

DISTRICT COURT, CITY AND COUNTY OF DENVER, STATE OF COLORADO 1437 Bannock Street, Room 256 Denver, Colorado 80202 Phone: (303) 606-2300	DATE FILED February 11, 2025 11:20 AM FILING ID: EE42014F2630A CASE NUMBER: 2025CV30529
Plaintiff: DILLON COMPANIES, LLC d/b/a KING SOOPERS v. Defendants: UNITED FOOD AND COMMERCIAL WORKERS UNION LOCAL NO. 7; ALL THOSE ACTING IN CONCERT WITH LOCAL NO. 7; and DOES 1–8,000	▲ COURT USE ONLY ▲
<i>Attorneys for Plaintiff</i> Raymond M. Deeny #8683 William A. Wright #27547 Kellie Nelson Fetter #41528 TAFT STETTINIUS & HOLLISTER 675 Fifteenth Street, Suite 2300 Denver, CO 80202 Telephone: (303) 297-2900 Fax: (303) 298-0940 E-Mail: rdeeny@taftlaw.com wwright@taftlaw.com kfetter@taftlaw.com	Case Number: _____ Div.: Ctrm.:
<p style="text-align: center;">VERIFIED COMPLAINT FOR TEMPORARY RESTRAINING ORDER, PRELIMINARY AND PERMANENT INJUNCTION, AND DAMAGES</p>	

Plaintiff, Dillon Companies, LLC d/b/a King Soopers (“King Soopers” or the “Company”), for its Verified Complaint for Temporary Restraining Order, Preliminary and Permanent Injunction, and Damages, alleges as follows:

JURISDICTION AND VENUE

1. Now and at all times material hereto, Plaintiff maintains its main office at 65 Tejon Street, Denver, CO 80223.

2. Defendant United Food and Commercial Workers Union Local No. 7 (“Local 7,” or “Union”) is an unincorporated association engaged in representing employees, including Plaintiff’s employees. Local 7 maintains its Denver office at 7760 West 38th Avenue, Suite 400, Wheat Ridge, CO 80033.

3. The Defendant Union, all those acting in concert with Local 7, and Does 1 through 8,000 (collectively “Defendants”) are members, representatives, and agents of a class of persons, which class is very numerous, making it impractical to bring them all before this Court; the named Defendants have been fairly chosen and will ensure adequate representation of such class of persons who are members of the Union, and certain numbers of which class of persons are presently engaged in some or all of the unlawful activities set out below.

4. Venue is proper in Denver County, Colorado, pursuant to Colo. R. Civ. P. 98(a) and (c) because Plaintiff’s corporate office is there, the actions on which this Complaint is based took place there, and one or more of the Defendants reside there.

5. This Court has jurisdiction over this action because the unlawful conduct occurred within the State of Colorado, and Colo. R. Civ. P. 65 and the Colorado Labor Peace Act, Colo. Rev. Stat. § 8-3-110(1), gives this Court jurisdiction to grant equitable or legal relief such as that requested herein. Plaintiff further addresses this Court’s jurisdiction in its concurrently filed Motion for Temporary Restraining Order and Preliminary and Permanent Injunction.

GENERAL ALLEGATIONS

6. Plaintiff owns and operates grocery stores located throughout the City and County of Denver, the Denver metropolitan area, the City of Pueblo, and surrounding areas (the “Stores”).

7. The Defendant Union represents a unit of Plaintiff’s employees and entered into various collective bargaining agreements for the unit working in the Denver-area for a term ending on January 4, 2025.

8. The Defendant Union represents a unit of Plaintiff’s employees and entered into two collective bargaining agreements for the unit working at Plaintiff’s two Pueblo-area stores. As relevant here, the collective bargaining agreement covering the Pueblo-area unit of retail employees expired on January 18, 2025. The collective bargaining agreement covering the Pueblo-area meat department employees does not expire until February 15, 2025.

9. At approximately 5:00 am on February 6, 2025, the Union commenced picketing and other activity against Plaintiff’s Denver-area stores and urged all employees represented by it in that area to engage in such activity at more than seventy of Plaintiff’s Denver-area stores.

