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11 Attorneys for Plaintiffs

12 **IN THE UNITED STATES DISTRICT COURT**  
13 **FOR THE DISTRICT OF ARIZONA**

14 Federico Aguilar Murillo, Josefa Alvarez )  
15 de Meza, Marcos Amezcua, Sergio Amezcua, )  
16 Pedro Angulo, Harold Appling, Cesar Arce )  
17 Insunza, Jose Arellano Juarez, Gumercindo )  
18 Arroyo Camacho, Santiago Arzate Carrillo, )  
19 Armando Arzate-Carrillo, Alfredo Avalos )  
20 Barron, Raul Avila Almanza, Baldemar )  
21 Bedolla Bedolla, David Beltran Miranda, )  
22 Juan Beltran Soto, Rafael Beltran-Nunez, )  
23 Jacobo Bobadilla German, Jose Botello-Avila, )  
24 Vicente Briceno Farias, Mario Bustos Cruz, )  
25 Marco Antonio Cabrera-Garcia, Octavio )  
26 Caldera, Mario Castro Mora, Florentino )  
27 Castro Ramirez, Adelaido Castro Ruiz, )  
28 Jose Cazares Aguilar, Francisco Cervantes Gil, )  
Amador Cervantes-Sandoval, Jesus Cervantes- )  
Sandoval, Rosario Chinchillas, Jose Contreras )  
Moroyoqui, Joaquin Cordova Martinez, )  
Baldomero Corona Ruiz, Cipriano Crispin )  
Mendez, Josefina Cuara Aguilar, Peregrino )  
De La Rosa Toledo, Jorge Delgado Marias, )  
Diego Delgado Torres, Alejandro Duarte, )  
Fernando Duarte Ochoa, Francisco Duarte )  
Rascon, Juan Escalante Carrillo, Guadalupe )  
Espinoza Vargas, Heriberto Espinoza Vargas, )  
Abraham Esquivel, Sergio Felix Prado, )  
Lucia Franco, Luciano Franco, Antonio Fuentez )  
Zamudio, Raul Garcia, Jesus Gaxiola, )  
Jose Gaxiola, Rosa Gaxiola, Mauro German )  
Sanchez, Rafael Gil Soto, Alfonso Gomez, )  
Genoveva Gonzalez, Gloria Gonzalez, )  
Maria Gonzalez, Saul Gonzalez de Leon, )  
Mariano Gonzalez Espinoza, Reynaldo )  
Guerra Jimenez, Lorenzo Hernandez, )  
Tomas Hernandez, Mario Hernandez )  
Hernandez, Sabas Hernandez Muniz, )

