

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

GILBERTO VELASCO,)	
)	Case No.
Plaintiff,)	
)	
vs.)	<u>COMPLAINT</u>
)	JURY TRIAL DEMANDED
PET-AG, INC.,)	
)	
Defendant.)	

COMPLAINT

COMES NOW, Plaintiff Gilberto Velasco, by and through his attorneys, and for Plaintiff Gilberto Velasco's Complaint against Defendant Pet-Ag, Inc. states as follows:

PARTIES

1. Plaintiff Gilberto Velasco is a resident and citizen of the State of Illinois residing at 2333 Alumni Drive, Schamburg, Illinois 60173.
2. Defendant Pet-Ag, Inc. is a corporation, organized and existing under Delaware law and authorized to do business in the State of Illinois as a foreign corporation registered with the Illinois Secretary of State, with its principal place of business in Kane County, Illinois located at 180 Ryan Drive, Hampshire, Illinois 60140.

SUMMARY OF ACTION

3. Plaintiff Gilberto Velasco, while employed by Defendant Pet-Ag, Inc. was subjected to employment discrimination based on his race, sex, color, national origin, and ancestry (including employment discrimination, hostile work environment and wrongful termination) and subjected to retaliation based on his engaging in protected activities (including opposing, complaining of, and reporting discrimination and filing a charge of discrimination and

participating in the investigation of unlawful discrimination).

4. The claims and causes of actions asserted herein are brought under, pursuant to and in accordance with the Illinois Human Rights Act, 775 ILCS 5, et seq. and under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000d, et seq.

JURISDICTION AND VENUE

5. The U.S. District Court for the Northern District of Illinois has subject matter jurisdiction over this action pursuant to 42 U.S.C. 2000e-5 which provides original jurisdiction over federal employment discrimination and retaliation claims under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000d, et seq. and pursuant to 28 U.S.C. §1367 which provides supplement jurisdiction over related state employment discrimination and retaliation claims under the Illinois Human Rights Act, 775 ILCS 5, et seq. and/or pursuant to 28 U.S.C. §1332 regarding claims where there is diversity of citizenship and the amount in controversy exceeds \$75,000.00.

6. Venue is proper in the U.S. District Court for the Northern District of Illinois pursuant to 42 U.S.C. §2000e-5 and/or 28 U.S.C. §1391 where the acts, events and occurrences of discrimination and retaliation described herein occurred in Kane County, Illinois, and/or where the employment records relevant to the claims of discrimination and retaliation are maintained and administered in Kane County, Illinois.

CHARGE OF DISCRIMINATION AND EXHAUSTION OF ADMINISTRATIVE REMEDIES

7. Plaintiff Gilberto Velasco exhausted his administrative remedies and has fully satisfied all condition precedent and/or requirements for the filing of an action under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000d where (a) Plaintiff Gilberto Velasco filed a Charge of Discrimination on November 9, 2022, as amended and supplemented by the Amended

Charge of Discrimination filed on August 28, 2023, within three hundred (300) days of the acts, events and occurrences of discrimination and retaliation and (b) Plaintiff Gilberto Velasco received the Determination and Notices of Rights from the U.S. Equal Employment Opportunity Commission on December 6, 2023, and filed this Complaint, on March 5, 2024, within ninety (90) days of receipt of the Determination and Notice of Rights, all in accordance with 42 U.S.C. §2000e-5.

8. Plaintiff Gilberto Velasco exhausted his administrative remedies and has fully satisfied all condition precedent and/or requirements for the filing of an action under the Illinois Human Rights Act, 775 ILCS 5, et seq. where (a) Plaintiff Gilberto Velasco filed a Charge of Discrimination on November 9, 2022, as amended and supplemented by the Amended Charge of Discrimination filed on August 28, 2023, within three hundred (300) days of the acts, events and occurrences of discrimination and retaliation and (b) Plaintiff Gilberto Velasco received the Notice of Dismissal from the Illinois Department of Human Rights on February 8, 2024, and filed this Complaint, on March 5, 2024, within ninety (90) days of receipt of the Determination and Notice of Rights, all in accordance with 775 ILCS 5/7A-102.

**FACTUAL ALLEGATIONS ASSOCIATED WITH
UNLAWFUL EMPLOYMENT DISCRIMINATION AND RETALIATION**

A. PROTECTED CLASSIFICATION.

9. Plaintiff Gilberto Velasco is a Hispanic male, who is non-white or brown skinned.

10. Plaintiff Gilberto Velasco is of Mexican ancestry with his family originating from City of Aguascalientes in the Mexican State of Aguascalientes in north-central Mexico.

11. Plaintiff Gilberto Velasco is a member of one or more protected classes under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000d based on his sex, race, color and national origin (“Federal Protected Class”).

12. Plaintiff Gilberto Velasco is member of one or more protected classes under the Illinois Human Rights Act, 775 ILCS 5, et seq. based on his sex, race, color, national origin and ancestry (“State Protected Class”).

B. EMPLOYMENT RELATIONSHIP.

13. Defendant Pet-Ag, Inc., a wholly owned subsidiary of PBI-Gordon Corporation, is engaged in business as the manufacturer of nutritional, grooming and health products for cats, dogs, and exotic pets.

14. Defendant Pet-Ag, Inc. employs more than 300 employees at manufacturing and other facilities in Illinois, Arkansas and Kansas.

15. From September 21, 2015, to November 15, 2022, Defendant Pet-Ag, Inc. employed Plaintiff Gilberto Velasco as the Senior Director of Operations.

C. WORK PERFORMANCE.

16. Plaintiff Gilberto Velasco was fully qualified for the position of Senior Director of Operations and possessed the stated qualifications for the position of Senior Director of Operations.

