

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
LAFAYETTE DIVISION**

**DIANA REYES LOPEZ, MARIA)
ALVAREZ GUERRERO, ANA)
MORALES AUDELO, THALIA)
BAMACA, ELSY COLORADO)
COLORADO, and ILSY FUENTES)
REYES)**

Plaintiffs,)

v.)

COMPLAINT: 4:22-cv-55

MARTIN FAMILY FARMS, INC.)

Defendant.)

COMPLAINT

This Civil Action challenges MARTIN FAMILY FARMS, INC. (“Defendant” and/or “MFF”) with discrimination, wage violations, and breach of contract against DIANA REYES LOPEZ, MARIA ALVAREZ GUERRERO, ANA MORALES AUDELO, THALIA BAMACA, ELSY COLORADO COLORADO, AND ILSY FUENTES REYES (“Plaintiffs”), in the form of a hostile work environment, discrimination, unpaid wages and unlawful deductions. Plaintiffs allege Defendant discriminated against them on the basis of Plaintiffs’ race and alienage. Plaintiffs allege Defendant violated federal minimum-wage laws and breached their contract with Plaintiffs in violation of Indiana law. Defendant’s actions violated 42 U.S.C. § 1981; the Fair Labor Standards Act, 29 U.S.C. §§ 206, and Indiana contract law.

JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331, 42 U.S.C. § 1981, as well as 29 U.S.C. §§ 206.

2. This Court has supplemental jurisdiction over the related state law claims asserted under the doctrine of supplemental jurisdiction under 28 U.S.C. § 1367. Supplemental jurisdiction over those claims is appropriate because they arise from the same common nucleus of operative facts from which the federal claims arise.

3. Venue is proper in the Northern District of Indiana under 28 U.S.C. § 1391(b)(1)-(2). Defendant is headquartered and located in this district and a substantial part of the events or omissions giving rise to these claims occurred in this district.

PARTIES

4. Plaintiff DIANA REYES LOPEZ (Plaintiff REYES) is an individual of Latina/Hispanic national origin. She resides in Iowa and worked for Defendant during the events alleged in this action.

5. Plaintiff MARIA ALVAREZ GUERRERO (Plaintiff ALVAREZ) is an individual of Latina/Hispanic national origin. She resides in Florida and worked for Defendant during the events alleged in this action.

6. Plaintiff ANA MORALES AUDELO (Plaintiff MORALES) is of Latina/Hispanic national origin. She resides in Iowa and worked for Defendant during the events alleged in this action.

7. Plaintiff THALIA BAMACA (Plaintiff BAMACA) is of Latina/Hispanic national origin. She resides in Indiana and worked for Defendant during the events alleged in this action.

8. Plaintiff ELSY COLORADO COLORADO (Plaintiff COLORADO) is of Latina/Hispanic national origin. She resides in Iowa and worked for Defendant during the events alleged in this action.

9. Plaintiff ILSY FUENTES REYES (Plaintiff FUENTES) is of Latina/Hispanic national origin. She resides in Indiana and worked for Defendant during the events alleged in this action.

10. Defendant, MARTIN FAMILY FARMS, INC. is a family owned and operated pig farm in Indiana. MFF is a corporation with headquarters at 526 S Williamsport Rd, Williamsport, Indiana 47993, United States, located in the Northern District of Indiana. Defendant employed Plaintiffs at its Williamsport, Indiana, farm when it engaged in the conduct challenged in this action.

STATEMENT OF FACTS

Facts Common to All Causes of Action

11. DEFENDANT's production system consists of two sow cites located in Indiana.
12. The conduct challenged in this action occurred at DEFENDANT's sow cite located at 526 S Williamsport Rd, Williamsport, Indiana 47993, United States.
13. DEFENDANT divides the Martin Family Farms (MFF) sow cite located in Williamsport, Indiana, into three separate sections: farrowing, breeding, and gestation.
14. In farrowing, MFF workers have four main assignments: monitoring, processing, short, and miscellaneous. The monitoring workers deliver piglets, while the processing workers castrate the piglets. The short workers clean pig pens, pick up dead piglets, and treat sick piglets. The rest of the farrowing workers complete miscellaneous tasks, such as walking the pigs from

one area of the farm to another and setting up pig pens, which includes restocking the pen with food and water, fixing any broken fixtures, and changing the heat lamp light bulbs.