CV07-02581 PHX-GMS

**FIFTH AMENDED  
COMPLAINT FOR  
DECLARATORY AND  
INJUNCTIVE RELIEF  
AND DAMAGES**

1 Humberto Hernandez Sabori, Ernesto Herrera )  
Luna, Magdaleno Isais Casa, Francisco )  
2 Ledesma, Francisco Leon Torres, Fernando )  
Linares Sanchez, Luis Llamas Leon, Martin )  
3 Arturo Lopez, Lino Lopez Figueroa, Casimiro )  
Lopez Medina, Teodoro Loya Carrillo, )  
4 Ruben Luna Ramirez, Jesus Luque, Rito Luque )  
Luque, Abelino Macias Nunez, Sergio Magana )  
5 Villicana , Isidro Martinez, Trinidad Medina, )  
Rey David Medina Bojorquez, Jesus Medina )  
6 Uriarte, Jesus Melendrez Prieto, )  
Antonio Mendoza Madrid, Hilario Mesa )  
7 Sedano, Orne Meza Felix, Julian Millan Rochin, )  
Maria Miranda, Alberto Miranda Haros, )  
8 Jesus Miranda Haros, Crisonogo Miranda )  
Lopez, Austroheberto Miranda Miranda, )  
9 Luis Montanez, Baltazar Moreno Jurado, )  
Ramon Moreno-Gutierrez, Jesus Navarrete )  
10 Arambula, Demetrio Nerez Pina, Gonzala Nunez, )  
Jose Nunez Avila, Cornelio Nunez Gonzalez, )  
11 Felix Nunez Rios, Gerardo Olivarez Hernandez, )  
Marco Pacheco Valdez, Carlos Palacios, )  
12 Enrique Paredes Ruiz, Emiliano Parra, )  
Armando Pena Quinonez, Jesus Penunuri, )  
13 Armando Pimienta, Rodrigo Placencia Contreras, )  
Modeso Plasencia, Facundo Quinonez, )  
14 Aurelio Quinonez Armenta, Juan Ramirez Garcia, )  
Antonio Ramirez Soto, Jose Luis Ramos, )  
15 Miguel Angel Rapan, Salvador Raygoza, )  
Javier Rendon Aguilera, Graciela Reyes Medina, )  
16 Miguel Rodriguez Ramirez, Ramon Rodriguez )  
Rubio, Juan Rodriguez-Orozco, Florencio Rojo )  
17 Pacheco, Luis Rojo Pacheco, Florencio Rojo )  
Torres, Jaime Ruano-Lomeli, Antonio Rubio, )  
18 Arturo Salgado Bahena, Ruben Sanchez, Juan )  
Sanchez Huerta, Miguel Sanchez Huerta, )  
19 Jose Sanchez Salas, Maria Sandoval )  
Bojorquez, Martin Santos, Rosario Santos, )  
20 Uriel Santos, Jose Segura Sandoval, Jose Maria )  
Sepulveda, Octavio Serrano, Gonzalo Tapia )  
21 Haro, Francisco Toledo Garcia, Julian Torres )  
Corona, Hermelinda Torres Herrera, )  
22 Jorge Trejo Gonzalez, Jose Valdez Acosta, )  
Luis Valdez Duran, Victor Valenzuela, )  
23 Guadalupe Valle Luque, Pedro Colino )  
Vaquero, Gabriel Vargas Avila, Jose )  
24 Vazquez Huerta, Eleuterio Vega Gil, Enrique )  
Velarde Acosta, Federico Velazquez, )  
25 Juan Villa Parra, Victor Villanueva, )  
Jose Villegas Garcia, Leopoldo Zamora )  
26 Aguilera, Manuel Zamora Sanchez, Vicente )  
Zamudio Trujillo, Gustavo Zerega Espinoza, )  
27 Oscar Miranda Quiroz, Luis Trejo-Lopez, )  
Pedro Lubiano Cisneros, )  
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	Plaintiffs,	)
		)
vs.		)
		)
Servicios Agricolas Mex, Inc.,		)
Richard De Leon, and Marlin Ranching		)
Company, Marlin Growers Inc.,		)
	Defendants.	)
		)

**PRELIMINARY STATEMENT**

1. To protect the wages and working conditions of the domestic agricultural workforce, federal law requires employers to exercise a preference for U.S. farmworkers before turning to foreign farm labor. In 2006, in violation of these and other federal labor protections, Defendants displaced its entire U.S. citizen and legal permanent resident workforce with foreign nationals brought in as H-2A guest workers.

2. Plaintiffs, displaced U.S. farm workers employed by Defendants in the 2005-2006 and previous citrus harvesting seasons, bring claims for violations of the Migrant and Seasonal Agricultural Worker Protection Act (“AWPA”), 29 U.S.C. §§ 1802 *et seq.*, including Defendants’ breach of the parties’ working arrangement and provision of false and misleading information concerning the terms and conditions of employment.

3. Further, U.S. citizen Plaintiffs Harold Appling, Arturo Salgado Bahena, Miguel Angel Rapan, Maria Miranda, Raul Garcia, Jose M. Segura Sandoval, Octavio Serrano, Gustavo Zerega Espinoza and Fernando Duarte Ochoa bring claims under 42 U.S.C. §1981 for discrimination in hiring based on alienage.