17. Throughout his employment with Defendant Pet-Ag, Inc., Plaintiff Gilberto Velasco was progressively assigned additional work duties and projects and had good working relationships with senior managers and other employees.

18. Throughout his employment with Defendant Pet-Ag, Inc., Plaintiff Gilberto Velasco met or exceeded the work performance goals set by Defendant Pet-Ag, Inc. and received favorable reviews (including the 2021 annual review and 2022 annual review), salary increases and bonuses.

19. Prior to the acts, events and occurrences described herein, Plaintiff Gilberto Velasco had no prior history of any disciplinary action taken by Defendant Pet-Ag, Inc. such as employee counseling statements, verbal warnings, written warnings, write-ups, or suspensions.

D. CHANGE IN SUPERVISION.

20. Prior to August, 2021, Plaintiff Gilberto Velasco was supervised by and reported to Rick Blomquist, Vice-President and General Manager of Defendant Pet-Ag, Inc.

21. In August, 2021, Dari Brown replaced Rick Blomquist as Vice-President and General Manager of Defendant Pet-Ag, Inc.

22. From August, 2021, to September, 2022, Plaintiff Gilberto Velasco was supervised by and reported to Dari Brown, Vice-President and General Manager of Defendant Pet-Ag, Inc.

23. Defendant Pet-Ag, Inc. terminated the employment of Dari Brown as Vice-President and General Manager of Defendant Pet-Ag, Inc. on September 17, 2022.

24. From September 17, 2022, to November 15, 2022, Plaintiff Gilberto Velasco was supervised and reported to Andrew Hunt, President/Senior Vice-President, Animal Health and Wellness of Defendant Pet-Ag, Inc.

E. PATTERN AND PRACTICE OF DISCRIMINATION.

25. The senior managers initially reporting to the Dari Brown. Vice-President and General Manager of Defendant Pet-Ag, Inc. were primarily white females with the exception of

Jean-Louis Bruyere (a male of French ancestry), Dilip Patel (a male of Indian ancestry), and Plaintiff Gilberto Velasco (a male of Mexican ancestry).

26. Commencing with the hiring of Dari Brown as Vice-President and General Manager of Defendant Pet-Ag, Inc., Defendant Pet-Ag, Inc., acting by and through Dari Brown, engaged in a Pattern and Practice of Discrimination that targeted males for dismissal based on their race, color, national origin and/or ancestry (“Pattern and Practice of Discrimination”).

27. Pursuant to this Pattern and Practice of Discrimination, Defendant Pet-Ag, Inc, acting by and through Dari Brown, terminated or attempted to terminate the employment of Jean-Louis Bruyere (fired), Dilip Patel (fired), and Plaintiff Gilberto Velasco (attempted to fire) based on false accusations of poor performance and/or misconduct.

28. In each instance, Defendant Pet-Ag, Inc., acting by and through Dari Brown, replaced the male employees with foreign ancestry with white females.

F. HOSTILE WORK ENVIRONMENT.

29. Commencing with the appointment of Dari Brown as Vice-President and General Manager of Defendant Pet-Ag, Inc., Defendant Pet-Ag, Inc., acting by and through Dari Brown, created, maintained and/or permitted a work environment that was unreasonable, hostile and abusive towards Plaintiff Gilberto Velasco and other male employees of foreign ancestry based on their sex, race, color, national origin and/or ancestry.

30. The Hostile Work Environment directed towards Plaintiff Gilberto Velasco consisted of the following acts, events and occurrences (collectively “Hostile Work Environment”):

- a. Exclusion of Plaintiff Gilberto Velasco from meetings by Dari Brown.

- b. Refusal of Dari Brown to directly communicate and/or interact with Plaintiff Gilberto Velasco.
- c. False accusations of misconduct against Plaintiff Gilberto Velasco.
- d. Denial and repudiation of actions taken by Plaintiff Gilberto Velasco that were previously disclosed to or approved by senior managers of Defendant Pet-Ag, Inc.
- e. Unwarranted criticism and false complaints by Dari Brown regarding Plaintiff Gilberto Velasco's communication style and feigned inability to understand Plaintiff Gilberto Velasco's accented speech.
- f. Unwarranted criticism and false complaints by Dari Brown regarding Plaintiff Gilberto Velasco's leadership skills and style.
- g. Stated preference by Dari Brown to work with white females.
- h. Preferential treatment and favoritism given toward white females by Dari Brown over Plaintiff Gilberto Velasco in work assignments, communications and interactions on a quantitative and qualitative basis, performance metrics, promotional opportunities, assessment of work performance, and commendation for work performance.
- i. Denial of promotions and promotional opportunities based on sex and based on race, color, national origin and ancestry.
- j. Unwarranted criticism and false complaints by Dari Brown regarding Plaintiff Gilberto Velasco's work performance, communication style and leadership skills made in a public manner to senior managers, other managers and supervisory employees, co-workers, and employees supervised or interacting with Plaintiff Gilberto Velasco.
- k. Attempts to ostracize Plaintiff Gilberto Velasco and to deprive Plaintiff Gilberto Velasco of the confidence and support of senior managers, other managers and

supervisory employees, co-workers, and employees supervised or interacting with Plaintiff Gilberto Velasco.

31. The acts, events and occurrences constituting the Hostile Work Environment directed towards Plaintiff Gilberto Velasco were not isolated events and occurred on a continuous, nearly daily basis.