15. In breeding, MFF workers identify pigs in heat, inseminate pigs, conduct pregnancy checks on pigs, and care for the pigs.

16. In gestation, MFF workers inseminate pigs, place ear tags on the pigs, clean pig pens, and water and feed the pigs.

Facts Related to the Farrowing Section of MFF

17. Plaintiff REYES, Plaintiff ALVAREZ, and Plaintiff MORALES are citizens of Mexico.

18. Plaintiff BAMACA is a citizen of Guatemala.

19. DEFENDANT recruits and hires animal breeders and other professionals from Mexico through the TN nonimmigrant professional visa category found under the North American Free Trade Agreement.

20. The TN visa allows professionals temporary entry into the United States to engage in professional activities. Its purpose is to further economic and trade relations among the United States, Canada, and Mexico.

21. DEFENDANT requires TN professional animal breeder applicants to have at least a bachelor's degree and have taken courses related to animal production.

22. MFF Production Manager Azael Romero recruited Plaintiff REYES, Plaintiff ALVAREZ, and Plaintiff MORALES to work at MFF.

23. Plaintiff REYES, Plaintiff ALVAREZ, and Plaintiff MORALES worked at MFF as animal breeders under the TN nonimmigrant professional visa category.

24. Plaintiff REYES, Plaintiff ALVAREZ, and Plaintiff MORALES have a

bachelor's degree from Mexican universities and took courses in animal production.

25. Plaintiff REYES, Plaintiff ALVAREZ, and Plaintiff MORALES all signed a document on their first day working at MFF, but the MFF managers did not provide information and belief, the document they signed was a contract between them and Defendants.

26. Plaintiff REYES worked at MFF from on or about December 2019 through her last day on or about August 2020.

27. Plaintiff ALVAREZ worked at MFF from on or about December 2019 through her last day on or about September 2020.

28. Plaintiff MORALES worked at MFF from on or about February 2020 through her last day on or about August 2020.

29. Plaintiff BAMACA worked at MFF from on or about July 2019 through her last day on or about September 2020.

30. Plaintiff REYES, Plaintiff ALVAREZ, Plaintiff MORALES, and Plaintiff BAMACA worked in the farrowing section of MFF during the entire time they were employed by DEFENDANT.

31. Diana Gordon, MFF Farrowing Supervisor, oversees all the farrowing workers and assigns them their daily tasks.

32. Diana Gordon, MFF Farrowing Supervisor, consistently assigned Plaintiff REYES, Plaintiff ALVAREZ, Plaintiff MORALES, Plaintiff BAMACA, and other Latina MFF workers the two most strenuous sections in farrowing: monitoring and processing. Plaintiffs consistently received these assignments throughout the entire time they were employed by DEFENDANT.

33. The MFF farrowing workers consider these tasks the most strenuous because both

farrowing tasks have high production demands and require the workers to perform repetitive motions.

34. Manager Gordon regularly assigned Plaintiff REYES and other Latina MFF workers in farrowing to the monitoring task where they delivered piglets throughout the entire time they were employed by DEFENDANT.

35. MFF induced approximately 60 pigs/sows per day. Gordon expected Plaintiff REYES and the other Latina MFF workers in monitoring to spend no more than thirty minutes per pig delivering piglets.

36. Plaintiff REYES spent most of her days delivering piglets and was on her knees, moving quickly from one pig to the next, to meet Gordon's high production demands. Plaintiff REYES' knees were consistently bruised and cut because the floor in farrowing is made of metal vents.

37. When Plaintiff MORALES first started working at MFF, Gordon also regularly assigned Plaintiff MORALES to the monitoring task.

