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Press Release

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PANERA SUED FOR SEVERE AND PERVASIVE DISCRIMINATION AGAINST EMPLOYEE WITH DISABILITY

New York. – In a complaint filed today in New York federal district court, Panera, LLC which operates over 1,900 bakery-cafes in the United States and Canada is charged with severe and pervasive discrimination based on disability – conduct that included a campaign of humiliation led by management, threats that the disabled employee would be poisoned, and retaliation when the employee sought protection from Panera headquarters. The complaint comes after the Division of Human Rights, the state agency in New York charged with investigating allegations of employment discrimination, found probable cause against Panera, LLC.

Dustin Maldonado who is severely allergic to peanuts worked as an Assistant Manager at Panera’s Vestal, New York café. The suit details how on multiple occasions Maldonado was intentionally exposed to peanuts by his General Manager and other employees, was tricked into eating foods that were unsafe, was threatened that his coffee would be poisoned, and was taunted that his Epipens would spread AIDS. When Maldonado sought help from Panera headquarters in stopping the dangerous and discriminatory behavior, Human Resources at Panera headquarters told Maldonado, who has had to be intubated after exposure to peanuts in the past, that he should have more of a sense of humor.

The complaint also alleges that Panera retaliated against Maldonado for asserting his federally protected rights by forcing his transfer to another store and threatening his employment status. The Americans with Disabilities Act and New York Human Rights laws both prohibit discrimination on the basis of disability. Discrimination includes the creation of a hostile work environment and failure to make accommodations.

Maldonado, who has left employment with Panera said, “All I wanted was to do a good job and feel safe at work. When the taunting and bullying turned into threats to my health and even my life, I realized I had to find a way to make it stop - for myself and others with same disability. Why would a food service company like Panera put someone's life in jeopardy with a potentially fatal exposure to a food - in my case a severe peanut allergy? If it was customer safety, would this be allowed?”

Mary Vargas, one of the attorneys representing Maldonado, said, “While the Americans with Disabilities Act and state laws protect employees from discrimination based on disability –

basic compassion and human dignity required more of an employer than this shocking treatment of a hard worker and a good man.” Maldonado is represented by Stein & Vargas, LLP.

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Stein & Vargas, LLP is a civil rights firm committed to the principle that all people have full and equal access to all parts of society. Stein & Vargas, LLP has a special interest in preserving the rights of individuals with food allergies.

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