32. Plaintiff Gilberto Velasco found the acts, events and occurrences to be offensive because the work environment was objectively hostile, abusive and unreasonable and materially interfered with his ability to perform his job duties by depriving Plaintiff Gilberto Velasco of the confidence and support of senior managers, other managers and supervisory employees, co-workers, and employees supervised or interacting with Plaintiff Gilberto Velasco and impairing his working relationship with senior managers, other managers and supervisory employees, co-workers, and employees supervised or interacting with Plaintiff Gilberto Velasco.

G. REPORTING OF PATTERN AND PRACTICE OF DISCRIMINATION AND HOSTILE WORK ENVIRONMENT.

33. From and after September, 2021, the Hostile Work Environment experienced by Plaintiff Gilberto Velasco progressively increased in terms of frequency and intensity and the Pattern and Practice of Discrimination became more evident to Plaintiff Gilberto Velasco.

34. Plaintiff Gilberto Velasco first attempted to resolve the Hostile Work Environment by confronting or addressing the issues with Dari Brown.

35. When the initial opposition to discrimination did not result in the abatement of the Hostile Work Environment, Plaintiff Gilberto Velasco, having had negative interactions with the Human Resource Department and Legal Department, being unfamiliar with the process for reporting of discrimination in the workplace, and having no ability to report the discrimination to his direct supervisor Dari Brown, Plaintiff Gilberto Velasco reported the Pattern and Practice of

Discrimination and Hostile Work Environment to Donald A. Chew, who had previously served as the President and Chief Executive Officer of PBI-Gordon Corporation and was the then Executive Chairman of the Board of Directors PBI-Gordon Corporation, on August 15, 2022.

36. In reporting the Pattern and Practice of Discrimination and Hostile Work Environment to Donald A. Chew, Plaintiff Gilberto Velasco complained of (a) discrimination and less favorable treatment directed towards male employees of foreign ancestry, (b) the hiring and more favorable treatment of white female employees, (c) the lack of diversity within the leadership, management and employees of the company, (d) the Pattern and Practice of Discrimination directed towards Plaintiff Gilberto Velasco and other male employees of foreign ancestry based on their sex, race, color, ancestry, and national origin, and (e) the Hostile Work Environment directed towards Plaintiff Gilberto Velasco (collectively “Discrimination Complaints”). In addition, Plaintiff Gilberto Velasco specifically stated that Dari Brown was targeting Plaintiff Gilberto Velasco for dismissal based on sex, race, color, national origin and/or ancestry.

37. In response to the Discrimination Complaints, Donald A. Chew indicated that he would address Plaintiff Gilberto Velasco’s Discrimination Complaints by speaking with Dari Brown, Vice-President and General Manager of Defendant Pet-Ag, Inc.

38. Donald A. Chew warned or otherwise cautioned Plaintiff Gilberto Velasco by proceeding with the Discrimination Complaints things could “get worse before they got better.”

39. Plaintiff Gilberto Velasco, although fearing retaliation for making the Discrimination Complaints, told Donald A. Chew that he wanted to proceed with the Discrimination Complaints.

40. The Human Resource Department thereafter conducted an investigation relating to Dari Brown and/or the Discrimination Complaints.

41. On September 17, 2022, Defendant Pet-Ag, Inc. terminated the employment of Dari Brown.

42. The termination of the employment of Dari Brown, however, failed to abate the Pattern and Practice of Discrimination and Hostile Work Environment and Plaintiff Gilberto Velasco continued to be targeted for dismissal by Defendant Pet-Ag, Inc.

H. DISPARATE TREATMENT.

43. After the termination of the employment of Dari Brown, Plaintiff Gilberto Velasco continued to be treated in disparate manner based on his sex, race, color, national origin and ancestry (collectively “Disparate Treatment”) with respect to the following:

- a. Methods of contract procurement and manner of approval of contracts.
- b. Enforcement of corporate policies, imposition of discipline (including Suspension and Termination), and severity of discipline (including Termination).

44. With respect to the Disparate Treatment, Defendant Pet-Ag, Inc. treated other similarly situated employees who were white, female, born in America, and/or of European ancestry in more favorable manner and treated Plaintiff Gilberto Velasco less favorably and differently based on his sex, race, color, national origin and/or ancestry.

I. PROTECTED ACTIVITIES.

45. Plaintiff Gilberto Velasco engaged in the following activities protected under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000d and under the Illinois Human Rights Act, 775 ILCS 5, et seq. (collected “Protected Activities”):

- a. Opposed discrimination in the workplace.

- b. Objected to discrimination in the workplace.
- c. Objected and opposed the termination of employees of Defendant Pet-Ag, Inc. based on their sex, race, color, national origin and/or ancestry.
- d. Advocated for greater diversity in the workplace.
- e. Complained of discrimination in the workplace.
- f. Reported discrimination in the workplace to Defendant Pet-Ag, Inc.
- g. Participated and assisted in the corporate investigation of discrimination in the workplace by Defendant Pet-Ag, Inc.
- h. Provided witness statements regarding discrimination in the workplace to Defendant Pet-Ag, Inc.
- i. Filed Charges of Discrimination with the Illinois Department of Human Rights.
- j. Filed Charges of Discrimination with the U.S. Equal Employment Opportunity Commission.
- k. Participated and assisted in the investigation of discrimination in the workplace by the U.S. Equal Employment Opportunity Commission.
- l. Provided witness statements regarding discrimination in the workplace to the U.S. Equal Employment Opportunity Commission.

J. RETALIATION.

46. In response to the Protected Activities, Defendant Pet-Ag, Inc. (including senior managers, the Human Resources Department, and Legal Department) exhibited hostility, antagonism and animus towards Plaintiff Gilberto Velasco based on the Protected Activities.

