

1. RICO Sections Under Which Plaintiffs Assert Their Claims

- A. 18 U.S.C. § 1962(c)
- B. 18 U.S.C. § 1962(d)

2. Identity of Each Defendant and the Alleged Misconduct and Basis for Liability of Each Defendant

For ease of discussion, Plaintiffs have grouped the individual Defendants into four distinct groups according to the identical RICO claims asserted against them: (1) **Signal International, LLC** (“Signal”); (2) **the Legal Facilitator Defendants** (Defendants Malvern C. Burnett, the Law Offices of Malvern C. Burnett, and Gulf Coast Immigration Law Center); (3) **the Labor Broker Defendants** (Indo-Amerisoft, L.L.C., Kurella Rao, and J & M Associates); and (4) **the Recruiter Defendants** (Defendants Michael Pol, Global Resources, Inc., Sachin Dewan, Dewan Consultants).

A. Signal International, LLC

- i. 18 U.S.C. § 1962(c)

Signal International, LLC (“Signal”) violated 18 U.S.C. § 1962(c) through the conduct of enterprises engaged in a pattern of racketeering activity. Specifically, Signal substantially conducted or participated in the affairs of three separate enterprises¹ through a pattern of engaging in enticement into slavery (18 U.S.C. § 1583), involuntary servitude (18 U.S.C. § 1584), forced labor (18 U.S.C. § 1589), trafficking in persons (18 U.S.C. §

¹ As set forth in the Complaint and with greater detail in response to ¶ 6 of the RICO Standing Order, *infra*, the three enterprises were: the ongoing business relationship between all Defendants, and the United States Consular officers in India (1st Am. Compl. at ¶ 279) (“RICO Enterprise I”); the ongoing business relationship between the Recruiter Defendants, the Legal Facilitator Defendants, and Defendant Signal (1st Am. Compl. at ¶ 285) (“RICO Enterprise II”); and the ongoing business relationship between the Recruiter Defendants, the Legal Facilitator Defendants, Defendant Signal, Swetman Security, and M & M Bank (1st Am. Compl. at ¶ 290) (“RICO Enterprise III”).

1590), unlawful document-related practices in furtherance of trafficking (“document servitude”) (18 U.S.C. § 1592), mail fraud (18 U.S.C. § 1341), wire fraud (18 U.S.C. § 1343), and immigration document fraud (18 U.S.C. § 1546).

Signal significantly directed, instructed, determined and participated in the actions of the enterprises with respect to its recruitment of Plaintiffs and fraudulent promises of green cards, visas, and employment from at least 2006 on. Signal also directed, instructed, and determined much of the enterprises’ conduct that rose to the level of inducement into slavery, involuntary servitude, forced labor, trafficking, and document servitude.

ii. 18 U.S.C. § 1962(d)

With respect to Enterprise I, Signal conspired with the other Defendants, and various non-defendants to conduct or participate in the affairs of the enterprise through a pattern of racketeering activity by agreeing with one or more of the Defendants to pursue, through the enterprise, the common criminal objective of engaging in enticement into slavery (18 U.S.C. § 1583), involuntary servitude (18 U.S.C. § 1584), forced labor (18 U.S.C. § 1589), trafficking in persons (18 U.S.C. § 1590), document servitude (18 U.S.C. § 1592), mail fraud (18 U.S.C. § 1341), wire fraud (18 U.S.C. § 1343), and/or immigration document fraud (18 U.S.C. § 1546). With respect to Enterprises II and III, Signal conspired with the Legal Facilitator Defendants, the Recruiter Defendants, and various non-defendants to conduct or participate in the affairs of the enterprises through a pattern of racketeering activity by agreeing with one or more of the Defendants to pursue, through the enterprises, the common criminal objective of engaging in enticement into slavery (18 U.S.C. § 1583), involuntary servitude (18 U.S.C. § 1584), forced labor (18

U.S.C. § 1589), trafficking in persons (18 U.S.C. § 1590), document servitude (18 U.S.C. § 1592), mail fraud (18 U.S.C. § 1341), wire fraud (18 U.S.C. § 1343), and/or immigration document fraud (18 U.S.C. § 1546).

B. The Legal Facilitator Defendants (Malvern C. Burnett, the Law Offices of Malvern C. Burnett, the Gulf Coast Immigration Law Center)

i. 18 U.S.C. § 1962(c)

The Legal Facilitator Defendants violated 18 U.S.C. § 1962(c) through the conduct of an enterprise through a pattern of racketeering activity. Specifically, the Legal Facilitator Defendants substantially conducted or participated in the affairs of the three alleged RICO enterprises through a pattern of engaging in mail fraud (18 U.S.C. § 1341), wire fraud (18 U.S.C. § 1343), and immigration document fraud (18 U.S.C. § 1546). The Legal Facilitator Defendants significantly directed, instructed, determined and participated in the actions of the enterprise with respect to legal work, promises, representations, and assurances undertaken to effectuate the recruitment of Plaintiffs and to induce Plaintiffs' reliance on fraudulent promises of green cards, visas, and employment.

ii. 18 U.S.C. § 1962(d)