**JURISDICTION**

4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331, since the action arises under the laws of the United States; 28 U.S.C. § 1343(a)(4), covering claims arising under federal civil rights statutes; and 29 U.S.C. § 1854, covering claims arising under the AWPA.

5. Venue is proper in this Court based on 28 U.S.C. § 1391(b) since a substantial part of the relevant events and omissions occurred in the district of Arizona.

**PARTIES**

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6. Plaintiffs Federico Aguilar Murillo, Josefa Alvarez de Meza, Marcos Amezcua, Sergio Am ezcua, Pedro Angulo, Harold Appling, Cesar Arce Insunza, Jose Arellano Juarez, Gumercindo Ar royo Cam acho, Santiago Arzate Carrillo, Arm ando Arzate-Carrillo, Alfredo Avalos Barron, Raul Avila Alm anza, Baldemar Bedolla Bedolla, David Beltran Miranda, Juan Beltran Soto, Rafael Beltran-Nunez, Jacobo Bobadilla German, Jose Botello-Avila, Vicente Briceno Farias, Mario Bustos Cruz, Marco Antonio Cabrera-Garcia, Octavio Caldera, Mario Castro Mora, Florentino Castro Ramirez, Adelaido Castro Ruiz, Jose Cazares Aguilar, Francisco Cervantes Gil, Amador Cervantes-Sandoval, Jesus Cervantes-Sandoval, Rosario Chinchillas, Jose Contreras Moroyoqui, Joaquin Cordova Martinez, Baldomero Corona Ruiz, Cipriano Crispin Mendez, Josefina Cuara Aguilar, Peregrino De La Rosa Toledo, Jorge Delgado Marias, Diego Delgado Torres, Alejandro Duarte, Fernando DuarteOchoa, Francisco Duarte Rascoi, Juan Escalante Carrillo, Guadalupe Espinoza Vargas, Heriberto Espinoza Vargas, Abraham Esquivel, Sergio Felix Prado, Lucia Franco, Luciano Franco, Antonio Fuentez Zamudio, Raul Garcia, Jesus Gaxiola, Jose Gaxiola, Rosa Gaxiola, Mauro German Sanchez, Rafael Gil Soto, Alfonso Gomez, Genoveva Gonzalez, Gloria Gonzalez, Maria Gonzalez, Saul Gonzalez de Leon, Mariano Gonzalez Espinoza, Reynaldo Guerra Jimenez, Lorenzo Hernandez, Tomas Hernandez, Mario Hernandez Hernandez, Sabas Hernandez Muniz, Humberto Hernandez Sabori, Ernesto Herrera Luna, Magdaleno Isais Casa, Francisco Ledesma, Francisco Leon Torres, Fernando Linares Sanchez, Luis Llamas Leon, Martin Arturo Lopez, Lino Lopez Figueroa, Casimiro Lopez Medina, Teodoro Loya Carrillo, Ruben Luna Ra mirez, Jesus Luque, Rito Luque Luque, Abelino Macias Nunez, Sergio Magana Villicana, Isidro Martinez, Trinidad Medina, Rey David Medina Bojorquez, Jesus Medina Uriarte, Jesus Melendrez Prieto, Antonio Mendoza Madrid, Hilario Mesa Sedano, Orne Meza Felix, Julian Millan Rochin, Maria Miranda, Alberto Miranda Haros, Jesus Miranda Haros, Crisonogo Miranda Lopez, Austroheberto Miranda Miranda, Luis Montanez, Baltazar Moreno Jurado, Ramon Moreno-Gutierrez, Jesus Navarrete Arambula, Demetrio Nerez Pina, Gonzala Nunez, Jose Nunez Avila, Cornelio

