

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

.....X

LETICIA RODRIGUEZ

Plaintiff,

- against -

B&G FOODS INC. and NANCY BARAN, in her
individual and professional capacities,

Defendant.

.....X

Case No.:

COMPLAINT

**PLAINTIFF DEMANDS A
TRIAL BY JURY**

Plaintiff, Leticia Rodriguez, by and through her attorneys, FILIPPATOS PLLC, hereby complains of Defendants B&G Foods Inc., (“B&G” or the “Company”) and Nancy Baran (together, “Defendants”), upon personal knowledge, as well as information and belief, by alleging and averring as follows:

PRELIMINARY STATEMENT

1. Plaintiff Leticia Rodriguez’s experience at B&G — a Fortune 500 company with nearly 250,000 employees, and annual revenue of over \$2 billion — is, sadly, emblematic of the challenges faced by minority and disabled workers in corporate America. Despite being a highly skilled and seasoned professional with over 23 years of experience in the retail food industry, Plaintiff was the only Hispanic member on her all-Caucasian sales team, but was targeted for her race, disability, and/or protected activity.

2. In fact, immediately upon returning from a protected leave under the Family Medical Leave Act (“FMLA”), Plaintiff was effectively demoted to a lower, administrative position by Defendant Nancy Baran, who unilaterally changed Plaintiff’s duties and responsibilities. Plaintiff’s original responsibilities were reassigned while she was on leave to

white employees, but inexplicably remained with these white employees after her return to work. Plaintiff was also suddenly singled out and subjected to a different procedure for approval of overtime work than her white co-workers.

3. After Ms. Rodriguez engaged in protected activity by raising concerns about the discriminatory behavior by Defendant Baran to B&G's Human Resources ("HR") department, Defendants retaliated further against Plaintiff by issuing her a baseless negative performance evaluation and placing her on a meritless Performance Improvement Plan ("PIP").

4. Plaintiff demurred that her absences, allegedly the crux of her purported poor performance, were related to her disability (multiple sclerosis) and the fatigue it causes. Nevertheless, B&G failed to engage in even a semblance of an interactive process to accommodate Ms. Rodriguez, considering her disability so that she could perform the functions of her job. Instead, Defendant Baran abruptly and unilaterally changed Plaintiff's work schedule.

5. The close temporal proximity between Plaintiff's protected activity in October 2020 and November 2020, and the adverse actions Defendants took against her (i.e., her subsequent poor performance evaluation in December 2020, her baseless and retaliatory PIP in March 2021, and firing in June 2021) cannot be ignored.

6. Accordingly, Plaintiff brings this action seeking injunctive, declaratory and monetary relief against Defendants for violating her rights under Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub. L. No. 102-166 ("Title VII"); Section 1981 of the Civil Rights Act of 1866, 42 U.S.C. § 1981 ("§ 1981"); the Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C. §§ 12101, *et seq.*, as amended by the ADA Amendments Act of 2008, Pub. L. No. 110-325 ("ADAA"); the Family and Medical Leave Act of 1993 ("FMLA"), 29 U.S.C. §§ 2601 *et seq.*, as

amended by the Families First Coronavirus Response Act of 2020, Pub. L. No. §§ 116-127 (FFCRA”); and the New Jersey Law Against Discrimination of 1945 (“NJLAD”), as amended and codified, §§ 10:5-12 *et seq.*

JURISDICTION AND VENUE

7. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1343 as this action involves federal questions regarding the deprivation of Plaintiff’s civil rights under Section 1981, Title VII, the ADA and the FMLA.

8. This Court has supplemental jurisdiction over Plaintiff’s related claims arising under New Jersey law pursuant to 28 U.S.C. § 1367.

9. Venue is proper in this district pursuant to 28 U.S.C. § 1391 as B&G is a domestic business corporation doing business in the State of New Jersey and a substantial part of the events or omissions giving rise to this action, including the unlawful discrimination and retaliation alleged herein, occurred in this district.

ADMINISTRATIVE REQUIREMENTS

10. On June 21, 2021, Plaintiff timely filed a Charge of Discrimination with the Equal Employment Opportunity Commission (“EEOC”), alleging violations of Title VII and the ADA arising out of the facts described herein. On May 22, 2023, the EEOC issued Ms. Rodriguez a Notice of Right to Sue. Plaintiff has asserted her Title VII and ADA claims herein within 90 days of receipt of her Notice of Right to Sue.

