

# Exhibit B

## DECLARATION OF ALMA

I, Alma, declare as follows:

1. I worked at the Noah's Ark beef processing plant in Hastings, Nebraska and I am a plaintiff in this lawsuit. I am writing this declaration to explain the current conditions inside the plant. I am worried that the plant is not protecting us and our families from the coronavirus.

2. I worked at Noah's Ark for two years, until this Fall. [REDACTED]

[REDACTED]. I remain in touch with many friends who continue to work at Noah's Ark.

3. I worked on the "kill floor," which is where the cows are stunned, killed, and processed for initial storage. On the kill floor, the cows are attached to hooks on the ceiling, their skin and organs are removed, the cow is cut in half, and the carcasses are sent to a cold storage room. After two days in cold storage, the carcasses are sent to the fabrication floor, where they are cut into smaller pieces. The fabrication floor is a series of conveyor belts that send the meat down the line. Workers stand next to each other on one side of the line cutting and packaging the meat as it passes. After that, the meat goes to the packaging floor, where it is labeled and packaged for cold storage and shipment.

4. I worked in [REDACTED] the kill floor, where [REDACTED]

I could see the entire kill floor as I entered and exited my work station. I could also see most of the fabrication floor when I entered and exited the plant, because the fabrication area is visible from the plant entrance. I regularly walked around the entire fabrication area.

5. I am very worried that Noah's Ark is not protecting its workers from being infected with the virus at work. The plant already had one major outbreak in April and May, when a number of workers got sick. Since then, the plant has refused to provide the most basic

protection. All of the other workers I talk to are also very scared that we are not being protected against more infections. But people are very afraid to speak out, because they think they will get fired and not be able to find another job.

6. One of my biggest concerns is social distancing in the cafeteria and processing areas.

7. In the cafeteria, large numbers of workers are crowded close together every single day. The cafeteria is a small room upstairs from the processing areas. It is about 50 feet by 50 feet, with a low ceiling and no windows. The plant makes an entire shift of kill, fabrication, or packaging floor workers eat together at the same time. This means that dozens and sometimes over a hundred workers are in the cafeteria together each day, sitting side by side, brushing elbows and shoulders as we walk around and use the microwaves. Most people are not wearing masks because they are eating. People are breathing directly onto one another. Everyone is within a foot or two of each other.

8. When a piece of equipment on the kill floor breaks, the kill floor workers eat lunch at the same time as the fabrication workers. This makes the cafeteria extremely crowded, with people taking up almost every foot of space. This happens every few days, usually at least once a week, and sometimes 4-5 times per week.

9. The plant could reduce this crowding by staggering lunch breaks and having fewer workers at a time eat in shifts. The plant could also set up a temporary lunch room outside the plant. All the plant has done is put a few tables outside, but no one uses them because it is too cold and often wet, and the plant has not installed any shelter or heat. I have raised these problems with the nurse and with my manager, but they have refused to fix the crowding. Every day I am worried that dozens of people could get sick in the cafeteria.

10. The only protection in the cafeteria is plastic dividers on the tables. But the sheets are small and only sit on the inside of the tables. They do not separate people sitting next to each other on the benches, or people walking around, or people standing at the microwave. And they are frequently ripped, broken, or missing. The day before an OSHA inspection in September, the plant installed fresh sheets, but within days they were again ripped or taken down.

11. There is also no social distancing at our work stations. Since the pandemic began, the plant has done nothing to increase the space between workers. Throughout the plant, workers are standing within 1 or 2 feet of each other throughout their shifts, which last at least 8 hours.

12. In the fabrication area there are several different lines, and on each one, workers are packed together up and down the line. They work so close together that their elbows often touch while they work.

13. On the kill floor, there are multiple areas, and in most of them, workers are similarly crowded together. For instance, in the area where the cows are killed, the area where the skin is removed, and the area where the offal is packed, up to 7 people are standing within 1-2 feet of each other for a whole shift. There are only a few people on the kill floor whose work stations are separated from others, including the USDA inspector and the person who puts a sticker on the cow's tail. Everyone else is packed together just like in the fabrication area.

14. The plant could increase distance between workers by spacing out workstations or leaving every other workstation empty, or by adding more shifts with fewer workers.

15. In June, I told managers that it was not safe during the pandemic to crowd everyone together in the processing areas. They have not taken any action to separate people since then.

16. This past summer, the plant put moveable plastic sheets between some of the work stations in the fabrication area. There are no barriers for many of the work stations in the fabrication area, meaning workers are 1 or 2 feet apart with nothing between them.

17. The kill floor and packaging floor do not have plastic barriers anywhere.

18. Another big problem is masks. The plant gives workers a paper mask when they start their shift. But our work is hard and messy, and within an hour or two, the masks become wet with blood and sweat. The straps also break easily. When this happens, people often cannot get a new mask right away, and so they must work without a mask until their next break.

19. One reason people cannot get a new mask is that there is only one nurse in the plant who keeps the masks, and workers would have to walk across the plant to find her. They cannot do this because they cannot leave their work stations while the line is moving. The other reason people cannot get a new mask is that the nurse often runs out. As a result, they have to work without a mask until their lunch break, their shift ends, or another worker can go get a dry mask for them. Some workers have purchased their own masks but others have not.

20. Because of these problems, I would regularly see people working in the plant without a mask. On most days I would see at least one person working without a mask, and multiple people working with their mask lowered below their nose.

