

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION**

IN RE: PILGRIM'S PRIDE FAIR LABOR STANDARDS ACT LITIGATION	MDL DOCKET No. 1:07-CV-1832
THIS DOCUMENT RELATES TO: All Actions	JURY DEMANDED

CONSOLIDATED COLLECTIVE ACTION COMPLAINT

INTRODUCTION

1. Plaintiffs Stephania Aaron, Alice Shepard, Dorothy Webb, Cynthia Rayborn, Erica Gresham, Freida Brown, Laronda Carruthers, Reneé Pates, John Chambers, Rose Mary Porter, LaShedria Traylor and Melissa Hott, (hereinafter collectively referred to as "Plaintiffs") on behalf of themselves and all others similarly situated, bring this collective action pursuant to the Fair Labor Standards Act, 29 U.S.C. §201, *et seq.* ("FLSA"). Plaintiffs are current and former employees of Pilgrim's Pride engaged in processing chicken. Plaintiffs allege that Defendant, Pilgrim's Pride Corporation ("Pilgrim's Pride") has willfully violated Plaintiffs' right to receive pay for all time worked and overtime pay for hours worked in excess of 40 per week. Pursuant to 29 U.S.C. § 216(b), the Plaintiffs also seek to represent all other similarly situated employees who worked at Pilgrim's Pride facilities in Arkansas, Alabama, Georgia, Kentucky, Louisiana, North Carolina, Tennessee, Texas, Virginia, and West Virginia who have not been appropriately paid for all time worked.

2. On May 10, 2007, the Judicial Panel on Multidistrict Litigation ("JPML") ordered that, pursuant to 28 U.S.C. § 1407, all related actions brought against Defendant be transferred to this Court for pretrial proceedings. As the unlawful conduct at issue in these actions are the

same or similar in nature, the named Plaintiffs in each of the actions presently before this Court have elected to pursue their claims in this Consolidated Amended Complaint.

3. The unlawful conduct by Pilgrim's Pride has been widespread and consistent at its plants. Despite a ruling by the Supreme Court in *Alvarez v. IBP, Inc.*, 546 U.S. 21 (2005), holding that employers are obliged to pay employees for all time worked between the first compensable act of the day and the last compensable act of the day, less *bona fide* meal breaks, Pilgrim's Pride has willfully engaged in the practice of not recording the time for all work performed and not compensating its employees with appropriate payment for such work.

4. Plaintiffs perform tasks at various stages in the process for producing chicken, but have all been subject to Pilgrim's Pride's same illegal policy and practice of willfully failing to pay workers for all time worked. Plaintiffs bring this action on their own behalf and as representatives of similarly-situated chicken processing employees. The members of the proposed class include: all current and former Pilgrim's Pride employees who have held non-exempt positions working on or near the chicken processing line in Pilgrim's Pride's chicken processing plants at any time during the period beginning April 20, 2003 through the end of the notice period, who have not been fully compensated for overtime hours worked. Plaintiffs seek to represent similarly situated current or former employees from at least 22 Pilgrim's Pride facilities including: DeQueen, Arkansas; El Dorado, Arkansas; Athens, Alabama; Enterprise, Alabama; Batesville, Arkansas; Clinton, Arkansas; Athens, Georgia; Canton, Georgia; Dalton, Georgia; Elberton, Georgia; Gainesville, Georgia; Mayfield, Kentucky; Farmerville, Louisiana; Natchitoches, Louisiana; Marshville, North Carolina; Chattanooga, Tennessee; Dallas, Texas; Lufkin, Texas; Mt. Pleasant, Texas; Nacogdoches, Texas; Broadway, Virginia; and Moorefield, West Virginia.

PARTIES

5. Plaintiffs are current or former employees of Pilgrim's Pride's chicken processing plants who have held non-exempt positions at some point since April 20, 2003, which is three years prior to the commencement of the earliest related action that seeks company-wide collective action certification. Each Plaintiff's written consent filed in a related action is attached hereto as Exhibit A. Plaintiffs bring this action on their own behalf and, pursuant to 29 U.S.C. §216(b), as representatives of a proposed collective action of similarly situated employees.

6. Plaintiff Stephanie Aaron resides in Arkansas and is a current employee at the Pilgrim's Pride El Dorado, Arkansas plant.

7. Plaintiff Alice Shepard resides in Arkansas and is a former employee at the Pilgrim's Pride El Dorado, Arkansas plant.

