



supervising different departments on different shifts in the plant. Each of the supervisors engaged in sexual or gender-based harassment and behaviors.

3. Marvin Cardenas, the Plant Manager, also participated in the sexual or gender-based harassment of Plaintiffs. Upon information and belief, Cardenas had supervisory authority over everyone working in the plant.
4. Throughout their respective periods of employment, Plaintiffs were subjected to gender-based discrimination, sexual harassment, and retaliation by Defendant, through its managers and supervisors.
5. The discriminatory and retaliatory actions visited upon Plaintiffs by their supervisors and the Plant Manager include, among other things: (a) assigning Plaintiffs to the most undesirable positions, such as cleaning the bathrooms and kitchen; (b) refusing Plaintiffs' requests for shift changes to accommodate their handling of family crises; (c) refusing to consider Plaintiffs for pay raises; (d) hovering over Plaintiffs while they were working to make overtures toward Plaintiffs regarding starting a sexual relationship with them, and then upon Plaintiffs' refusals, hovering to point out fabricated "errors" in their work; (e) requiring Plaintiffs to state the reasons that they needed bathroom breaks before granting them a pass to use the bathroom, and also retaliating against Plaintiffs by denying them such breaks when they refused the supervisors' and Plant Manager's overtures; and (f) assigning Plaintiffs to positions requiring heavy lifting after learning of Plaintiffs' injuries and requests for accommodation. Upon information and relief, no male worker in the plant suffered from any of this actions, misdeeds, or retaliation.
6. The harassment was incessant—occurring on virtually a daily basis and often several times in a single day—and continuous—occurring day after day—and included offensive, sexually

graphic, lewd, threatening, degrading, ridiculing, intimidating, alienating, and highly inappropriate comments and insults.

7. Plaintiffs were subjected to derogatory comments about their manner of dress, parts of their bodies, personal and intimate relationships, children, and occupational abilities by male supervisors on a daily basis until their employment was terminated. This verbal abuse was constant, creating an atmosphere that affected Plaintiffs' self-esteem, and their ability to concentrate and perform their work with confidence. Male coworkers were not subjected to the same treatment or behaviors; no comments were made by Defendant's supervisors about male workers' manner of dress, anatomy, personal and intimate relationships, children, or occupational abilities.
8. Plaintiffs were also subjected to invasive, humiliating, and offensive touching—including being grabbed on their buttocks while they were bent over cleaning machines—while they were working in their positions or being taken by a supervisor to isolated parts of the Plant.
9. The harassment and discrimination experienced by Plaintiffs was extremely stressful, causing several of the Plaintiffs to request changes to their work schedules in order to avoid seeing specific supervisors who had engaged in offensive behaviors.
10. Plaintiffs' supervisors retaliated against them for refusing to engage in their sexual banter or vulgar exchanges by forcing them to endure questions about intimate subjects such as their menstrual cycles as well as other harassing comments when they asked for a bathroom pass. No other employees were subjected to such treatment.
11. Plaintiffs' supervisors also retaliated against them by assigning them the heaviest work in the facility, telling them that they should see what the men "are doing for them," or assigning them to the laundry and to clean bathrooms and the kitchen. When Plaintiffs refused an apparent *quid*

*pro quo* offer to transfer to a less arduous unit, they were denied raises, sometimes for years afterward.

12. Neither Mr. Cardenas nor any other member of management took any action to address Plaintiffs' complaints. Instead, Mr. Cardenas retaliated against Plaintiffs when they reported supervisors' sexually harassing behaviors by threatening Plaintiffs with immediate termination. Floor supervisors retaliated against Plaintiffs by refusing all requests for accommodation of illnesses and requests for shift changes in order to handle important family matters.
13. Defendant's supervisory personnel retaliated against Plaintiffs who refused to engage with those who were harassing and assaulting them by assigning them to arduous physical work and less desirable positions, refusing to raise their wages when all others in the same positions were receiving them, denying requests for shift changes to accommodate family needs while others received such accommodations, denying request for physical accommodations due to injuries and instead assigning them to positions that would aggravate their conditions, and threatening them with discharge.
14. All Plaintiffs suffered severe emotional distress as a result of their harassment. In addition, several of the Plaintiffs suffered physical injuries as a direct result of their respective supervisors' retaliatory behavior.

#### PARTIES, JURISDICTION, AND VENUE

15. Plaintiffs Monica López, Elizabeth Díaz, Araceli Díaz, Analí Aviles, Dulce Ramírez, Elva Mariana Reyes, and Lidia Pérez De Pérez are natural persons who, at all relevant times, have lived in or maintained their permanent residences in New York State.
16. Defendant Ideal Snacks is a corporation organized under the laws of the State of New York with headquarters in Liberty, New York.

17. Supervising personnel, including Manuel Malaga, Santiago Malaga, Andres Malaga, Julio Morales, Pedro (last name unknown, hereafter “Pedro LNU”), Antonio (last name unknown, hereafter “Antonio LNU”), Felix Malariaga, Melecio Gomex, other supervisors, and Marvin Cardenas, the Plant Manager, worked for Defendant supervising Plaintiffs at all relevant times.
18. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 because this action arises from a federal claim under, 42 U.S.C.A. § 2000e-2, inasmuch as the matter in controversy is brought pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e *et seq.* (“Title VII”).
19. This Court has supplemental jurisdiction over all related state claims pursuant to 28 U.S.C. § 1367 because the state claims are so related to the federal claims that they form part of the same case or controversy.
20. Venue is proper in the Southern District of New York 28 U.S.C. § 1391(a)(2) because a substantial part of the events giving rise to the claimed occurred in this district.
21. Plaintiffs filed complaints with the U.S. Equal Employment Opportunity Commission (“EEOC”) on February 18, 2016, alleging violations of Title VII including sex and gender-based discrimination, sexual harassment, and retaliation. On October 6, 2017, Plaintiffs received their Right to Sue Notices from the EEOC.