10. At approximately 5:00 am on February 7, 2025, the Union commenced picketing and other activity against Plaintiff’s Pueblo-area stores and urged all employees represented by it within the retail employee unit to engage in such activity at Plaintiff’s two stores in that area.

The meat department employee unit is not currently striking. Picketing and other activity continued at the Denver-area stores on February 7, 2025 as well.

11. The picketing and other activity continued on February 8, 9, 10, and 11, 2025, and continues to the present time, and will continue unless restrained.

12. The picketing has included multiple incidents of picketers impeding ingress and egress to Plaintiff's parking lots and stores. This has included physically blocking customers from being able to access the Stores, for example, through the picketers walking in a tight line back and forth in a "scissoring" pattern to completely prevent customers from being able to access the store.

13. The picketing has included multiple incidents of picketers physically blocking parking spaces, including handicap parking spaces. In one instance, picketers who were standing in handicapped parking spaces were narrowly missed by a vehicle, which had to swerve to avoid them—jeopardizing the safety of both the picketers and the driver who was entitled to use a handicapped parking space. The blocking of handicapped parking spaces by picketers is of particular concern to Plaintiff because Plaintiff is obligated under both Federal and State law, as a place of public accommodation, to provide marked reserved parking for use by persons with disabilities seeking to access its stores. Indeed, the Colorado legislature has expressly declared that "access to reserved parking by persons with disabilities is a matter of statewide concern. . .". CO Rev Stat § 42-4-1208(7)(c).

14. The picketing has included multiple incidents of picketers falsely telling customers that Plaintiff's stores are closed in instances where those stores were not in fact closed, or telling customers that the store would be closed on dates in the future when the store was otherwise scheduled to be open.

15. The picketing has included multiple incidents of picketers making false and inflammatory statements to customers about the safety of Plaintiff's stores and products, including one instance occurring on February 9, 2025, where a picketer made the disgusting and outlandish allegation when screaming at customers that "King Soopers spits and puts cum in everyone's food."

16. The picketing has included multiple incidents of picketers harassing and intimidating customers as they entered or exited Plaintiff's stores resulting in numerous customer complaints conveyed to store management, including at least one instance where customers called local law enforcement to come to the store after they felt they were being harassed and threatened by the picketers.

17. The picketing has included multiple incidents of picketers blocking and attempting to block King Soopers and third-party vendor deliveries to Plaintiff's stores, including multiple instances where picketers would physically block delivery truck access to the loading bay by using their bodies or vehicles.

18. The picketing has included multiple incidents where the physical safety of picketers, employees, and customers has been threatened or jeopardized, including:

a. Multiple instances where the picketing employees have extended their picketing activities into the active crosswalk in front of the store. On several occasions picketers have narrowly avoided being hit by a vehicle, including in instances where the vehicle ran the stop signs adjacent to each crosswalk.

b. In another instance, picketers standing in handicapped parking spaces were narrowly missed by a vehicle, which had to swerve to avoid them—jeopardizing the safety of both the picketers and the driver who was entitled to use a handicapped parking space.

c. In one instance, picketers had glass bottles thrown at them by a passing automobile.

d. In another instance, a customer and picketers got into a physical altercation where the customer shoved two of the picketers after exiting the store. When the picketer went to shove the customer back, it was reported to store security that the customer lifted his sweatshirt brandishing a firearm before walking to his vehicle. When exiting the parking lot, the customer yelled at the picketers that he was “going to come back and smoke you motherfuckers,” or words to that effect. Local law enforcement was contacted over the incident.

e. On February 7, 2025, one store received an anonymous phone call stating, “stop your non-sense of this fucking strike or I'm going to shoot your place up.”

19. The picketing has included at least one incident of a Defendant Union Business Agent making racially derogatory statements towards employees who exercised their protected right to cross the picket line and return to work, encouraging the other employees to shout “fuck Venezuelans” when the employee, who was of Venezuelan decent, attempted to cross the picket line.

20. The picketing has included multiple incidents where the picketers assaulted customers and employees by utilizing a mega phone or bullhorn close to those individual’s ears, causing physical harm to the employees/guests. Notably, similar assault by bullhorn occurred when the Defendant UFCW went on strike against Plaintiff’s Denver-area stores in 2022. In that instance, a picketing employee utilized a bullhorn next to a customer’s ear, leading that customer to sue Plaintiff for physical harm to their hearing. In another similar incident, a union business agent continued to loudly blow a whistle near the ear of an employee who had elected to cross the picket line.