8. Plaintiff Dorothy Webb resides in Arkansas and is a former employee at the Pilgrim's Pride DeQueen, Arkansas plant.

9. Plaintiff Cynthia Rayborn resides in Alabama and is a current employee at the Pilgrim's Pride Enterprise, Alabama plant.

10. Plaintiff Erica Gresham resides in Georgia and is a current employee at the Pilgrim's Pride Athens, Georgia plant.

11. Plaintiff Freida Brown resides in Georgia and is a current employee at the Pilgrim's Pride Elberton, Georgia plant.

12. Plaintiff Laronda Carruthers resides in Kentucky and is a current employee at the Pilgrim's Pride Mayfield, Kentucky plant.

13. Plaintiff Reneé Pates resides in Louisiana and is a current employee at the Farmerville, Louisiana plant.

14. Plaintiff John Chambers resides in North Carolina and is a former employee at the Pilgrim's Pride Marshville, North Carolina plant.

15. Plaintiff Rose Mary Porter resides in Tennessee and is a current employee at the Pilgrim's Pride Chattanooga, Tennessee plant.

16. Plaintiff LaShedria Traylor resides in Texas and is a current employee at the Pilgrim's Pride Mt. Pleasant, Texas plant.

17. Plaintiff Melissa Hott resides in West Virginia and is a former employee at the Pilgrim's Pride Moorefield, West Virginia plant.

18. Pilgrim's Pride is a Delaware corporation with its home office in Pittsburg, Texas and is authorized to do business in and is doing business in the State of Arkansas.

JURISDICTION AND VENUE

19. This court has jurisdiction pursuant to 28 U.S.C. §1331. Venue is proper in the Western District of Arkansas pursuant to 28 U.S.C. §1391 because a substantial part of the events or omissions giving rise to the claims have occurred within the Western District and the El Dorado Division and because the Judicial Panel on Multidistrict Litigation ordered that, pursuant to 28 U.S.C. § 1407, all related actions brought against Defendant be transferred to this Court for centralized pretrial proceedings.

GENERAL ALLEGATIONS

20. The Plaintiffs and members of the proposed class are or were engaged in processing chicken at a Pilgrim's Pride facility. Their work duties include, but are not limited to, keeping pace with a fast-moving conveyor belt or production line, known as a "chicken

processing line,” while they perform assigned tasks on the assembly line, such as slaughtering, cutting, de-boning, cleaning and packaging or otherwise preparing the chicken for human consumption. Plaintiffs and members of the proposed class work on or near this processing line, often moving between different positions within the plant.

21. Pilgrim’s Pride requires Plaintiffs and members of the proposed class to arrive at work before their paid time begins to obtain and put on protective and sanitary equipment and walk to their place on the chicken processing line. In addition, Pilgrim’s Pride requires Plaintiffs and members of the proposed class to continue working through part of their unpaid breaks as they must doff, clean and don this equipment at the beginning and end of each break. Pilgrim’s Pride also requires workers to take off or doff this equipment, clean it, and store it after their paid time has ended.

22. These actions qualify as compensable work because the donning, cleaning and doffing of protective and sanitary equipment and gear is required by Pilgrim’s Pride, the United States Department of Agriculture, or the nature of the job, and as such these activities are integral and indispensable to the chicken processing work the Plaintiffs and members of the proposed class perform.

23. All Plaintiffs and members of the proposed class use one or more of the following items of safety and sanitary equipment and gear: a smock, plastic apron, hearing protection, safety glasses, hairnet, beard net, hard hat or bump cap, plastic sleeve covers, hard plastic arm guard, rain suit, face mask, rubber gloves, cotton liner gloves and mesh cutting gloves.

24. Pilgrim’s Pride provides the employees with the safety and sanitary equipment that each must wear in order to perform his or her job in a safe and sanitary manner.

25. The system Pilgrim's Pride uses to record compensable time for Plaintiffs and members of the proposed class only records as compensable time what is called "line time," which limits compensable time to work performed when the chicken processing line is in operation.

26. Pilgrim's Pride's line time system does not record all time that Plaintiffs and members of the proposed class spend donning, doffing, cleaning and sanitizing their safety and sanitary equipment and gear.

27. As a result, Pilgrim's Pride does not compensate the Plaintiffs and members of the proposed class for the time they spend donning, doffing, cleaning and sanitizing their safety and sanitary equipment and gear.