FACTUAL ALLEGATIONS

**A. Plaintiff Monica López**

22. Plaintiff Mónica López (“Plaintiff López”) was an employee of Defendant Ideal Snacks from March 2011 through May 2015, when she was laid off. Plaintiff López worked in the Packaging Unit under the supervision of Manuel Malaga, when she worked on the day shift from 2011 through 2012, and under the supervision of Felix Malariaga and Santiago Malaga when she worked on the night shift from 2012 through 2015. During all relevant times, Marvin Cardenas was the Plant Manager at the facility and supervised all the Plaintiffs.
23. Santiago Malaga frequently approached Plaintiff López while she was working to move her to more isolated places in the plant. During these interactions, Santiago Malaga would tell Plaintiff López that if she did what he wanted of her, he would see it to that she would get higher wages and a better position. He assured Plaintiff López that if she submitted to his advances, he would tell management that she was a good worker and would arrange for her to have a better position—one in which she would not have to stand on her feet all day.
24. In or about August 2013, Santiago Malaga grabbed Plaintiff López’ buttocks when she was bending over to clean one of the machines. When Plaintiff López immediately confronted him, Santiago Malaga told Plaintiff López not to report the incident to anyone.
25. After repeatedly rejecting Santiago Malaga’s advances, Plaintiff López told him that she planned on complaining to management about his inappropriate behavior. In response, Santiago told Plaintiff López that management would take his side on such matters, telling her that he was “like a son to Marvin Cardenas” and that “various women have complained about me and they were fired, but I am still here.”

26. Santiago Malaga frequently made inappropriate and intimate proposals to Plaintiff López, including asking her to date him and offering her a better position, higher wages, and other benefits at work if she accepted his proposal to have a relationship with him.
27. When Plaintiff López reported Santiago Malaga's offensive behavior to Marvin Cardenas, the Plant Manager, Cardenas told her that "all women are whores. They go out with men and then complain when they don't leave them alone. You are all at fault."
28. Santiago Malaga frequently also retaliated against Plaintiff López by insisting that she follow his orders and finish the tasks he assigned to her, using an offensive tone. He ridiculed and humiliated Plaintiff López.
29. Santiago Malaga moved her around repeatedly from one work station to another and by yanking her from the task she was completing and ordering her to do tasks in another part of the warehouse. Santiago did not move any male workers around on his whim the way he did with Plaintiff López.
30. Santiago told Plaintiff López that if she would just listen to him and meet his romantic demands, he would stop his harassment of her.
31. When Plaintiff López reported Santiago's behavior to Marvin Cardenas, the Plant Manager, he threatened to fire her if she continued to complain about Santiago Malaga's behavior. No action was ever taken by Defendant to address Santiago Malaga's harassing and intimidating behavior.
32. Cardenas then threatened to call immigration officials if Plaintiff López insisted on continuing with her reports of the sexual harassment she experienced by Santiago Malaga.
33. Even after Plaintiff López complained to Marvin Cardenas about Santiago's sexual harassment, Santiago was not fired, disciplined or admonished. Instead, he was moved from the night shift to the day shift where he earned higher wages.

34. Santiago Malaga's harassment of Plaintiff López continued after she reported his conduct, becoming more and more punitive and retaliatory. Plaintiff López continued working in the evening shift until approximately four months after a meeting in which Marvin Cardenas offered her husband the evening shift and moved her to the day shift.
35. Once Plaintiff López was working on the day shift and was under Santiago's supervision again, Santiago constantly switched her to new positions and gave her work considered the most demeaning and difficult, such as cleaning the heavy machines. Plaintiff López was moved repeatedly from one unit to another by Santiago. Regardless of how many workers there were available, Santiago consistently singled Plaintiff López out for cleaning work. At times, he switched her daily from one job to the next.
36. When Plaintiff López attempted to report Santiago's behavior to Marvin Cardenas, he threatened to fire her for "dealing with the same problem." Cardenas told Plaintiff López that she was always looking for trouble and to stop her crying.
37. Santiago's harassment of Plaintiff López continued throughout 2012, 2013, 2014, and into 2015.
38. After Plaintiff López was laid off in May 2015, she was contacted by other women workers at Ideal Snacks who shared with her their stories of being sexually harassed at the Ideal Snacks Plant in Liberty, New York.
39. On or about this time, Marvin Cardenas contacted Plaintiff López' husband and told him to tell Plaintiff López not to talk about the sexual harassment that she experienced.
40. Throughout Plaintiff López' employment on a nearly daily basis and until her last day working for Defendant, Marvin Cardenas repeatedly referred to the women workers, including Plaintiff



López, in disparaging and offensive terms, such as calling them “viejas cabronas,” (meaning old fucking women).

41. Supervisors Andres Malaga, Santiago Malaga, Manuel Malaga, and Plant Manager Marvin Cardenas often got together and publicly made lewd and inappropriate comments about women workers during the work day.

**B. Plaintiff Elizabeth Díaz**

42. Plaintiff Elizabeth Díaz (“Plaintiff E. Díaz”) was an employee of Defendant Ideal Snacks from April 2006 through May 2015 when she was laid off. Plaintiff E. Díaz worked in the Packaging Unit and in the Cleaning Unit. In the Packaging Unit, her primary responsibilities were to pack boxes with bags of snacks, such as chips. In the Cleaning Unit, her responsibilities were to clean the machines that filled snack food bags and to change the flavors of the additives used in the machines. Plaintiff E. Díaz worked under supervisors Andres Malaga, Julio Morales, Manuel Malaga, Santiago Malaga, and Marvin Cardenas, who was the Plant Manager during the entirety of Plaintiff E. Díaz’ period of employment.

43. Marvin Cardenas consistently spoke to Plaintiff E. Díaz in a nasty and demeaning tone, rebuking her for any actions she took, and referring to her as a “nightmare.”

44. Supervisor Andres Malaga would speak to Plaintiff E. Díaz in a highly aggressive tone and told her that she “wasn’t worth anything.”

45. Plaintiff E. Díaz felt humiliated in front of her coworkers.

46. Supervisor Andres Malaga would not assign Plaintiff E. Díaz to new areas of work--despite her request to learn other positions and take on additional responsibilities--because of her refusal to participate in the continual sexual banter, her refusal to answer inquiries about her intimate

relations with men, and her lack of responses to his requests for a relationship. Upon information and belief, all such opportunities were offered to other employees.

47. In or about 2009, a machine operator and supervisor, Antonio (last name unknown, hereafter “Antonio LNU”) was also working at Defendant’s plant. Antonio LNU would walk by with a ruler to hit the women workers. Antonio LNU hit Plaintiff E. Díaz on her buttocks with the ruler as she was bending over picking up boxes. When Plaintiff E. Díaz stood up and asked Antonio LNU why he hit her, he said nothing; he did not offer an explanation or apology.