38. Plaintiff REYES and Plaintiff MORALES' situation was made worse by MFF Monitoring Manager Ana Nuñez, who constantly yelled at the women that worked in monitoring, gave them high production demands, and humiliated them by throwing trash on the floor for Plaintiff REYES and Plaintiff MORALES and the other Latina MFF workers to then pick up.

39. MFF Manager Nuñez also hit Plaintiff MORALES on the back multiple times in the same manner the MFF workers hit the pigs to get them to move. Plaintiff MORALES asked MFF Manager Nuñez to stop hitting and humiliating her, but MFF Manager Nuñez continued.

40. In 2020, the monitoring task in farrowing became more difficult because, due to a

virus outbreak on the farm, MFF managers did not allow Plaintiff REYES, Plaintiff MORALES, and other MFF workers to wear knee pads to deliver the piglets because doing so could potentially spread the virus. As a result, Plaintiff REYES and Plaintiff MORALES suffered from bruised, scraped, and hurting knees.

41. In or around March 2020, Plaintiff REYES, Plaintiff MORALES, and another Latina coworker reported MFF Manager Nuñez to MFF Farm Managers Brian Gordon and Dave.

42. MFF Manager Dave told the women he would speak to MFF Manager Nuñez because MFF Manager Nuñez had already received a warning for her aggression. There was no immediate resolution; MFF Manager Nuñez continued to mistreat the women.

43. Two weeks after the women met with MFF Managers Brian Gordon and Dave, Diana Gordon reassigned Plaintiff MORALES to the processing task within the farrowing section.

44. Plaintiff REYES, however, continued to work under MFF Manager Nuñez's supervision until Plaintiff REYES' last day working for DEFENDANT in or about September 1, 2020.

45. Manager Gordon also regularly assigned Plaintiff ALVAREZ, Plaintiff MORALES, Plaintiff BAMACA, and other Latina MFF workers to the processing task in the farrowing section, where they castrated piglets.

46. In the farrowing section processing task, Plaintiff ALVAREZ, Plaintiff MORALES, Plaintiff BAMACA, and other Latina MFF workers castrated approximately 60 corrals of 12-14 piglets per corral per day, which is an average of 720 piglets per day.

47. In 2020, due to the virus outbreak, Plaintiff ALVAREZ, Plaintiff MORALES, Plaintiff BAMACA, and other Latina MFF workers were told not to use special tools typically

used to facilitate holding the piglets in place because it could spread the virus.

48. The lack of tools made the women's tasks more difficult because the piglets were not sedated. Without these tools, Plaintiff ALVAREZ, Plaintiff MORALES, Plaintiff BAMACA, and other Latina MFF workers had to hold the piglets with force between their legs and then bend over to castrate them.

49. Plaintiff ALVAREZ and Plaintiff BAMACA suffered back injuries from castrating piglets daily and sought medical treatment from a doctor.

50. When Plaintiff BAMACA hurt her back in or about July 2020, Manager Gordon did not accommodate Plaintiff BAMACA by assigning her to a different task even after Plaintiff BAMACA gave Manager Gordon a doctor's note.

51. When Plaintiff ALVAREZ hurt her back in or about September 2020, Manager Gordon reassigned Plaintiff ALVAREZ from processing to monitoring in the farrowing section, which involved another repetitive motion task of delivering over 60 piglets per day on her hands and knees.

52. Manager Gordon placed Plaintiff REYES, Plaintiff ALVAREZ, Plaintiff MORALES, Plaintiff BAMACA, and other Latina MFF workers in processing or monitoring for months at a time and would not assign them to perform different tasks within the farrowing section, such as cleaning and setting up pig pens, picking up dead piglets, treating sick piglets, and walking the pigs from one area of the farm to another that would alleviate the repetitive nature of delivering and castrating piglets.

53. Manager Gordon only assigned Plaintiff REYES, Plaintiff ALVAREZ, Plaintiff MORALES, and Plaintiff BAMACA, and other Latina MFF workers the different tasks of cleaning and setting up pig pens or treating sick piglets during their first few months working at

MFF or when farrowing was understaffed; otherwise, Manager Gordon consistently assigned them to the repetitive and grueling tasks of monitoring and processing.