21. The picketing has included multiple incidents of misuse of, or damage or threatened damage to, Plaintiff’s, its landlords’, or its employees’ property, including leaving trash and litter near the Store premises, utilizing shopping buggies which are reserved for customer use, and otherwise commandeering “mart carts,” which are electric shopping scooters provided by the store for customer use while shopping.

22. The picketers have routinely set up large portable propane-based heaters on King Soopers' premises, often directly near the entrance of the store. Some of the heaters have created a safety concern and a fire hazard, including at least one incident where a picketing employee set their pants on fire after getting too close to the portable heating unit. Several picketing employees have created open fires close to store premises as well.

23. There was at least one reported instance of a picketer coming into physical contact with a customer who was trying to enter a store.

24. The number of persons massed at the Stores has varied from time to time, with larger numbers gathered around 6:00 am to 10:00 pm when employees coming to perform services for Plaintiff arrive at and depart from the Store. During this time, there have been as many as 40 persons in the immediate vicinity of a given store.

25. Defendant UFCW has assigned workers designated "shifts" for which they are to report to the picket line. The scheduling of these shifts was intended to increase the number of pickets at each individual store on an around-the-clock basis in order to maximize the impact of the intimidating and unlawful conduct discussed above.

26. Pickets at the entrances and exits have physically blocked access to the Stores, yelled at and threatened passersby, and have harassed and intimidated individuals in an attempt to prevent them from entering and exiting the Stores. See paragraphs 6–25, above.

27. In January of 2022, the Defendant Union commenced a labor strike against King Soopers targeting its Denver-area stores commencing on January 12, 2022 and lasting until January 21, 2022.

28. On January 18, 2022, King Soopers filed a Verified Complaint for Temporary Restraining Order, Preliminary and Permanent Injunction, and Damages alleging, similar to the instant case, that Defendant Union, through its officers, agents, members and persons in concert and participation with it, were acting in violation of the Colorado Labor Peace Act (Court File No. 2022CV30137) (the "2022 Action"). A copy of King Soopers' Verified Complaint in the 2022 Action is attached as Exhibit A.

29. On January 18, 2022, the Honorable Marie Avery Moses, Denver District Court Judge, issued an Order Granting in Part Temporary Restraining Order and Setting Date for Preliminary Injunction Hearing (the "2022 TRO"). A copy of the 2022 TRO is attached as Exhibit B.

30. In the 2022 TRO, Judge Moses noted, in granting injunctive relief, that "an injunction is necessary to preserve the rights of customers, employees and vendors at various King Soopers to participate in their employment and their ability to shop for necessities without fear of violence to their physical safety." Ex. B, ¶(1)(d). Moreover, Judge Moses noted that "[s]hout[ing] at an individual within 20 feet of that individual is inherently intimidating." Ex. B, ¶(1)(h).

FIRST CLAIM FOR RELIEF

31. King Soopers incorporates by reference the allegations set forth in the above paragraphs.

32. The conduct of the Defendants, by and through the Union, its officers, agents, members and persons in concert and participation with it, is in violation of the Colorado Labor Peace Act. Specifically:

a. The Colorado Labor Peace Act makes it an unfair labor practice for an employee, individually or in concert with others, to: “(a) Coerce or intimidate an employee in the enjoyment of his legal rights, including those guaranteed in section 8-3-106, or to intimidate his family or any member thereof, picket his domicile, or injure the person or property of such employee or his family or of any member thereof; . . . (f) Hinder or prevent, by mass picketing, threats, intimidation, force, or coercion of any kind, the pursuit of any lawful work or employment; or to obstruct or interfere with entrance to or egress from any place of employment; or to obstruct or interfere with free and uninterrupted use of public roads, streets, highways, railways, airports, or other ways of travel or conveyance; . . . (h) Take, retain, or remain in unauthorized possession of property or any part thereof of the employer, or to engage in any concerted effort to interfere with production, except by leaving the premises in an orderly manner for the purpose of going on strike; (i) Engage in a sit-down strike on the premises or property of the employer; . . . (k) Commit any crime or misdemeanor in connection with any controversy as to employment relations. . . .” Colo. Rev. Stat. § 8-3-108(2) (a), (f), (h), (i), and (k).

b. The Colorado Labor Peace Act makes it “an unfair labor practice to do or cause to be done, on behalf of or in the interest of employers or employees, or in connection with or to influence the outcome of any controversy as to employment relations, any act prohibited by . . . this section.” Colo. Rev. Stat. § 8-3-108(4).