48. Plaintiff E. Díaz reported Antonio LNU’s abusive behavior to Marvin Cardenas, the Plant Manager. However, Cardenas said Antonio LNU allegedly told him that he was just joking. Moreover, he said since he arrived at Cardenas’ office prior to Plaintiff E. Díaz’ arrival, the first person to report an incident is the person whose description will be given the most weight and importance. Cardenas told Plaintiff E. Díaz that Antonio LNU had told him that she had purposely knocked down some boxes. When Plaintiff E. Díaz disputed this, Cardenas told her that she needed to work harder.

49. In 2009, when Plaintiff E. Díaz asked Plant Manager Marvin Cardenas why other workers with less seniority had received pay raises and she had not, he responded that that he had not noticed the discrepancy and that he was not surprised that she was not given a raise because she was “useless” and “not worth anything.”

50. Also in 2009, Supervisor Santiago Malaga transferred Plaintiff E. Díaz from the Packaging Unit, where she had been working, to the “Chocolate” area, an area that was extremely hot. When Plaintiff E. Díaz requested a transfer from the “Chocolate” area back to a more tolerable environment, or at a minimum to be allowed to alternate her assignment to that area with other workers, Santiago refused.

51. In 2010, Plant Manager Marvin Cardenas approached Plaintiff E. Díaz while she was working to ask her what she was carrying inside her blouse. When she answered that she was not carrying anything, he made a gesture indicating that she smelled bad.
52. Throughout 2010, Supervisor Julio Morales repeatedly told Plaintiff E. Díaz that he did not want her working at the plant and that she should just quit. These remarks were also repeated by Marvin Cardenas.
53. When Plaintiff E. Díaz asked for bathroom breaks, Morales either would refuse to grant them or would unnecessarily delay granting them. On at least one occasion, Plaintiff E. Díaz began to cry when Julio refused her a bathroom break. No male worker in the plant was required to request a bathroom break from his supervisor.
54. Plaintiffs and other Latino women workers at the plant were the only ones required to clean the facility machines. This task required that the women climb a ladder to reach the machines located on a level above the floor of the plant. In order to clean the machines, female employees had to bend over the machine rim and reach inside.
55. In 2011, as Plaintiff E. Díaz was cleaning a machine, Supervisor Andres Malaga watched from below and commented out loud, “you can see her ass,” as he and other supervisors nearby began laughing. On other occasions, after Plaintiff E. Díaz had cleaned the machines and returned to the plant floor, Supervisor Andres Malaga along with other male supervisors would sneer at Plaintiff E. Díaz and other women workers, “You can see their ass[es].” Andres Malaga also chimed in, “ I can see all your asses the way you [all] stand.” At or around the same time, Supervisor Andres Malaga told Plaintiff E. Díaz and the other Plaintiffs, “don’t wear such tight pants because it’s *dangerous*.”

56. In 2013, Plaintiff E. Díaz became pregnant. After Plaintiff E. Díaz requested to be placed on light duty during her pregnancy as the work was heavy, stressful, and raised her blood pressure. Plant Manager Marvin Cardenas told her that she was “worthless.” She miscarried about a week later at the hospital.
57. In 2015, Plaintiff E. Díaz reported to Plant Manager Marvin Cardenas that a coworker had caused her to fall to the floor which seriously injured her elbow and knee. Cardenas callously reprimanded her, saying she was negligent and “you’ve already lost three (pregnancies).” Plaintiff Diaz felt devastated by Cardenas’ callous mistreatment and contempt.
58. The supervisors and Marvin Cardenas frequently referred to Plaintiff E. Díaz, other Plaintiffs, and other Latino women workers in the plant as “viejas” (old women) or “viejas guevonas” (ugly old bitches), and made comments, such as “esas viejas no pueden ni caminar por vieja” (these old women can’t even walk because they are so old and useless), on a nearly daily basis until Plaintiff E. Díaz’ last day working for Defendant.
59. Supervisor Andres Malaga, as Plaintiff E. Díaz’ immediate supervisor, forbid her from speaking to her coworkers while working, focusing particularly on her attempts to talk with female coworkers. Andres kept a constant vigil over Plaintiff E. Díaz, making her feel uncomfortable while he stood over her seemingly waiting to find another reason to reprimand her.
60. Plaintiff E. Díaz overheard Supervisor Santiago Malaga tell a woman coworker that Díaz she had a “nice ass.” On other occasions in 2012 during work, Malaga would shout out to Supervisor Andres Malaga, “I wonder if those tight pants...hurt their vaginas?” while directly staring at the private parts of the women.
61. In or around 2011, Santiago told Plaintiff E. Díaz that “you are so skinny; you don’t even have an ass.”

62. Supervisors Andres Malaga, Santiago Malaga, Manuel Malaga, and Plant Manager Marvin Cardenas often got together and made lewd and inappropriate comments about women workers during the work day. Plaintiff E. Díaz frequently heard them comment out loud about women workers' apparel or anatomy, including comments such as "you can see her front parts in those pants" or "you can see her ass really well."
63. Plaintiff E. Díaz was harassed by her supervisors whenever she would ask them for permission to go to the bathroom. She also witnessed other women workers being harassed or warned when they made similar requests. Plaintiff E. Díaz and the other women workers were told by Antonio LNU, a supervisor and machine operator, that they should "wear diapers" so that they would not need to go to the bathroom during the work day.
64. When it was clear that Plaintiff E. Díaz was not going to be responsive to her supervisors' sexual banter or overtures or their berating comments, she was given assignments by her supervisors that she was incapable of performing, such as stacking heavy boxes on pallets that were taller than she was, deliberately refusing to provide her with any means of reaching the top of the stacked pallets.
65. Plaintiff E. Díaz was afraid that if she reported the harassing conduct of her supervisors she would be verbally insulted or fired by Marvin Cardenas, who was understood by Plaintiffs as siding with the supervisors on the issue of complaints about discriminatory and harassing behavior. Cardenas' threats of discharge if Plaintiffs attempted to report the incidents of harassment or file a complaint had the effect of silencing them.

