UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

NEVELY RANDLE, Plaintiff, v. 3M COMPANY, Defendant.	Case No. **COMPLAINT** **AND DEMAND FOR JURY TRIAL**

Comes now, Nevely Randle, through her undersigned attorneys, and respectfully alleges the following:

1. Plaintiff, Nevely Randle ("Randle"), is an African American female who is employed by Defendant, 3M Company ("3M"), at their plant location in Aberdeen, South Dakota. During her employment with 3M, Randle has been subjected to discrimination by her coworkers and supervisors based on her gender and race and has been retaliated against for reporting discriminatory conduct at the plant. Randle's treatment by her coworkers and supervisors and the discipline she has received was in violation of Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S. Code § 1981, and related South Dakota state statutes.

JURISDICTION

2. This Court has jurisdiction over this lawsuit under 28 U.S. Code § 1331 because the action arises under Title VII of the Civil Rights Act of 1964, as amended, hereinafter "Title VII," per 42 U.S.C. § 2000 *et seq*, and 42 U.S. Code §1981.

3. The Court has supplemental jurisdiction over Plaintiff's state law claims under 28 U.S.C. § 1367(a).

4. Randle is a resident and citizen of the state of South Dakota.

5. Defendant 3M is a corporation incorporated under the laws of the State of Delaware with its principal place of business in Maplewood, Minnesota.

6. Venue is proper in accordance with 28 U.S.C. § 1391(b)(1), as 3M resides in this District because its principal place of business is in this state, and it is the sole Defendant.

DISCRIMINATION CHARGE FILED WITH EEOC

7. Defendant, through its agents who worked with and supervised Randle, acted with intentional discrimination toward Randle because of her gender in violation of Title VII of the 1964 Civil Rights Act, 42 U.S.C. § 2000 et seq and 42 U.S. Code § 1981. Randle timely filed a formal discrimination Complaint with the U.S. Equal Employment Opportunity Commission (the "EEOC"). Randle received a Notice of Right to Sue dated July 26, 2022, from the EEOC.

DISCRIMINATION IN VIOLATION OF TITLE VII

8. Randle is a 45-year-old African American female.

9. Randle was employed by Defendant, 3M Company ("3M"), on August 31, 2020, as a custodian in 3M's Aberdeen, South Dakota plant.

10. Randle was named as a witness of racial discrimination and harassment by John Wingo ("Wingo"), another African American male 3M employee.

11. Once named, Randle began receiving harassment from 3M supervisors and other employees.

12. Randle had two jackets vandalized.

13. Randle had her equipment vandalized by someone cutting the scrubbing pads on a handheld scrubber and when Randle asked for replacement pads and reported it to her supervisor, nothing was done, forcing Randle to scrub with her hands and on her knees.

14. Prior to Randle being willing to stand up for Wingo, Randle had no issues at work, no disciplinary action, no adverse actions.

15. Once Randle was willing to stand up for Wingo against the harassment and discrimination 3M perpetuated, Randle was subjected to harassment, had training avoided, and was forced to work in a different manner than white employees in the same department.

16. To date, Randle has not been trained on equipment that would make her job easier and more efficient.

17. Randle is the only person in her department who is not trained on this equipment.

18. This training was supposed to occur over 450 days prior to now.

19. Because this training has not occurred, Randle is forced to do her work multiple times to obtain the same result the machine can get in one pass.

20. Randle is forced to take three times longer to do her job due to not being able to use the machines.

21. Randle is forced to clean stairs by hand, on her hands and knees, because the scrubber she would use was vandalized and not replaced.

22. Despite Randle reporting things to management, nothing is done.

23. Randle is forced to come in on weekends for extra hours when white employees are allowed to come in one hour before their shift for extra hours.

24. Randle has been written up for other employees' actions.

25. When Randle was cleaning the restroom, two 3M employees accosted and harassed Randle about the restrooms being closed.

26. Randle reported the incident to management.

27. Management wrote Randle up for the incident without investigating.

28. 3M has a history of not believing African American employees and taking action against them when something is reported.

29. 3M supervisors and employees have been overheard making comments like, "you can't overwork them people" when referring to minorities.

30. Randle requested a meeting to discuss the issues at hand.

31. Once in the meeting, Randle was refused her employment file or any other information.

32. Randle explained the situation and events that occurred, and nothing was done.

33. Randle has suffered hand and shoulder injuries consistent with hand scrubbing large areas as required by 3M due to avoidance of training and failing to replace Randle's vandalized equipment.

34. On July 7, 2022, Randle attended mediation with the EEOC to try and resolve the claims.

35. 3M stated that they did not know they were there to resolve a retaliation claim, offered $500 and walked away from mediation without any discussion of the issues.

36. Since the mediation, Randle has been told not to come to work because 3M

will not work with her restrictions due to Randle's injuries.

37. Randle has been called into meetings multiple times.

38. Randle rescheduled one of them, and when Randle showed up for the meeting, 3M cancelled it saying they did not know why they needed to have one.