54. Manager Gordon consistently assigned the Anglo farrowing workers to tasks that had lower production demands and did not require them to perform the same repetitive motion for an entire day.

55. Manager Gordon consistently assigned all the Anglo workers to “short,” another set of duties within farrowing, where they performed tasks, including cleaning pig pens, picking up dead piglets, and treating sick piglets.

56. The MFF farrowing workers consider “short” the easiest section in farrowing because it does not have high production demands and it does not require the workers to perform the same repetitive motion the entire day.

57. Manager Gordon did not keep the Anglo workers in repetitive motion tasks for months at a time like she did with the Latina MFF workers. If the Anglo workers complained to Manager Gordon about their assigned tasks, Manager Gordon would move them to a different task.

58. Manager Gordon was more lenient with the Anglo workers. She allowed them to take long breaks and talk, but Manager Gordon would reprimand Plaintiff REYES, Plaintiff ALVAREZ, Plaintiff MORALES, Plaintiff BAMACA, and other Latina MFF workers for the same behavior.

59. Manager Gordon sometimes assigned the Anglo workers to processing and monitoring within the farrowing section, but only when they finished their assigned tasks early, when farrowing was understaffed, or when there were particularly high production demands.

60. Manager Gordon assigned the Anglo workers to monitoring once and, on that day,

MFF provided the workers with knee pads. The Anglo workers also castrated piglets a few times, but the Anglo workers mainly worked in the short task.

61. Plaintiff REYES, Plaintiff ALVAREZ, Plaintiff MORALES, Plaintiff BAMACA asked Manager Gordon to rotate them to different tasks on multiple occasions. The women did not mind completing the strenuous tasks but wanted Manager Gordon to rotate them at least a few days a week to give their bodies a break from performing the same repetitive motions daily.

62. Plaintiff REYES, Plaintiff ALVAREZ, Plaintiff MORALES, and Plaintiff BAMACA also wanted to have the same opportunities as their Anglo coworkers to learn and perform the different tasks in the farrowing section and to be rotated to different tasks.

63. Manager Gordon told Plaintiff REYES, Plaintiff ALVAREZ, Plaintiff MORALES, and Plaintiff BAMACA that she would rotate them several times, but never did.

64. After Gordon disregarded the Latina MFF workers' requests, Plaintiff REYES, Plaintiff ALVAREZ, Plaintiff MORALES, Plaintiff BAMACA, and the other Latina MFF workers met with MFF Farm Managers Brian Gordon and Dave about their concerns in or around April 2020.

65. MFF Manager Brian told the Latina women he would speak to Manager Gordon about rotating them to different tasks.

66. A few days later, Manager Gordon held a meeting with all the farrowing workers. During this meeting, Manager Gordon told the workers that she would rotate all the farrowing workers to complete different tasks starting the following day, even though she did not think the Plaintiffs would be able to do the work.

67. Manager Gordon never rotated Plaintiff REYES, Plaintiff ALVAREZ, Plaintiff MORALES, Plaintiff BAMACA, and the other Latina MFF workers to complete different tasks.

68. On or about August 11, 2020, Plaintiff REYES sent MFF Farm Manager Dave a text message informing him that Manager Gordon continued to regularly assign the Latina MFF workers to the most strenuous tasks. Manager Dave told Plaintiff REYES that he would relay her concerns to the other MFF managers.

69. On or about August 27, 2020, the MFF farm managers held a meeting with all the MFF workers.

70. In the meeting, the MFF managers said they had received several complaints from the workers and that it would take time to address all the workers' concerns. The managers also said that they wanted the workers to stop gossiping and reminded the workers that the managers have autonomy to decide the workers' tasks. The MFF managers told the workers that if they did not agree with MFF's policies that they should quit — the entire discussion was in English and translated by Production Manager Azael Romero.

