

**THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

|                                 |   |                            |
|---------------------------------|---|----------------------------|
| <b>COLETTE McCADD,</b>          | ) |                            |
|                                 | ) |                            |
| <b>Plaintiff,</b>               | ) |                            |
|                                 | ) |                            |
| <b>v.</b>                       | ) | <b>No.</b>                 |
|                                 | ) |                            |
| <b>THE KRAFT HEINZ COMPANY,</b> | ) |                            |
|                                 | ) |                            |
| <b>Defendant.</b>               | ) | <b>Jury Trial Demanded</b> |

**COMPLAINT AT LAW**

Now Comes the Plaintiff, Colette McCadd, by and through her attorneys, Anthony J. Peraica & Associates, Ltd., brings this complaint at law against Defendant The Kraft Heinz Company and complains as follows:

1. Plaintiff Colette McCadd (hereinafter “McCadd” or “Plaintiff”) is a resident of the Village of Evergreen Park, County of Cook, State of Illinois.
2. Defendant The Kraft Heinz Company was formed in 2015 through the merger of Kraft Foods Group, Inc. and H.J. Heinz Holding Corporation. It is co-headquartered in Chicago, Illinois and Pittsburgh, Pennsylvania.
3. Defendant is a global producer of food and beverages, with approximately 79 manufacturing and processing facilities, approximately 5500 ingredient and packaging suppliers, approximately 210 external manufacturers and approximately 36,000 employees around the world.
4. This Court has subject-matter jurisdiction pursuant to 28 U.S.C. §1331. Venue is proper in this District because Plaintiff resides and Defendant is headquartered in this District and a substantial part of the events giving rise to Plaintiff’s claims occurred in this District.

5. Plaintiff McCadd was employed with the Defendant Kraft Heinz from September 2000 to August 2003 and from December 2006 through January 31, 2022. Plaintiff's most recent position being Senior Manager, Culinary at Glenview R&D Center.

6. During Plaintiff's employment with the Defendant, she was not subject to any discipline and was a well-respected employee.

7. In March 2020, the Covid-19 virus changed how the Defendant operated its facilities. The Defendant's manufacturing facilities continued to operate but required all employees to use PPE, adhere to strict sanitation guidelines and consistently undergo Covid testing. The Defendant's office facilities were closed and office employees were required to work from home.

8. In or about August 2021, Defendant began to open its office facilities allowing for employees to enter so long as they used PPE, adhered to strict sanitation guidelines, answered health questionnaires and underwent Covid testing—with a negative result—prior to entry.

9. On or about August 24, 2021, Defendant notified its employees, including the Plaintiff, that it reconsidered the plans for employees return to the office; moved the return to office date to January 2022; and “will require all office-based employees to be fully vaccinated prior to returning to the office in January 2022.”

10. Defendant made full vaccination a condition of continued employment for the office population at Kraft Heinz, but allowed for health or religious exemption.

11. Defendant's vaccine mandate only applied to the office population and not the manufacturing employees.

12. Defendant required, regardless of vaccine status, that employees traveling from out of state or internationally to show proof of a negative Covid test within 72 hours prior to entry of the Kraft Heinz office location.

13. On or about August 26, 2021, Plaintiff reached out to Marzia Valika inquiring whether the Glenview site will mandate vaccination and asking what is required as proof for the religious exemption.

14. On August 27, 2021, Marzia Valika to the Plaintiff Glenview will require vaccination but does not know the time frame and that that she is not sure if anything is required to prove religious exemption.

15. On or about August 31, 2021, Defendant reiterated to its employees, including the Plaintiff, that “we will require all office-based employees, as well as at-home employees, R&D personnel, and sales employees to be fully vaccinated prior to returning to the office in January 2022, unless you have obtained an appropriate health or religious accommodation.”

16. Defendant required all employees, regardless of vaccination status, to wear masks while at a Kraft Heinz location or facility.

17. Defendant required unvaccinated employees who receive a disability, medical or religious exemption to have proof of a negative Covid test prior to entering the office or otherwise reporting to in-person work on a weekly basis. Defendant had company sponsored testing options available to employees.

18. On September 13, 2021, Defendant sent to its employees, including the Plaintiff, a reminder on reporting vaccine status, which all stated, to request a medical or religious exemption, please contact your HR Business Partner immediately.

19. Plaintiff's HR Business Partner at Kraft Heinz was Marzia Valika.

20. That same day, September 13, 2021, Marzia Valika, sent the Plaintiff the Request for Religious Exemption/Accommodation Related to Covid-19 Vaccine Form.