11. Any and all other prerequisites to the filing of this suit have been met.

PARTIES

12. Plaintiff is a Hispanic adult female and a resident of the State of New Jersey and County of Hudson. Plaintiff was a Senior Sales Coordinator at B&G and worked at the Company

from July 2018 until her unlawful firing on June 18, 2021. At all relevant times, Ms. Rodriguez met the definition of “employee” and/or “eligible employee” under all applicable statutes.

13. At all times relevant hereto, B&G was and is a domestic for-profit corporation duly existing pursuant to, and by virtue of, the laws of the State of New Jersey and maintains its principal place of business at 4 Gatehall Drive #110, Parsippany, New Jersey 07054.

14. B&G is a publicly traded food holdings company that manufactures, sells, and distributes a portfolio of shelf-stable and frozen foods and household products in the United States, Canada, and Puerto Rico. B&G has made approximately \$2.16 billion dollars in net sales in 2022 alone.¹ Upon information and belief, B&G employs over 2,500 individuals on a full-time or full-time equivalent basis. At all relevant times, B&G met the definition of an “employer” and/or a “covered employer” under all relevant statutes.

15. Defendant Nancy Baran is the Director, Customer Relations Operations at B&G Foods, Inc. Ms. Baran supervised Ms. Rodriguez from January 2020 until Plaintiff’s unlawful firing in June 2021, had the power to hire and fire Ms. Rodriguez, supervised and controlled Ms. Rodriguez’s work schedules or conditions of employment, determined her rate of pay and method of payment, and maintained employment records. Defendant Baran also directly participated in the unlawful actions taken against Ms. Rodriguez, including the decision to effectively demote Ms. Rodriguez, subject her to an unlawful PIP, and ultimately fire Ms. Rodriguez. At all relevant times, Ms. Baran met the definition of a “person,” “employer” and/or a “covered employer” under all relevant statutes. Upon information and belief, Defendant Baran is a resident of the State of New Jersey.

¹ See B&G Foods, Inc. 2022 Annual Report, Financial Highlights, <https://bgfoods.gcs-web.com/static-files/3f851b35-7608-4b7c-9b1c-709726947f17> (last accessed on June 14, 2023).

MATERIAL FACTS

I. Plaintiff Continues Her Career in the Retail Food Industry and Joins B&G

16. On or about July 30, 2018, Plaintiff joined B&G as a Senior Sales Coordinator, having amassed over 23 years of experience in the retail food industry. In this role, Plaintiff was tasked, amongst other things, with providing effective management of customer and field sales relationships for assigned accounts.

17. Prior to joining B&G, Plaintiff worked at Yusen Logistics in Secaucus, New Jersey, as an Import Logistics Agent, maintaining daily operations of shipments imported into the U.S. via ocean carriers. In this role, she was responsible for the distribution of documents, cargo tracking, billing, and the collection of funds. In addition, Plaintiff handled accounting processes, investigated rate discrepancies, monitored accounts, filed claims, issued arrival notices, distributed documentation, tracked shipment movement from origin to destination, and proactively communicated the status of shipments.

18. Plaintiff was hired by Ellen Reichert, B&G's Customer Service Director at an annual salary of approximately \$57,000. By the time of her unlawful firing, Plaintiff was earning approximately \$59,500.

19. On or about January 29, 2019, Plaintiff received her first annual performance review, which was conducted by Eileen Daneault, Senior Sales Coordinator, and was overwhelmingly positive.

20. In her 2018 Performance Evaluation, Plaintiff was consistently rated as "meets expectations (performance results meet and may occasionally exceed expectations)" and found to be a "solid" performer in the "key areas" of her job. Specifically, Ms. Daneault described Plaintiff as someone who "empowers others and makes each person feel his/her contributions are

important.” She noted that Plaintiff “persists in accomplishing objectives despite obstacles and setbacks” and “makes sound decisions, even in the absence of complete information.” Ms. Daneault also praised how Plaintiff “uncovers the root cause to difficult problem and evaluates the risks and benefits of solution options” and “works cooperatively with others across the organization to achieve objectives and credits others for their contributions.”

II. Plaintiff Takes FMLA-Protected Leave After Being Hospitalized to Treat Her Multiple Sclerosis Disease, and Seeks Additional Leave as a Reasonable Accommodation for Her Disability

21. In late July 2019, Plaintiff was afflicted with an acute flare-up and exacerbation of her multiple sclerosis disease, a chronic autoimmune disorder.

