

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MEMORANDUM AND ORDER

This matter is before the Court upon its review of the record. By way of background, on or about October 21, 2016, Plaintiff Lanette Starks filed a Charge of Discrimination with the EEOC, naming as respondent her employer, Aramark. (*See* Charge of Discrimination, ECF No. 9-1). Plaintiff claimed she was discriminated against on the bases of sex and religion, and further was subjected to retaliatory conduct. (*Id.*). The particulars section of Plaintiff's charge stated in its entirety as follows:

- I. I am an African-American Female who was hired by Respondent, as a Cashier/Food Service Worker, in April of 2013. My performance has been satisfactory.
- II. I have been denied assignments and equal pay because of my association with my son who is disabled and my past participation as a witness in Respondent's internal investigations of employee complaints of discrimination. My supervisor has assigned me a rate of pay that is lower than similarly situated males and females with less time of employment with the company. During the summer of 2016, a co-worker informed me that my supervisor called me a "fat bitch". On September 8, 2016, I was unjustly suspended for three (3) days, by my supervisor for alleged insubordination. I was asked to prepare recipes that I had never been trained how to prepare. When I simply said I do not know how to prepare the recipes, I was suspended. On October 11, 2016, I heard my supervisor say "I am the Devil" which is offensive to me as a Christian.
- III. I believe that I have been harassed, paid less than other workers, denied time off, assigned to less favorable shifts, and disciplined due to my sex, religion, and retaliation for my association with my disabled son. This, I

believe, is in violation of Title VII of the Civil Rights Act of 1964, as amended and the Americans with Disabilities Act (ADA), as amended.

(*Id.*).

On or about December 28, 2016, Plaintiff filed a Complaint in the Circuit Court of St. Louis County, Missouri. (ECF No. 3). The caption of Plaintiff's Complaint stated as follows:

Lanette Starks

Plaintiff(s)

vs.

Karen Walker, Food Service Director

Aramark,

Defendant(s)

(*Id.*). Plaintiff continued to allege she was denied assignments and equal pay because of her association with her disabled son, and her past participation as a witness in Defendant's internal investigations of employee complaints of discrimination. (*Id.*). Plaintiff further asserted she was "harassed, paid less, denied time off, and assigned to less favorable shifts...in violation of Title VII of the Civil Rights Act of 1964." (*Id.*).

The Missouri state court interpreted Plaintiff's Complaint as against only Ms. Karen Walker. (*See* ECF No. 1-1, P. 5). The court thus issued summons only as to said Defendant, and Ms. Walker was served with Plaintiff's Complaint on or about January 27, 2017. (*Id.*, P. 8). Defendant Walker then removed Plaintiff's case to this Court on February 27, 2017, on the basis of federal question jurisdiction. (ECF No. 1).¹ With respect to Plaintiff's employer, Aramark,

¹ Specifically, Defendant stated as follows: "This action is a civil action over which this Court has original subject matter jurisdiction pursuant to 28 U.S.C. § 1331, and this matter may be removed to this Court under the provisions of 28 U.S.C. 1441(a) because this is a civil action brought under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*" (ECF No. 1, § 4).

Defendant Walker stated as follows in a footnote to her Notice of Removal: “Defendant Karen Walker is the only defendant in this case. Ms. Walker’s employer, Aramark, is not a party to this case, has not been served with process, and is not named as a defendant in the Petition. Nonetheless, to whatever extent Plaintiff intends to bring an action against Aramark, Aramark consents to this removal.” (*Id.*, P. 3 n. 1).

Upon review of the record before it, the Court finds Plaintiff intended to include Aramark as a Defendant to her lawsuit.² The Court thus will order the Clerk of Court to add Aramark as a Defendant in this matter, and issue process accordingly.

Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court shall add Plaintiff’s employer, Aramark, as a Defendant in this matter.

IT IS FURTHER ORDERED that the Clerk of Court shall issue process on Aramark’s registered agent, CT Corporation System, 120 South Central Avenue, Clayton, MO, 63105.

Dated this 17th Day of April, 2017.

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE

² The Court’s conclusion is bolstered by the fact that only Aramark was named as a respondent in Plaintiff’s Charge of Discrimination. (See ECF No. 9-1)