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*Attorneys for Plaintiff*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

THOMAS WADE, an Individual,

Plaintiff,

v.

LAUREN MOSTELLER, INC., a Georgia  
Corporation, doing business as Chick-Fil-A

Defendant.

Case No. \_\_\_\_\_

**COMPLAINT AND DEMAND  
FOR JURY TRIAL**

Plaintiff, Thomas Wade, by and through his counsel of record, Casperson Ulrich Dustin PLLC, for cause of action against Defendant Lauren Mosteller, Inc., a Georgia corporation, doing business as Chick-fil-A, alleges and complains as follows:

**JURISDICTION AND VENUE**

1. This is an action brought under 42 U.S.C. § 1981, *et seq.*; Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.*; the Idaho Human Rights Act, Idaho Code § 67-5901, *et seq.*, and Idaho common law.
2. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331, 1343 and 1367; and 42 U.S.C. § 1981.

3. Venue in this action properly lies in the United States District Court for the District of Idaho, Eastern Division, pursuant to 28 U.S.C. § 1391(b) because the claims arose in this judicial district.

### **PARTIES**

4. Plaintiff Thomas Wade is a male citizen of the United States of America, who resides in Idaho Falls, Idaho.
5. Defendant Lauren Mosteller, Inc., is a Georgia corporation with its principal place of business in Idaho.
6. Lauren Mosteller, Inc. does business in Idaho under the assumed business name of Chick-fil-A and is a franchisee of Chick-fil-A, Inc., a Georgia corporation with its principal place of business in Atlanta, Georgia.
7. At all times material to this Complaint, Defendant regularly employed fifteen or more persons, and was engaged in an industry affecting commerce, bringing Defendant within the ambit of 42 U.S.C. § 2000e, *et seq.*

### **FACTS COMMON TO ALL COUNTS**

8. Plaintiff realleges and incorporates by reference paragraphs 1 through 7 above, as though fully set forth herein.
9. Plaintiff began working for Defendant in or about December 2022.
10. Plaintiff is African American.
11. Defendant hired Plaintiff as a cook and assigned him to the back of house crew.
12. Shortly after being hired, Plaintiff applied for the leadership development program.

13. Plaintiff was not accepted into the program. Bonnie Ibarra, who is not Black, was admitted into the program instead, but she did not want to be a shift lead, so Defendant gave the position to Danny Black who is white.
14. Eric Ibarra was the shift lead and Plaintiff's supervisor.
15. Several other members of Ibarra's family also worked at Chick-fil-A, including Eric Ibarra's wife, Veronica, their sons, Isaiah and Noah, and their daughters Maria Ibarra, Bonnie Ibarra, and Sativa Cortez.
16. On or about March 23, 2023, Plaintiff intervened when Isaiah Ibarra and another employee were antagonizing a third employee.
17. In response to his attempts to intervene and diffuse the situation, Isaiah told Plaintiff, "Shut up ape before I put you in a cage."
18. Plaintiff responded that he was serious about the two stopping the behavior and that he would report their conduct to management.
19. Isaiah shot back with a slur of, "monkey-looking-ass" and a warning that "my parents own this store."
20. Plaintiff immediately reported the interaction to his supervisor, Isaiah's father, Eric Ibarra, detailing what his son had said.
21. Eric Ibarra did nothing.
22. The following day on or about March 24, 2023, Plaintiff met with General Manager Jessica Lainhart and Back of House Director Kaeli Barnes and told them what happened the day before.
23. At first, Ms. Lainhart apologized, but then she said it was not as bad as if someone like her had said it. Ms. Lainhart is white.

24. Neither Lainhart nor Barnes disciplined Isaiah Ibarra for making the racist comments or Eric Ibarra for failing to discipline his son or bring the matter to their attention.
25. Plaintiff took two days off to give himself some space.
26. When he returned, several members of the Ibarra family resumed making racist comments, which occurred over the next seven months.
27. Between March and October 2023, Plaintiff made between 25 and 30 reports to either Lainhart and/or Barnes of racist comments coworkers made to him or in his presence.
28. Some of the comments made by Isaiah Ibarra and Noah Ibarra as well as other coworkers include calling Plaintiff “ape,” “monkey,” “n-word,” and “antique farming equipment” in reference to slavery. They also told Plaintiff they would put him in a cage, and to each other said, “of course he works at Chick-fil-A; he’s Black, so he loves chicken.”
29. On one occasion, Plaintiff walked in on Noah Ibarra whipping Liam Hardy with a towel when the latter said, “Please master, I’ll work harder.” And “Yes, master.” Hardy told Plaintiff he would know about getting whipped since he is Black.
30. On June 11, 2023, Plaintiff made an appointment to speak with Lainhart about the March 23, 2023 incident involving Isaiah Ibarra and to address the ongoing racial harassment. While he was waiting outside their office, he heard Sativa Cortez, who worked front of house and is one of Eric Ibarra’s daughters, say “look like a monkey, act like a monkey.” Plaintiff asked her to repeat what she said, incredulous that someone would say such a thing. She then repeated her racist remark.
31. When he then met with Lainhart and Barnes a few minutes later, he not only discussed the racist statements Isaiah and Noah continued to make, including calling him the “n-word,” but the statement Sativa had just made minutes earlier. Lainhart asked when she made the