22. On or about July 25, 2019, Plaintiff was admitted to a hospital with significantly impaired motor functions and visual acuity, as well as severe exhaustion and whole-body weakness.

23. Plaintiff remained hospitalized until July 30, 2019, with a prognosis that she should be well-recovered by March 1, 2020.

24. On July 30, 2019, as soon as she was eligible, Plaintiff sought, and was granted FMLA-protected leave until September 9, 2019. Plaintiff later requested an extension of her FMLA leave through November 11, 2019.

25. Plaintiff subsequently requested another extension of her medical leave as a reasonable accommodation for her disability pursuant to the ADA.

III. Upon Returning from Her Protected Medical Leave, Plaintiff is Shut Out and Demeaned by Her New Supervisor, Defendant Baran, Who Immediately Exhibits Flagrant Discriminatory and Retaliatory Animus Against Plaintiff and Effectively Demotes Her

26. On or about January 21, 2020, Plaintiff returned to work from her protected medical leave and met her new supervisor, Defendant Baran, who is white and had replaced Ms. Reichert as Customer Service Director.

27. Defendant Baran was hostile and abusive towards Plaintiff from the moment they met. Ms. Baran's first words to Plaintiff were: "I do not know who you are, nor do I care to."

28. Defendant Baran then informed Plaintiff that her position had not been held open while she went out on leave, but instead had been filled by a white co-worker named Debbie Schiff.

29. On January 31, 2020, during a team meeting, Defendant Baran announced that Plaintiff was no longer permitted to handle any of her own accounts, as she had successfully done prior to going out on FMLA protected leave. Instead, Defendant Baran announced that Plaintiff's new role would be to handle the sample and distribution orders and daily report, which was primarily clerical work. This was a clear demotion from Plaintiff's role as Senior Sales Director and a diminution and stripping away of Plaintiff's main duties and responsibilities.

30. Notably, in this meeting, Defendant Baran assigned backup coverage to every employee on the nearly all-white sales team, except for Plaintiff who was the only Hispanic person on the team.

31. Considering Defendant Baran's unilateral changes to Plaintiff's duties and responsibilities, a co-worker suggested to Ms. Baran that Ms. Rodriguez's title be officially changed to Administrative Assistant. In response, Defendant Baran became very defensive and questioned the co-worker's motive for asking such a question. In fact, after the meeting, Defendant Baran falsely accused Plaintiff of orchestrating the co-worker's public inquiry.

32. Similarly, during the January 31, 2020, team meeting, Defendant Baran mentioned that the ability to work overtime was generally allowed for members of the sales team. However, shortly thereafter, Defendant Baran singled out Plaintiff and indicated that she would not be allowed to work any overtime, but must complete all her assignments during the normal workday.

33. Defendant Baran also demeaned Ms. Rodriguez and her responsibilities in front of other members of the team, including in an email to the team in which she accused Ms. Rodriguez of disseminating out “reports as quickly as she can cut and paste them.”

34. Moreover, on several occasions, Defendant Baran made no effort to hide her obvious bias towards people of Hispanic ethnicity as she repeatedly and openly bragged about her missionary work “feeding the Hispanics” – an offensive and cringe-worthy comment that made Plaintiff, the only Hispanic in the group, highly uncomfortable and feel as if she was being singled out as some sort of “charity case.”

IV. Plaintiff Complains to HR About the Discrimination She is Enduring, while B&G Fails to Engage in the Interactive Process to Determine if Plaintiff Can Be Reasonably Accommodated For of Her Disability

35. On or about March 15, 2020, Plaintiff lodged a complaint with Rebecca Bourdeau, a senior HR employee, in which she revealed how distraught and anxious she had become due to Defendant Baran’s discriminatory treatment. Plaintiff specifically stated that, “[s]ince I returned [from FMLA leave,] I feel that I have been demoted in my position,” because “I no longer handle Exports, which is what I was hired to do.” As a result of Ms. Baran’s “bullying and badgering [sic],” Ms. Rodriguez told Ms. Bourdeau that she had suffered “lots of anxiety” and was “consistently nervous.”