28. Pilgrim's Pride requires Plaintiffs and members of the proposed class to report to their assigned work stations on the line wearing the required safety and sanitary equipment and gear by the time the line is scheduled to begin operating.

29. Plaintiffs and members of the proposed class must arrive at work before the beginning of their paid line time to obtain and don the safety and sanitary equipment.

30. Prior to beginning their work on the line, employees must first pick up safety and sanitary equipment from the supply room, walk to their locker room or changing area, don the gear and walk to their assigned position on the production line. The Plaintiffs and members of the proposed class are not compensated for the time spent in performing these work activities, which occur before the chicken processing line begins operation but are integral and indispensable to Pilgrim's chicken processing business and related to the principal employment duties of the chicken processing workers.

31. Pilgrim's Pride requires Plaintiffs and members of the proposed class to work during part of their unpaid meal breaks. Pilgrim's Pride automatically deducts the full scheduled break length from their compensated time. During the uncompensated breaks, however, Plaintiffs and members of the proposed class must doff and clean their safety and sanitary equipment before eating, walk to stow their equipment, and don and sanitize the safety and sanitary equipment before returning to their production line. Pilgrim's Pride does not compensate them for this work performed during the unpaid breaks.

32. At the end of their shift, Plaintiffs and members of the proposed class are required to remain at the plant performing work after their line time ends. This work includes the removal or doffing of their safety and sanitary equipment, performing any cleaning that is required and returning the soiled equipment to their locker or supply room. They are not compensated for any of these activities.

33. The total amount of time daily in which each Plaintiff and member of the proposed class has been engaged in unpaid work is substantial. This work is compensable as it occurs after the first compensable act performed each shift by the Plaintiffs and members of the proposed class and before the last compensable act they perform each shift.

34. Pilgrim's Pride suffers or permits the Plaintiffs and members of the proposed class to perform this work and denies compensation to them for this work pursuant to an established policy or practice. As Plaintiffs and members of the proposed class work more than 40 hours per week, Pilgrim's Pride has been required by law to compensate them for all time worked over 40 hours per week at one and a half times their regular hourly rate of pay.

35. Pilgrim's Pride has willfully failed to pay the Plaintiffs and members of the proposed class at the rate of one and a half times their regular hourly rate for all time worked in excess of 40 hours per week, in violation of the FLSA.

INDIVIDUAL ALLEGATIONS

Stephania Aaron

36. Plaintiff Stephania Aaron has been employed by Pilgrim's Pride from October 17, 2002 through the present at the El Dorado, Arkansas plant. She currently works on the 7:30 a.m. to approximately 4:15 p.m. shift on the line in the pre-pack department. She is a non-exempt employee.

37. To comply with Pilgrim's Pride's requirements and to safely perform her job, Plaintiff Aaron is required to wear safety and sanitary gear and equipment including cotton gloves, steel gloves, rubber gloves, plastic apron and sleeves, rubber boots, hairnet, and ear plugs.

38. Before reporting to her work station each day, Plaintiff Aaron must obtain and put on her safety and sanitary gear and equipment, and walk to her place on the line. Plaintiff Aaron is not compensated for these activities, which were integral and indispensable to Pilgrim's Pride's chicken processing business and related to her principal employment duties.

39. Pilgrim's Pride deducts forty- five (45) minutes from Plaintiffs' pay each day for an unpaid lunch break. Pilgrim's Pride requires Plaintiff Aaron to take off, put on, and clean items of safety and sanitary gear and equipment during her unpaid lunch break. As a result, she would not receive her full break, and she was required to perform work during her break for which she was not compensated.

40. After completing her work on the chicken processing line at the end of her shift, Plaintiff Aaron is required to take off, clean and store her safety and sanitary gear and

equipment. Plaintiff Aaron is not compensated for any of these activities, which are integral and indispensable to Pilgrim's chicken processing business and related to her principal employment duties.

41. Pilgrim's Pride requires Plaintiff Aaron to regularly work over forty hours per week, but Pilgrim's Pride denied her compensation, either at a regular rate or an overtime premium, for substantial time she spent donning, doffing and sanitizing protective equipment each work week.

42. Pilgrim's Pride requires or permits Plaintiff Aaron to don and doff the sanitary and safety gear or equipment that she uses each workday.

Alice Shepard

43. Plaintiff Alice Shepard was employed by Pilgrim's Pride from November 24, 2003, until June 16, 2005 as a non-exempt employee at the El Dorado, Arkansas plant. Ms. Shepard most recently worked on the shift from 7:45 a.m. until approximately 4:15 p.m. on the line in the over-wrap department.