remark. He told her Sativa made the remark just minutes prior to their meeting and that management's inaction emboldened the entire Ibarra family to make racist comments to him. Lainhart said she would speak with them, but nothing changed.

32. On July 24, 2023, Plaintiff was working back of house near closing time when Noah Ibarra and Joshua Ramirez called Plaintiff over to see something they had written on the freezer. On it he read, "dani g german."
33. Plaintiff had no idea what it meant so he returned to work.
34. Later, Plaintiff asked Ramirez what it meant. Ramirez explained it was Noah's idea and to separate the "da" from the beginning and the "man" from the end and close the other spaces. Doing so reveals an obvious slur, which Plaintiff reported to Barnes that night.
35. Barnes appeared annoyed and told Plaintiff that if he wanted to be shift lead, he needed to get along with the Ibarra family because several of them were in leadership positions and she couldn't fire them.
36. Plaintiff told Barnes that Noah consistently calls him "blackie," "n-word," and "monkey." Barnes said she would speak with Lainhart about it.
37. Plaintiff never heard from Barnes or Lainhart about the incident.
38. On or about July 28, 2023, Noah Ibarra was suspended for sexually harassing a coworker. After returning from suspension, he continued to act out and was fired as a result, but Defendant hired him back a month later.
39. On or about August 9, 2023, Plaintiff reported to Eric and Veronica Ibarra that their daughter, Sativa, had just called him "back of house monkey." When they said they could do nothing because she was a supervisor, Plaintiff told them he reported it to them because they were shift leads and he wanted them to report it to Lainhart and Barnes.

40. In August 2023, Lainhart asked Plaintiff why he would want to work in a place where he was being harassed all the time.
41. On or about October 14, 2023, approximately two days before Defendant terminated Plaintiff's employment, Joshua Ramirez compared Plaintiff's skin tone to the shade of a cardboard box in reference to the "color" tests performed on Black people during the Jim Crowe era. On the same day he called Plaintiff "monkey" and other slurs in front of Kaeli Barnes.
42. On or about the same day, Plaintiff reported to Ms. Barnes about the towel whipping incident between Noah Ibarra and Liam Hardy and that Liam Hardy told him he would know about whipping because he is Black. Plaintiff also told Ms. Barnes that Joshua Ramirez called him "monkey".
43. Plaintiff again told Ms. Barnes that she needed to do something about the ongoing harassment.
44. Instead of addressing the matter appropriately, she told Plaintiff that she wasn't scared of him.
45. Barnes and Lainhart were aware of the racist comments being made. Barnes either witnessed the racist incidents herself, or Wade reported them to her or Ms. Lainhart soon after they happened.
46. On October 16, 2023, Barnes and Lainhart terminated Plaintiff's employment because Plaintiff refused to tolerate and continued to report racist behavior and comments by his coworkers, and Barnes and Lainhart believed it would be easier to terminate Plaintiff's employment than take any action to stop the others employees' discriminatory behavior.

47. Plaintiff dually filed a charge of discrimination with the Idaho Human Rights Commission and the Equal Employment Opportunity Commission on May 7, 2024.
48. On August 28, 2024, the Idaho Human Rights Commission found probable cause to believe that illegal discrimination and retaliation occurred.
49. On December 18, 2024, the Idaho Human Rights Commission issued a Notice of Right to Sue.
50. On February 19, 2025, the Equal Employment Opportunity Commission issued a determination, according substantial weight to the findings of the Idaho Human Rights Commission.
51. On February 26, 2025, the EEOC issued a Notice of Right to Sue.
52. Plaintiff has exhausted his administrative remedies.