39. Randle is still employed by 3M but is not allowed to work under her current light duty restrictions.

40. As a direct and proximate result of Defendant's discriminatory and retaliatory treatment of Randle, Randle has suffered actual and consequential damages. Defendant's discriminatory practices have caused Randle injury, including, but not limited to, lost earnings (past and future), lost benefits, emotional pain and suffering, mental anguish, humiliation, embarrassment, loss of enjoyment of life, court costs, litigation expenses (including reasonable attorneys' fees), and other damages to be proven at trial.

41. Randle is entitled to equitable relief and damages for Defendant's discriminatory practices as permitted under law.

COUNT I
DISCRIMINATION IN VIOLATION OF TITLE VII

42. Plaintiff reincorporates by reference paragraphs 1 through 41 and incorporates them herein.

43. Defendant 3M's actions as set forth above constitute discrimination against Plaintiff in violation of Title VII, as amended, 42 U.S.C.§2000e-(a)(1).

COUNT II
RETALIATION UNDER TITLE VII

44. Plaintiff reincorporates by reference paragraphs 1 through 41 and incorporates them herein.

45. Defendant 3M's actions as set forth above constitute retaliation against Plaintiff in violation of Title VII, as amended, 42 U.S.C.§2000e-3(a).

COUNT III
DISABILITY DISCRIMINATION UNDER THE ADA

46. Plaintiff reincorporates by reference paragraphs 1 through 41 and incorporates them herein.

47. Defendant 3M's actions as set forth above constitute a violation of the ADA in violation of 42 U.S.C. §12112.

COUNT IV
RETALIATION UNDER THE ADA

48. Plaintiff reincorporates by reference paragraphs 1 through 41 and incorporates them herein.

49. Defendant 3M's actions as set forth above constitute retaliation against Plaintiff in violation of the ADA, 42 U.S.C. §12203.

COUNT V
DISCRIMINATION IN VIOLATION OF STATE LAW
SECTION 20-13-10 – UNFAIR OR DISCRIMINATORY PRACTICES

50. Plaintiff realleges paragraphs 1 through 41 and incorporates them herein.

51. Defendant's actions as set forth above constitute discrimination against Plaintiff based on her sex in violation of the South Dakota Human Rights Act, South Dakota Code § 20-13-22, in that as Plaintiff's employer, 3M, through their agents as detailed above, discharged and accorded adverse or unequal treatment to Plaintiff as an employee of 3M with respect to her training, promotion, upgrading, compensation, employment, and other terms or conditions of her employment. These actions were taken on account of Plaintiff's sex.

COUNT VI
STATE CLAIM OF RETALIATION

52. Plaintiff reincorporates by reference paragraphs 1 through 41 and incorporates them herein.

53. Plaintiff was discriminated against based on her gender and in retaliation for making reports of discriminatory conduct in violation of the South Dakota Human Rights Act.

54. Defendant's actions as set forth above constitute retaliation against Plaintiff in violation of the South Dakota Human Rights Act, South Dakota Code § 20-13-26, in that 3M, by and through its agents as detailed above, did engage in reprisal against Plaintiff by reason of her reporting the discriminatory conduct of her coworkers and supervisors.

COUNT VII
NEGLIGENT INFLICTION
OF EMOTIONAL DISTRESS

55. Plaintiff reincorporates by reference paragraphs 1 through 41 and incorporates them herein.

56. Defendant 3M's actions as set forth above constitute negligent infliction of emotional distress under state law.

COUNT VIII
NEGLIGENT SUPERVISION

57. Plaintiff reincorporates by reference paragraphs 1 through 41 and incorporates them herein.

58. Defendant 3M's actions as set forth above constitute negligent supervision of its employees at the Aberdeen plant in violation of state law.

COUNT IX
INTENTIONAL DISCRIMINATION
IN VIOLATION OF 42 US Code § 1981

59. Plaintiff realleges paragraphs 1 through 41 and incorporates them herein.

60. As alleged above, Plaintiff is continuing to be harassed as a result of intentional racial discrimination in violation of 42 U.S.C. §1981.

COUNT X
CONCEALMENT, AIDING, AND INDUCEMENT
OF DISCRIMINATORY CONDUCT

61. Plaintiff realleges paragraphs 1 through 41 and incorporates them herein.

62. Defendant 3M's actions and lack of action amount to unlawful concealment, unlawful aiding, and inducement of unlawful discriminatory conduct South Dakota Statute § 20-13-26.

Wherefore, Plaintiff respectfully requests that Defendant's actions be declared unlawful and enter judgment in her favor and against Defendant and award:

a. Compensatory damages, including for emotional distress, as the evidence at trial may show;

b. Damages against Defendant including but not limited to those damages allowed by Title VII, the South Dakota Human Relations Act, and any other pertinent and applicable statute, rule or regulation;

c. For Plaintiff's damages, including but not limited to, lost wages and benefits.

d. For Plaintiff's costs, disbursements, and expenses.

e. For Plaintiff's attorney's fees.

f. Pre- and post-judgment interest, costs, expert witness fees and such other relief as the court deems proper; and

g. For such other relief as the court deems just and equitable.

PLAINTIFF DEMANDS A JURY TRIAL ON ALL CLAIMS.

Dated this 29th day of July, 2022.

McCOLLUM CROWLEY P.A.

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