36. Then, on April 3, 2020, Plaintiff followed up on her earlier complaint to Ms. Bourdeau and sought help from the Company once again. *Plaintiff told Ms. Bourdeau that the*

stress of working in the hostile work environment created by Defendant Baran caused the symptoms of her multiple sclerosis disease to flare up, such that she was “exhausted, [and had a] nervousness and fast heartbeat” “because of the way [she was] treated [by Ms. Baran].”

37. Plaintiff also noted that Defendant Baran required Plaintiff to request prior authorization to work overtime hours, while her white team members were not required to.

38. In fact, on multiple occasions, Defendant Baran suggested to the rest of the team that they could work unlimited overtime hours, stating, “If you’re at the movie theater and you happened to open your phone to read an email, please put in for the time reading the email.” When speaking to Ms. Rodriguez, however, Ms. Baran humiliatingly and rudely reminded Plaintiff “that [the seemingly unlimited overtime policy] does not include you, what you do [does] not require overtime.”

39. Plaintiff also complained about how Defendant Baran constantly and unfairly criticized her for “taking too long to do her job,” a remark that Ms. Baran never made to any similarly situated white and/or non-disabled co-workers. Defendant Baran unilaterally modified Plaintiff’s work schedule to begin one hour later than normal, despite Plaintiff’s warning that doing so would only worsen her symptoms of fatigue, and that she would be more effective with an earlier start time. In fact, Ms. Baran took it upon herself to email the whole team to simply embarrass Plaintiff by saying, “Leticia is shifting her start time later if needed to account for her role being most critical later in the day,” which was apparently supposed to remove any need for Plaintiff to request overtime.

40. Plaintiff once again put the Company on notice of her disability by reminding Ms. Bourdeau that she had “an auto immune disease, [for] which a common symptom is fatigue.” *Regrettably, the Company failed to engage in any interactive process to ascertain whether any*

reasonable accommodation could be made in order to alleviate the difficulties caused by her disability.

41. Over a month after her initial complaint, on April 23, 2020, Ms. Bourdeau finally met with Plaintiff and Ms. Baran. After the meeting, Plaintiff was allowed to handle a few export accounts but was never given her full prior account load back.

V. Plaintiff Receives Discriminatory and Retaliatory Performance Feedback and Subsequently Engages in Further Protected Activity

42. In August 2020, Plaintiff received a performance review from Defendant Baran, but was never informed of any alleged performance concerns. Rather, the only comment on her mid-year review was made by Ms. Rodriguez herself, who noted: “concerns discussed with my manager, on track to complete my objectives.”

43. Then, on August 13, 2020, Ms. Baran finally allowed Ms. Rodriguez to take back her full export account load from Ms. Schiff for the first time since Plaintiff first took FMLA leave, and after she made countless requests over the course of the prior eight months.

44. During this transition of accounts, Ms. Schiff confirmed that to effectively support the volume of export accounts she was managing, overtime work was “essential.”

45. Nevertheless, on or about October 5, 2020, Ms. Baran emailed Plaintiff stating: “effective tomorrow: 1) Start time no earlier than 8:30 am. If you continue to experience the need for work at 6-7 pm as you have, then I would go so far as suggesting you start even a little later. 2) No overtime without a note that day justifying what business needs will be unmet without the overtime. No overtime hours will be approved during the end of a payroll cycle unless we had prior discussion/approval.”

46. Plaintiff did not understand why she, as a woman of color with a disability, was the *only* person on the team who was required to request prior approval for overtime work - particularly

since her responsibilities were no longer merely administrative in nature – while her white counterparts did not have to undertake the same process.

47. Also on that day, Defendant Baran continued to threaten Ms. Rodriguez through email, stating: “This conversation is strictly between the two of us and not being stated in a general status meeting. Why? There are team members working overtime based on account volume and I don’t want to discourage them from doing so and jeopardizing business outcomes. You’ve stated in the past that you often discuss hours with other team members. In this scenario, I ask that you don’t discuss my concerns addressed here in such a way that could be perceived as relevant to the broader team causing mixed messages or confusion.”

48. In effect, Defendant Baran not only subjected Plaintiff to disparate treatment regarding her ability to work overtime, but also tried to intimidate her into silence.

49. Plaintiff forwarded Ms. Baran’s emails to Ms. Bourdeau. Several meetings between Plaintiff and HR personnel ensued.

50. On or about November 24, 2020, Plaintiff contacted Ms. Bourdeau again about Ms. Baran’s hesitancy to permit her to work overtime. Specifically, Ms. Rodriguez made clear that she believed she was being targeted because she was “the only Hispanic or person of any color in my department,” and that Ms. Baran “did not like [her] due to the color of [her] skin.” No other non-Hispanic B&G employee on Plaintiff’s team were subjected to the same level of scrutiny for working overtime by Ms. Baran. Ms. Bourdeau claimed that she would investigate the matter.