With respect to Enterprise I, the Legal Facilitator Defendants conspired with the other Defendants and various non-defendants to conduct or participate in the affairs of the enterprise through a pattern of racketeering activity by agreeing with one or more of the Defendants to pursue, through the enterprise, the common criminal objective of engaging in enticement into slavery (18 U.S.C. § 1583), involuntary servitude (18 U.S.C. § 1584), forced labor (18 U.S.C. § 1589), trafficking in persons (18 U.S.C. § 1590), document

servitude (18 U.S.C. § 1592), mail fraud (18 U.S.C. § 1341), wire fraud (18 U.S.C. § 1343), and/or immigration document fraud (18 U.S.C. § 1546). With respect to Enterprises II and III, the Legal Facilitator Defendants conspired with the Recruiter Defendants, Defendant Signal, and various non-defendants to conduct or participate in the affairs of the enterprises through a pattern of racketeering activity by agreeing with one or more of the Defendants to pursue, through the enterprises, the common criminal objective of engaging in enticement into slavery (18 U.S.C. § 1583), involuntary servitude (18 U.S.C. § 1584), forced labor (18 U.S.C. § 1589), trafficking in persons (18 U.S.C. § 1590), document servitude (18 U.S.C. § 1592), mail fraud (18 U.S.C. § 1341), wire fraud (18 U.S.C. § 1343), and/or immigration document fraud (18 U.S.C. § 1546).

C. The Labor Broker Defendants (Defendants Indo-Amerisoft, L.L.C., J & M Associates, Inc., Kurella Rao)

i. 18 U.S.C. § 1962(c)

The Labor Broker Defendants violated 18 U.S.C. § 1962(c) through the conduct of or the participation in the affairs of an enterprise through a pattern of racketeering activity. Specifically, the Labor Broker Defendants substantially conducted or participated in the affairs of RICO Enterprise I through a pattern of engaging in mail fraud (18 U.S.C. § 1341), wire fraud (18 U.S.C. § 1343), and immigration document fraud (18 U.S.C. § 1546). The Labor Broker Defendants significantly directed, instructed, determined and participated in the actions of RICO Enterprise I with respect to the promises, representations, and assurances undertaken to effectuate the recruitment of Plaintiffs and to induce Plaintiffs' reliance on fraudulent promises of green cards and employment.

ii. 18 U.S.C. § 1962(d)

The Labor Broker Defendants conspired with the other Defendants and various non-defendants to conduct or participate in the affairs of Enterprise I through a pattern of racketeering activity by agreeing with one or more of the Defendants to pursue, through the enterprise, the common criminal objective of engaging in mail fraud (18 U.S.C. § 1341), wire fraud (18 U.S.C. § 1343), and/or immigration document fraud (18 U.S.C. § 1546).

D. The Recruiter Defendants (Michael Pol, Global Resources, Inc., Sachin Dewan, and Dewan Consultants (a/k/a Medtech Consultants))

i. 18 U.S.C. § 1962(c)

The Recruiter Defendants violated 18 U.S.C. § 1962(c) through the conduct or participation in the affairs of an enterprise through a pattern of racketeering activity. Specifically, the Recruiter Defendants substantially conducted or participated in the affairs of the three alleged RICO enterprises through a pattern of engaging in enticement into slavery (18 U.S.C. § 1583), involuntary servitude (18 U.S.C. § 1584), forced labor (18 U.S.C. § 1589), trafficking in persons (18 U.S.C. § 1590), document servitude (18 U.S.C. § 1592), mail fraud (18 U.S.C. § 1341), wire fraud (18 U.S.C. § 1343), and immigration document fraud (18 U.S.C. § 1546). The Recruiter Defendants significantly directed, instructed, determined and participated in the actions of the enterprises with respect to efforts to recruit workers, promises, representations, and assurances undertaken to effectuate the recruitment of Plaintiffs and to induce Plaintiffs' reliance on fraudulent promises of green cards, visas, and employment. The Recruiter Defendants also directed,

instructed, and determined much of the enterprises' conduct that rose to the level of the trafficking, involuntary servitude, and forced labor-related offenses.

ii. 18 U.S.C. § 1962(d)

With respect to Enterprise I, the Recruiter Defendants conspired with the other Defendants and various non-defendants to conduct or participate in the affairs of the enterprise through a pattern of racketeering activity by agreeing with one or more of the Defendants to pursue, through the enterprise, the common criminal objective of engaging in enticement into slavery (18 U.S.C. § 1583), involuntary servitude (18 U.S.C. § 1584), forced labor (18 U.S.C. § 1589), trafficking in persons (18 U.S.C. § 1590), document servitude (18 U.S.C. § 1592), mail fraud (18 U.S.C. § 1341), wire fraud (18 U.S.C. § 1343), and/or immigration document fraud (18 U.S.C. § 1546).

With respect to Enterprises II and III, the Recruiter Defendants conspired with the Legal Facilitator Defendants, Defendant Signal, and various non-defendants to conduct or participate in the affairs of the enterprises through a pattern of racketeering activity by agreeing with one or more of the Defendants to pursue, through the enterprises, the common criminal objective of engaging in enticement into slavery (18 U.S.C. § 1583), involuntary servitude (18 U.S.C. § 1584), forced labor (18 U.S.C. § 1589), trafficking in persons (18 U.S.C. § 1590), document servitude (18 U.S.C. § 1592), mail fraud (18 U.S.C. § 1341), wire fraud (18 U.S.C. § 1343), and immigration document fraud (18 U.S.C. § 1546).