**C. Plaintiff Araceli Díaz**

66. Plaintiff Araceli Díaz (“Plaintiff A. Díaz”) was an employee of Defendant Ideal Snacks from June 2009 through May 2015, when she was laid off. Plaintiff A. Díaz worked in the Packaging Unit, where her primary supervisors were Manuel Malaga, Santiago Malaga, and Andres Malaga, and she periodically had contact with supervisors Julio Morales and Pedro LNU, and Plant Manager Marvin Cardenas.
67. In February 2015, Plaintiff A. Díaz asked her supervisor, Pedro LNU, if she might be permitted to leave work early due to feeling ill from menstrual cramps. Pedro LNU mocked Plaintiff A. Díaz and attempted to humiliate her by talking loudly about her menstrual cycle, saying to her, “I know what mujercitas (little women) suffer from.”
68. When Plaintiff A. Díaz punched out and was leaving the facility, Julio Morales and Pedro LNU laughed at her as she walked away. Plaintiff A. Díaz learned later on that Julio and Pedro LNU said she was not leaving because she felt ill but because she was going to go sleep with a man.
69. Supervisor Julio Morales continually made offensive comments about the menstrual cycles of women workers. In October 2013, Plaintiff A. Díaz asked for a bathroom pass. As was customary, she supplied a required reason for needing to use the bathroom, *i.e.*, she needed to go because of her menstrual cycle. But Morales denied her request, telling her that she needed to “hold it in.” When she questioned him about why he was being so rude to women workers, he responded by laughing at the question.
70. In September 2011, Plaintiff A. Díaz witnessed Supervisor Julio Morales tell a woman coworker who was suffering from menstrual cramps that “you all complain and cry so much for such a simple thing.” Morales continued to interrogate the coworker about her menstrual

cramps in front of other workers, the female coworker began to loudly cry. Julio Morales said, “If you weren’t going to feel so good, why didn’t you just stay home in bed?”

71. In June 2014, Plaintiff A. Díaz was taken to Plant Manager Marvin Cardenas’ office along with three other women before she punched in the timeclock. Cardenas spoke to Plaintiff A. Díaz and the other women workers in a highly derogatory fashion, telling them that they were “callejeras” (street women/prostitutes) and “viejas chismosas de la calle” (old nasty women from the street). He told them they were gossiping about things that they were not supposed to discuss. Plaintiff A. Díaz’ coworker, Gracia (last name unknown), who was present, started crying. Cardenas told Plaintiff A. Díaz and the other women coworkers in his office that they were not permitted to discuss their conversation with anyone else at the plant.
72. In April 2012, Plaintiff A. Díaz was cleaning machines when she saw a female coworker, Maria Alvarado, who was cleaning machines nearby, climb a ladder to reach the machines. Supervisor Santiago Malaga walked by the two women and grabbed Maria Alvarado’s buttocks while she was on the ladder facing away from him.
73. When Plaintiff A. Díaz and other women workers would ask for a bathroom pass, their supervisors, particularly Santiago Malaga, Andres Malaga, and Plant Manager Marvin Cardenas, would respond in Spanish, saying that “estas viejas solo quieren estar meando todo el dia” (these old women just want to urinate all day), or that “hay que ponerles pampers a estas viejas” (we have to put pampers on these old women).
74. In November 2014, Plaintiff A. Díaz overheard Supervisor Manuel Malaga make comments about other women workers who asked for a bathroom pass. As they walked to the bathroom, Manuel Malaga would call them “viejas” (old women).

75. Supervisors Manuel Malaga, Santiago Malaga, Andres Malaga, and Plant Manager Marvin Cardenas, would frequently make derogatory and insulting comments to women workers. Marvin Cardenas repeatedly referred to Plaintiff A. Díaz and other women workers as “viejas guevonas” (ugly old bitches), and would tell them “hurry up and work you ‘viejas guevonas.’” He repeatedly called Plaintiff A. Díaz insulting and derogatory names using expletives, like “pinche vieja” (fucking old woman), and other demeaning epithets, such as lazy, “viejas cochinas” (old women pigs) or “viejas lloronas” (old crying women).
76. Supervisors Manuel Malaga, Santiago Malaga, and Andres Malaga, and Plant Manager Marvin Cardenas called Plaintiff A. Díaz and other women workers extremely derogatory names and spoke to them in very disrespectful tones on a daily basis until Plaintiff A. Díaz’ last day working for Defendant. Plaintiff A. Díaz heard Cardenas say that a woman worker, who also happened to be his aunt, walked around like a female dog (bitch) with shoulders.
77. Cardenas would often tell Plaintiff A. Díaz and other Latino women workers to “hurry up and move your hands” and to work faster.
78. Cardenas frequently threatened Plaintiff A. Díaz and other women workers that “if there are any ‘chismosas’ (gossipers), you know what will happen to you,” referring to his threats to fire those who complained about being harassed.
79. Felix Malariaga, a supervisor on the night shift, would frequently remark that the women workers “no sirven para nada” (aren’t worth anything). Many of the women workers left the area crying because of Malariaga’s derogatory comments.
80. Supervisor Felix Malariaga showed a penchant for intrusively and inappropriately probing into the personal lives of women workers by asking highly inappropriate and embarrassing questions about the women’s intimate relationships.



81. Malariaga often leered at Latino women workers as they walked by him.
82. In August 2014, in front of Plaintiff A. Díaz, Malariaga, referring to a female worker who was walking along with a male worker, stated that “you can tell she’s fucking that guy.”
83. On at least one occasion, Plaintiff A. Díaz heard Plant Manager Marvin Cardenas commenting lewdly out loud in front of many workers on Latino women workers’ apparel and bodies. Cardenas, in March 2013, commented that a particular female worker was a “vieja (old woman)” and that she “is so fine” When female workers were bending over while working.
84. Supervisor Julio Morales also frequently commented on women workers’ apparel and bodies. In or about 2015, Morales, in front of Plaintiff A. Díaz, stated “Oh my God, look at how good-looking that woman is,” referring to another female worker.
85. Although Plaintiff A. Díaz found these repeated comments by various supervisors degrading and discriminatory, she was warned by her supervisors Santiago Malaga, Andres Malaga, and Manuel Malaga not to complain about or report them because Plant Manager Marvin Cardenas would fire her for doing so. Plaintiff A. Díaz’ supervisors used the threat of her being fired to compel her to do what they wanted, telling her, “do you want to go to Marvin (Cardenas)?”
86. Despite these warnings, Plaintiff A. Díaz spoke up and objected numerous times about the offensive treatment and language used by supervisors; she told her supervisors not to make such comments to her. After complaining, Plaintiff A. Díaz received harsher assignments given by Santiago Malaga and Marvin Cardenas, such as cleaning hard-to-reach machines. These more difficult tasks and assignments were given to her even when she was scheduled for light duty due to workplace injuries she had suffered.