51. Unsurprisingly, less than two weeks later, on or about December 7, 2020, Ms. Bourdeau notified Ms. Rodriguez that her discrimination claims were meritless.

VI. Defendants Retaliate Against Plaintiff for Engaging in Protected Activity by Issuing Her an Unfounded Poor Performance Evaluation

52. On or about December 15, 2020, exactly three weeks after her latest protected complaint to HR, Plaintiff was called into a meeting with Ms. Bourdeau and Defendant Baran and inexplicably told that she was being graded as “needs improvement” on her 2020 Objectives & Performance Evaluation.

53. Plaintiff felt that these “concerns,” which were now being raised for the first time, were purely subterfuge and only further demonstrated the heightened scrutiny to which she was being unfairly subjected. The areas of purported “concern” for Plaintiff were: (1) improving the quality of her work; (2) improving her knowledge of her job; (3) ensuring that her hours worked align with her output; and (4) improving her ability to find documents when needed. Ms. Rodriguez immediately expressed her objections to these purported “concerns.”

54. Then, on December 18, 2020, Plaintiff complained to Ms. Bourdeau, and also escalated her concerns to Eric Hart, Vice President of HHR, as well as Tricia McDermott, Senior Director of HR, during which she again recounted the abhorrent discrimination, harassment, and retaliation she had endured at the hands of Defendant Baran and how the stress and harm cause by this misconduct was exacerbating her multiple sclerosis flare-ups.

55. A few days later, on December 23, 2020, Jarrod Englebreton, Director of HR, Manufacturing, reached out to Plaintiff to supposedly discuss Plaintiff’s concerns about Defendant Baran. The two eventually spoke on December 30, 2020, and then again on January 20, 2021. During these conversations, Plaintiff and Mr. Englebreton agreed that Plaintiff’s receipt of a “Performance Concern” note from Defendant Baran just one week after she filed a protected complaint with HR in connection to Ms. Baran’s unfair and racist behavior towards Plaintiff was problematic.

56. However, on or about January 21, 2021, Mr. Englebretson notified Plaintiff that his investigation had concluded and, unsurprisingly once more, that there was “no evidence to corroborate” her complaints of discrimination and retaliation.

57. When questioned about the details of his “investigation,” Mr. Englebretson refused to identify with whom he had spoken, nor how Ms. Rodriguez’s requirements for being allowed to work overtime compared to those of others. Mr. Englebretson also failed to ever ask Plaintiff for documents or emails supporting her claims during his investigation.

58. Moreover, when Ms. Rodriguez requested to see Mr. Englebretson’s supposed findings in writing, Mr. Englebretson refused. ***Instead, he echoed Ms. Baran’s threat and warned Plaintiff that “going forward, any communications with co-workers must be work related,” and that she should “leave all this other stuff out of it”*** — the word “stuff” referring of course to Plaintiff’s protected complaints of disparate treatment, harassment, and retaliation.

59. In the meantime, Defendant Baran created a schedule in which she was to meet with Plaintiff for half an hour every Monday starting December 21, 2020, and ending on February 22, 2021, purportedly to address Plaintiff’s alleged performance deficiencies. However, without explanation, Defendant Baran cancelled ***all these meetings***, leaving Plaintiff with no constructive feedback regarding how she might be able to “improve” her performance.

60. Notwithstanding all these challenges and obstacles, Plaintiff consistently met her project deliverables and day-to-day leadership responsibilities, in addition to the various *ad hoc* assignments Defendant Baran would give her, which appeared to be orchestrated to set Plaintiff up for failure. Put simply, ***Ms. Baran was papering the file***. Nonetheless, Plaintiff gave it her best, met every deadline she needed to, and, fearing further scrutiny of the time she needed to complete her work, often completed these tasks without recording the long hours she had to work.

VII. Defendant Baran Further Retaliates Against Plaintiff by Placing Her on an Unwarranted PIP, Causing Plaintiff to Suffer Further Severe Anxiety and Emotional Distress

61. On or about March 10, 2021 – just only seven days after Plaintiff’s attorney put Defendants on notice of her potential legal claims through her counsel – Defendant Baran and Ms. Bourdeau met with Plaintiff to review her annual performance.