47. After engaging in Protected Activities, Plaintiff Gilberto Velasco was subjected to retaliation based on the Protected Activities (collectively “Retaliation”) with respect to the following:

- a. Methods of contract procurement and manner of approval of contracts.
- b. Enforcement of corporate policies, imposition of discipline (including Suspension and Termination), and severity of discipline (including Termination).

48. With respect to the Retaliation, Defendant Pet-Ag, Inc. treated other similarly situated employees who did not engage in Protected Activities in a more favorable manner and treated Plaintiff Gilberto Velasco less favorably and differently based on his engaging in Protected Activities.

K. TERMINATION.

49. On November 15, 2022, Defendant Pet-Ag, Inc. terminated the employment of Plaintiff Gilberto Velasco (“Termination”).

49. The stated reason for the termination of Plaintiff Gilberto Velasco’s employment was the procurement and execution of a certain contract for the purchase of forklifts, which act, event or occurrence happened more than approximately one (1) year prior to the termination.

50. Notwithstanding the stated reason, in terminating Plaintiff Gilberto Velasco’s employment, Defendant Pet-Ag, Inc. acted and was exclusively motivated by animus towards Plaintiff Gilberto Velasco based on his sex, race, color, national origin and/or ancestry or, in the alternative, based on his engaging in Protected Activities.

51. The stated reason for the termination of Plaintiff Gilbert Velasco’s employment was a pretext to cover-up the Disparate Treatment and/or Retaliation where:

- a. Defendant Pet-Ag, Inc. and its senior managers (including Dari Brown)

had knowledge of the terms of the proposed contract for the leasing of forklifts.

b. Defendant Pet-Ag, Inc. and its senior managers (including Dari Brown) approved the terms of the proposed contract for the leasing of forklifts.

c. Defendant Pet-Ag, Inc. and its senior managers (including Dari Brown) authorized the execution of the contract for the leasing of forklifts.

d. Defendant Pet-Ag, Inc. accepted the contract for the leasing of forklifts.

e. Defendant Pet-Ag, Inc. and its senior managers (including Dari Brown) approved the payment of the amount due under the contract for the leasing of forklifts.

f. Defendant Pet-Ag, Inc. and its senior managers (including Dari Brown) had previously waived procurement requirements relating to similar contracts.

g. There was an immediate business necessity for the leasing of forklifts.

h. The terms of the contract for the leasing of forklifts was commercially fair and reasonable.

i. Defendant Pet-Ag, Inc. obtained cost savings as a result of the contract for the leasing of forklifts.

j. Defendant Pet-Ag, Inc., although aware of execution of the contract for the leasing of forklifts and having fully knowledge of the manner of procurement of the contract for the leasing of forklifts, did not object to the method of procurement or execution.

k. The contract for the leasing of forklifts was procured and executed consistent with the business practices and policies of Defendant Pet-Ag, Inc.

COUNT I – HOSTILE WORK ENVIRONMENT (TITLE VII)

COMES NOW, Plaintiff Gilberto Velasco, by and through his attorneys, and for Count I of Plaintiff Gilberto Velasco’s Complaint against Defendant Pet-Ag, Inc. states as follows:

52. Plaintiff Gilberto Velasco realleges, restates and incorporates by reference herein paragraphs 1 through 51 of the Complaint as and for this paragraph 52 of the Complaint.

53. At all times relevant hereto, Dari Brown, Vice-President and General Manager of Defendant Pet-Ag, Inc., was Plaintiff Gilberto Velasco's supervisor and was acting within the scope of her position as Vice-President and General Manager of Defendant Pet-Ag, Inc. and in furtherance of the business interests of Defendant Pet-Ag, Inc.

54. As Plaintiff Gilberto Velasco's supervisor, Dari Brown as Vice-President and General Manager of Defendant Pet-Ag, Inc. had the power to hire, fire, demote, transfer or discipline Plaintiff Gilberto Velasco.

55. Plaintiff Gilbert Velasco was subjected to a Hostile Work Environment by Dari Brown, Vice-President and General Manager of Defendant Pet-Ag, Inc.

56. The conduct constituting the Hostile Work Environment was unwelcome to Plaintiff Gilberto Velasco.

57. The conduct constituting the Hostile Work Environment occurred because Plaintiff Gilberto Velasco's sex, race, color, and/or national origin.

58. The conduct constituting the Hostile Work Environment was sufficiently severe or pervasive that a reasonable person in Plaintiff Gilberto Velasco's position would find Plaintiff Gilberto Velasco's work environment to be hostile and abuse.

59. At the time the conduct constituting the Hostile Work Environment occurred, Plaintiff Gilberto Velasco believed that the conduct constituting the Hostile Work Environment made his work environment hostile or abusive.

60. In creating, permitting and maintaining the Hostile Work Environment, Defendant Pet-Ag, Inc. failed to exercise reasonable care to prevent and correct the Hostile Work

Environment where:

a. Defendant Pet-Ag, Inc. had actual knowledge of the Hostile Work Environment;

b. Defendant Pet-Ag, Inc. failed to implement and enforce its non-discrimination policies;

c. Defendant Pet-Ag, Inc. failed to adequately investigate the Discrimination Complaints; and

d. Defendant Pet-Ag, Inc. failed to take the necessary corrective action to abate the Hostile Work Environment.

61. Plaintiff Gilberto Velasco took advantage or otherwise availed himself of opportunities provided by Defendant Pet-Ag, Inc. to correct or otherwise abate the conduct constituting the Hostile Work Environment by making the Discrimination Complaints and by participating in the internal investigation of Dari Brown and/or the Discrimination Complaints.