**D. Plaintiff Analí Aviles**

87. Plaintiff Analí Aviles (“Plaintiff Aviles”) worked for Defendant Ideal Snacks from approximately March 2007 through May 2015, when she was laid off. Plaintiff Aviles worked in the Packaging Unit, and had various supervisors during the more than 8 years she worked at the plant, including Manuel Malaga, Santiago Malaga, and Andres Malaga, as well as Marvin Cardenas, the Plant Manager.
88. Plaintiff Aviles often heard both Manuel Malaga and Marvin Cardenas use derogatory, gendered language directed at her and the women workers in the plant.
89. Plaintiff Aviles witnessed several occasions in which plant supervisors grabbed female workers by their buttocks and touched their backs and arms without their consent.
90. During the period from 2012 through 2013, when Manuel Malaga was Plaintiff Aviles’ supervisor, he continually asked her questions about her personal life and told her that if she dated him she would receive better treatment and better company benefits, including working additional hours for overtime pay.
91. Manuel Malaga sexually harassed Plaintiff Aviles for nearly two years throughout 2012 and 2013.
92. Manuel Malaga repeatedly approached Plaintiff Aviles at her work station to talk to her throughout the work day, attempting to engage her in inappropriate conversations about her personal life and her possible interest in him. He would also talk about his marital problems even though Plaintiff Ailes told him she was interested in his private matters, When Plaintiff Aviles asked Manuel Malaga why he followed her throughout the day, he responded that he did so because he was interested in dating her. When Plaintiff Aviles told him that she was not

interested in a personal relationship with him, Manuel Malaga responded that she “was missing out” and that he had other “opportunities” at work.

93. Manuel Malaga often told Plaintiff Aviles on several occasions that he wanted to grab her by her waist and kiss her. But, fortunately, this threat was not carried out.

94. Manuel Malaga frequently walked over to where Plaintiff Aviles was working and touched her on her back or shoulders or put his hand on top of her hand, despite Plaintiff Aviles’ repeated statements that she did not want him to touch her.

95. On several occasions, Manuel Malaga approached Plaintiff Aviles to ask her why she was so afraid of him. Plaintiff Aviles responded that she was not comfortable with his inappropriate advances and that she was married, but this did not deter Malaga from continuing his advances.

96. Plaintiff Aviles was denied bathroom breaks by her supervisors for very long periods, often many hours, with this practice occurring frequently over a period of three years from 2010 through 2013. As a result of this retaliatory practice, Plaintiff Aviles developed urinary problems.

97. During the period from 2014 through 2015, when Plaintiff Aviles requested time off from work to tend to her disabled daughter, Supervisor Manuel Malaga responded by asking her what she was going to do with her time off, insinuating that she was going to engage in sexual activity.

98. In or around 2015, when Plaintiff Aviles requested time off to tend to her daughter on another occasion, Manuel Malaga told her, “you’re just going home to see and sleep with your husband.”

99. Plaintiff Aviles witnessed other female workers complaining to Plant Manager Marvin Cardenas about Manuel Malaga’s interrogation of their requests for time off. Plaintiff Aviles noticed that

the workers who complained to Marvin Cardenas were later fired (from both the day and night shifts).

100. In retaliation for their complaints about their treatment, supervisors, including Manuel Malaga, accused female workers of working more slowly than male workers and called them “estúpida” (stupid), “viejas juevonas” (old bitches), “chismosas” (gossipy women), and other derogatory names, on nearly a daily basis. This mistreatment continued until Plaintiff Aviles’ last day working for Defendant.

101. When Plaintiff Aviles complained about being assigned harder work by Manuel Malaga, he called her “cabrona” (“bitch” or “asshole”) and told her that she didn’t want to improve herself in life.

**E. Plaintiff Dulce Ramírez**

102. Plaintiff Dulce Ramírez (“Plaintiff Ramirez”) was an employee of Defendant Ideal Snacks from February 27, 2011 until April 4, 2015, when she was laid off. Plaintiff Ramirez worked in the Quality Control Unit where her female supervisors were Carla Orellana and Juanita Aguiles. Marvin Cardenas was the Plant Manager during Plaintiff Ramirez’ employment.

103. Various male supervisors, including Santiago Malaga and Manuel Malaga, as well as Plant Manager Marvin Cardenas, very frequently called women workers, including Plaintiff Ramirez, derogatory and demeaning names such as “pinches viejas” (fucking old women) and “fucking señoritas” on a nearly daily basis until Plaintiff Ramirez’ last day working for Defendant.

104. Plaintiff Ramirez and women workers were told repeatedly that they were not worth anything.

105. Plaintiff Ramirez reported the offensive comments to her direct supervisor, Juanita Aguiles, but, nothing improved and it appeared that nothing ever happened with regard to her complaints.

106. Plaintiff Ramirez was never made aware of any office policy on sexual harassment or whom to contact or file a complaint with.

107. Plaintiff Ramirez was afraid that she would be fired for reporting the offensive comments after hearing about the Plant Manager's comments when other women made complaints.

108. In February 2015, Marvin Cardenas noticed that Plaintiff Ramirez was pregnant and looked at her stomach and exclaimed, "wow, again?"

**F. Plaintiff Elva Mariana Reyes**

109. Plaintiff Elva Mariana Reyes ("Plaintiff Reyes ") was an employee of Defendant Ideal Snacks from November 2006 through May 2015, when she was laid off. Plaintiff Reyes worked in the Packaging Unit where Andres Malaga and Santiago Malaga were her supervisors. Marvin Cardenas was the Plant Manager during the entire period of Plaintiff Reyes ' employment.

110. Cardenas called Plaintiff Reyes "guevona" (bitch or asshole) repeatedly and throughout her employment until her last day.

111. Plaintiff Reyes also heard Cardenas make similar derogatory comments to other women workers.

112. Cardenas frequently harassed women workers, including Plaintiff Reyes, by sending them to do the most challenging work, such as working with heavy machinery that the women workers were unable to handle.

113. Cardenas commented to Plaintiff Reyes that he sent the women workers to these difficult areas so that "the women can appreciate what kind of work the men are doing and learn from them." Cardenas assigned more difficult jobs to women workers, such as Plaintiff Reyes, who could no longer perform in their original jobs. He assigned a woman coworker of Plaintiff Reyes to a job

as a bagger despite the fact that she had injured her back and was no longer able to lift heavy weights that the bagger position required.