3. Alleged Wrongdoers Other than Defendants and Alleged Misconduct

- A. Darrell Snyder: Snyder participated in effectuating forced labor and trafficking at Signal operations, by, inter alia, carrying out and overseeing the maintenance of coercive and abusive conditions in the Signal labor camp in Pascagoula, Mississippi.
- B. Swetman Security: Swetman assisted Defendant Signal in effectuating forced labor and trafficking at Signal operations by participating in the forced detention and attempted deportation of several Plaintiffs and possibly by conducting other security activities at the Pascagoula labor camp during Plaintiffs' presence. Swetman Security is expressly alleged to be part of RICO Enterprise III. (1st Am. Compl. at ¶ 290).
- C. Frank Tipton: Tipton participated in effectuating forced labor and trafficking at Signal operations, by, inter alia, carrying out and overseeing the maintenance of coercive and abusive conditions in the Signal labor camp in Pascagoula, Mississippi and by participating in the forced detention and attempted deportation of several Plaintiffs.
- D. John Sanders: Sanders participated in effectuating forced labor and trafficking at Signal operations, by, inter alia, carrying out and overseeing the maintenance of coercive and abusive conditions in the Signal labor camp in Pascagoula, Mississippi.
- E. Ravi Reddy: Reddy participated in effectuating forced labor and trafficking at Signal operations, by, inter alia, carrying out and overseeing the maintenance of coercive and abusive conditions in the Signal labor camp in Orange, Texas.
- F. Manesh Dewan: An employee and/or agent of the Recruiter Defendants, Dewan communicated Defendants' fraudulent assurances to Plaintiffs. Dewan also coordinated paperwork and collection of fees to effectuate fraud and forced labor and trafficking of Plaintiffs.

G. “Salimon”: A man known as “Salimon” served as a recruiting agent for the Recruiter Defendants in India, communicating Defendants’ assurances and representations in furtherance of Defendants’ fraudulent activities. Salimon also assisted in effectuating Defendants’ forced labor and trafficking of Plaintiffs by overseeing and administering paperwork and collection of fees from Plaintiffs.

H. “Rajesh”: A man known as “Rajesh” served as an administrator or office manager for the Recruiter Defendants in India, communicating Defendants’ assurances and representations in furtherance of Defendants’ fraudulent activities. Rajesh also assisted in effectuating Defendants’ forced labor and trafficking of Plaintiffs and others by overseeing and administering paperwork and collection of fees from Plaintiffs and others.

I. “Disha”: A woman known as “Disha” served as an administrator or office manager for the Recruiter Defendants in the United Arab Emirates, communicating Defendants’ assurances and representations in furtherance of Defendants’ fraudulent activities. Disha also assisted in effectuating Defendants’ forced labor and trafficking of Plaintiffs and others by overseeing and administering paperwork and collection of fees from Plaintiffs and others.

J. M & M Bank: At the instruction of Defendant Signal, Plaintiffs and other putative class members in Pascagoula, Mississippi opened accounts at M & M Bank and agreed to have their wages directly deposited into these accounts. This gave Defendant Signal unique access to and control over Plaintiffs’ and other putative class members’ funds. Shortly before April 10, 2007, some class members fled Signal’s Pascagoula labor camp. M & M denied these departed workers access to their bank accounts and

invalidated their ATM cards, apparently at Defendant Signal's behest. Workers still employed at Signal heard about this incident and reasonably believed that similar action might be taken against them should they try to leave Defendant Signal's employ. M & M Bank is expressly alleged to be part of RICO Enterprise III. (1st Am. Compl. at ¶ 290).

K. Other Non-Defendant Management, Employees, Agents and/or Representatives of Defendants: Other individuals whose identities are unknown at this time are believed to have participated in, facilitated and/or supported the racketeering acts at the behest of Defendants or in their capacity as Defendants' agents, employees, and/or representatives.

L. U.S. and Indian Government Officials: Individuals employed by the U.S. or Indian government whose identities are unknown at this time may have participated in, facilitated, and/or supported the racketeering acts at the behest of Defendants. U.S. Consular Officers are expressly alleged to be part of RICO Enterprise I. (1st Am. Comp. ¶ 279). It is not currently known whether they had any knowledge of the underlying predicate acts.

4. **Alleged Victims and Injuries**

The victims of the racketeering activities in this case are approximately 600 Indian H-2B workers who were recruited by Defendants at various points between 2003 and 2006 and who traveled and/or were transported to the United States at any time from 2006 to the present under the auspices of H-2B visas assigned to Defendant Signal. The victims have suffered significant injuries to their business and/or property as a result of Defendants' racketeering activities and conspiracies to commit racketeering activities, including: payment of fees charged by Defendants and their agents for recruitment, travel, immigration processing, legal services, housing, and food; interest on loans

undertaken by Plaintiffs to pay fees charged by Defendants; lost and unpaid wages; personal property abandoned at Defendant Signal's labor camp; and lost work and professional opportunities.