44. To comply with Pilgrim's Pride's requirements and to safely perform her job, Ms. Shepard was required to wear various safety and sanitary gear and equipment including cotton gloves, steel gloves, rubber gloves, plastic apron and sleeves, rubber boots, hairnet, and ear plugs.

45. Before reporting to her work station each day, Ms. Shepard had to obtain and put on her safety and sanitary gear and equipment, and walk to her place on the line. Plaintiff Shepard was not compensated for these activities, which were integral and indispensable to Pilgrim's Pride's chicken processing business and related to her principal employment duties.

46. Pilgrim's Pride deducted forty- five (45) minutes from Plaintiffs' pay each day for an unpaid lunch break. Pilgrim's Pride required that Plaintiff Shepard take off, put on, and clean items of safety and sanitary gear and equipment during her unpaid lunch break. As a result, she would not receive her full break, and she was required to perform work during her break for which she was not compensated.

47. After completing her work on the chicken processing line at the end of her shift, Ms. Shepard was required to take off, clean and store her protective gear and equipment. She was not compensated for any of these activities, which were integral and indispensable to Pilgrim's chicken processing business and related to her principal employment duties.

48. Plaintiff Shepard was compensated for approximately forty (40) hours of work per week. However, she actually works substantial additional overtime hours each week for which she is not compensated at either her regular rate or at an overtime rate.

49. Pilgrim's Pride required or permitted Plaintiff Shepard to don and doff the sanitary and safety gear or equipment that she used each workday.

Dorothy Webb

50. Plaintiff Dorothy Webb was employed by Pilgrim's Pride from September 6, 1983 to May 31, 2007 at the DeQueen, Arkansas plant. She worked on the debone line as a non-exempt employee.

51. To comply with Pilgrim's Pride's requirements and to safely perform her job, Plaintiff Webb was required to wear various safety and sanitary gear and equipment including cotton gloves, rubber gloves, plastic apron and sleeves, rubber boots, hairnet, and ear plugs. Before reporting to her work station each day, Plaintiff Webb had to obtain and put on her safety and sanitary gear and equipment, and walk to her place on the line. Plaintiff Webb was not

compensated for these activities, which were integral and indispensable to Pilgrim's Pride's chicken processing business and related to her principal employment duties.

52. Pilgrim's Pride deducted thirty (30) minutes from Ms. Webb's pay each day for an unpaid break. Pilgrim's Pride required Plaintiff Webb to take off items of protective gear and equipment at the beginning of her unpaid lunch break, clean these items and then put them back on before the end of the break. As a result, she would not receive her full break, and she was required to perform considerable work during her break for which she was not compensated.

53. After completing her work on the chicken processing line at the end of her shift, Plaintiff Webb was required to take off, clean and store her protective gear and equipment. Plaintiff Webb was not compensated for any of these activities, which were integral and indispensable to Pilgrim's chicken processing business and related to her principal employment duties.

54. Pilgrim's Pride required or permitted Plaintiff Webb to don and doff the sanitary and safety gear or equipment that she used each workday.

Cynthia Rayborn

55. Plaintiff Cynthia Rayborn has been employed by Pilgrim's Pride at the Enterprise, Alabama facility for twenty-five (25) years, through the present. Her current job is to draw and trim chicken. She is a non-exempt employee.

56. To comply with Pilgrim's Pride's requirements and to safely perform her job, Plaintiff Rayborn must wear safety and sanitary gear and equipment, including a smock, mesh gloves, plastic arm protector, apron, hairnet, ear protection and footwear.

57. Before reporting to her work station each day, Plaintiff Rayborn had to obtain and put on her safety and sanitary gear and equipment, and walk to her place on the line. Plaintiff

Rayborn is not compensated for these activities, which are integral and indispensable to Pilgrim's Pride's chicken processing business and related to her principal employment duties.

58. Pilgrim's Pride deducts thirty (30) minutes from Ms. Rayborn's pay each day for an unpaid break. During this break, she is required to take off, put on, and clean her protective gear and equipment. As a result, Ms. Rayborn often has an actual break of significantly less than 30 minutes, as she is required to perform tasks that are integral and indispensable to Pilgrim's Pride's chicken processing business and related to her principal employment duties, for which she is not compensated.

59. After completing her work on the chicken processing line, Plaintiff Rayborn is required to take off, clean and store her protective gear and equipment. She was not compensated for any of these activities, which are integral and indispensable to Pilgrim's Prides' chicken processing business and related to Ms. Rayborn's principal employment duties.