33. If permitted to continue, the acts of the Defendants and those in concert with them will cause further unlawful interference with the operations of Plaintiff’s stores and may result in continued escalating incidents of intimidation or violence.

34. The unlawful acts described in this Verified Complaint were engaged in by Defendants for the purpose of inflicting injury upon the property and business of Plaintiff, its employees, customers, suppliers, and carriers servicing Plaintiff and to coerce or intimidate such persons into not entering Plaintiff’s premises.

35. The unlawful acts of Defendants have been committed and will continue to be committed unless enjoined. As to each item of relief requested below, greater injury will be inflicted upon Plaintiff by the denial of such relief than will be inflicted upon the Defendants in the granting of such relief.

36. Defendants are involved in a labor dispute with Plaintiff. After their unlawful activities are enjoined, Defendants will still be free to pursue all lawful actions against Plaintiff, to distribute information peacefully and lawfully to Plaintiff's customers or any other members of the public, or otherwise to publicize their dispute with Plaintiff in a lawful way.

37. By reason of Defendants' unlawful conduct, Defendants have prevented Plaintiff from conducting its business, and have and will cause Plaintiff, its employees, customers, suppliers, and carriers to suffer property damage and economic injury. As a further result of Defendants' unlawful conduct, Plaintiff is suffering immediate, grievous, and irreparable harm for which it has no adequate remedy at law. Unless Defendants are restrained and enjoined by this Court, both temporarily and permanently, from continuing their unlawful acts and from illegal picketing in the vicinity of the Plaintiff's premises, Plaintiff will continue to suffer irreparable harm, injury, loss, and damage of such amount and nature as is incapable of ascertainment in money damages, but is in excess of several thousand dollars per day, and such loss will increase each day that Defendants' illegal acts continue.

38. Plaintiff is likely to succeed ultimately on the merits. Plaintiff is prepared, in connection with its requested relief, to file bonds in such amounts and with such security as required by this Court. Moreover, the interim relief requested by Plaintiff is necessary to preserve the status quo pending a determination on Plaintiff's application for a temporary and permanent injunction, and an injunction is in the public interest.

39. No item of relief sought by Plaintiff in this Complaint would prohibit, directly or indirectly, any person from doing, whether singly or in concert, anything which legally may be done under the law of the United States or the State of Colorado. Further, no relief sought by Plaintiff in this Complaint is in violation of the requirements of the Colorado Labor Peace Act, Colo. Rev. Stat. § 8-3-118.

Prayer for Relief

WHEREFORE, being without adequate remedy at law, Plaintiff requests equitable relief and prays that, until a full and complete hearing of this action can be had, the Court:

1. Issue a temporary restraining order immediately, which specifically enjoins and restrains Defendant UFCW, its officers, agents, members, others acting in concert and participating with it, and Does 1–8,000 from:

- a. Using alcohol or drugs while on the picket line;
- b. Cursing or using profanity;
- c. Impeding the ingress or egress, including scissoring or carousel movement among picketers, of any customer, employee, vendor or vehicle;
- d. Blocking or impeding delivery trucks;