5. Pattern of Racketeering

A. Alleged Predicate Acts

Enticement into slavery (18 U.S.C. § 1583), involuntary servitude (18 U.S.C. § 1584), forced labor (18 U.S.C. § 1589), trafficking in persons (18 U.S.C. § 1590), document servitude (18 U.S.C. § 1592), mail fraud (18 U.S.C. § 1341), wire fraud (18 U.S.C. § 1343), and immigration document fraud (18 U.S.C. § 1546).

B. Dates, Participants in, and Description of the Predicate Acts

i. Enticement into Slavery (18 U.S.C. § 1583)

a. Dates: Late 2003 through the present.

b. Participants: Defendant Signal, the Legal Facilitator Defendants, and the Recruiter Defendants. U.S. Consular Officers, Swetman Security, and M & M Bank are alleged to be part of an enterprise through which the predicate acts were committed.

c. Facts: The facts surrounding the enticement into slavery predicate act are detailed in ¶¶ 77 through 270 of the First Amended Complaint, which are incorporated herein by reference. In summary, the Defendants, through their respective RICO enterprises: Enticed, persuaded, or induced the Plaintiffs and other class members board an airliner and to go to various locations throughout the United Arab Emirates, India, and the United States, with the intent that they may be held in modern-day slavery,

as described in the TVPA, 22 U.S.C. § 7101 (b)(1) (“trafficking in persons is a modern form of slavery, and it is the largest manifestation of slavery today.”).

ii. Involuntary Servitude (18 U.S.C. § 1584)

a. Dates: November 2006 through the present.

b. Participants: Defendant Signal, the Legal Facilitator Defendants, and the Recruiter Defendants. U.S. Consular Officers, Swetman Security, and M & M Bank are alleged to be part of an enterprise through which the predicate acts were committed.

c. Facts: The facts surrounding the involuntary servitude predicate act are detailed in ¶¶ 77 through 270 of the First Amended Complaint, which are incorporated herein by reference. In summary, the Defendants, through their respective RICO enterprises:

(1) knowingly and willfully attempted to and did physically restrain and/or threaten Plaintiffs and other class members with serious harm in order to obtain the labor and services of Plaintiffs and other class members;

(2) knowingly and willfully attempted to and did obtain the labor and services of Plaintiffs and other class members using a scheme, plan, or pattern which, in the totality of the circumstances, was intended to coerce and did coerce Plaintiffs and other class members to believe that they would suffer serious harm if they were to leave the employ of Defendants;

(3) knowingly and willfully isolated Plaintiffs and other class members, forced Plaintiffs to live in conditions causing psychological harm, and limited Plaintiffs' outside contacts in order to coerce Plaintiffs and other class members into believing that they would suffer serious harm if they were to leave Defendant Signal's employ;

(4) knowingly and willfully threatened Plaintiffs and other class members with deportation and deceived Plaintiffs and other class members about their current and future immigration status in a manner that constitutes an abuse of legal process.

iii. Forced Labor (18 U.S.C. § 1589)

a. Dates: November 2006 through the present.

b. Participants: Defendant Signal, the Legal Facilitator Defendants, and the Recruiter Defendants. U.S. Consular Officers, Swetman Security, and M & M Bank are alleged to be part of an enterprise through which the predicate acts were committed.

c. Facts: The facts surrounding the forced labor predicate act are detailed in ¶¶ 77 through 270 of the First Amended Complaint, which are incorporated herein by reference. In summary, the Defendants, through their respective RICO enterprises:

(1) knowingly attempted to and did physically restrain and/or threaten Plaintiffs and other class members with serious harm in

order to obtain the labor and services of Plaintiffs and other class members;

(2) knowingly attempted to and did obtain the labor and services of Plaintiffs and other class members using a scheme, plan, or pattern which, in the totality of the circumstances, was intended to coerce and did coerce Plaintiffs and other class members to believe that they would suffer serious harm if they were to leave the employ of Defendants;

(3) knowingly isolated Plaintiffs and other class members, forced Plaintiffs to live in conditions causing psychological harm, and limited Plaintiffs' outside contacts in order to coerce Plaintiffs and other class members into believing that they would suffer serious harm if they were to leave Defendant Signal's employ;

(4) knowingly threatened Plaintiffs and other class members with deportation and deceived Plaintiffs and other class members about the terms of their visas in a manner that constitutes an abuse of legal process.

iv. Trafficking with respect to Peonage, Slavery, Involuntary Servitude, or Forced Labor (18 U.S.C. § 1590)

a. Dates: Late 2003 through the present.

b. Participants: Defendant Signal, the Legal Facilitator Defendants, and the Recruiter Defendants. U.S. Consular Officers, Swetman Security,

and M & M Bank are alleged to be part of an enterprise through which the predicate acts were committed.

c. Facts: The facts surrounding the trafficking predicate act are detailed in ¶¶ 77 through 270 of the First Amended Complaint, which are incorporated herein by reference. In summary, the Defendants, through their respective RICO enterprises:

(1) knowingly recruited, transported and/or harbored the Plaintiffs and other class members in furtherance of the Defendants' violations of 18 U.S.C. § 1583, 1584, 1589, and 1592, as set forth in ¶ 5(b)(i-iii), *supra*, and ¶ 5(b)(v), *infra*.