21. On September 21, 2021, Defendant sent to is U.S. employees, including the Plaintiff,

an email stating the following: “Beginning on Monday, Oct. 4, 2021, those who meet the following criteria will need to provide a negative COVID test result taken within 72 hours of the first day of their scheduled work week prior to office entry. This applies to U.S. office-based, home-based, R&D, and sales employees who:

- Have an approved vaccination exemption and plan to work from a Kraft Heinz location
- Regularly travel to a Kraft Heinz location from another geographic region (e.g. state, region, country)
- Are returning home from domestic or international travel
- Are essential R&D workers who are not yet vaccinated (through January 2022).”

22. Defendant continued to require all employees, regardless of vaccine status, to wear a mask while in the office.

23. On September 22, 2021, Plaintiff returned the signed and filled out Request for Religious Exemption/Accommodation Related to COVID-19 Vaccine to Marzia Valika.

24. On September 22, 2021, Marzia Valika acknowledged receipt and indicated that she will set up some time for her and the Plaintiff to chat.

25. On September 27, 2021, Marzia Valika emailed the Plaintiff an updated Religious Exemption form to fill out because “this is a completely new process that the company is going through and learning along the way.”

26. Plaintiff filled out the updated Religious Exemption form and sent it back on September 28, 2021.

27. On October 1, 2021, Plaintiff met with Marzia Valika in HR to discuss the religious

exemption request. Plaintiff was advised that her form with Valika's notes will be submitted to Legal and the Accommodation Committee for a decision, which Plaintiff should receive in a few weeks.

28. On October 5, 2021, Defendant notified its U.S. Employees, including the Plaintiff, that beginning on October 18 they can return to work at the office on a voluntary basis provided that they have proof of vaccine or a medical or religious exemption with a weekly negative COVID test. "Note for R&D only: Unvaccinated R&D team members can provide a weekly negative test in place of vaccination until our Return to Office date in Jan. 2022, but must be vaccinated or have received a medical/religious exemption by our Jan. return date." Masks were required by all employees in all Kraft Heinz office locations.

29. On October 11, 2021, Plaintiff was present at Defendant's Glenview facility for a tasting.

30. Starting October 18, 2021, Defendant required that Plaintiff not only provide a negative Covid test and wear a mask in the facility, but also had to complete a health questionnaire and temperature check upon entry to the facility.

31. On October 18, 2021, Plaintiff received a negative Covid test result.

32. On October 20, 2021, Plaintiff was present at Defendant's Glenview facility for a tasting.

33. On October 21, 2021, Plaintiff received a negative Covid test result.

34. On October 25, 2021, Plaintiff was present at Defendant's Glenview facility for a tasting.

35. On October 27, 2021, Plaintiff was present at Defendant's Glenview facility for a kitchen walk through.

36. On October 31, 2021, Plaintiff received a negative Covid test result.

37. On November 1, 2021, Plaintiff was present at Defendant's Glenview facility to sanitize the space for sample production.

38. On November 3, 2021, Plaintiff was back at Defendant's Glenview facility to prepare samples.

39. On November 4, 2021, Plaintiff asked Marzia Valika if she could participate in focus groups organized by KHC marketing, at a banquet facility, in December 2021, given that she was not vaccinated. Plaintiff was approved so long as she provided a negative Covid test prior to the event and was masked.

40. On November 5, 2021, Marzia Valika notified the Plaintiff that she should hear back on the religious exemption request on November 29, 2021.

41. On November 10, 2021, Plaintiff received a negative Covid test result.

42. On November 11, 2021, Plaintiff was present at Defendant's Glenview facility for FC activation prep.

43. On November 17, 2021, Plaintiff received a negative Covid test result.

44. On November 18, 2021, Plaintiff was present at Defendant's Glenview facility for FC activation.

45. On November 30, 2021, Plaintiff was notified that the committee is still working on her religious exemption request and should receive a decision by December 3, 2021.

46. On December 3, 2021, Plaintiff received from Marzia Valika Defendant's decision that her request for religious exemption was denied.

47. On December 4, 2021, Plaintiff received a negative COVID test result.

48. On December 6, 2021, Plaintiff was present at Defendant's Glenview facility to prep

BDTV samples and later attended focus groups at a banquet facility in Des Plaines.

49. On December 7, 2021, Plaintiff informed Marzia Valika that she was not getting the vaccine and signed the Defendant's notice of intent stating such.