114. Cardenas wanted to transfer Plaintiff Reyes from the Packaging Unit to the Quality Control Unit, and when she refused the transfer he told her that he would no longer give her raises. While other workers received raises, Plaintiff Reyes received no wage increases for the more than 5 years that she worked at the plant.

**G. Plaintiff Lidia Pérez de Pérez**

115. Plaintiff Lidia Pérez De Pérez (hereinafter “Plaintiff Pérez”) was an employee of Defendant Ideal Snacks from January 2010 through May 2015, when she was laid off. Plaintiff Pérez worked in the Packaging Unit, where Julio Morales was her primary supervisor. Marvin Cardenas was the Plant Manager for the entire time that Plaintiff Pérez worked at Defendant Ideal Snacks.

116. Plaintiff Pérez was frequently sent to clean heavy machinery which required bending one’s torso over the rim to clean the inside of the machines. In April 2013, when Plaintiff Pérez was cleaning the heavy machinery, Supervisor Julio Morales told her to bend over with her legs splayed open like the other women did because he wanted to see “what was in between her legs.”

117. When Plaintiff Pérez objected to his comment, Morales assigned her to more difficult work, including jobs such as working with faster machines or cleaning yet other machines. Plaintiff Pérez’ request for relief from this work when she fell ill was ignored by Morales.

118. Plaintiff Pérez knows of other female workers who were disliked by their supervisors and were assigned harder work, such as working with pallets stacked atop with boxes of product.

119. As a result of handling heavy weights and toxic chemicals while cleaning these factory machines, Plaintiff Pérez developed a number of ailments. She also had fallen from a machine hurting herself as well as developing a burning sensation in her eyes that continues to plague her. After complaining to Julio about the discomfort and pain, he told her that she was “useless” as a worker because of her ailments.

120. Plaintiff Pérez reported Julio Morales’ comments to another supervisor, Felix Malariaga, who she had believed to be his supervisor. Although Julio said that he would not make any further derogatory comments directed at Plaintiff Pérez, she continued to experience harassment by him such as being pulled by her clothes and similar offensive touching when he wanted to get her attention.

121. In July 2010, Plaintiff Pérez became pregnant. She requested a shift change from night shift to morning shift. She made the request to Marvin Cardenas, who denied it. Plaintiff Pérez requested a shift change again in January 2011 and Marvin told her that she shouldn’t be working anyway since she was a “panzona” (big-belly woman).

122. Returning to work in May 2011 after giving birth, Plaintiff Pérez requested light duty. Her supervisor, Julio Morales, assigned her work lifting heavy objects, despite her request not to. As a result of constantly lifting heavy objects after recently having given birth, Plaintiff Pérez developed a serious dislocation of her hip joints, for which she continues to receive physical therapy.

123. In the summer of 2013, Plaintiff Pérez requested a shift change of Marvin Cardenas in order to tend to her young daughter, who had been found wandering outside of the house one day. Marvin responded that she should just buy a chain for her daughter that is sold in nearby stores

and tie her to the bedpost so that she couldn't leave. Plaintiff Pérez felt extremely disturbed and bothered by his suggestion.

CLAIMS FOR RELIEF

**COUNT I  
SEX DISCRIMINATION IN VIOLATION OF TITLE VII**

124. Plaintiffs incorporate all of the preceding allegations as if fully set forth below.

125. Plaintiffs were subjected to continual, direct, and intentional discriminatory treatment by Defendant, through the conduct of Defendant's supervisors and Plant Manager, during the entirety of their employment with Ideal Snacks. Defendant Ideal Snacks is liable as Plaintiffs employer under Title VII.

126. Defendant Ideal Snacks discriminated against Plaintiffs and other women workers in the plant on the basis of their gender by the acts and practices described above, including among other things: (a) creating a hostile work environment for Plaintiffs and other women workers; (b) ignoring Plaintiffs' complaints of harassing and discriminatory behavior toward women working in the plant and failing to take any appropriate corrective action; and (c) discriminating against Plaintiffs in the terms, conditions, and privileges of their employment in violation of Title VII.

127. The above-described sex discrimination created an intimidating, oppressive, hostile, and offensive work environment which interfered with Plaintiffs' emotional and physical well-being.

128. Defendant Ideal Snacks through its agents or supervisors failed to adequately supervise, control, discipline, and/or otherwise penalize the conduct, acts, and failures to act of the supervisors and Plant Manager described above.



129. Defendant Ideal Snacks failed to take all reasonable and necessary steps to eliminate sex discrimination from its workplace and to prevent it from occurring in the future.

130. As a direct consequence of the hostile work environment perpetrated and maintained by Defendant's supervisors and Plant Manager as well as Defendant's failure to protect Plaintiffs from such discrimination, Plaintiffs have suffered and continue to suffer irreparable injuries, including severe emotional distress, great embarrassment, humiliation, mental and physical anguish and injuries, and monetary damages.

**COUNT II**  
**SEXUAL HARASSMENT IN VIOLATION OF TITLE VII**

131. Plaintiffs incorporate all of the preceding allegations as if fully set forth below.

132. Plaintiffs were subjected to unwelcome, offensive, and harassing verbal and physical abuse during the entirety of their employment at Ideal Snacks by Defendant, by and through the conduct of Defendant's supervisors and Plant Manager.

133. Defendant Ideal Snacks, by and through its supervisors and Plant Manager, subjected Plaintiffs to continuing sexual harassment by, among other things: (a) making derogatory remarks to them about their manner of dress, parts of their bodies, personal and intimate relationships, children, and occupational abilities on a daily basis; (b) verbally abusing them by making lewd comments, calling them whores and prostitutes, asking them to reveal intimate parts of their bodies, and trying to force them to enter into sexual relationships with them; (c) subjecting them to invasive questioning about their sexual activities with their husbands, their pregnancies, and other intimate matters; (d) creating an atmosphere that enabled other male workers to harass Plaintiffs; (e) denying Plaintiffs bathroom breaks unless they specified that the reason they needed such breaks, and in particular requiring them to state aloud that they had to deal with their menstrual periods; (f) bringing Plaintiffs to isolated areas of the Plant so that

supervisors and the Plant Manager could urge Plaintiffs to date them; and (g) subjecting Plaintiffs to invasive, humiliating, and offensive touching, including being grabbed on the buttocks while they were bent over cleaning machines or in isolated parts of the Plant.

134. Upon information and belief, no male co-workers were ever subjected to the same treatment or behaviors as Plaintiffs were required to undergo. No offensive comments were ever made by Defendant's supervisors and Plant Manager about male workers' manner of dress, anatomy, personal and intimate relationships, children, or occupational abilities nor were male workers ever required to give a "sufficient" reason in order to receive permission to take a bathroom break.