62. In the alternative, Plaintiff Gilberto Velasco was excused from taking advantage or otherwise availing himself of opportunities provided by Defendant Pet-Ag, Inc. to correct or otherwise abate the conduct constituting the Hostile Work Environment because Plaintiff Gilberto Velasco had reasonable fears and concerns of retaliation and any attempt to utilize such opportunities would have been futile due to hostility, antagonism and animus directed towards Plaintiff Gilberto Velasco.

63. As a direct and proximate result of the Hostile Work Environment, Plaintiff Gilberto Velasco sustained actual damages in an amount in excess of \$75,000.00 as follows:

a. Lost wages and benefits, including front pay and back pay;

- b. Lost future earning, diminished future earning capacity, and reputation harm;
- c. Physical, mental, and/or emotional pain and suffering, loss of enjoyment of life, loss of self-confidence, anger, aggravation, anxiety and depression;
- d. Job search expenses and relocation expenses necessarily incurred to secure alternate employment and to mitigate damages;
- e. Tax consequences associated with any lump-sum award;
- f. Attorney's fees in the prosecution of this claim.

64. Plaintiff Gilberto Velasco further seeks an award of punitive damages on the following grounds:

a. Defendant Pet-Ag, Inc. engaged in the above-described discriminatory practice with malice and/or with reckless disregard and indifference to the federally protected employment rights of Plaintiff Gilberto Velasco.

b. Defendant Pet-Ag, Inc. knew or should have known that the maintenance of the Hostile Work Environment may violate the federally protected employment rights of Plaintiff Gilberto Velasco.

c. Defendant Pet-Ag, Inc.'s managerial employees and officers acted in reckless disregard of the federally protected employment rights of Plaintiff Gilberto Velasco.

65. In the alternative to the award of front pay, Plaintiff Gilberto Velasco seeks equitable relief in the form of abatement of the Hostile Work Environment and reinstatement of Plaintiff Gilberto Velasco's employment.

WHEREFORE, Plaintiff Gilberto Velasco prays for judgment in favor of Plaintiff Gilberto Velasco and against Defendant Pet-Ag, Inc., for an award of actual damages and

punitive damages, for equitable relief in the form of abatement and either front pay or reinstatement, for Plaintiff's attorney's fees and costs incurred herein, and for such other and further relief as the Court may deem proper.

COUNT II – EMPLOYMENT DISCRIMINATION (TITLE VII)

COMES NOW, Plaintiff Gilberto Velasco, by and through his attorneys, and for Count II of Plaintiff Gilberto Velasco's Complaint against Defendant Pet-Ag, Inc. states as follows:

66. Plaintiff Gilberto Velasco realleges, restates and incorporates by reference herein paragraphs 1 through 51 of the Complaint as and for this paragraph 66 of the Complaint.

67. Plaintiff Gilberto Velasco was terminated by Defendant Pet-Ag, Inc.

68. Defendant Pet-Ag, Inc. terminated Plaintiff Gilberto Velasco's employment with Defendant Pet-Ag, Inc. because of Plaintiff Gilberto Velasco's sex, race, color, and/or national origin or, in the alternative, Plaintiff Gilberto Velasco's sex, race, color, and/or national origin was a motivating factor and contributed to Defendant Pet-Ag, Inc.'s decision to terminate Plaintiff Gilberto Velasco.

69. Defendant Pet-Ag, Inc. would not have terminated Plaintiff Gilberto Velasco's employment had Plaintiff Gilbert Velasco not been a member of a Federal Protected Class in the same situation.

70. As a direct and proximate result of the unlawful employment discrimination, Plaintiff Gilberto Velasco sustained actual damages in an amount in excess of \$75,000.00 as follows:

- a. Lost wages and benefits, including front pay and back pay;

- b. Lost future earning, diminished future earning capacity, and reputation harm;
- c. Physical, mental, and/or emotional pain and suffering, loss of enjoyment of life, loss of self-confidence, anger, aggravation, anxiety and depression;
- d. Job search expenses and relocation expenses necessarily incurred to secure alternate employment and to mitigate damages;
- e. Tax consequences associated with any lump-sum award;
- f. Attorney's fees in the prosecution of this claim.

71. Plaintiff Gilberto Velasco further seeks an award of punitive damages on the following grounds:

- a. Defendant Pet-Ag, Inc. engaged in the above-described discriminatory practice with malice and/or with reckless disregard and indifference to the federally protected employment rights of Plaintiff Gilberto Velasco.
- b. Defendant Pet-Ag, Inc. knew or should have known that the termination of Plaintiff Gilberto Velasco may violate the federally protected employment rights of Plaintiff Gilberto Velasco.
- c. Defendant Pet-Ag, Inc.'s managerial employees and officers acted in reckless disregard of the federally protected employment rights of Plaintiff Gilberto Velasco.

72. In the alternative to the award of front pay, Plaintiff Gilberto Velasco seeks equitable relief in the form of reinstatement of Plaintiff Gilberto Velasco's employment.

WHEREFORE, Plaintiff Gilberto Velasco prays for judgment in favor of Plaintiff Gilberto Velasco and against Defendant Pet-Ag, Inc., for an award of actual damages and punitive damages, for equitable relief in the form of abatement and either front pay or

reinstatement, for Plaintiff's attorney's fees and costs incurred herein, and for such other and further relief as the Court may deem proper.

COUNT III – RETALIATION (TITLE VII)

COMES NOW, Plaintiff Gilberto Velasco, by and through his attorneys, and for Count III of Plaintiff Gilberto Velasco's Complaint against Defendant Pet-Ag, Inc. states as follows:

73. Plaintiff Gilberto Velasco realleges, restates and incorporates by reference herein paragraphs 1 through 51 of the Complaint as and for this paragraph 73 of the Complaint.