**COUNT I**  
**VIOLATION OF 42 U.S.C. § 1981**  
**(Discrimination/Hostile Work Environment/Retaliation)**

53. Plaintiff realleges and incorporates by reference paragraphs 1 through 52 above, as though fully set forth herein.
54. Defendant discriminated against Plaintiff by making and/or condoning racial epithets and slurs, creating a hostile work environment based on Plaintiff's race, by passing over him for promotion because of his race, and by terminating his employment because of his race and/or for reporting racial discrimination in the workplace.
55. Defendant's discrimination against Plaintiff is in violation of Plaintiff's rights afforded to him by the Civil Rights Act of 1866, 42 U.S.C. § 1981, as amended by the Civil Rights Act of 1991.

56. Defendant intentionally deprived Plaintiff of the same rights enjoyed by Caucasian employees in the creation, performance, enjoyment, and all benefits and privileges of his employment relationship with Defendant in violation of 42 U.S.C. § 1981.
57. As a direct and proximate result of Defendants' actions and/or failure to act, Plaintiff has suffered and will continue to suffer emotional distress consisting of outrage, shock and humiliation based on the racial discrimination he experienced.
58. As a direct and proximate result of Defendant's actions and/or failure to act, Plaintiff has suffered and will continue to suffer a loss of earnings and other employment benefits and job opportunities.
59. Plaintiff is entitled to general and compensatory damages in an amount to be proven at trial, as well as any other equitable remedies available to him.
60. Defendant's conduct was malicious and done with reckless indifference to Plaintiff's federally protected rights. Plaintiff's supervisors were aware of the racist remarks and conduct but ignored Plaintiff's complaints and failed to make a good faith effort to stop the harassing conduct, failing to discipline employees who engaged in hostile and racist behavior, failing to properly train employees and staff on company policies, prohibiting racial harassment and discrimination, and terminating Plaintiff's employment in retaliation for his reporting racial harassment and hostile work environment. Consequently, Plaintiff is entitled to punitive damages pursuant to 42 U.S.C. § 1981.

**COUNT II**  
**VIOLATION OF TITLE VII/IDAHO HUMAN RIGHTS ACT**  
**(Hostile Work Environment)**

61. Plaintiff realleges and incorporates by reference paragraphs 1 through 60 above, as though fully set forth herein.



62. Plaintiff is African American and therefore belongs to a protected class under Title VII and the Idaho Human Rights Act, based on race and color.
63. Plaintiff at all times performed his job satisfactorily.
64. Plaintiff was called racial slurs and subjected to discriminatory conduct by his coworkers and supervisors, based on his race.
65. Plaintiff informed his coworkers and supervisors that his coworkers' conduct was unwelcome by telling them to stop calling him names, by informing his supervisors of this coworkers' conduct, and asking his supervisors to stop the conduct.
66. Plaintiff's coworkers' and supervisors' conduct was sufficiently severe and pervasive to alter the terms and conditions of Plaintiff's work environment so as to create an abusive and hostile work environment.
67. As a direct and proximate result of Defendant's actions and/or failure to act, Plaintiff has suffered and will continue to suffer emotional distress consisting of outrage, shock, and humiliation based on the racial and/or color discrimination he experienced. Further, Plaintiff has suffered and will continue to suffer a loss of earnings and other employment benefits and employment opportunities. Plaintiff is thereby entitled to general and compensatory damages in an amount to be proven at trial, as well as any other equitable remedies available to him.
68. Defendant's conduct was malicious and done with reckless indifference to Plaintiff's federally protected rights. Plaintiff's supervisors were aware of the racist remarks and conduct but ignored Plaintiff's complaints and failed to make a good faith effort to comply with Title VII by failing to stop the harassing conduct, failing to discipline employees who engaged in hostile and racist behavior, and failing to properly train employees and staff on

company policies and the requirements of Title VII. Consequently, Plaintiff is entitled to punitive damages pursuant to 42 U.S.C. § 1981a(b)(1).