60. Pilgrim's Pride has denied Plaintiff Rayborn compensation at either her regular or overtime rate for a substantial amount of time worked each week in excess of forty (40) hours of work per week.

61. Pilgrim's Pride requires or permits Plaintiff Rayborn to don and doff the sanitary and safety gear or equipment that she uses each workday.

Erica Gresham

62. Plaintiff Erica Gresham has been employed by Pilgrim's Pride from August 24, 2004 through the present in the Athens, Georgia plant as a deboner/reworker. Ms. Gresham is a non-exempt employee.

63. To comply with Pilgrim's Pride requirements and to safely perform her job, Plaintiff Gresham is required to wear various safety and sanitary gear and equipment including

cotton gloves, safety gloves, rubber gloves, plastic apron and sleeves, rubber boots, hairnet, and ear plugs.

64. As a deboner/reworker, prior to reporting to her position on the line, Plaintiff Gresham must obtain her safety equipment from the supply room, put on all protective gear, and walk to her area on the line. Plaintiff Gresham was not compensated for these activities, which are integral and indispensable to Pilgrim's Pride's chicken processing business and related to her principal employment duties.

65. Pilgrim's Pride deducts thirty (30) minutes from Plaintiff Gresham's pay each day for an unpaid lunch break. Pilgrim's Pride required Plaintiff Gresham to take off items of protective gear and equipment at the beginning of her unpaid lunch break, clean these items and then put them back on before the end of the break. As a result, Ms. Gresham was not permitted to use the full break period exclusively for personal use, as she was required to perform considerable work during this break for which she was not compensated.

66. After completing her work on the chicken processing line, Plaintiff Gresham is required to take off, clean and store her protective gear and equipment. Ms. Gresham is not compensated for any of these activities, which are integral and indispensable to Pilgrim's chicken processing business and related to her principal employment duties.

67. Pilgrim's Pride requires Plaintiff Gresham to regularly work over 40 hours per week, but Pilgrim's Pride denied her compensation, either at a regular rate or an overtime rate, for substantial time she spent donning, doffing and sanitizing safety and protective equipment.

68. Pilgrim's Pride requires or permits Plaintiff Gresham to don and doff the sanitary and safety gear or equipment that she uses each workday.

Freida Brown

69. Plaintiff Freida Brown has been employed by Pilgrim's Pride since November, 1986 through the present in the Elberton, Georgia Plant. Plaintiff Brown currently rotates shifts as a QA technician. She is a non-exempt employee who has previously held many other line positions at the plant.

70. In her current position, to comply with Pilgrim's Pride's requirements and to safely perform her job, Ms. Brown is required to wear safety and sanitary gear and equipment, including a hairnet, plastic apron, plastic sleeve covers, safety glasses, ear plugs, dust mask, rubber gloves, cotton liner gloves, and a smock.

71. Before reporting to her work station each day, Plaintiff Brown has to obtain and put on her safety and sanitary gear and equipment, and walk to her place on the line. She is not compensated for these activities, which are integral and indispensable to Pilgrim's Pride's chicken processing business and related to her principal employment duties.

72. Pilgrim's Pride deducts thirty (30) minutes from Ms. Brown's pay for at least one unpaid break each day. She is required to take off, put on, and clean her protective gear and equipment during this break. As a result, Brown spent considerable time during her break performing tasks that are integral and indispensable to Pilgrim's Pride's chicken processing business and related to her principal employment duties, for which she is not compensated.

73. Pilgrim's Pride has denied Plaintiff Brown compensation at either her regular or overtime rate for substantial amounts of time worked each week in excess of forty (40) hours of work per week.

74. Pilgrim's Pride requires or permits Plaintiff Brown to don and doff the sanitary and safety gear or equipment that she uses each workday.

Laronda Carruthers

75. Plaintiff Laronda Carruthers has been employed by Pilgrim's Pride from April 1997 through the present at Pilgrim's Pride's Mayfield, Kentucky plant. She is a non-exempt employee who works the day shift, which begins at 7 a.m.

76. To comply with Pilgrim's requirements and to safely perform her job, Plaintiff Carruthers is required to wear safety and sanitary gear and equipment including a smock, plastic apron, mesh cutting gloves, rubber gloves, hard plastic arm guards, boots, hairnet, ear plugs and bump cap before she begins work on the line.