71. That same day, Plaintiff REYES, Plaintiff MORALES, and Plaintiff BAMACA quit. They quit because they felt the MFF managers disregarded their concerns as gossip, and Plaintiff REYES, Plaintiff MORALES, and Plaintiff BAMACA did not believe their unbearable work conditions were going to improve. Plaintiffs had made numerous attempts to improve their work conditions to no avail.

72. On or about September 25, 2020, Plaintiff ALVAREZ quit because her work conditions were unbearable, and she felt that her managers continuously ignored her concerns. Plaintiff ALVAREZ felt MFF managers disregarded her concerns as gossip, and she did not believe her work conditions were going to improve. Plaintiff ALVAREZ made several attempts to improve her work conditions to no avail.

73. Plaintiff REYES, Plaintiff ALVAREZ, Plaintiff MORALES, and Plaintiff

BAMACA suffered emotional harm, including increased anxiety, lower self-esteem, sleep deprivation, and fear from everything they endured, including physical pain caused by repetitive motion tasks, humiliation, and having their concerns ignored by MFF managers and supervisors.

74. Plaintiff REYES, Plaintiff ALVAREZ, Plaintiff MORALES, and Plaintiff BAMACA repeatedly left work crying due to their physical pain and emotional frustration. Their emotional frustration was worsened by DEFENDANT's failure to act, despite Plaintiffs repeatedly reporting the abuse and discrimination they endured. They also spent sleepless nights stressed about the thought of having to go back to work the following day.

75. Plaintiff REYES, Plaintiff ALVAREZ, Plaintiff MORALES, and Plaintiff BAMACA shared their frustrations and leaned on each other for support to make their discriminatory work conditions more bearable.

Facts Related to Discrimination in Defendant's Gestation Section

76. Plaintiff COLORADO is a citizen of Mexico.

77. Plaintiff FUENTES is a citizen of Guatemala.

78. Plaintiff COLORADO worked at MFF from on or about December 2018 through her last day on or about August 2020.

79. Plaintiff FUENTES worked at MFF from on or about January 2019 through her last day on or about August 2020.

80. MFF Production Manager, Azael Romero, recruited Plaintiff COLORADO to work at MFF.

81. Plaintiff COLORADO worked at MFF as an animal breeder under the TN nonimmigrant professional visa category found in the North American Free Trade Agreement.

82. Plaintiff COLORADO has a bachelor's degree from a Mexican university and

took courses in animal production.

83. Plaintiff COLORADO signed a document on her first day at MFF, but the MFF managers did not provide her a copy of the document, which was only in English. To Plaintiff COLORADO's information and belief, the document was a contract between her and MFF.

84. Plaintiff COLORADO worked at MFF from on or about December 2018 through her last day on or about September 2020.

85. Plaintiff COLORADO worked in the gestation section of MFF for over a year during the time she was employed by DEFENDANT.

86. Plaintiff FUENTES worked in the gestation section of MFF during the entire time she was employed by DEFENDANT.

87. In gestation, MFF Gestation and Breeding Manager Gustavo treated the Anglo workers more favorably than the Latina MFF workers.

88. When the Anglo workers in gestation requested new work clothes and work boots, MFF managers would provide them with new work gear.

89. When Plaintiff COLORADO and other Latina MFF workers requested new work gear, MFF managers would not supply them with new work gear. Instead, MFF managers gave Plaintiff COLORADO and other Latina MFF workers used work pants with holes in them.

90. In or around June 2020, Missy, an MFF Anglo worker, was transferred from the farrowing section to work in the gestation section. About two weeks after she was transferred, Missy was promoted to gestation supervisor.

91. DEFENDANT did not give Plaintiff COLORADO the opportunity to apply for the supervisor position. At the time of Missy's promotion, Plaintiff COLORADO had worked in gestation for over a year and had the education and technical experience to oversee the work.

Plaintiff COLORADO helped train Missy when Missy first started working in gestation.