135. As a direct and proximate result of the harassing sexual environment at Ideal Snacks, Plaintiffs suffered severe humiliation, alienation, mental and physical anguish and injuries, and monetary damages.

**COUNT III**  
**RETALIATION IN VIOLATION OF TITLE VII**  
**(By Plaintiffs Monica López, Araceli Díaz and Lidia Pérez de Pérez Against Defendant)**

136. Plaintiffs Monica López, Araceli Díaz, and Lidia Pérez De Pérez incorporate all of the preceding allegations as if fully herein.

137. Plaintiffs Monica López, Araceli Díaz, and Lidia Pérez De Pérez were subjected to retaliation during their employment at Ideal Snacks after they complained about their supervisors' harassing and discriminatory behavior to Marvin Cardenas, the Plant Manager.

138. Plaintiffs suffered retaliation by Defendant, by and through the conduct of Defendant's supervisors and Plant Manager, in the form of, among other things: (a) assigning Plaintiffs to the most undesirable positions, such as cleaning the bathrooms and kitchen; (b) refusing Plaintiffs' requests for shift changes to accommodate their need to handle family matters; (c) refusing to consider Plaintiffs for pay raises; (d) hovering over Plaintiffs while they were

working to make overtures toward Plaintiffs regarding starting a sexual relationship with them, and then upon Plaintiffs' refusals, hovering to point out fabricated "errors" in their work; (e) requiring Plaintiffs to state the reasons that they needed bathroom breaks before granting them passes to use the bathroom, and also retaliating against Plaintiffs by denying them bathroom breaks when they refused the supervisors' and Plant Manager's overtures; (f) subjecting them to invasive questioning about their sexual activities with their husbands, their pregnancies, and other intimate matters; and (g) assigning Plaintiffs to positions requiring heavy lifting after learning of Plaintiffs' injuries and requests for accommodation.

139. Defendant Ideal Snacks unlawfully retaliated against Plaintiffs Monica López, Araceli Díaz, and Lidia Pérez De Pérez by taking retaliatory action against them when they complained about the discriminatory and harassing actions of their supervisors to Marvin Cardenas, the Plant Manager.

140. As a direct and proximate result of the retaliatory conduct by Defendant, through its supervisors and Plant Manager, Plaintiffs Monica López, Araceli Díaz, and Lidia Pérez De Pérez suffered severe humiliation, alienation, economic, and mental and physical anguish and injuries.

141. As a direct and proximate result of the Defendant's willful, knowing, and intentional discrimination and retaliation against Plaintiffs, Plaintiffs have suffered and will continue to suffer pain, humiliation, and emotional distress. Plaintiffs have suffered a loss of earnings and other employment benefits and job opportunities. Plaintiff is thereby entitled to general and compensatory damages in amounts to be proven at trial.

142. As a further direct and proximate result of Defendant's violation of Title VII of the Civil Rights Act of 1964, as described, Plaintiffs have been compelled to retain the services of

counsel in an effort to enforce the terms and conditions of the employment relationship with the Defendant and has thereby incurred and will continue to incur legal fees and costs, the full nature and extent of which are presently unknown to Plaintiffs.

143. Plaintiffs informed and believes, and based thereon alleges, that the Defendant's conduct as described above was willful, wanton, malicious, and done in reckless disregard for the safety and well-being of Plaintiffs. By reason thereof, Plaintiffs are entitled to punitive or exemplary damages from the Defendants in a sum according to proof at trial.

**COUNT IV**  
**SEX DISCRIMINATION IN VIOLATION OF**  
**NEW YORK STATE HUMAN RIGHTS LAW, N.Y. Exec. Law § 296**

144. Plaintiffs incorporate all of the preceding allegations as if fully set forth below.

145. Plaintiffs were subjected to continual, direct, and intentional discriminatory treatment by Defendant, through the conduct of Defendant's supervisors and Plant Manager, during the entirety of their employment with Ideal Snacks. Defendant Ideal Snacks is liable as Plaintiffs employer under Title VII.

146. Defendant Ideal Snacks discriminated against Plaintiffs and other women workers in the plant on the basis of their gender by the acts and practices described above, including among other things: (a) creating a hostile work environment for Plaintiffs and other women workers; (b) ignoring Plaintiffs' complaints of harassing and discriminatory behavior toward women working in the plant and failing to take any appropriate corrective action; and (c) discriminating against Plaintiffs in the terms, conditions, and privileges of their employment in violation of New York State Human Rights Law, N.Y. Exec. Law § 296.

147. The above-described sex discrimination created an intimidating, oppressive, hostile, and offensive work environment which interfered with Plaintiffs' emotional and physical well-being.

148. Defendant Ideal Snacks through its agents or supervisors failed to adequately supervise, control, discipline, and/or otherwise penalize the conduct, acts, and failures to act of the supervisors and Plant Manager described above.

149. Defendant Ideal Snacks failed to take all reasonable and necessary steps to eliminate sex discrimination from its workplace and to prevent it from occurring in the future.

150. As a direct consequence of the hostile work environment perpetrated and maintained by Defendant's supervisors and Plant Manager as well as Defendant's failure to protect Plaintiffs from such discrimination, Plaintiffs have suffered and continue to suffer irreparable injuries, including severe emotional distress, great embarrassment, humiliation, mental and physical anguish and injuries, and monetary damages. Plaintiffs were subjected to continual, direct, intentional discriminatory treatment by Defendant, through the conduct of Defendant's supervisors and Plant Manager, during the entirety of their employment.

151. Defendant Ideal Snacks discriminated against Plaintiffs on the basis of their gender and created a hostile work environment for them and other women workers in the plant by, among other things: (a) assigning Plaintiffs to the most undesirable positions, such as cleaning the bathrooms and kitchen; (b) refusing Plaintiffs' requests for shift changes to accommodate their handling of family crises; (c) refusing to consider Plaintiffs for pay raises; (d) hovering over Plaintiffs while they were working to make overtures toward Plaintiffs regarding starting a sexual relationship with them, and then upon Plaintiffs' refusals, hovering to point out fabricated "errors" in their work; (e) requiring Plaintiffs to state the reasons that they needed

bathroom breaks before granting them passes to use the bathroom, and also retaliating against Plaintiffs by denying them bathroom breaks when they refused the supervisors' and Plant Manager's overtures; and (f) assigning Plaintiffs to positions requiring heavy lifting after learning of Plaintiffs' injuries and requests for accommodation.