77. Before reporting to her place on the line each day, Plaintiff Carruthers picks up from the supply room required items of sanitary and safety equipment and gear, walks to her locker where she obtains other items of sanitary and safety gear, puts on this gear and equipment, walks to her department where she obtains from her supervisor mesh cutting gloves and hard plastic arm guards, and puts on this equipment. She is not compensated for these activities, which are integral and indispensable to Pilgrim's Pride's chicken processing business and related to her principal employment duties.

78. Pilgrim's Pride deducts thirty (30) minutes from Plaintiff Carruthers' pay for an unpaid lunch break each day. During this time, Ms. Carruthers must take off, put on, and clean her protective gear and equipment. As a result, she spends considerable time during her unpaid lunch break performing tasks that are integral and indispensable to Pilgrim's Pride's operations and relate to her principal employment duties.

79. After completing her work on the chicken processing line, Plaintiff Carruthers is required to take off, clean and store her protective gear and equipment. Ms. Carruthers is not

compensated for any of these activities, which are integral and indispensable to Pilgrim's chicken processing business and related to her principal employment duties.

80. Plaintiff Carruthers works substantial time over 40 hours each work week for which she is not compensated, either at a regular rate or at an overtime rate.

81. Pilgrim's Pride requires or permits Plaintiff Carruthers to don and doff the sanitary and safety gear or equipment that she uses each workday.

Reneé Pates

82. Plaintiff Reneé Pates has been employed by Pilgrim's Pride from July 1993-1999 and September 2000 to the present at the Farmerville, Louisiana plant. She currently works on the 11:30 p.m. to 8:30 a.m. shift on the line in the bag half-leg quarters department.

83. To comply with Pilgrim's requirements and to safely perform her job, Plaintiff Pates is required to wear safety and sanitary gear and equipment including cotton gloves, rubber gloves, plastic apron and sleeves, rubber boots, hairnet, and ear plugs.

84. Before reporting to her work station each day, Plaintiff Pates has to obtain and put on her safety and sanitary gear and equipment, and walk to her place on the line. She is not compensated for these activities, which are integral and indispensable to Pilgrim's Pride's chicken processing business and related to her principal employment duties.

85. Pilgrim's Pride deducts two thirty (30) minute unpaid breaks from Plaintiff Pates' pay. During each unpaid break, Ms. Pates must take off, put on, and clean her protective gear and equipment. As a result, Ms. Pates does not receive her full break as she spends considerable time during her unpaid lunch break performing tasks that are integral and indispensable to Pilgrim's Pride's operations and relate to her principal employment duties.

86. After processing chickens at the end of her shift, Pates takes off and cleans her protective gear and equipment. Pates is not compensated for these activities that are integral and indispensable to Pilgrim's Pride's operations and relate to her principal employment duties.

87. Plaintiff Pates is compensated for approximately forty (40) hours of work per week. However, she works substantial additional overtime hours each week for which she is not compensated at either her regular rate or at an overtime rate.

88. Pilgrim's Pride requires or permits Plaintiff Pates to don and doff the sanitary and safety gear or equipment that she uses each workday.

John Chambers

89. Plaintiff John Calvin Chambers was employed by Pilgrim's Pride from March 2003 until March 2006 at the Marshville, North Carolina plant. Mr. Chambers worked as a non-exempt employee on the 8:00 a.m. to approximately 5:00 p.m. shift on the assembly line in the debone department.

90. To comply with Pilgrim's Pride's requirements and to safely perform his job, Plaintiff Chambers was required to wear various safety and sanitary gear and equipment including smock or coat, cotton gloves, rubber gloves, plastic apron, plastic sleeve covers, hairnet, and ear plugs. Pilgrim's Pride required that Chambers have on the protective gear and equipment before he began work on the line.

91. Prior to start of his shift, Plaintiff Chambers had to obtain and put on his safety and sanitary gear and equipment, and walk to his place on the line. Plaintiff Chambers was not compensated for these activities, which were integral and indispensable to Pilgrim's Pride's chicken processing business and related to his principal employment duties.

92. Pilgrim's Pride deducted thirty (30) minutes from Mr. Chambers pay each day for an unpaid lunch break. He was required to take off, put on, and clean his protective gear and

equipment during his unpaid lunch break. As a result, Chambers spent considerable time during his unpaid lunch break performing tasks that constitute work.