92. Plaintiff COLORADO and Plaintiff FUENTES suffered emotional harm, including increased anxiety, lower self-esteem, sleep deprivation, and fear from everything they endured, including physical pain caused by repetitive motion tasks, humiliation, and having their concerns ignored by MFF managers and supervisors.

93. Plaintiff COLORADO and Plaintiff FUENTES repeatedly left work crying due to their physical pain and emotional frustration. Their emotional frustration was worsened by DEFENDANT's failure to act, despite Plaintiffs repeatedly reporting the abuse and discrimination they endured. They also spent sleepless nights stressed about the thought of having to go back to work the following day.

94. Plaintiff COLORADO and Plaintiff FUENTES shared their frustrations and leaned on each other for support to make their discriminatory work conditions more bearable.

Facts Related to Defendants Failure to Pay Plaintiffs all Their Wages Earned

95. DEFENDANT made each Plaintiff a job offer to work at MFF.

96. DEFENDANT promised to pay each Plaintiff an hourly rate for every hour worked.

97. DEFENDANT failed to compensate Plaintiffs for all hours worked.

98. During Plaintiffs' entire time of employment, DEFENDANT required Plaintiffs, and all other MFF workers, to shower and change clothes at the beginning and end of every shift. On information and belief this practice was for the benefit of the employer to prevent infectious diseases from harming the pigs.

99. The shower station is the only way for Plaintiffs to enter and leave DEFENDANT'S farm.

100. During Plaintiffs' entire time of employment, DEFENDANT also required Plaintiffs, and all other MFF workers, to wash their work clothes in washing machines at the work site.

101. Plaintiffs, and other MFF workers, typically wash their clothes before their shift or during their lunch break.

102. DEFENDANT did not compensate Plaintiffs for any of the time they spent showering and changing clothes at the beginning and end of every shift, as they entered and left DEFENDANT's farm.

103. DEFENDANT did not compensate Plaintiffs for any of the time they spent washing their work clothes on site.

104. Additionally, DEFENDANT did not pay Plaintiff REYES, Plaintiff ALVAREZ, and Plaintiff MORALES their final week of wages, in violation of federal wage and hour laws.

105. DEFENDANT recruits and hires animal breeders and other professionals from Mexico through the TN nonimmigrant professional visa category found under the North American Free Trade Agreement.

106. The TN visa is for professionals to further economic and trade relations among the United States, Canada, and Mexico.

107. Plaintiff REYES, Plaintiff ALVAREZ, Plaintiff MORALES, and Plaintiff COLORADO worked at MFF as animal breeders under the TN nonimmigrant professional visa category found in the North American Free Trade Agreement.

108. DEFENDANT's policy is to not pay TN workers their final paycheck if the TN worker does not complete at least one year of employment with MFF.

109. MFF took Plaintiff REYES, Plaintiff ALVAREZ, and Plaintiff MORALES' final

week's pay through a "voluntary" deduction.

FIRST CAUSE OF ACTION

**Race Discrimination
The Civil Rights Act of 1866, 42 U.S.C. § 1981**

110. Plaintiffs repeat and reallege the allegations contained in paragraphs 4 through 109, inclusive, as if fully restated herein.

111. Plaintiffs REYES, ALVAREZ, MORALES, COLORADO, BAMACA, and FUENTES are Latina.

112. Defendant has discriminated against Plaintiffs on the basis of race by creating hostile work conditions, deterring them from work opportunities, or firing them because they are Latina.

113. Defendant's intentional discrimination against Plaintiffs has interfered with their right to enforce work contracts.

114. Defendant's intentional discrimination against and/or practice of denying work opportunities to Plaintiffs REYES, ALVAREZ, MORALES, COLORADO, BAMACA, and FUENTES based on their race has harmed them and constitutes unlawful race discrimination in the enforcing of contracts in violation of 42 U.S.C. § 1981.

115. Defendant's conduct has caused Plaintiffs substantial losses in earnings and other work benefits.

SECOND CAUSE OF ACTION

**Alienage Discrimination
The Civil Rights Act of 1866, 42 U.S.C. § 1981**

116. Plaintiffs repeat and reallege the allegations contained in paragraphs 4 through 109, inclusive, as if fully restated herein.