1 Nunez Gonzalez, Felix Nunez Rios, Gerardo Olivarez Hernandez, Marco Pacheco Valdez,  
2 Carlos Palacios, Enrique Paredes Ruiz, Emiliano Parra, Armando Pena Quinonez, Jesus  
3 Penunuri, Armando Pimienta, Rodrigo Placencia Contreras, Modeso Plasencia, Facundo  
4 Quinonez, Aurelio Quinonez Armenta, Juan Ramirez Garcia, Antonio Ramirez Soto, Jose Luis  
5 Ramos, Miguel Angel Rapan, Salvador Raygoza, Javier Rendon Aguilera, Graciela Reyes  
6 Medina, Miguel Rodriguez Ramirez, Ramon Rodriguez Rubio, Juan, Rodriguez-Orozco,  
7 Florencio Rojo Pacheco, Luis Rojo Pacheco, Florencio Rojo Torres, Jaime Ruano-Lomeli,  
8 Antonio Rubio, Arturo Salgado Bahena, Ruben Sanchez, Juan Sanchez Huerta, Miguel  
9 Sanchez Huerta, Jose Sanchez Salas, Maria Sandoval Bojorquez, Martin Santos, Rosario  
10 Santos, Uriel Santos, Jose Segura Sandoval, Jose Maria Sepulveda, Octavio Serrano, Gonzalo  
11 Tapia Haro, Francisco Toledo Garcia, Julian Torres Corona, Hermelinda Torres Herrera, Jorge  
12 Trejo Gonzalez, Jose Valdez Acosta, Luis Valdez Duran, Victor Valenzuela, Guadalupe Valle  
13 Luque, Pedro Colino Vaquero, Gabriel Vargas Avila, Jose Vazquez Huerta, Eleuterio Vega  
14 Gil, Enrique Velarde Acosta, Federico Velazquez, Juan Villa Parra, Victor Villanueva, Jose  
15 Villegas Garcia, Leopoldo Zamora Aguilera, Manuel Zamora Sanchez, Vicente Zamudio  
16 Trujillo, Gustavo Zerega Espinoza, Oscar Miranda Quiroz, Luis Trejo-Lopez, and Pedro  
17 Lubiano Cisneros are United States legal permanent residents and farmworkers who have their  
18 permanent place of residence in and around Yuma County, Arizona.

19 7. Plaintiffs Harold Appling, Arturo Salgado Bahena, Miguel Angel Rapan,  
20 Maria Miranda, Raul Garcia, Jose M. Segura Sandoval, Octavio Serrano, Gustavo Zerega  
21 Espinoza and Fernando Duarte Ochoa are United States citizens and farmworkers who have  
22 their permanent place of residence in and around Yuma County, Arizona.

23 8. Upon information and belief, Defendant Servicios Agricolas Mex. Inc.  
24 (“SAMI”) does business in Arizona and is registered in Arizona as a corporation.

25 9. Defendant Richard De Leon is his son, is an owner and president of Defendant  
26 Servicios Agricolas Mex Inc., and was operations manager of Servicios Agricolas Mexicanos.

27 10. Upon information and belief, Defendant Marlin Ranching Company  
28 (hereinafter “Marlin Ranching”) and Marlin Growers Inc. does business in Arizona and are

1 registered as corporations in Arizona.

2 11. Defendants are being sued as employers of Plaintiffs at all times relevant to this  
3 case.

4 **STATEMENT OF FACTS**

5 12. During the 2005-2006 citrus season and ~~for~~ several seasons before, Defendants  
6 employed Plaintiffs to work in citrus harvests.

7 13. At all times relevant to this action, Plaintiffs were seasonal agricultural workers  
8 within the meaning of the AWPAs, at 29 U.S.C. § 1802(10), and/or individuals entitled to the  
9 AWPAs' protections.

10 14. At all times relevant to this action, Defendants were "agricultural employers"  
11 within the meaning of 29 U.S.C. § 1802(2).