74. Plaintiff Gilberto Velasco was terminated by Defendant Pet-Ag, Inc.

75. Defendant Pet-Ag, Inc. terminated Plaintiff Gilberto Velasco's employment with Defendant Pet-Ag, Inc. because of Plaintiff Gilberto Velasco engaged in the Protected Activity or, in the alternative, Plaintiff Gilberto Velasco's engaging in the Protected Activity was a motivating factor and contributed to Defendant Pet-Ag, Inc.'s decision to terminate Plaintiff Gilberto Velasco.

76. Defendant Pet-Ag, Inc. would not have terminated Plaintiff Gilberto Velasco's employment had Plaintiff Gilbert Velasco not engaged in the Protected Activity in the same situation.

77. As a direct and proximate result of the Retaliation, Plaintiff Gilberto Velasco sustained actual damages in an amount in excess of \$75,000.00 as follows:

- a. Lost wages and benefits, including front pay and back pay;
- b. Lost future earning, diminished future earning capacity, and reputation harm;
- c. Physical, mental, and/or emotional pain and suffering, loss of enjoyment of life, loss of self-confidence, anger, aggravation, anxiety and depression;

d. Job search expenses and relocation expenses necessarily incurred to secure alternate employment and to mitigate damages;

e. Tax consequences associated with any lump-sum award;

f. Attorney's fees in the prosecution of this claim.

78. Plaintiff Gilberto Velasco further seeks an award of punitive damages on the following grounds:

a. Defendant Pet-Ag, Inc. engaged in the Retaliation with malice and/or with reckless disregard and indifference to the federally protected employment rights of Plaintiff Gilberto Velasco.

b. Defendant Pet-Ag, Inc. knew or should have known that the Retaliation may violate the federally protected employment rights of Plaintiff Gilberto Velasco.

c. Defendant Pet-Ag, Inc.'s managerial employees and officers acted in reckless disregard of the federally protected employment rights of Plaintiff Gilberto Velasco.

79. In the alternative to the award of front pay, Plaintiff Gilberto Velasco seeks equitable relief in the form of reinstatement of Plaintiff Gilberto Velasco's employment.

WHEREFORE, Plaintiff Gilberto Velasco prays for judgment in favor of Plaintiff Gilberto Velasco and against Defendant Pet-Ag, Inc., for an award of actual damages and punitive damages, for equitable relief in the form of abatement and either front pay or reinstatement, for Plaintiff's attorney's fees and costs incurred herein, and for such other and further relief as the Court may deem proper.

COUNT IV – PATTERN OR PRACTICE (TITLE VII)

COMES NOW, Plaintiff Gilberto Velasco, by and through his attorneys, and for Count IV of Plaintiff Gilberto Velasco's Complaint against Defendant Pet-Ag, Inc. states as follows:

80. Plaintiff Gilberto Velasco realleges, restates and incorporates by reference herein paragraphs 1 through 51 of the Complaint as and for this paragraph 80 of the Complaint.

81. Plaintiff Gilberto Velasco was terminated by Defendant Pet-Ag, Inc.

82. Defendant Pet-Ag, Inc. terminated Plaintiff Gilberto Velasco's employment with Defendant Pet-Ag, Inc. because of the Pattern and Practice of Discrimination maintained by Defendant Pet-Ag, Inc. against employees based on their sex, race, color and/or national origin, which included the maintenance of a Hostile Work Environment, engaging in Disparate Treatment, and terminating employees based on their sex, race, color, and/or national origin.

83. The Pattern and Practice of Discrimination against employees based on their sex, race, color and/or national origin was a regular practice of Defendant Pet-Ag, Inc. and was not an isolated or unusual occurrence.

84. Defendant Pet-Ag, Inc. would not have terminated Plaintiff Gilberto Velasco's employment but for the existence of the Pattern and Practice of Discrimination maintained by Defendant Pet-Ag, Inc.

85. As a direct and proximate result of the Pattern and Practice of Discrimination, Plaintiff Gilberto Velasco sustained actual damages in an amount in excess of \$75,000.00 as follows:

- a. Lost wages and benefits, including front pay and back pay;
- b. Lost future earning, diminished future earning capacity, and reputation harm;
- c. Physical, mental, and/or emotional pain and suffering, loss of enjoyment of life, loss of self-confidence, anger, aggravation, anxiety and depression;

d. Job search expenses and relocation expenses necessarily incurred to secure alternate employment and to mitigate damages;

e. Tax consequences associated with any lump-sum award;

f. Attorney's fees in the prosecution of this claim.

86. Plaintiff Gilberto Velasco further seeks an award of punitive damages on the following grounds:

a. Defendant Pet-Ag, Inc. engaged in the above-described discriminatory practice with malice and/or with reckless disregard and indifference to the federally protected employment rights of Plaintiff Gilberto Velasco.

b. Defendant Pet-Ag, Inc. knew or should have known that the maintenance of the Pattern and Practice of Discrimination may violate the federally protected employment rights of Plaintiff Gilberto Velasco.

c. Defendant Pet-Ag, Inc.'s managerial employees and officers acted in reckless disregard of the federally protected employment rights of Plaintiff Gilberto Velasco.

87. In the alternative to the award of front pay, Plaintiff Gilberto Velasco seeks equitable relief in the form of abatement of the Pattern and Practice of Discrimination and reinstatement of Plaintiff Gilberto Velasco's employment.