93. After completing his work on the chicken processing line, Plaintiff Chambers had to remove, sanitize and store his protective gear and equipment. Mr. Chambers was not compensated for any of these activities, which were integral and indispensable to Pilgrim's Pride's chicken processing business and related to his principal employment duties.

94. Pilgrim's Pride denied Plaintiff Chambers compensation at either his regular or overtime rate for a substantial amount of time worked each week in excess of forty (40) hours of work per week.

95. Pilgrim's Pride required or permitted Plaintiff Chambers to don and doff the sanitary and safety gear or equipment that he used each workday.

Rose Mary Porter

96. Plaintiff Rose Mary Porter has been employed by Pilgrim's Pride from October 28, 2002 through the present at the Chattanooga, Tennessee plant. Ms. Porter is a non-exempt employee who works as a tender puller on the day shift on the line.

97. To comply with Pilgrim's Pride's requirements and to safely perform her job, Plaintiff Porter is required to wear safety and sanitary gear and equipment including a smock, rubber gloves, cloth gloves, ear plugs, plastic sleeves, and hair net.

98. Pilgrim's Pride deducts thirty (30) minutes from Plaintiff Porter's pay for at least one unpaid break each day. Plaintiff Porter must take off, put on, and clean her protective gear and equipment during her unpaid lunch break. As a result, Ms. Porter performs work during her break that is integral and indispensable to Pilgrim's Pride's chicken processing business and related to her principal employment duties, for which she is not compensated.

99. After processing chickens, Plaintiff Porter takes off, cleans and stores her protective gear and equipment. Porter is not compensated for any of these activities, which are integral and indispensable to Pilgrim's Pride's chicken processing business and related to her principal employment duties.

100. Plaintiff Porter is compensated for approximately forty (40) hours of work per week. However, she actually works substantial additional hours each week for which she is not compensated.

101. Pilgrim's Pride requires or permits Plaintiff Porter to don and doff the sanitary and safety gear or equipment that she uses each workday.

LaShedria Traylor

102. Plaintiff LaShedria Traylor has been employed by Pilgrim's Pride from December 21, 1994, through the present at the Mt. Pleasant, Texas plant. Traylor works on the 7:00 a.m. to approximately 3:45 p.m. shift on the line as a bone checker in the debone department.

103. To comply with Pilgrim's Prides' requirements and to safely perform her job, Plaintiff Traylor is required to wear safety and sanitary gear and equipment including cotton gloves, steel gloves, rubber gloves, plastic apron and sleeves, rubber boots, hairnet, and ear plugs.

104. Before reporting to her work station each day, Plaintiff Traylor has to obtain and put on her safety and sanitary gear and equipment, and walk to her place on the line. Plaintiff Traylor is not compensated for these activities, which are integral and indispensable to Pilgrim's Pride's chicken processing business and related to her principal employment duties.

105. Pilgrim's Pride deducts thirty (30) minutes from Plaintiff Traylor's pay for an unpaid lunch break each day. Plaintiff Traylor must take off, put on, and clean her protective gear and equipment during her unpaid lunch break. As a result, Ms. Traylor performs work

during her break that is integral and indispensable to Pilgrim's Pride's chicken processing business and related to her principal employment duties, for which she is not compensated.

106. After completing her work on the chicken processing line at the end of her shift, Plaintiff Traylor is required to take off, clean and store her protective gear and equipment. Plaintiff Traylor was not compensated for any of these activities, which are integral and indispensable to Pilgrim's chicken processing business and related to her principal employment duties.

107. Plaintiff Traylor is compensated for approximately forty (40) hours of work per week. However, she actually works substantial additional time each week for which she is not compensated.

108. Pilgrim's Pride requires or permits Plaintiff Traylor to don and doff the sanitary and safety gear or equipment that she uses each workday.

Melissa Hott

109. Plaintiff Melissa Hott was employed by Pilgrim's Pride from 2002 until 2006 as a non-exempt employee at the Moorefield, West Virginia plant. Ms. Hott most recently worked as a Breeder Operator on the chicken processing line, on the shift from 4:30 a.m. until approximately 3:30 p.m., from 2004 to 2006.

110. To comply with Pilgrim's Pride's requirements and to safely perform her job, Ms. Hott had to wear various safety and sanitary gear and equipment including, a smock, a plastic apron, plastic sleeves, boots, plastic booties over boots, a hairnet, ear plugs, safety glasses, cotton liner gloves, rubber gloves and mesh cutting gloves.