62. Defendant Baran criticized Ms. Rodriguez for unplanned absences, even though she knew full well about Ms. Rodriguez’s serious disability and stated: “everyone has the right to be sick...but you’ve consumed quite a few days early in the year, we all need to be here, otherwise it does have an impact on the team.”

63. Again, instead of engaging in an interactive dialogue to determine whether the Company could accommodate Plaintiff considering her disability, Defendant Baran placed Plaintiff on an unfounded 60-day Performance Improvement Plan (“PIP”).

64. As part of the bogus PIP, Plaintiff was supposed to meet weekly with Defendant Baran to discuss her workload and performance. These meetings, however, served as yet another avenue for Ms. Baran to behave in a combative and unprofessional manner towards Ms. Rodriguez, often with little to no intervention from Ms. Bourdeau.

65. In fact, on or about May 4, 2021, Plaintiff had forgotten her computer’s charging cable and asked Defendant Baran if she could send her a new one, just as she had done for Plaintiff’s white co-worker, Ms. Schiff. Incredibly, Defendant Baran refused and told Plaintiff that she would have to travel and come into the office, and was “pathetic for not letting go of the past.”

66. Then, on May 19, 2021, Plaintiff again complained about Ms. Baran’s campaign of discrimination, describing to Ms. Bourdeau how Ms. Baran had called her “pathetic.”

67. The next day, on May 20, 2021, Plaintiff was called into a meeting with Ms. Bourdeau and Ellen Schum, Executive Vice President, and told that even though the PIP had concluded back on May 9, 2021, Plaintiff was being given a final warning, as they listed off eight vague and unspecific “ongoing issues.”

68. When Plaintiff brought up how Defendant Baran had audaciously called her “pathetic,” Ms. Bourdeau dismissively claimed that HR had already “looked into it,” and that there was “no merit for your case.”

69. Plaintiff felt completely unheard and was suffering extreme stress and anxiety, causing her to experience chest pains. Plaintiff immediately contacted her cardiologist who advised Plaintiff immediately to schedule an echocardiogram, which she ultimately scheduled for June 14, 2021.

70. Then, on or about June 16, 2021, Plaintiff notified Ms. Baran that she had to go visit some of her doctors. In response, Ms. Baran told Plaintiff that while Plaintiff was out of work, she had held a vote amongst members of the sales team regarding their return to in-person work in the office, which had been agreed would begin the following week. Defendant Baran’s exclusion of Ms. Rodriguez from this important decision was of course completely consistent with Ms. Baran’s discriminatory and retaliatory treatment of Plaintiff.

VIII. Defendants Engage in One Final Act of Insidious Retaliation by Firing Plaintiff Shortly After She Last Complains About Race and Disability Discrimination

71. On or about June 18, 2021, before Plaintiff was able to return to in-person work from the office, in one last blatant and sadistic act of retaliation, Defendants terminated Plaintiff’s employment, carried out less than one month after her latest complaint of discrimination to HR, and merely *one day after* Plaintiff’s counsel notified B&G of her intent to file a Charge of Discrimination with the EEOC.

AS AND FOR A FIRST CAUSE OF ACTION
Discrimination in Violation of § 1981
Against All Defendants

72. Plaintiff hereby repeats, reiterates, and re-alleges each and every previous allegation as if fully set forth herein.

73. As described above, Defendants have discriminated against Plaintiff on the basis of race in violation of § 1981 by fostering, condoning, accepting, ratifying and/or otherwise failing to prevent or remedy a hostile work environment and disparate treatment based on race and/or color.

74. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of § 1981, Plaintiff has suffered, and will continue to suffer, economic damages, mental anguish, and emotional distress for which she is entitled to an award of damages.

75. Defendants' unlawful discriminatory actions constitute malicious, willful, and wanton violations of § 1981 for which Plaintiff is entitled to an award of punitive damages.

AS AND FOR A SECOND CAUSE OF ACTION
Retaliation in Violation of § 1981
Against All Defendants

76. Plaintiff hereby repeats, reiterates, and re-alleges each and every previous allegation as if fully set forth herein.

77. As described above, Defendants have retaliated against Plaintiff for engaging in protected activity, including, *inter alia*, by terminating her employment.

78. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of § 1981, Plaintiff has suffered, and will continue to suffer, economic damages, mental anguish, and emotional distress for which she is entitled to an award of damages.