WHEREFORE, Plaintiff Gilberto Velasco prays for judgment in favor of Plaintiff Gilberto Velasco and against Defendant Pet-Ag, Inc., for an award of actual damages and punitive damages, for equitable relief in the form of abatement and either front pay or reinstatement, for Plaintiff's attorney's fees and costs incurred herein, and for such other and further relief as the Court may deem proper.

COUNT V – HOSTILE WORK ENVIRONMENT (IHRA)

COMES NOW, Plaintiff Gilberto Velasco, by and through his attorneys, and for Count V of Plaintiff Gilberto Velasco's Complaint against Defendant Pet-Ag, Inc. states as follows:

88. Plaintiff Gilberto Velasco realleges, restates and incorporates by reference herein paragraphs 1 through 51 of the Complaint as and for this paragraph 88 of the Complaint.

89. At all times relevant hereto, Dari Brown, Vice-President and General Manager of Defendant Pet-Ag, Inc., was Plaintiff Gilberto Velasco's supervisor and was acting within the scope of her position as Vice-President and General Manager of Defendant Pet-Ag, Inc. and in furtherance of the business interests of Defendant Pet-Ag, Inc.

90. As Plaintiff Gilberto Velasco's supervisor, Dari Brown as Vice-President and General Manager of Defendant Pet-Ag, Inc. had the power to hire, fire, demote, transfer or discipline Plaintiff Gilberto Velasco.

91. Plaintiff Gilbert Velasco was subjected to a Hostile Work Environment by Dari Brown, Vice-President and General Manager of Defendant Pet-Ag, Inc.

92. The conduct constituting the Hostile Work Environment was unwelcome to Plaintiff Gilberto Velasco.

93. The conduct constituting the Hostile Work Environment occurred because Plaintiff Gilberto Velasco's sex, race, color, and/or national origin.

94. The conduct constituting the Hostile Work Environment was sufficiently severe or pervasive that a reasonable person in Plaintiff Gilberto Velasco's position would find Plaintiff Gilberto Velasco's work environment to be hostile and abuse.

95. At the time the conduct constituting the Hostile Work Environment occurred, Plaintiff Gilberto Velasco believed that the conduct constituting the Hostile Work Environment

made his work environment hostile or abusive.

96. In creating, permitting and maintaining the Hostile Work Environment, Defendant Pet-Ag, Inc. failed to exercise reasonable care to prevent and correct the Hostile Work Environment where:

a. Defendant Pet-Ag, Inc. had actual knowledge of the Hostile Work Environment;

b. Defendant Pet-Ag, Inc. failed to implement and enforce its non-discrimination policies;

c. Defendant Pet-Ag, Inc. failed to adequately investigate the Discrimination Complaints; and

d. Defendant Pet-Ag, Inc. failed to take the necessary corrective action to abate the Hostile Work Environment.

97. Plaintiff Gilberto Velasco took advantage or otherwise availed himself of opportunities provided by Defendant Pet-Ag, Inc. to correct or otherwise abate the conduct constituting the Hostile Work Environment by making the Discrimination Complaints and by participating in the internal investigation of Dari Brown and/or the Discrimination Complaints.

98. In the alternative, Plaintiff Gilberto Velasco was excused from taking advantage or otherwise availing himself of opportunities provided by Defendant Pet-Ag, Inc. to correct or otherwise abate the conduct constituting the Hostile Work Environment because Plaintiff Gilberto Velasco had reasonable fears and concerns of retaliation and any attempt to utilize such opportunities would have been futile due to hostility, antagonism and animus directed towards Plaintiff Gilberto Velasco.

99. As a direct and proximate result of the Hostile Work Environment, Plaintiff Gilberto Velasco sustained actual damages in an amount in excess of \$75,000.00 as follows:

- a. Lost wages and benefits, including front pay and back pay;
- b. Lost future earning, diminished future earning capacity, and reputation harm;
- c. Physical, mental, and/or emotional pain and suffering, loss of enjoyment of life, loss of self-confidence, anger, aggravation, anxiety and depression;
- d. Job search expenses and relocation expenses necessarily incurred to secure alternate employment and to mitigate damages;
- e. Tax consequences associated with any lump-sum award;
- f. Attorney's fees in the prosecution of this claim.

100. Plaintiff Gilberto Velasco further seeks an award of punitive damages on the following grounds:

- a. Defendant Pet-Ag, Inc. engaged in the above-described discriminatory practice with malice and/or with reckless disregard and indifference to the federally protected employment rights of Plaintiff Gilberto Velasco.
- b. Defendant Pet-Ag, Inc. knew or should have known that the maintenance of the Hostile Work Environment may violate the federally protected employment rights of Plaintiff Gilberto Velasco.
- c. Defendant Pet-Ag, Inc.'s managerial employees and officers acted in reckless disregard of the federally protected employment rights of Plaintiff Gilberto Velasco.

101. In the alternative to the award of front pay, Plaintiff Gilberto Velasco seeks equitable relief in the form of abatement of the Hostile Work Environment and reinstatement of Plaintiff Gilberto Velasco's employment.

WHEREFORE, Plaintiff Gilberto Velasco prays for judgment in favor of Plaintiff Gilberto Velasco and against Defendant Pet-Ag, Inc., for an award of actual damages and punitive damages, for equitable relief in the form of abatement and either front pay or reinstatement, for Plaintiff's attorney's fees and costs incurred herein, and for such other and further relief as the Court may deem proper.

COUNT VI – EMPLOYMENT DISCRIMINATION (IHRA)

COMES NOW, Plaintiff Gilberto Velasco, by and through his attorneys, and for Count VI of Plaintiff Gilberto Velasco's Complaint against Defendant Pet-Ag, Inc. states as follows:

102. Plaintiff Gilberto Velasco realleges, restates and incorporates by reference herein paragraphs 1 through 51 of the Complaint as and for this paragraph 102 of the Complaint.