111. Before reporting to her work station each day, Ms. Hott had to obtain her safety and sanitary gear and equipment from the supply room and her locker, assemble and put on all

gear and walk to her place on the line. Plaintiff Hott was not compensated for these activities, which were integral and indispensable to Pilgrim's Pride's chicken processing business and related to her principal employment duties.

112. Pilgrim's Pride deducts a thirty (30) minute break from Plaintiff Hott's pay each day. Pilgrim's Pride required Ms. Hott take off, put on, and clean items of protective gear and equipment during her unpaid lunch break. As a result, she would not receive her full break, as she was required to perform work during her break for which she was not compensated.

113. After completing her work on the chicken processing line at the end of her shift, Ms. Hott was required to take off, clean and store her protective gear and equipment. She was not compensated for any of these activities, which were integral and indispensable to Pilgrim's chicken processing business and related to her principal employment duties.

114. Ms. Hott worked over forty (40) hours of work per week. However, she worked substantial additional overtime hours each week for which she was not compensated at either her regular rate or at an overtime rate.

115. Pilgrim's Pride required or permitted Plaintiff Hott to don and doff the sanitary and safety gear or equipment that she used each workday.

COLLECTIVE ACTION ALLEGATIONS

116. Pursuant to 29 U.S.C. § 216(b), Plaintiffs bring this action on behalf of themselves and the following similarly situated employees: current and former employees of Pilgrim's Pride who have held non-exempt positions working on or near the chicken processing line in Pilgrim's Pride chicken processing plants at any time during any part of the period from April 20, 2003 through the date of notice in this action, who have not been fully compensated for overtime hours worked.

117. Members of the proposed class are current or former Pilgrim's Pride employees who have been subject to the same unlawful practices alleged herein and, therefore, are similarly situated to the Plaintiffs named in this Consolidated Complaint. The members of the proposed class, like the Plaintiffs, work in jobs on or near the chicken processing line, and are subject to the same or similar pay practices. All proposed class members, similar to the Plaintiffs, are required to obtain, and don, required protective and sanitary gear, at the beginning of their workday, and all proposed class members end their work day by doffing, cleaning and storing that gear. Thus, the first and last compensable act of each workday is the same for these proposed collective action members. Members of the proposed class and Plaintiffs, therefore, should be permitted to pursue their claims collectively, pursuant to 29 U.S.C. § 216 (b).

118. Over 3000 current and former chicken processing workers from Pilgrim's Pride's plants have already filed consents to participate in this action. Pursuit of this action collectively will provide the most efficient mechanism for adjudicating the claims of the Plaintiffs and members of the proposed class.

119. Plaintiffs Stephania Aaron, Alice Shepard, Dorothy Webb, Cynthia Rayborn, Erica Gresham, Freida Brown, Laronda Carruthers, Reneé Pates, John Chambers, Rose Mary Porter, LaShedria Traylor and Melissa Hott, request that they be permitted to serve as representatives of those who have consented to participate in this action and that this action be granted collective action status pursuant to 29 U.S.C. § 216(b).

VIOLATION OF THE FAIR LABOR STANDARDS ACT

120. Plaintiffs incorporate by reference all preceding paragraphs as if the same were set forth again fully at this point.

121. Pilgrim's Pride has willfully failed to pay Plaintiffs and members of the proposed class at one and one-half times their regular rate for all hours worked in excess of 40 hours per week, in violation of the Fair Labor Standards Act, as a result of which it owes them any and all unpaid overtime wages incurred at any time since April 20, 2003, as well as liquidated damages.

122. Pilgrim's Pride has willfully engaged in such conduct in violation of the Fair Labor Standards Act by engaging in a pattern or practice of permitting or requiring Plaintiffs and members of the proposed collective action to perform activities integral and indispensable to their principal chicken processing activities, before and after the regular paid work time, and during unpaid breaks without compensation at the applicable overtime rate for hours worked over 40 per week.

JURY DEMAND

123. Plaintiffs, individually and as representatives of the class, request a jury trial.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that the case be certified as a collective action and that the Plaintiffs and each member of the class recover from Pilgrim's Pride, the following:

- A. An award of unpaid overtime in an amount appropriate to the proof at trial;
- B. An award of liquidated damages in an amount appropriate to the proof at trial;
- C. Court costs and costs of litigation, including expert fees;
- D. Attorneys' fees; and
- E. Such other and further legal and equitable relief as the Court deems just.

Dated: July 20, 2007

Respectfully submitted,

/s/ Joseph M. Sellers

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