79. Defendants' unlawful retaliatory actions constitute malicious, willful, and wanton violations of § 1981 for which Plaintiff is entitled to an award of punitive damages.

AS AND FOR A THIRD CAUSE OF ACTION
Discrimination in Violation of Title VII
Against Defendant B&G

80. Plaintiff hereby repeats, reiterates, and re-alleges each and every previous allegation as if fully set forth herein.

81. As described above, Defendant B&G has discriminated against Plaintiff on the basis of race in violation of Title VII by fostering, condoning, accepting, ratifying and/or otherwise failing to prevent or remedy a hostile work environment and disparate treatment based on race.

82. As a direct and proximate result of Defendant B&G's unlawful discriminatory conduct in violation of Title VII, Plaintiff has suffered, and will continue to suffer, economic damages, mental anguish, and emotional distress for which she is entitled to an award of damages.

83. Defendant B&G's unlawful discriminatory actions constitute malicious, willful, and wanton violations of Title VII for which Plaintiff is entitled to an award of punitive damages.

AS AND FOR A FOURTH CAUSE OF ACTION
Retaliation in Violation of Title VII
Against Defendant B&G

84. Plaintiff hereby repeats, reiterates and re-alleges each and every previous allegation as if fully set forth herein.

85. As described above, Defendant B&G has retaliated against Plaintiff for engaging in protected activity, including, *inter alia*, by terminating her employment.

86. As a direct and proximate result of Defendant B&G's unlawful retaliatory conduct in violation of Title VII, Plaintiff has suffered, and continues to suffer, economic damages, mental anguish, and emotional distress for which she is entitled to an award of damages.

87. Defendant B&G's unlawful retaliatory actions constitute malicious, willful, and wanton violations of Title VII for which Plaintiff is entitled to an award of punitive damages.

AS AND FOR A FIFTH CAUSE OF ACTION
Retaliation in Violation of the FMLA
Against Defendants

88. Plaintiff hereby repeats, reiterates, and re-alleges each and every previous allegation as if fully set forth herein.

89. By the actions described above, among others, Defendants have interfered and/or retaliated against Ms. Rodriguez for taking FMLA leave by unilaterally stripping her of her duties, effectively demoting her, and denying her advancement opportunities at the Company shortly after she returned from FMLA leave and ultimately terminating her employment.

90. As a direct and proximate result of Defendants' unlawful conduct in violation of the FMLA, Plaintiff has suffered, and will continue to suffer, monetary and/or other economic harm for which she is entitled to an award of monetary damages, liquidated damages, and other relief.

91. As a direct and proximate result of Defendants' unlawful conduct in violation of the FMLA, Plaintiff has suffered, and continues to suffer, mental anguish and emotional distress, for which she is entitled to an award of damages, to the greatest extent permitted under law, in addition to reasonable attorneys' fees and expenses.

AS AND FOR A SIXTH CAUSE OF ACTION
Discrimination in Violation of the ADA
Against Defendant B&G

92. Plaintiff hereby repeats, reiterates, and re-alleges each and every previous allegation as if fully set forth herein.

93. As described above, Defendant B&G has discriminated against Plaintiff in violation of the ADA by denying her equal terms and conditions of employment, including, but not limited to, failing to engage in the interactive process to reasonably accommodate her, subjecting her to an unlawful PIP, and terminating her employment from the Company because of her disabilities because Defendants regarded her as disabled, and/or because of her record of disability.

94. As a direct and proximate result of B&G's unlawful conduct in violation of the ADA, Plaintiff has suffered, and will continue to suffer, monetary and/or other economic harm for which she is entitled to an award of monetary damages.

95. As a direct and proximate result of B&G's unlawful conduct in violation of the ADA, Plaintiff has suffered, and continues to suffer, mental anguish, and emotional distress, for which she is entitled to an award of damages, to the greatest extent permitted under law.

96. Defendant B&G's unlawful discriminatory actions constitute malicious, willful, and wanton violations of the ADA for which Plaintiff is entitled to an award of punitive damages.

AS AND FOR A SEVENTH CAUSE OF ACTION
Retaliation in Violation of the ADA
Against Defendant B&G

97. Plaintiff hereby repeats, reiterates, and re-alleges each and every previous allegation as if fully set forth herein.