**COUNT III**  
**VIOLATION OF TITLE VII/IDAHO HUMAN RIGHTS ACT**  
**(Race/Color Discrimination)**

69. Plaintiff realleges and incorporates by reference paragraphs 1 through 68 above, as though fully set forth herein.
70. Plaintiff is African American and therefore belongs to a protected class under Title VII and the Idaho Human Rights Act, based on race and color.
71. Plaintiff was performing his job according to Defendant's legitimate expectations.
72. Plaintiff suffered an adverse employment action when Defendant terminated his employment.
73. Plaintiff was terminated because of his race and/or color and/or for reporting racial discrimination in the workplace.
74. As a direct and proximate result of Defendant's actions and/or failure to act, Plaintiff has suffered and will continue to suffer emotional distress consisting of outrage, shock, and humiliation based upon the racial discrimination he experienced. Further Plaintiff has suffered and will continue to suffer a loss of earnings and other employment benefits and employment opportunities. Plaintiff is thereby entitled to general and compensatory damages, such amount to be proven at trial, as well as any other equitable remedies available to him.
75. Defendant's conduct was malicious and done with reckless indifference to Plaintiff's federally protected rights. Plaintiff's supervisors were aware of the racist remarks and conduct but ignored Plaintiff's complaints and failed to make a good faith effort to comply

with Title VII by failing to stop the harassing conduct, failing to discipline employees who engaged in hostile and racist behavior, failing to properly train employees and staff on company policies and the requirements of Title VII, and terminating his employment based on his race, and for reporting racial discrimination in the workplace. Consequently, Plaintiff is entitled to punitive damages pursuant 42 U.S.C. § 1981 and 42 U.S.C. § 1981a.

**COUNT IV**  
**VIOLATION OF TITLE VII/IDAHO HUMAN RIGHTS ACT**  
**(Retaliation)**

76. Plaintiff realleges and incorporates by reference paragraphs 1 through 75 above, as though fully set forth herein.
77. Plaintiff is African American and therefore belongs to a protected class under Title VII and the Idaho Human Rights Act, based on race and color.
78. Plaintiff engaged in a protected activity under Title VII and the Idaho Human Rights Act when he reported to management the hostile work environment in which he worked.
79. Plaintiff was subject to adverse employment actions as a result of his protected activity, including but not limited to termination.
80. Defendant discriminated against Plaintiff and/or retaliated against Plaintiff due to his engagement in protected activity.
81. As a direct and proximate result of Defendant's actions and/or failure to act, Plaintiff has suffered and will continue to suffer loss of earnings, benefits, and job opportunities, as well as emotional distress consisting of outrage, shock, and humiliation. Plaintiff is therefore entitled to general and compensatory damages, in an amount to be proven at trial, as well as any other equitable remedies available to him.

82. Defendant's conduct was malicious and done with reckless indifference to Plaintiff's federally protected rights. Plaintiff's supervisors were aware of the racist remarks and conduct but ignored Plaintiff's complaints and failed to make a good faith effort to comply with Title VII by failing to stop the harassing conduct, failing to discipline employees who engaged in hostile and racist behavior, failing to properly train employees and staff on company policies and the requirements of Title VII, and for terminating his employment for reporting racial discrimination in the workplace, for which Plaintiff is entitled to punitive damages pursuant to 42 U.S.C. § 1981a.

**COUNT IV**  
**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

83. Plaintiff realleges and incorporates by reference paragraphs 1 through 82 above, as though fully set forth herein.
84. Defendant engaged in intentional or reckless conduct by failing to intervene to stop its employees from making racist comments to Plaintiff and engaging in racial harassment.
85. The comments and Defendant's failure to intervene and condoning of the conduct were unjustifiable, atrocious, and beyond all possible bounds of decency that would cause an average member of the community to believe they were outrageous.
86. As a direct and proximate result of Defendant's actions, Plaintiff suffered damages in the form of severe emotional distress as a result of Defendant's actions.

**ATTORNEY'S FEES**

87. As a further direct and proximate result of Defendants' actions and/or failure to act, Plaintiff has been compelled to retain the services of counsel and has thereby incurred and will continue to incur costs and attorney's fees which Defendants should be required to pay pursuant to 42 U.S.C. § 1988, 42 U.S.C. § 2000e-5(k), and Idaho Code §12-121.

**DEMAND FOR JURY TRIAL**

88. Plaintiff demands trial by jury as to all issues triable to a jury in this action.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff seeks judgment against Defendants as follows:

1. For compensatory and general damages as well as statutorily available damages in an amount as shall be proven at trial and any available equitable remedies;
2. For punitive damages;
3. For pre-judgment interest;
4. For attorney's fees and costs pursuant to statute and costs of suit; and
5. For such other and further relief as the Court deems just and proper.

Dated this 13<sup>th</sup> day of March 2025.

\_\_\_\_\_/s/\_\_\_\_\_  
Ryan S. Dustin, Esq.  
CASPERSON ULRICH DUSTIN PLLC