103. Prior to his termination, Plaintiff Gilberto Velasco was performing his job duties as Senior Director of Operations to the Defendant Pet-Ag, Inc.'s legitimate business expectations.

104. Defendant Pet-Ag, Inc. took material adverse action against Plaintiff Gilberto Velasco by suspending Plaintiff Gilberto Velasco and by terminating Plaintiff Gilberto Velasco's employment.

105. Defendant Pet-Ag, Inc. suspended Plaintiff Gilberto Velasco and terminated Plaintiff Gilberto Velasco's employment with Defendant Pet-Ag, Inc. because of Plaintiff Gilberto Velasco's sex, race, color, and/or national origin.

106. As a direct and proximate result of the unlawful employment discrimination, Plaintiff Gilberto Velasco sustained actual damages in an amount in excess of \$75,000.00 as follows:

- a. Lost wages and benefits, including front pay and back pay;
- b. Lost future earning, diminished future earning capacity, and reputation harm;
- c. Physical, mental, and/or emotional pain and suffering, loss of enjoyment of life, loss of self-confidence, anger, aggravation, anxiety and depression;
- d. Job search expenses and relocation expenses necessarily incurred to secure alternate employment and to mitigate damages;
- e. Tax consequences associated with any lump-sum award;
- f. Attorney's fees in the prosecution of this claim.

107. Plaintiff Gilberto Velasco further seeks an award of punitive damages on the following grounds:

- a. Defendant Pet-Ag, Inc. engaged in the above-described discriminatory practice with malice and/or with reckless disregard and indifference to the federally protected employment rights of Plaintiff Gilberto Velasco.
- b. Defendant Pet-Ag, Inc. knew or should have known that the termination of Plaintiff Gilberto Velasco may violate the federally protected employment rights of Plaintiff Gilberto Velasco.
- c. Defendant Pet-Ag, Inc.'s managerial employees and officers acted in reckless disregard of the federally protected employment rights of Plaintiff Gilberto Velasco.

108. In the alternative to the award of front pay, Plaintiff Gilberto Velasco seeks equitable relief in the form of reinstatement of Plaintiff Gilberto Velasco's employment.

WHEREFORE, Plaintiff Gilberto Velasco prays for judgment in favor of Plaintiff Gilberto Velasco and against Defendant Pet-Ag, Inc., for an award of actual damages and punitive damages, for equitable relief in the form of abatement and either front pay or reinstatement, for Plaintiff's attorney's fees and costs incurred herein, and for such other and further relief as the Court may deem proper.

COUNT VII – RETALIATION (IHRA)

COMES NOW, Plaintiff Gilberto Velasco, by and through his attorneys, and for Count VII of Plaintiff Gilberto Velasco's Complaint against Defendant Pet-Ag, Inc. states as follows:

109. Plaintiff Gilberto Velasco realleges, restates and incorporates by reference herein paragraphs 1 through 51 of the Complaint as and for this paragraph 109 of the Complaint.

110. Plaintiff Gilberto Velasco had a reasonable and good faith belief that Plaintiff Gilberto Velasco had been discriminated against and/or had been subjected to a Hostile Work Environment.

111. Plaintiff Gilberto Velasco engaged in Protected Activity.

112. Defendant Pet-Ag, Inc. took material adverse action against Plaintiff Gilberto Velasco by suspending Plaintiff Gilberto Velasco and by terminating Plaintiff Gilberto Velasco's employment.

113. Defendant Pet-Ag, Inc. suspended Plaintiff Gilberto Velasco and terminated Plaintiff Gilberto Velasco's employment with Defendant Pet-Ag, Inc. because Plaintiff Gilberto Velasco engaged in the Protected Activity.

114. As a direct and proximate result of the Retaliation, Plaintiff Gilberto Velasco sustained actual damages in an amount in excess of \$75,000.00 as follows:

- a. Lost wages and benefits, including front pay and back pay;
- b. Lost future earning, diminished future earning capacity, and reputation harm;
- c. Physical, mental, and/or emotional pain and suffering, loss of enjoyment of life, loss of self-confidence, anger, aggravation, anxiety and depression;
- d. Job search expenses and relocation expenses necessarily incurred to secure alternate employment and to mitigate damages;
- e. Tax consequences associated with any lump-sum award;
- f. Attorney's fees in the prosecution of this claim.

115. Plaintiff Gilberto Velasco further seeks an award of punitive damages on the following grounds:

- a. Defendant Pet-Ag, Inc. engaged in the Retaliation with malice and/or with reckless disregard and indifference to the federally protected employment rights of Plaintiff Gilberto Velasco.
- b. Defendant Pet-Ag, Inc. knew or should have known that the Retaliation may violate the federally protected employment rights of Plaintiff Gilberto Velasco.
- c. Defendant Pet-Ag, Inc.'s managerial employees and officers acted in reckless disregard of the federally protected employment rights of Plaintiff Gilberto Velasco.

116. In the alternative to the award of front pay, Plaintiff Gilberto Velasco seeks equitable relief in the form of reinstatement of Plaintiff Gilberto Velasco's employment.

WHEREFORE, Plaintiff Gilberto Velasco prays for judgment in favor of Plaintiff Gilberto Velasco and against Defendant Pet-Ag, Inc., for an award of actual damages and punitive damages, for equitable relief in the form of abatement and either front pay or reinstatement, for Plaintiff's attorney's fees and costs incurred herein, and for such other and further relief as the Court may deem proper.

Respectfully Submitted,

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