98. As described above, Defendant B&G has retaliated against Plaintiff in violation of the ADA because she requested and took an accommodation for her disability in the form of a leave of absence, and through her many complaints to Human Resources, opposed Defendants' discrimination against employees with disabilities in violation of the ADA.

99. As a direct and proximate result of B&G's unlawful retaliatory conduct in violation of the ADA, Plaintiff has suffered, and will continue to suffer, monetary and/or other economic harm for which she is entitled to an award of monetary damages.

100. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of the ADA, Plaintiff has suffered, and continues to suffer, mental anguish and emotional distress, for which she is entitled to an award of damages, to the greatest extent permitted under law.

101. Defendant B&G's unlawful retaliatory actions constitute malicious, willful, and wanton violations of the ADA for which Plaintiff is entitled to an award of punitive damages.

AS AND FOR AN EIGHTH CAUSE OF ACTION
Discrimination in Violation of the NJLAD
Against All Defendants

102. Plaintiff hereby repeats, reiterates, and re-alleges each and every previous allegation as if fully set forth herein.

103. As described above, Defendants have discriminated against Plaintiff on the basis of her race and/or disability in violation of the NJLAD by fostering, condoning, accepting, ratifying and/or otherwise failing to prevent or remedy a hostile work environment and disparate treatment based on race and/or disability.

104. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the NJLAD, Plaintiff has suffered, and will continue to suffer, economic damages, mental anguish, and emotional distress for which she is entitled to an award of damages.

105. Defendants' unlawful discriminatory actions constitute malicious, willful, and wanton violations of the NJLAD for which Plaintiff is entitled to an award of punitive damages.

AS AND FOR A NINTH CAUSE OF ACTION
Retaliation in Violation of the NJLAD
Against All Defendants

106. Plaintiff hereby repeats, reiterates, and re-alleges each and every previous allegation as if fully set forth herein.

107. As described above, Defendants have retaliated against Plaintiff for engaging in protected activity, including, *inter alia*, by terminating her employment.

108. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of the NJLAD, Plaintiff has suffered, and continue to suffer, economic damages, mental anguish, and emotional distress for which she is entitled to an award of damages.

109. Defendants' unlawful retaliatory actions constitute malicious, willful, and wanton violations of the NJLAD for which Plaintiff is entitled to an award of punitive damages.

AS AND FOR A TENTH CAUSE OF ACTION
Aiding and Abetting Violations of the NJLAD
Against Defendant Baran

110. Plaintiff hereby repeats, reiterates, and re-alleges each and every previous allegation as if fully set forth herein.

111. By the action described above, Defendant Baran knowingly or recklessly aided and abetted the discrimination and retaliation that has been committed against Plaintiff in violation of the NJLAD.

112. As a direct and proximate result of the unlawful conduct aided and abetted by Defendant Baran in violation of the NJLAD, Plaintiff has suffered, and will continue to suffer, economic damages, mental anguish, and emotional distress for which she is entitled to an award of damages.

113. The unlawful discriminatory and retaliatory actions aided and abetted by Defendant Baran constitute malicious, willful, and wanton violations of the NJLAD for which Plaintiff is entitled to an award of punitive damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests a judgment against Defendant:

- A. Declaring that the actions, conduct and practices complained of herein violate the laws of the United States and State of New Jersey;
- B. Awarding damages to the Plaintiff for all lost wages and benefits resulting from Defendants' discrimination in employment and to otherwise make her whole for any losses suffered as a result of such unlawful employment practices;
- C. Awarding Plaintiff compensatory damages for mental, emotional and physical injury, distress, pain, and suffering in an amount to be determined at trial;
- D. Awarding Plaintiff liquidated damages;
- E. Awarding Plaintiff punitive damages;
- F. Awarding Plaintiff pre-judgment and post-judgment interest as applicable;
- G. Awarding Plaintiff attorneys' fees, costs, and expenses incurred in the prosecution of the action; and
- H. Awarding Plaintiff such other and further relief as the Court may deem equitable, just, and proper to remedy Defendants' unlawful employment practices.


JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues of fact and damages stated herein.

Dated: June 13, 2023
White Plains, New York

Respectfully submitted,

FILIPPATOS PLLC

By: 
Tanvir H. Rahman

199 Main Street, Suite 800
White Plains, NY 10601
Tel: 914-984-1111, ext. 505
Fax: 914-984-1111
Trahman@filippatoslaw.com

Counsel for Plaintiff