152. Upon information and relief, no male worker in the plant suffered from any of these actions, statements, harassment, or retaliation.

153. Defendant Ideal Snacks discriminated against Plaintiffs in regard to the terms, conditions, and privileges of employment in various ways because of their gender, in violation of New York State Human Rights Law, N.Y. Exec. Law § 296.

154. As a direct consequence of the hostile work environment perpetrated and maintained by Defendant's supervisors and Plant Manager as well as Defendant's failure to protect Plaintiffs from such discrimination, Plaintiffs have suffered and continue to suffer irreparable injuries, including severe emotional distress, great embarrassment, humiliation, mental and physical anguish and injuries, and monetary damages.

**COUNT V**  
**SEXUAL HARASSMENT IN VIOLATION OF**  
**NEW YORK STATE HUMAN RIGHTS LAW, N.Y. Exec. Law § 296**

155. Plaintiffs incorporate all of the preceding allegations as if fully set forth below.

156. Plaintiffs were subjected to unwelcome, offensive, and harassing verbal and physical abuse during the entirety of their employment at Ideal Snacks by Defendant, through the conduct of Defendant's supervisors and Plant Manager.

157. Defendant Ideal Snacks, by and through its supervisors and Plant Manager, subjected Plaintiffs to continuing sexual harassment by, among other things: (a) making derogatory remarks to them about their manner of dress, parts of their bodies, personal and intimate

relationships, children, and occupational abilities on a daily basis; (b) verbally abusing them by making lewd comments, calling them whores and prostitutes, asking them to reveal intimate parts of their bodies, and trying to force them to enter into sexual relationships with them; (c) subjecting them to invasive questioning about their sexual activities with their husbands, their pregnancies, and other intimate matters; (d) creating an atmosphere that enabled other male workers to harass Plaintiffs; (e) denying Plaintiffs bathroom breaks unless they specified that the reason they needed such breaks, and in particular requiring them to state aloud that they had to deal with their menstrual periods; (f) bringing Plaintiffs to isolated areas of the Plant so that supervisors and the Plant Manager could urge Plaintiffs to date them; and (g) subjecting Plaintiffs to invasive, humiliating, and offensive touching, including being grabbed on the buttocks while they were bent over cleaning machines or in isolated parts of the Plant.

158. Upon information and belief, no male co-workers were ever subjected to the same treatment or behaviors as Plaintiffs were required to undergo. No offensive comments were ever made by Defendant's supervisors and Plant Manager about male workers' manner of dress, anatomy, personal and intimate relationships, children, or occupational abilities nor were male workers ever required to give a "sufficient" reason in order to receive permission to take a bathroom break.

159. As a direct and proximate result of the harassing sexual environment at Ideal Snacks, Plaintiffs suffered severe humiliation, alienation, mental and physical anguish and injuries, and monetary damages.

**COUNT VI**  
**RETALIATION IN VIOLATION OF**  
**NEW YORK STATE HUMAN RIGHTS LAW, N.Y. Exec. Law § 296**  
**(By Plaintiffs Monica López, Araceli Díaz and Lidia Pérez de Pérez Against Defendant)**

160. Plaintiffs Monica López, Araceli Díaz, and Lidia Pérez De Pérez incorporate all of the preceding allegations as if fully set forth below.

161. Plaintiffs Monica López, Araceli Díaz, and Lidia Pérez De Pérez were subjected to retaliation during their employment at Ideal Snacks after they complained about their supervisors' harassing and discriminatory behavior to Marvin Cardenas, the Plant Manager.

162. Plaintiffs suffered retaliation by Defendant, by and through the conduct of Defendant's supervisors and Plant Manager, in the form of, among other things: (a) assigning Plaintiffs to the most undesirable positions, such as cleaning the bathrooms and kitchen; (b) refusing Plaintiffs' requests for shift changes to accommodate their need to handle family matters; (c) refusing to consider Plaintiffs for pay raises; (d) hovering over Plaintiffs while they were working to make overtures toward Plaintiffs regarding starting a sexual relationship with them, and then upon Plaintiffs' refusals, hovering to point out fabricated "errors" in their work; (e) requiring Plaintiffs to state the reasons that they needed bathroom breaks before granting them passes to use the bathroom, and also retaliating against Plaintiffs by denying them bathroom breaks when they refused the supervisors' and Plant Manager's overtures; (f) subjecting them to invasive questioning about their sexual activities with their husbands, their pregnancies, and other intimate matters; and (g) assigning Plaintiffs to positions requiring heavy lifting after learning of Plaintiffs' injuries and requests for accommodation.

163. Defendant Ideal Snacks unlawfully retaliated against Plaintiffs Monica López, Araceli Díaz, and Lidia Pérez De Pérez by taking retaliatory action against them when they



complained about the discriminatory and harassing actions of their supervisors to Marvin Cardenas, the Plant Manager.

164. As a direct and proximate result of the retaliatory conduct by Defendant, through its supervisors and Plant Manager, Plaintiffs Monica López, Araceli Díaz, and Lidia Pérez De Pérez suffered severe humiliation, economic, and mental and physical anguish and injuries.

165. As a direct and proximate result of the Defendant's willful, knowing, and intentional discrimination and retaliation against Plaintiffs, Plaintiffs have suffered and will continue to suffer pain, humiliation, and emotional distress. Plaintiffs have suffered a loss of earnings and other employment benefits and job opportunities. Plaintiff is thereby entitled to general and compensatory damages in amounts to be proven at trial.

166. As a further direct and proximate result of Defendant's violation of Title VII of the Civil Rights Act of 1964, as described, Plaintiffs have been compelled to retain the services of counsel in an effort to enforce the terms and conditions of the employment relationship with the Defendant and has thereby incurred and will continue to incur legal fees and costs, the full nature and extent of which are presently unknown to Plaintiffs.

167. Plaintiffs informed and believes, and based thereon alleges, that the Defendant's conduct as described above was willful, wanton, malicious, and done in reckless disregard for the safety and well-being of Plaintiffs. By reason thereof, Plaintiffs are entitled to punitive or exemplary damages from the Defendants in a sum according to proof at trial.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully requests that this Court:

- A. Grant a permanent injunction enjoining Defendant Ideal Snacks, its officers, successors, and assigns, and all persons in active concert or participation with them,