117. Plaintiffs REYES, ALVAREZ, MORALES, COLORADO, BAMACA, and FUENTES are non-citizens.

118. Defendant has discriminated against Plaintiffs on the basis of alienage by creating hostile work conditions, deterring them from work opportunities, or firing them because they are not U.S. citizens, permanent residents, refugees, or individuals granted asylum by the United States.

119. Defendant's intentional discrimination against Plaintiffs has interfered with their right to enforce work contracts.

120. Defendant's intentional discrimination against and/or practice of denying work opportunities to Plaintiffs REYES, ALVAREZ, MORALES, COLORADO, BAMACA, and FUENTES based on their alienage, has harmed them and constitutes unlawful alienage discrimination in the enforcing of contracts in violation of 42 U.S.C. § 1981.

121. Defendant's conduct has caused, and continues to cause, Plaintiffs substantial losses in earnings and other work benefits.

THIRD CAUSE OF ACTION

**Unpaid Wage and Hour Violations
Fair Labor Standards Act, 29 U.S.C. §§ 206(a)**

122. Plaintiffs repeat and reallege the allegations contained in paragraphs 4 through 109, inclusive, as if fully restated herein.

123. Section 206 of the Fair Labor Standards Act (FLSA), 29 U.S.C. § 206(a)(1)(C), mandates that employers pay all employees engaged in commerce or in the production of goods for commerce minimum wages for all their work in an amount set by federal law.

124. DEFENDANT failed to pay wages through intentional enforcement of the following policies: refusing to pay Plaintiff REYES, Plaintiff ALVAREZ, and Plaintiff MORALES any wages for their final week of work because they did not complete a full year of work at MFF.

125. DEFENDANT took Plaintiff REYES, Plaintiff ALVAREZ, and Plaintiff MORALES' final week of wages through an unlawful deduction, which brought their wages below the federal minimum wage.

126. The employment and work records for the Plaintiffs are in the exclusive possession, custody, and control of MFF, and the Plaintiffs are unable to state at this time the exact amounts owed to them.

127. As a direct and proximate cause of Defendant's conduct, Plaintiff has suffered damages including economic losses, in an amount to be determined at trial.

FOURTH CAUSE OF ACTION

Breach of contract

128. Plaintiffs repeat and reallege the allegations contained in paragraphs 4 through 109, inclusive, as if fully restated herein.

129. By the acts set forth above DEFENDANT has breached its contract with Plaintiffs and others similarly situated.

130. DEFENDANT and Plaintiffs agreed orally and via documentary evidence produced during the TN visa application process for Plaintiffs with TN visa, that Plaintiffs would be fairly compensated for all hours worked at MFF.

131. Plaintiffs have duly performed each condition, promise, and obligation required on their part in accordance with the terms and conditions of their contract.

132. DEFENDANT breached its contract with Plaintiffs by failing to compensate Plaintiffs for all hours worked at MFF, and by otherwise not fulfilling the terms required under the contract.

133. DEFENDANT did not compensate Plaintiffs for any of the time they spent showering and changing clothes at the beginning and end of every shift, as they entered and left DEFENDANT's farm.

134. DEFENDANT did not compensate Plaintiffs for any of the time they spent washing their work clothes on site.

135. As a result of Defendants' breach of contract, Plaintiffs' have suffered damages in the amount to be determined at trial.

JURY DEMAND

136. Plaintiffs demand a trial by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully requests that the Court award them:

- A. All past lost wages and benefits, plus interest;
- B. Compensatory damages for injuries suffered because of this discrimination and the

- breach of contract;
- C. All costs and reasonable attorney's fees incurred in connection with this action; and
 - D. Any other damages and further relief as deemed just.

Dated: August 22, 2022

Respectfully Submitted,

s/ Susana Sandoval Vargas

MEXICAN AMERICAN LEGAL
DEFENSE AND EDUCATIONAL FUND

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