12 15. Prior to the harvest seasons 2003-2004, 2004-2005 and 2005-2006, in August  
13 each year, Defendants recruited Plaintiffs to perform agricultural labor in and around ~~San~~ Luis,  
14 Arizona.

15 16. Plaintiffs expected to be rehired every season by Defendants.

16 17. During the harvest seasons 2003-2004, 2004-2005 and 2005-2006, it was  
17 Defendants' practice to either contact Plaintiffs by letter or telephone or recruit them in  
18 parking lots in San Luis, Arizona and inform them about the start date of the harvest season.

19 18. In 2006, rather than rehiring Plaintiffs, SAMI sought permission to import  
20 foreign H-2A workers, premised on certifications that it could not find qualified U.S. workers  
21 for the citrus harvest. On June 29, 2006, the Department of Labor (DOL) approved SAMI's  
22 application, attached as Exhibit 1 (hereinafter "SAMI order").

23 19. The SAMI order was also filed with the Arizona Department of Economic  
24 Security Office in Phoenix, Arizona.

25 20. The SAMI order was an offer of employment to 150 workers to be employed  
26 as fruit harvest workers from August 15, 2006 through March 31, 2007.

27 21. The SAMI order constituted an offer of employment to Plaintiffs and a  
28 "working arrangement" between Defendants and Plaintiffs.

1           22.    The SAMI order was utilized by Defendants as a written disclosure of the  
2 terms and conditions of employment.

3           23.    The SAMI order stated that Defendants would provide housing in Dateland,  
4 Arizona and promised \$8.00 per hour and 30 hours of work per week.

5           24.    In the job order, SAMI offered hours and wages inferior to those offered and  
6 paid to Plaintiffs in previous seasons, when SAM was not importing foreign farm labor.

7           25.    Upon information and belief, the prevailing wages and working hours of citrus  
8 harvesters in the San Luis, Arizona area in 2006-2007 exceeded \$240.00 and 30 hours of  
9 work per week.

10          26.    Upon information and belief, Defendants knew that the wages and working  
11 hours of citrus harvesters in San Luis, Arizona area in 2006-2007 exceeded \$240.00 per week  
12 and 30 hours of work per week.

13          27.    Upon information and belief, Defendants intentionally set the promised wages  
14 and working hours below prevailing market conditions in an effort to make the jobs  
15 undesirable to U.S. workers.

16          28.    Attached to the SAMI order was a letter from Defendant Marlin, the citrus  
17 grower, stating that it intended to contract with "SAMEX" for lemon and orange harvesters  
18 from August 15, 2006 through March 31, 2007. Marlin's letter stated that it needed 150  
19 workers.

20          29.    Also attached to the order was a document stating that Defendant Servicios  
21 Agrícolas Mex. Inc. carried workers compensation and employers liability insurance policy  
22 from August 1, 2005- August 1, 2006.

23          30.    Also attached to the SAMI order were assurances by Defendants that they  
24 would "positively recruit" U.S. workers.

25          31.    Despite these assurances, before the 2006-2007 harvest season, none of the  
26 Plaintiffs was recruited by Defendants.

27          32.    Before the 2006-2007 harvest season, none of the Plaintiffs received letters or  
28 telephone calls from Defendants informing them of the start date of the season.



1 33. Before the 2006-2007 harvest season, Defendants failed to recruit at the  
2 parking lots in San Luis, Arizona, the prevailing practice in the area and Defendants' past  
3 practice.

4 34. Before the 2006-2007 harvest season and at the beginning of the season,  
5 several Plaintiffs asked agents of Defendants when the season would begin, and they were told  
6 that they were being replaced by "Mexican contract workers."

7 35. None of the Plaintiffs was hired by Defendants for the 2006-2007 harvest  
8 season.

9 36. Instead, Defendants filled all 150 harvesting positions with foreign H-2A  
10 workers.