(2) knowingly recruited, transported and/or harbored the Plaintiffs and other class members by: enticing, persuading, or inducing the Plaintiffs and other class members to go on board aircraft or to go to various locations throughout India, the United Arab Emirates and the United States with the intent that Plaintiffs and other class members may be held in modern-day slavery; holding Plaintiffs and other class members in involuntary servitude and forced labor; removing, confiscating, or possessing Plaintiffs' and other class members' passports and other immigration documents in the course of, and with the intent to violate multiple provisions of Title 18, Chapter 77 of the U.S. Code; and attempting to violate multiple provisions of Title 18, Chapter 77 of the U.S. Code.

- v. Document Servitude (18 U.S.C. § 1592(a)).
 - a. Dates: Between approximately July 2006 and approximately February 2007.
 - b. Participants: Defendant Signal, the Legal Facilitator Defendants, and the Recruiter Defendants. U.S. Consular Officers are alleged to be part of an enterprise through which these predicate acts were committed.
 - c. Facts: The facts surrounding this predicate act are detailed in ¶¶ 158 through 179 of the First Amended Complaint, which are incorporated herein by reference. In summary, these Defendants, through their respective RICO enterprises, maintained possession of the Plaintiffs' and other class members' passports and visa documents to assure that Plaintiffs and other class members paid exorbitant fees and boarded U.S.-bound aircraft. The recruiter Defendants threatened to destroy the passports of any worker who did not acquiesce to these Defendants' demands. The purpose of withholding the passport and visa documents was to lead Plaintiffs and other class members to believe that they had no choice but to board aircraft to travel to the United States to work for Defendant Signal. Therefore, these acts occurred in the course of violations of 18 U.S.C. §§ 1583, 1590, and 1594(a), and with intent to violate 18 U.S.C. §§ 1583, 1584, 1589 and 1590.
- iii. Mail Fraud (18 U.S.C. § 1341). *See* ¶ 5(c), *infra*.
- iv. Wire Fraud (18 U.S.C. § 1343). *See* ¶ 5(c), *infra*.
- v. Immigration Document Fraud (18 U.S.C. § 1546). *See* ¶ 5(c), *infra*.

C. Fraud-Related Predicate Acts

The circumstances constituting mail fraud, wire fraud, and/or immigration document fraud, “stated with particularity,” are set forth in detail in the charts attached to this Case Statement as Exhibit 1.

D. Relationship Between the Predicate Acts and the Enterprise as Part of A Common Plan.

The predicate acts are related to one another and to the enterprises as part of a common plan. The continuing frauds were committed through the enterprises as part of the same overarching scheme to defraud the Plaintiffs through the use of false promises that, in exchange for exorbitant fees, the Plaintiffs would receive green cards if they accepted employment with Defendant Signal. Ultimately, the Defendants intended the scheme to compel the Plaintiffs and others to work, and the Plaintiffs and others did work, for Defendant Signal under conditions that violated multiple provisions of Article 18, Chapter 77 of the U.S. Code.

6. Description of the Enterprises

A. Enterprise I

i. Individuals and Entities Constituting the Enterprise: all Defendants and currently unidentified United States Consular officers in India.

ii. Structure, Purpose, Roles, Function, and Course of Conduct of the Enterprise: This information is provided in the First Amended Complaint at ¶¶ 279-284, which is incorporated herein by reference. In summary, Enterprise I was an association in fact between and among each of the Defendants and U.S. Consular officers in India. The Legal Facilitator Defendants, the Recruiter Defendants, and the Labor Broker

Defendants worked in concert with the common purpose of securing the labor of the Group I Plaintiffs and other foreign workers at Defendant Signal's operations. At Defendant Signal's behest, the Legal Facilitator Defendants and the Recruiter Defendants worked in concert to secure the labor of the Group II Plaintiffs, and ultimately all Plaintiffs and other foreign workers, at Signal's operations. The U.S. Consular officers in India, at the request of the Defendants, participated in the process of vetting Indian workers for employment at Defendant Signal's operations and forwarding their passports to the Recruiter Defendants.

iii. None of the Defendants are employees, officers, or directors of Enterprise I.

iv. Enterprise I is an "association in fact" enterprise. As set forth in subsection (ii), *supra*, all of the Defendants are associated with Enterprise I.

v. The Defendants are individuals or entities separate from Enterprise I.

vi. None of the Defendants are the enterprise itself.

B. Enterprise II

i. Individuals and Entities Constituting the Enterprise: The Recruiter Defendants, the Legal Facilitator Defendants, and Defendant Signal.

ii. Structure, Purpose, Roles, Function, and Course of Conduct of the Enterprise: This information is provided in the First Amended Complaint at ¶¶ 285-289, which is incorporated herein by reference. Enterprise II was an association in fact between and among the Recruiter Defendants, the Legal Facilitator Defendants, and Defendant Signal. The Legal Facilitator Defendants and the Recruiter Defendants worked in concert at Defendant Signal's behest with the common purpose of selling United States

visas and work opportunities to Indian workers to convince these workers to pay fees and to travel to the United States to work for companies including Signal.

iii. None of the Defendants are employees, officers, or directors of Enterprise II.

iv. Enterprise II is an “association in fact” enterprise. As set forth in subsection (ii), *supra*, the Recruiter Defendants, the Legal Facilitator Defendants, and Defendant Signal are associated with Enterprise II.

v. The Defendants are individuals or entities separate from Enterprise II.

vi. None of the Defendants are the enterprise itself.