- e. Picketing, congregating, loitering or gathering in front of, on, or near King Soopers' facilities in any manner other than by the maintenance of 6 or fewer pickets on the premises and perimeter of each one of King Soopers' facilities, provided that such pickets shall not block or stand in front of entrances, shall not block or stand in front of vehicles entering or leaving King Soopers' facilities, including delivery vehicles, shall not patrol or march within the parking lot itself or the cross-walk and shall not in any manner impede the ingress or egress of any vehicle, including delivery vehicles;
- f. Interfering with, injuring, menacing, threatening, molesting, intimidating, shouting at any person within 20 feet of that person, or physically obstructing, in any manner whatsoever, any person employed by King Soopers or any customer, supplier, visitor, officer, representative, for-hire carrier or agent of King Soopers or any other person with a lawful right of entry to King Soopers' facilities;
- g. Interfering with, injuring, menacing, threatening, molesting, intimidating, shouting at or obstructing, in any manner whatsoever, any person employed by King Soopers or any customer, supplier, visitor, officer, representative, for-hire carrier or agent of King Soopers, or any other person with a lawful right of entry to King Soopers' facilities;
- h. Taking, retaining, or remaining in unauthorized possession of property of King Soopers, including but not limited to, real property;
- i. Setting up or operating any portable heating device, including but not limited to propane-powered portable heating devices, or maintaining any open flame on the premises and perimeter of each one of King Soopers' facilities;
- j. Parking in no parking zones;
- k. Blocking or interfering with the use of designated handicap parking spaces;
- l. Establishing tents or awnings on company premises;
- m. Roving to other tenants' stores;
- n. Setting up tables and food services on company premises;
- o. Playing amplified music and using bullhorns or airhorns; and

p. Banging on drums, boxes or plastic containers to distract customer attention and concentration.

2. Directs Defendants to instruct their members, officers, agents, servants, attorneys, and employees to refrain from the conduct subject to the injunction as described in Paragraphs 1.a–p.

3. Directs Defendants to publicly disavow all acts and conduct described in Paragraphs 1.a–p.

4. Directs Defendants to rescind any orders or instructions they may have issued directing or permitting others to engage in any of the conduct enumerated in Paragraphs 1.a–p.

5. Directs Defendants to limit their activity to no more than 6 persons at a time at facilities of Plaintiff in Denver and Pueblo Counties peacefully picketing at a distance no less than 6 feet from the premises, including parking lots and walkways.

6. Directs Defendants to post and maintain a copy of the order at a conspicuous place at the site of the protesting.

7. Directs the Sheriff of Denver County to serve a copy of the order on all Defendants and all persons engaged in protesting at King Soopers' facilities in Denver County.

8. Directs the Sheriff of Denver County to serve a copy of the order on all Defendants and all persons engaged in protesting at King Soopers' facilities in Pueblo County.

9. Directs that Public Law Enforcement Officers shall be empowered to enforce the Temporary Restraining Order entered by the Court, in all Counties in the State of Colorado.

WHEREFORE, Plaintiff further requests that the Court set a date for a hearing on a motion for entry of a preliminary injunction restraining and enjoining Defendants, as set forth above.

WHEREFORE, Plaintiff further requests that upon final hearing of this cause, Defendant Union and its officers, agents and persons acting in concert with it, and Does 1–8,000 be permanently enjoined and restrained in the manner herein described.

WHEREFORE, Plaintiff further requests that Plaintiff be awarded such damages as may be shown at trial.

WHEREFORE, Plaintiff further requests that Court grant Plaintiff such other and further relief as the Court deems just and proper.

DATED this 11th day of February 2025.

TAFT STETTINIUS & HOLLISTER LLP

s/ Raymond M. Deeny

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **VERIFIED COMPLAINT FOR TEMPORARY RESTRAINING ORDER, PRELIMINARY AND PERMANENT INJUNCTION, AND DAMAGES** was sent via email and United States Mail, postage prepaid, this 11th day of February, 2025, addressed to the following:

Mathew S. Shechter, Esq.
General Counsel
United Food and Commercial Workers, Local 7
7760 W. 38th Avenue, Suite 400
Wheat Ridge, CO 80033
mshechter@ufcw7.com


s/ Donna L. Fouts

Donna L. Fouts, Legal Assistant

VERIFICATION

I, Kevin McClanahan, am the Asset Protection Leader for the Plaintiff Dillon Companies, LLC d/b/a King Soopers, and I have authorized the filing of this Complaint. I declare under penalty of perjury under the law of Colorado that I have reviewed the allegations in the Complaint and to those allegations for which I have personal knowledge, I believe them to be true and correct. As to the allegations of which I do not have personal knowledge, I rely on the reports and Declarations provided to me by King Soopers employees and believe them to be true and correct.

Executed on the 11th day of February 2025, at Denver, Colorado.



Kevin McClanahan