

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
WINCHESTER DIVISION

BIRDA TROLLINGER, VIRGINIA BRAVO,
KELLY KESSINGER, IDOYNIA McCOY,
REGINA LEE, PATRICIA MIMS, LORI
WINDHAM, and ALEXANDER HOWLETT,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

TYSON FOODS, INC. a Corporation, JOHN
TYSON, ARCHIBALD SCHAFFER III,
RICHARD BOND, KENNETH KIMBRO,
GREG LEE, KAREN PERCIVAL, AHRAZUE
WILT, TIM McCOY

Defendants.

No. 4:02-cv-23

CLASS ACTION
JURY DEMANDED

R. Allan Edgar, Chief Judge

United States Magistrate Judge
William B. Mitchell Carter

SECOND AMENDED COMPLAINT

Plaintiffs, Birda Trollinger, Virginia Bravo, Kelly Kessinger, Idoynia McCoy, Regina Lee, Patricia Mims, Lori Windham, and Alexander Howlett, individually and on behalf of all others similarly situated, allege as follows:

I. NATURE OF ACTION

1. This is a class action brought on behalf of all persons legally authorized to be employed in the United States (“U.S.”) who have been employed by defendant Tyson Foods, Inc. (“Tyson”), reportedly the world’s largest processor and marketer of poultry, as hourly wage earners at eight of its facilities (“the facilities”), which are located in Alabama, Indiana, Missouri, Tennessee, Texas, and Virginia.

2. The Complaint contends that all such persons have been victimized by a scheme perpetrated both by Tyson and through a conspiracy among its top management to depress the wages paid to its employees by knowingly hiring a workforce substantially comprised of undocumented illegal immigrants for the express purpose of depressing wages (hereafter “the Illegal Immigrant Hiring Scheme”).

3. The Illegal Immigrant Hiring Scheme violates the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1961 *et seq.* (hereafter “RICO”) and has directly and proximately caused the wages paid to plaintiffs and the class members to be substantially depressed, *i.e.*, below the level of wages Tyson would have to pay for this labor if it were not engaged in the Scheme.¹

II. PARTIES AND JURISDICTION

4. All of the named Plaintiffs are U.S. citizens and were legally authorized for employment at all relevant times. They were employed by Tyson as hourly paid workers at its chicken processing plants. Each one is a citizen of the state where he or she was employed by Tyson, as more fully set forth below in ¶ 16.

5. Tyson is a corporation organized under the laws of the state of Delaware with its principal place of business in Arkansas.

6. John Tyson is a citizen of Arkansas and is Tyson’s Chief Executive Officer.

7. Archibald Schaffer, III is a citizen of Arkansas and is a Senior Vice President of Tyson.

8. Richard Bond is a citizen of Arkansas and is Tyson’s Chief Operating Officer.

9. Kenneth Kimbro is a citizen of Arkansas and is Tyson’s Senior Vice President for Human Resources.

10. Karen Percival is a citizen of Arkansas and is a Vice President of Tyson.

11. Greg Lee is a citizen of Arkansas and is President of Tyson.

¹ Hereafter, this Complaint will cite the statutory sections of RICO as “§ 1961” (or whichever section applies) without the reference to Title 18 of the U.S. Code.

12. Tim McCoy is a citizen of Arkansas and a senior executive in Tyson's Human Resources department overseeing several plants.

13. Ahrazue Wilt is a citizen of Missouri and is Tyson's Human Resources Complex Manager for its Sedalia, Missouri facility.

14. This Court has subject matter jurisdiction over this one-count Complaint pursuant to 28 U.S.C. § 1331 as a federal question and by § 1964(a) of RICO, the statute's jurisdictional provision for civil actions.

15. Venue is proper in this district because one of the facilities is located in Shelbyville, Tennessee, where Plaintiff Birda Trollinger was employed and was victimized by the Illegal Immigrant Hiring Scheme.