B. Enterprise III

i. Individuals and Entities Constituting the Enterprise: The Recruiter Defendants, the Legal Facilitator Defendants, Defendant Signal, Swetman Security, and M & M Bank.

ii. Structure, Purpose, Roles, Function, and Course of Conduct of the Enterprise: This information is provided in the First Amended Complaint at ¶¶ 290 - 294, which is incorporated herein by reference. Enterprise III was an association in fact between and among the Recruiter Defendants, the Legal Facilitator Defendants, Defendant Signal, Swetman Security, and M & M Bank. The Legal Facilitator Defendants, the Recruiter Defendants, and Defendant Signal worked in concert with the common purpose of providing and maintaining a consistent and acquiescent Indian worker labor force at Signal’s operations. Swetman Security provided security services in support of Enterprise III. M & M Bank provided financial services in support of Enterprise III.

iii. None of the Defendants are employees, officers, or directors of Enterprise III.

iv. Enterprise III is an “association in fact” enterprise. As set forth in subsection (ii), *supra*, the Recruiter Defendants, the Legal Facilitator Defendants, and Defendant Signal are associated with Enterprise III.

v. The Defendants are individuals or entities separate from Enterprise III.

vi. None of the Defendants are the enterprise itself.

7. Separate Nature of the Enterprise and Racketeering Activity

A. Enterprise I

The participants in this enterprise worked in concert with the common purpose of securing the labor of the Plaintiffs and other foreign workers at Defendant Signal’s operations. As such, the enterprise as a whole has a common link other than the racketeering activity.

B. Enterprise II

The participants in this enterprise worked in concert at Defendant Signal’s behest with the common purpose of selling United States visas and work opportunities to Indian workers to convince these workers to pay fees and to travel to the United States to work for companies including Signal. While the purpose of Enterprise II may violate other statutory protections, its common link – the for-profit business of selling United States visa and work opportunities to Indian citizens – is distinguishable from the racketeering activity conducted through this enterprise.

C. Enterprise III

The participants in this enterprise worked in concert with the common purpose of providing and maintaining a consistent and acquiescent Indian worker labor force at Signal's operations. The enterprise's common link – the maintenance of a workforce for Signal – is distinguishable from the racketeering activity conducted through this enterprise.

8. Relationship Between the Activities of the Enterprise and the Pattern of Racketeering

A. Enterprise I

The Defendants used the mails and wires to defraud the Plaintiffs and other workers, and committed visa fraud, for the otherwise non-racketeering purpose of securing a workforce for Defendant Signal. The Defendants engaged in both fraudulent and non-racketeering activities to further this purpose. Similarly, the Recruiter Defendants, the Legal Facilitator Defendants, and Signal, in their ongoing relationship with the Plaintiffs, other workers, and Enterprise I as a whole, committed and/or conspired to commit acts constituting the involuntary servitude, forced labor, and human trafficking-related offenses. However, not every act Defendants committed in the context of these relationships constituted an element of these crimes. Therefore, the “usual and daily activities” of this enterprise were peppered with racketeering activities, but did not solely involve racketeering activities.

B. Enterprise II

The Defendant participants in this enterprise used the mails and wires to defraud the Plaintiffs and other workers, and committed visa fraud, for the otherwise non-racketeering purpose of selling United States visas and work opportunities to Indian

workers to convince these workers to pay fees and to travel to the United States to work for companies including Signal. These Defendants, through the enterprise, engaged in both fraudulent and legitimate activities to further this purpose. Similarly, these Defendants, in their ongoing relationship with the Plaintiffs, other workers, and Enterprise II as a whole, committed and/or conspired to commit acts comprising elements of the crimes of the involuntary servitude, forced labor, and human trafficking-related offenses. However, not every act these Defendants committed in the context of these relationships constituted an element of these crimes. Therefore, the “usual and daily activities” of this enterprise were peppered with racketeering activities, but did not solely involve racketeering activities.

C. Enterprise III

The Defendant participants in this enterprise used the mails and wires to defraud the Plaintiffs and other workers, and committed visa fraud, for the otherwise non-racketeering purpose of providing and maintaining a consistent and acquiescent Indian worker labor force at Signal’s operations. These Defendants, through the enterprise, engaged in both fraudulent and legitimate activities to further this purpose. Similarly, these Defendants, in their ongoing relationship with the Plaintiffs, other workers, and Enterprise III as a whole, committed and/or conspired to commit acts comprising elements of the crimes of the involuntary servitude, forced labor, and human trafficking-related offenses. However, not every act these Defendants committed in the context of these relationships constituted an element these crimes. Therefore, the “usual and daily activities” of this enterprise were peppered with racketeering activities, but did not solely involve racketeering activities.

