named in the charge of discrimination, you must file a complaint in court **within 90 days of the date you receive EEOC’s official notice of dismissal**. You should **keep a record of the date you received EEOC’s official notice of dismissal**. Once this 90-day period has passed, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and the record of your receiving EEOC’s official notice of dismissal (email or envelope).

If your lawsuit includes a claim under the Equal Pay Act (EPA), you must file your complaint in court within 2 years (3 years for willful violations) of the date you did not receive equal pay. This time limit for filing an EPA lawsuit is separate from the 90-day filing period under Title VII, the ADA, GINA, the ADEA, or the PWFA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA, the ADEA, or the PWFA, in addition to suing on the EPA claim, your lawsuit must be filed within 90 days of your receipt of EEOC’s official notice of dismissal and within the 2- or 3-year EPA period.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. You must file a “complaint” that contains a short statement of the facts of your case which shows that you are entitled to relief. Filing this Notice is not enough. For more information about filing a lawsuit, go to <https://www.eeoc.gov/employees/lawsuit.cfm>.

ATTORNEY REPRESENTATION

For information about locating an attorney to represent you, go to:
<https://www.eeoc.gov/employees/lawsuit.cfm>.

In very limited circumstances, a U.S. District Court may appoint an attorney to represent individuals who demonstrate that they are financially unable to afford an attorney.

HOW TO REQUEST YOUR CHARGE FILE AND 90-DAY TIME LIMIT FOR REQUESTS

There are two ways to request a charge file: 1) a Freedom of Information Act (FOIA) request or 2) a “Section 83” request. You may request your charge file under either or both procedures. EEOC can generally respond to Section 83 requests more promptly than FOIA requests.

Since a lawsuit must be filed within 90 days of EEOC’s official notice of dismissal, please submit your FOIA and/or Section 83 request for the charge file promptly to allow sufficient time for EEOC to respond and for your review.

To make a FOIA request for your charge file, submit your request online at <https://eeoc.arkcase.com/foia/portal/login> (this is the preferred method). You may also submit a

Enclosure with EEOC Notice of Closure and Rights (05/25)

FOIA request for your charge file by U.S. Mail by submitting a signed, written request identifying your request as a "FOIA Request" for Charge Number 438-2025-01488 to the District Director at Elizabeth "Betsy" Rader, 129 West Trade Street Suite 400, Charlotte, NC 28202.

To make a Section 83 request for your charge file, submit a signed written request stating it is a "Section 83 Request" for Charge Number 438-2025-01488 to the District Director at Elizabeth "Betsy" Rader, 129 West Trade Street Suite 400, Charlotte, NC 28202.

You may request the charge file up to 90 days after receiving EEOC's official notice of dismissal. After the 90 days have passed, you may request the charge file only if you have filed a lawsuit in court and provide a copy of the court complaint to EEOC.

For more information on submitting FOIA requests, go to <https://www.eeoc.gov/eeoc/foia/index.cfm>.

For more information on submitted Section 83 requests, go to <https://www.eeoc.gov/foia/section-83-disclosure-information-charge-files>.

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
 ALVIN CLARK

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

(c) Attorneys (Firm Name, Address, and Telephone Number)
 Brittany M. Haddox, Haddox Law, 1203 Texas Street, Salem, VA 24153,
 (540) 765-4284

DEFENDANTS
 TYSON FARMS, INC. AND TYSON POULTRY, INC.

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

3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant

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)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only) Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

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 (specify) 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):
 42 U.S.C. §§2000e, et seq., 42 U.S.C. § 1981, et seq., and 29 U.S.C. §§ 621 through 634

Brief description of cause:
 Age discrimination/Race/Color Discrimination/Retaliation/Hostile Work Environment

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ TBD CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE _____ DOCKET NUMBER _____

DATE 03/16/2026 SIGNATURE OF ATTORNEY OF RECORD /s/ Brittany M. Haddox

FOR OFFICE USE ONLY

RECEIPT # AWAWDC- AMOUNT \$405 APPLYING IFP _____ JUDGE Moon MAG. JUDGE Memmer

4879063

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.