III. CLASS ALLEGATIONS

16. This action is brought, and may be maintained, as a class action pursuant to FED. R. CIV. P. 23(b)(3). Plaintiffs bring this action on behalf of themselves and all other persons, legally authorized to be employed in the U.S., who have been employed by Tyson at the facilities as hourly wage earners. Each facility is a large chicken processing plant employing at least several hundred persons. The facilities are located in Ashland, Alabama (where Plaintiff McCoy was employed), Gadsden, Alabama (where Plaintiff Mims was employed), Heflin, Alabama (where Plaintiff Lee was employed), Corydon, Indiana (where Plaintiff Kessinger was employed), Sedalia, Missouri (where Plaintiff Bravo was employed), Shelbyville, Tennessee (where Plaintiff Trollinger was employed), Center, Texas (where Plaintiff Windham was employed), and Glen Allen, Virginia (where Plaintiff Howlett was employed).

17. The Class for whose benefit this action is brought is so numerous that joinder of all Class members is impracticable. The actual number can only be ascertained through discovery of Tyson's books and records.

18. Among the questions of fact and law that are common to the Class are:

a. Whether Tyson is engaging in the Illegal Immigrant Hiring Scheme;

- b. Whether the individual defendants have conspired to perpetrate the Illegal Immigrant Hiring Scheme
- c. Whether Tyson and the individual defendants are doing so in order to depress its employees' wages;
- d. Whether the Illegal Immigrant Hiring Scheme has caused class members' wages to be depressed;
- e. Whether the Illegal Immigrant Hiring Scheme violates the Immigration and Nationality Act and RICO; and
- f. Whether Tyson should be enjoined from conducting further racketeering activity and whether the individual defendants should be barred from further association with Tyson.

19. Plaintiffs' claims are typical of those of the Class in that they arise from the damages they have suffered as a result of the Illegal Immigrant Hiring Scheme. Plaintiffs seek no relief that is antagonistic to or adverse to other Class members.

20. Plaintiffs are committed to the vigorous prosecution of this action, and have retained counsel who are competent in the prosecution of class actions, RICO and complex litigation. Plaintiffs' counsel have prosecuted this case since 2002, successfully obtaining a favorable decision from the Sixth Circuit Court of Appeals, and intend to continue to adequately protect and represent the interests of the Class.

21. Questions of law or fact common to the Class predominate over issues affecting individual Class members. A class action is the only appropriate method for the fair and efficient adjudication of this controversy for the following reasons, among others:

- a. The individual amounts of damages involved, while not insubstantial, are generally not large enough to justify individual actions;
- b. The costs of individual actions would unreasonably consume the amounts that would be recovered;
- c. Individual actions would unduly burden the judicial system; and
- d. Individual actions brought by Class members would create a risk of inconsistent results and would be unnecessarily duplicative of this litigation.

22. Plaintiffs anticipate no difficulty in the management of this action because the evidence proving the Illegal Immigrant Hiring Scheme is ascertainable through discovery, the identities of the Class members are known to Tyson, and damages can be calculated to a reasonable certainty through expert testimony.

A. The Illegal Immigrant Hiring Scheme: Tyson Requires Its Hiring Personnel To Be Willfully Blind And Subvert The Law Against Hiring Unauthorized Immigrants

23. The Immigration Reform and Control Act (hereafter “IRCA”), 8 U.S.C. § 1324(a) *et seq.*, and its accompanying regulations, require employers to verify, under the penalty of perjury, that they have examined documents produced by each employee which establish the employee’s authorization for employment in the U.S. Specifically, the employer must verify the documents are “genuine” and “relate” to the person tendering them. 8 C.F.R. § 274a.2(b)(1)(i)(B)(ii)(A) (hereafter “the verification requirement”)

24. Tyson is engaged in a long-term pattern and practice of violating IRCA and § 274 of the Immigration and Nationality Act, 8 U.S.C. § 1324(a)(3)(A), which like IRCA, prohibits the employment of unauthorized immigrants. Tyson does so in every possible way short of outright refusal to comply at all. These subversions are:

- a. Signing Employment Eligibility Verification Forms (I-9 forms) in mass quantities, before any documents have been inspected, signing the forms

more than three days after new hires have been employed, and signing based upon review of copies of documents presented, not the original documents.²