9. Benefits Received by the Enterprise from the Alleged Pattern of Racketeering

Activity

The members of the enterprise enjoyed substantial financial profits from their racketeering activities. The Recruiter Defendants, the Labor Broker Defendants, and the Legal Facilitator Defendants, through the respective enterprises, collected significant recruitment and immigration processing fees from Plaintiffs who relied on Defendants' fraudulent promises. The Labor Broker Defendants and Signal obtained the benefits of workers, who, due to their extreme levels of personal indebtedness incurred in reliance on Defendants' fraud, were desperate to pay the Labor Broker Defendants for promised immigration and work opportunities and to accept and maintain employment with Defendant Signal.

The unlawful document-related activities committed by the Recruiter Defendants, coupled with the involuntary servitude, forced labor, and human trafficking-related offenses committed by the Recruiter Defendants and Signal in conspiracy with the Legal Facilitator Defendants caused Plaintiffs to surrender and forgo other employment and business opportunities and to remain working at Signal despite illegally low wages and large deductions for substandard and discriminatory labor camp housing. Defendant Signal profited from: maintaining the forced labor of the fearful and indebted Plaintiffs; Plaintiffs' acquiescence to Signal's excessive deductions from their paychecks; and Signal's failure to reimburse Plaintiffs for mandatory recruitment, visa, and travel expenses as required by United States minimum wage laws.

10. Describe the Effect of the Activities on Interstate Commerce

The enterprises and Defendants identified in this action have conducted the racketeering activities and other business activities relevant to this action through interstate and international travel and communications. Plaintiffs have traveled and communicated across state lines and international borders in undertaking the transactions, travel, and provision of labor and services induced by Defendants' racketeering acts. Defendant Signal operates throughout the multi-state Gulf Coast region, with worksites and labor camps in Texas and Mississippi. Defendants' business and racketeering activities (involving travel, mail and wire transactions, importation of foreign workers, and payment of wages within the United States), as well as actions taken by Plaintiffs in response to and/or as a result of those activities (involving travel, mail, and wire transactions, and work performed within the United States) affect interstate commerce.

11. Allegations Specific to 18 U.S.C. § 1962(a)

Not applicable.

12. Allegations Specific to 18 U.S.C. § 1962(b)

Not applicable.

13. Allegations Specific to 18 U.S.C. § 1962(c)

A. None of the Defendants were, at any relevant time, employed by any of the enterprises. All Defendants are associated with Enterprise I. The Recruiter Defendants, the Legal Facilitator Defendants, and Defendant Signal are associated with Enterprises II and III.

B. The liable Defendant "persons" are separate and distinct entities from the enterprises alleged above.

14. Allegations Specific to 18 U.S.C. § 1962(d) (Description of the Alleged Conspiracy)

Plaintiffs assert the following RICO conspiracies in this action:

Defendant Signal, the Recruiter Defendants, the Legal Facilitator Defendants, and the Labor Broker Defendants agreed to engage in mail, wire, and immigration document fraud to recruit, transport, and obtain Plaintiffs for work at Signal's operations in Mississippi and Texas. Defendant Signal authorized the Recruiter Defendants and the Legal Facilitator Defendants to act as its agents for the purpose of fraudulently encouraging Plaintiffs to obtain H-2B visas to come to the United States to work for Signal. The Recruiter Defendants, the Legal Facilitator Defendants, the Labor Broker Defendants, and Defendant Signal agreed to certain fraudulent communications and transactions calculated to induce Plaintiffs' reasonable reliance and convince Plaintiffs to pay large sums of money to come to the United States to work for Defendant Signal.

The Labor Recruiters, the Legal Facilitators and Defendant Signal agreed that each would undertake certain measures to ensure that Plaintiffs would be enticed to travel on airliners and go to places throughout the United Arab Emirates, India, and the United States, and would continue to work at Signal's operations, resulting in involuntary servitude, forced labor, trafficking in persons, and document servitude.

15. Alleged Injury to Business or Property

Plaintiffs have suffered significant injuries to their business and/or property as a result of Defendants' racketeering activities including: payment of fees charged by Defendants and their agents for recruitment, travel, immigration processing, legal services, housing, and food; interest on loans undertaken by Plaintiffs to pay fees charged by Defendants; lost and unpaid wages, lost personal property abandoned at the labor camps, and lost work and professional opportunities.

16. Relationship Between Injuries and Violations of RICO

All Defendants' acts of mail, wire, and visa fraud effectuated and directly induced Plaintiffs to pay exorbitant sums of money to the Recruiter Defendants, the Legal Facilitator Defendants, and with respect to some Plaintiffs the Labor Broker Defendants by promising that Plaintiffs would receive permanent immigration status for themselves and their families and lucrative work in the United States. Relying on Defendants' fraudulent promises, Plaintiffs incurred substantial interest-bearing debts and sold personal and real property to come up with the funds necessary to pay the Recruiter Defendants, Legal Facilitator Defendants and Labor Broker Defendants.

Defendants' acts of inducement into slavery, involuntary servitude, document servitude, trafficking in persons, and forced labor have caused Plaintiffs to make substantial payments to the Recruiter Defendants upon departing India for the United States, and caused Plaintiffs to remain working at Signal despite illegally low wages and wage deductions for housing and food at Signal's labor camps, and to abandon personal property when Plaintiffs left Signal's labor camps. These acts also coerced Plaintiffs to surrender and forgo other employment opportunities and to suffer emotional distress.