11 37. All of the H-2A workers hired by Defendants were foreign nationals. None was  
12 a citizen or resident of the United States.

13 38. As a result of Defendants' failure to recruit and hire Plaintiffs, Plaintiffs  
14 suffered damages.

15 39. While previously employed by Defendants, Plaintiffs harvested crops that were  
16 produced for movement in interstate commerce, or for incorporation as ingredients in products  
17 anticipated to move in interstate commerce.

18 40. All of the actions and omissions alleged in this Complaint were undertaken by  
19 Defendants either directly or through their agents.

20 41. As a result of Defendants' unlawful discrimination against Plaintiffs Harold  
21 Appling, Arturo Salgado Bahena, Miguel Angel Rapan, Maria Miranda, Raul Garcia, Jose M.  
22 Segura Sandoval, Octavio Serrano, Gustavo Zerrega Espinoza and Fernando Duarte Ochoa,  
23 they suffered damages which include back pay as well as for mental anguish and humiliation.

24 **FIRST CAUSE OF ACTION**

25 **(Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. § 1801 *et seq.*)**

26 42. Plaintiffs allege and incorporate by reference paragraphs 1 to 41.

27 43. The SAMI order constituted a "working arrangement" as defined under the  
28 AWPA, between Plaintiffs and Defendants.



1           44. The SAMI order was utilized by Defendants to satisfy the written disclosures  
2 provision of the AWPA, 29 U.S.C. §§ 1821(a) and 1831(a).

3           45. Defendants knowingly provided false and misleading information to the DOL  
4 and Plaintiffs concerning the terms, conditions and existence of employment by Defendants  
5 in contravention of the AWPA, 29 U.S.C. §§ 1821(f) and 1831(e), by:

- 6                   a. informing many Plaintiffs that jobs were not available;
- 7                   b. failing to recruit Plaintiffs by telephone, mail or in parking lots as  
8                   practiced in previous seasons;
- 9                   c. including assurances set forth in the SAMI order to positively recruit  
10                  while intending to not comply with such assurances;
- 11                  d. falsifying the amount of hours per week of employment while knowing  
12                  that the hours would be greater.

13           46. Defendants' failure to recruit and provide employment to Plaintiffs was without  
14 justification and violated the terms of Defendants' working arrangement with Plaintiffs, in  
15 contravention of the AWPA, 29 U.S.C. §§ 1822 (c) and 1832 (c).

16           47. The violations of the AWPA described herein were the result of the conscious  
17 and deliberate actions of Defendants and were intentional within the meaning of the AWPA,  
18 29 U.S.C. § 1854 (1982).

19           48. For each violation of the AWPA, each Plaintiff so affected is entitled to receive  
20 the greater of his actual damages or up to \$500.00 per violation in statutory damages pursuant  
21 to 29 U.S.C. § 1854 (c).

22                                   **SECOND CAUSE OF ACTION**

23                           **(Discrimination Based Upon Alienage, 42 U.S.C. § 1981 et seq )**

24                   **(On Behalf of Plaintiffs Harold Appling, Arturo Salgado Bahena, Miguel Angel**  
25                   **Rapan, Maria Miranda, Raul Garcia, Jose M. Segura Sandoval, Octavio Serrano,**  
26                   **Gustavo Zerega Espinoza and Fernando Duarte Ochoa)**

27           49. Plaintiffs Harold Appling, Arturo Salgado Bahena, Miguel Angel Rapan,  
28 Maria Miranda, Raul Garcia, Jose M. Segura Sandoval, Octavio Serrano, Gustavo Zerega

1 Espinoza and Fernando Duarte Ochoa allege and incorporate by reference paragraphs 1 to 48.

2 50. Defendants intentionally discriminated against Plaintiffs Harold Appling,  
3 Arturo Salgado Bahena, Miguel Angel Rapan, Maria Miranda, Raul Garcia, Jose M. Segura  
4 Sandoval, Octavio Serrano, Gustavo Zerega Espinoza and Fernando Duarte Ochoa in the  
5 making of an employment contract, by refusing to recruit or re-hire them as harvest workers  
6 based upon their alienage, in favor of non-resident, Mexican nationals.