21. I am also very concerned that sick people are being allowed and encouraged to keep working at Noah's Ark while they are sick.

22. The nurse checks people's temperature when they arrive for their shift. About 20-30 people line up in a small room less than 6 feet apart waiting for their temperatures to be checked. However, the nurse does not work on Sundays, and so no one's temperature is checked that day. The nurse works every other Saturday. The Saturdays when she does not work, no

one's temperature is checked. Occasionally the nurse misses work during the week as well. No one but the nurse ever checks temperatures. This means that every Sunday, every other Saturday, and some weekdays, there is no health check at the plant of any kind.

23. Noah's Ark does not test any workers for coronavirus at the plant. If a person has a high fever, the nurse or their manager tells them to go find testing somewhere else. But the plant does not do anything to arrange for the test or pay for it. I do not know where a person can get tested in Hastings.

24. Most workers at Noah's Ark do not have health insurance and cannot afford a coronavirus test. When the plant tells people to go find a test, many cannot afford to pay for it.

25. The plant does not refer people for testing in any circumstance other than a high fever. I have never heard of the plant asking someone to get tested because of an exposure to a sick co-worker. And there is no random testing to identify contagious workers who do not have symptoms. Again, no testing of any kind is happening at the plant.

26. I am also worried about sick people working because of the plant's leave practices. The plant has never given me any information about paid leave for people who have symptoms of coronavirus, not orally and not in writing. I am not aware of them giving this information to any other worker either. The plant never told me or anyone I know about any federal law requiring paid sick leave.

27. I am aware of several recent incidents in which managers at the plant required a worker to keep working despite coronavirus symptoms. For instance, a couple of months ago, I spoke with a co-worker who works on the kill floor and felt sick on a Friday morning. They had a fever, headache, and body aches. They told their manager, who told them that their symptoms were not bad enough so they had to keep working. I was not present for this conversation, but I

walked by their work station shortly after, and they were crying. I asked them what was wrong and they told me about their symptoms and the conversation with their boss.

28. After being ordered to stay at work, they worked sick all day Friday, were off Saturday, and missed their Sunday shift because the symptoms were so bad. They still felt sick on Monday, but came in anyway for fear of being fired. That Monday morning, their manager said they would be fired for missing the Sunday shift. However, I intervened and personally spoke to the manager, who finally agreed not to fire them. They worked with symptoms all day Monday and for two weeks afterward.

29. This same thing happened multiple times when the first big outbreak struck the plant in April. I knew many workers who felt sick but were told they would be fired if they missed a shift. People were only allowed to go home once it became clear that multiple workers had high fevers and were positive for coronavirus.

30. Because of these incidents, and because the plant has not communicated any paid leave policies to us, the general sense among the workers is that you cannot leave work even if you are sick, unless you have a very high fever. Other workers frequently tell me their understanding that Noah's Ark will fire us if we miss a shift due to sickness.

31. There was a very short OSHA inspection of the plant on September 14, 2020. The inspector spent less than an hour touring the kill floor and fabrication area. The morning before the inspection, all of the soap and hand sanitizer had been refilled, and the plastic sheets in the cafeteria had been replaced. As far as I am aware, the inspector did not interview any workers.

32. Since I left Noah's Ark, I have remained in touch with several co-workers who still work at the plant. I spoke with someone last week who told me that there haven't been any real safety improvements during the months since the inspection. The plant put about four tables

outside for workers to use during lunch time, but because it is so cold and there is no heating, no one actually uses them. In response to this lawsuit, the nurse has started walking around the fabrication and packaging floors to hand out masks, but only gives one per worker. She does not hand out masks on the kill floor and workers have to ask for replacements through the manager or go to the nurse's office during break time. The nurse is absent on Sundays and does not provide any replacement masks or do temperature checks on that day. People are still working without masks when theirs become wet, dirty, or broken. There is still no social distancing or testing.

33. Workers are still afraid to miss work when they are sick because they have seen managers fire people for missing work while sick. In mid-November, I ran into a former co-worker at the local clinic. She told me that she recently took a day off because she was feeling ill but, because she had a negative COVID-19 test, the plant fired her. Several other people were fired the same day as her. And, a few weeks earlier, about seven people were fired, at least one of whom was let go because they missed work due to illness.

34. I spoke with another co-worker a few days later who told me a similar story. She and her child were both feeling sick and she wanted to take time off work to go to the doctor, but she was too afraid to do so because she could get fired if she missed work and did not have a positive COVID-19 test.

35. I am afraid that Noah's Ark will have another outbreak soon because it has done so little to protect its workers. Another outbreak would hurt me and my family, because we maintain close ties with a number of current Noah's Ark workers and are part of the same community. I worry that another big outbreak could shut down the local economy and make many of us very sick.



36. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

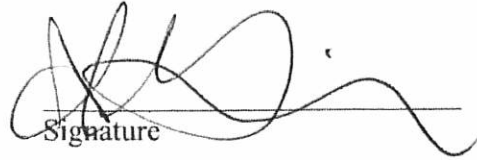
Dated: December 2, 2020

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Signature

**CERTIFICATE OF TRANSLATION**

I, Rose Godinez, certify that I am competent in both Spanish and English. I translated the attached Declaration of Alma from English into Spanish and provided a written copy to [REDACTED] [REDACTED] for her to review and sign. I certify that the Spanish translation was a complete and accurate translation thereof.

Dated: December 2, 2020

  
Signature