17. Damages Sustained by Reason of RICO Violations Attributable to Each Defendant

Damages Resulting from Defendants' Mail, Wire, and Visa Fraud :

In reliance on Defendants' fraudulent promises regarding green cards and as a result of Defendants' conspiracy to make these fraudulent representations, each Plaintiff spent an estimated \$12,000 to \$20,000 or more to pay the mandatory fees charged by the Recruiter Defendants, the Labor Broker Defendants, and the Legal Facilitator Defendants plus an extra 33,500-45,000 rupees (approximately \$800-\$1,100) fee for H-2B visa processing to the Recruiter

Defendants and Legal Facilitator Defendants. This resulted in total estimated damages of at least \$12,800 to \$21,100 per Plaintiff.

Of these total estimated amounts, the Group I Plaintiffs, as defined in ¶¶ 19-21 of the First Amended Complaint made two payments (an estimated \$ 7,500 to \$13,300) to the Recruiter Defendants, the Labor Broker Defendants, and the Legal Facilitator Defendants due to detrimental reliance on fraudulent promises made by these Defendants and by Signal. The Recruiter Defendants, the Labor Broker Defendants, the Legal Facilitator Defendants, and Signal are therefore jointly and severally liable to the Group I Plaintiffs in at least the estimated quantity of \$ 7,500 to \$13,300 each per Plaintiff.

The Group II Plaintiffs, as defined in ¶¶ 22-27 of the First Amended Complaint made two payments (an estimated \$ 7,500 to \$13,300) to the Recruiter Defendants and the Legal Facilitator Defendants due to detrimental reliance on fraudulent promises made by these Defendants and by Signal. The Recruiter Defendants, the Legal Facilitator Defendants, and Signal are therefore jointly and severally liable to the Group II Plaintiffs in at least the estimated quantity of \$ 7,500 to \$13,300 each per Plaintiff.

All Plaintiffs tendered a third payment (an estimated \$3,750 to \$6,600), plus an additional \$800 to \$1,100 paid as purported H-2B visa fees to the Recruiter Defendants and the Legal Facilitator Defendants in detrimental reliance on the fraudulent promises of the Recruiter Defendants, the Legal Facilitator Defendants, and by Signal. The Recruiter Defendants, the Legal Facilitator Defendants, and Defendant Signal are therefore jointly and severally liable to Plaintiffs in at least the estimated quantity of \$4,550 to \$7,700 per Plaintiff.

Damages as a Result of Defendants' Involuntary Servitude, Forced Labor, and Human Trafficking-Related RICO Violations:

Plaintiffs suffered damages as a result of Defendant Signal, the Labor Recruiter Defendants, the Legal Facilitator Defendants, and these Defendants' agents, employees and/or representatives subjecting them to and/or conspiring to subject them to enticement into slavery, involuntary servitude, forced labor, human trafficking, and document servitude.. The Plaintiffs' damages include, but are not limited to, the damages resulting from the fraud-related acts delineated above. The Plaintiffs are also entitled to damages for rent charges, wage underpayments, and loss of work opportunities in the U.S. during and after their employment with Signal ceased. Because these damages continue to accrue, a specific amount cannot currently be calculated.

With respect to these predicate acts, the Recruiter Defendants, the Legal Facilitator Defendants, and Signal are jointly and severally liable for related damages.

All Violations

With respect to all Defendants' RICO violations, Plaintiffs seek treble damages available pursuant to 18 U.S.C. § 1964(c), plus costs and attorneys' fees associated with bringing this action.

18. All Other Federal Causes of Action

A. The Class Representative Plaintiffs bring the following additional federal claims in this action:

- i. Trafficking Victims Protection Act of 2003 (TVPA), 18 U.S.C. § 1589
- ii. Trafficking Victims Protection Act of 2003 (TVPA), 18 U.S.C. § 1590
- iii. Civil Rights Act of 1866, 42 U.S.C. § 1981
- iv. Ku Klux Klan Act of 1871, 42 U.S.C. §1985

v. Fair Labor Standards Act (FLSA), 29 U.S.C. § 201 et seq.

B. Five Individual Plaintiffs also assert the following non-class federal claims:

- i. Civil Rights Act of 1866, 42 U.S.C. § 1981
- ii. Ku Klux Klan Act of 1871, 42 U.S.C. §1985

19. Pendent State Law Claims

A. The Class Representative Plaintiffs bring the following additional state law claims in this action:

- i. Fraud/negligent misrepresentation
- ii. Breach of contract

B. Five Individual Plaintiffs also assert the following non-class state claims:

- i. False Imprisonment
- ii. Assault and Battery
- iii. Intentional Infliction of Emotional Distress
- iv. Negligent Infliction of Emotional Distress

20. Additional Helpful Information

Plaintiffs are not aware of any additional information which may be helpful at this time.

Plaintiffs may seek to amend this Case Statement at later date should additional useful information come to light.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on **April 28, 2008**, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system which will send a notice of electronic filing to the following:

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