7 51. Defendants intentionally and knowingly attempted to dissuade U.S. workers  
8 including Plaintiffs Harold Appling, Arturo Salgado Bahena, Miguel Angel Rapan, Maria  
9 Miranda, Raul Garcia, Jose M. Segura Sandoval, Octavio Serrano, Gustavo Zerega Espinoza  
10 and Fernando Duarte Ochoa from employment with Defendants by offering sub-market  
11 weekly wages and hours, in order to create a pretext for alienage discrimination.

12 52. As a result of Defendants' violation of 42 U.S.C. § 1981 *et. seq.*, Plaintiffs  
13 Harold Appling, Arturo Salgado Bahena, Miguel Angel Rapan, Maria Miranda, Raul Garcia,  
14 Jose M. Segura Sandoval, Octavio Serrano, Gustavo Zerega Espinoza and Fernando Duarte  
15 Ochoa are entitled to damages which include back pay, compensatory damages, declaratory  
16 and injunctive relief, punitive damages, and attorneys' fees and costs.

17 **PRAYER FOR RELIEF**

18 Wherefore, Plaintiffs pray that this Court grant them the following relief:

- 19 a. Declare that Defendants intentionally violated Plaintiffs' rights under the  
20 AWPA;
- 21 b. Award each Plaintiff the greater of his or her actual damages, or statutory  
22 damages of \$500 for each violation of the AWPA in each season  
23 applicable;
- 24 c. Enjoin Defendants from future violations of the AWPA by failing to  
25 recruit and hire U.S. farmworkers;
- 26 d. Declare that Defendants discriminated against Plaintiffs Harold Appling,  
27 Arturo Salgado Bahena, Miguel Angel Rapan, Maria Miranda, Raul  
28 Garcia, Jose M. Segura Sandoval, Octavio Serrano, Gustavo Zerega

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Espinoza and Fernando Duarte Ochoa based upon their alienage pursuant to 42 U.S.C. §1981;

- e. For Defendants’ violations of 42 U.S.C. § 1981, award Plaintiffs Harold Appling, Arturo Salgado Bahena, Miguel Angel Rapan, Maria Miranda, Raul Garcia, Jose M. Segura Sandoval, Octavio Serrano, Gustavo Zerega Espinoza and Fernando Duarte Ochoa their backpay and compensatory damages including compensation for their mental anguish and humiliation, punitive damages, and attorney’s fees and costs, as set forth below;
- f. Enjoin Defendants from future hiring discrimination in violation of 42 U.S.C. § 1981, by favoring foreign nationals over U.S. citizens;
- g. Award Plaintiffs pre- and post judgment interest; their costs of suit; and for Community Legal Services, their reasonable attorney’s fees; and
- h. Award Plaintiffs such other relief as this Court deems just and proper.

**RESPECTFULLY SUBMITTED** this 12<sup>th</sup> day of August, 2011.

COMMUNITY LEGAL SERVICES

/s/Pamela M. Bridge  
Pamela M. Bridge  
Attorneys for Plaintiffs

1 I hereby certify that I electronically transmitted the attached document to the Clerk's Office  
2 using the CM/ECF system for filing and transmittal of a Notice of Electronic Filing to the  
following CM/ECF registrants, this 12<sup>th</sup> day of August, 2011.

3 Tom Crowe, Esq.  
4 [tom@crowescott.com](mailto:tom@crowescott.com)  
5 **CROWE & SCOTT, P.A.**  
6 1100 East Washington Street  
Suite 200  
Phoenix, Arizona 85034-1090

7 Attorney for Defendants

8

9 */s/Laura E. Smith*  
Laura E. Smith

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