50. On December 12, 2021, Plaintiff received a negative COVID test result.

51. On December 13, 2021, Plaintiff was present at Defendant's Glenview facility for a tasting.

52. On December 14, 2021, Defendant sent communication to its U.S. employees, including the Plaintiff, stating "Our vaccine mandate ensures that all employees are either vaccinated or working with an approved medical or religious exemption. Colleagues who have a valid vaccine exemption or those who, regardless of vaccine status, travel to their assigned office or other Company location from a different domestic geographic area with a high COVID community transmission rate will adhere to a stringent weekly testing protocol. . . . we have adopted a conservative approach and are requiring masks be worn at all times across all our office locations."

53. Plaintiff and Marzia Valika were set to meet but the meeting was continued and pushed back to January 11, 2022.

54. On January 11, 2022, in a virtual meeting, Plaintiff and Marzia Valika discussed Plaintiff's non-compliance with the vaccine mandate. During the discussion, Valika confirmed that Plaintiff would qualify for her 2021 bonus but no severance package and if Plaintiff would get the vaccine her employment would continue.

55. On January 12, 2022, Plaintiff followed up the meeting with an email to confirm what

was discussed; Plaintiff also asked why her exemption was denied but was told that Marzia Valika could not answer that question and it needed to be directed to the accommodations team that reviewed the request.

56. On January 14, 2022, Plaintiff reached out to the Defendant's accommodation team for an explanation.

57. On January 21, 2022, Defendant's accommodation team responded with the same statement from the December 3, 2021, without further explanation, and was told her time to appeal expired.

58. On January 30, 2022, Defendant sent Plaintiff a Happy Kraft Heinz Anniversary and Thank you email.

59. On January 31, 2022, Defendant terminated Plaintiff's employment for non-compliance with the Company's COVID-19 Vaccine Mandate.

60. Plaintiff reached out to the Illinois Department of Human Rights (hereinafter "IDHR") and EEOC to complain about the religious discrimination she faced with regard to the Defendant's Covid-19 mandate.

61. On June 23, 2022, Plaintiff filed her complaint with the IDHR and EEOC alleging discrimination based upon religion. Exhibit A.

62. On September 23, 2022, Plaintiff received her Right to Sue letter from the EEOC. Exhibit B.

63. Plaintiff practices the religion of Christianity, since 1984.

64. Christianity is a major religion stemming from the life, teachings and death of Jesus of Nazareth.

65. Title VII of the Civil Rights Act of 1964 prohibits employers with at least 15

employees from discriminating in employment based on religion.

66. Title VII protects all aspects of religious observance and practice, including not only traditional, organized religions but also religious beliefs that are new, uncommon, not part of a formal church or sect, only subscribed to by a small number of people, or that seem illogical or unreasonable to others.

67. Religious beliefs include theistic beliefs as well as non-theistic moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views.

68. Plaintiff informed the Defendant of her religious practices in requesting an accommodation to the vaccine mandate.

69. Defendant has treated Plaintiff differently based on her religious beliefs or practices by subjecting her to termination, loss of benefits and failure to pay her bonus because she would not violate her religious beliefs and obtain the Covid vaccination.

70. Defendant did not engage in an interactive process to determine if Plaintiff's religious beliefs or practices qualify for the religious exemption from Defendant's vaccine mandate.

71. Defendant approved religious exemption requests similar in content to Plaintiff's request, but not hers.

72. Plaintiff's request for a reasonable accommodation of her religious belief would not have imposed more than a *de minimis* cost or burden on the business operations of the Defendant.

73. Upon information and belief, Defendant was already covering the costs for any Covid testing required for those exempt from vaccination and those employees, regardless of exemption, that were traveling.

74. Upon information and belief, Defendant did not have a company-wide Covid vaccine mandate.

75. Upon information and belief, the Covid vaccine did not prevent all vaccinated individuals, employed by the Defendant, from being exposed to, transmitting or being affected by the Covid virus.

76. Upon information and belief, several of Defendants employees who underwent vaccination due to the mandate contracted or tested positive for Covid.

77. At all times relevant, Plaintiff has not contracted or tested positive for Covid.

78. Plaintiff's religious beliefs or practices were the basis for her discharge from employment.

79. Plaintiff has suffered financial damages and damages to her reputation as a result of the wrongful discharge from her employment.

WHEREFORE, Plaintiff, Colette McCadd, respectfully requests that this Honorable Court find that the Defendant The Kraft Heinz Company discriminated against her based upon her religion and award her damages in an amount that is equitable and just.

Respectfully Submitted,

Colette McCadd

By: s/ Anthony J. Peraica

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