- b. Prohibiting hiring personnel from taking into account obvious facts which indicate that documents do not relate to the people tendering them, particularly the inability to speak English. As Tyson knows, persons who do not speak English cannot, as a practical matter, be U.S. citizens or lawful permanent residents. IRCA does not permit employers to engage in willful blindness to the truth. (This is referred to throughout this Complaint as the “Willful Blindness Policy.”)
- c. Rehiring persons whom it previously hired under different names, usually after a short absence during which they have acquired a new, stolen identity.
- d. Hiring workers who appear decades younger than the pictures that appear on their stolen identity documents.
- e. Using temporary employment placement services to hire illegal immigrants and then “loan” them to Tyson for a fee.
- f. Giving employees leave to “get good documents” after Tyson has been informed their employment authorization documents actually belong to someone else. These employees are then rehired under new identities, but often retain their seniority level or “points.” Tyson supervisors will often ask these employees, “Who are you this week?”
- g. Giving newly hired workers money to obtain housing, food, and other living supplies (such as bedding and sheets), as well as providing transportation to and from the Tyson facility, which when coupled with

² The I-9 form is the document designed by the federal government to be used in complying with IRCA. 8 C.F.R. § 274a.2(a).

their inability to speak English, would put any reasonable employer on notice that these workers are not U.S. citizens or lawful permanent residents, as their “documents” indicate, and are therefore presenting stolen documents.

25. The Willful Blindness Policy was implemented by co-conspirator William Jaycox, Tyson’s Senior Vice President of Human Resources, in the late 1980’s. (However, Mr. Jaycox is not named as a defendant.) The Policy has been approved by all of the other co-conspirators and is still in existence today, despite Tyson’s sordid history of legal troubles arising from its subversion of IRCA.

B. Tyson Uses The Basic Pilot Program As A Fig Leaf To Subvert IRCA

26. Since 1998, Tyson has used the federal government’s Basic Pilot program in order to give the appearance of complying with IRCA while the company is actively subverting the law.

27. Basic Pilot, an internet verification program, confirms that government-issued eligibility documents were actually issued and the name of the person to whom they were issued (“the issuee”). However, it does *not* establish that the person presenting the documents is the issuee. The employer must still comply with its IRCA’s verification requirement. Tyson does not do this. Thus, Tyson is abusing Basic Pilot to subvert its IRCA obligations, turning the program into a fig leaf to ward off future raids and enforcement actions.

C. The “Dalia Gutierrez” Workers

28. The result of Tyson’s policies of subversion and Willful Blindness is the knowing employment of thousands of illegal immigrants using stolen identity documents. Typical is an illegal worker in Tyson’s Corydon, Indiana facility. She entered the U.S. illegally from Mexico and then illegally assumed the name, social security number and birth certificate of a U.S. citizen named Dalia Gutierrez.

29. “Dalia Gutierrez,” knowing of Tyson’s noncompliance with the verification requirement and its Willful Blindness Policy, presented her stolen documents to Tyson. Tyson employed her in 2001 after she had “passed” the Basic Pilot program.

30. Thus, pursuant to the Willful Blindness Policy, Tyson’s Human Resources manager ignored her inability to speak English and falsely “verified” under oath that her documents “related” to her.

31. Subsequently, Tyson learned from other employees at the facility that “Dalia Gutierrez” was an illegal immigrant. She was “investigated” (pursuant to the company’s “protocol” for these inquiries) and “passed” by simply producing another stolen document, a copy of the real Dalia Gutierrez’s birth certificate, issued by Starr County, Texas. As indicated, the real Dalia Gutierrez resides in Texas. The fake “Dalia Gutierrez,” employed by Tyson, had been illegally using her social security number since her employment in 2001. Accordingly, Tyson’s identity “investigation” was a farce designed not to obtain the truth, but to continue to obscure what it did not want to know, *i.e.*, that its employee is an illegal immigrant. “Dalia Gutierrez” remains employed by Tyson.

32. The real Dalia Gutierrez has received bills from a hospital in Corydon, Indiana, where the illegal Tyson worker sought treatment with her stolen social security number.

33. Tyson has hired hundreds of “Dalia Gutierrez” workers at each of the facilities each year since 1996 in the same manner. In every case, Tyson hiring personnel knew that the workers were unauthorized for employment. However, Tyson hiring personnel employed the workers, pursuant to the Illegal Immigrant Hiring Scheme, established by the individual defendants.

IV. TYSON HARBORS ILLEGAL IMMIGRANTS

34. Numerous Tyson facilities have been raided and/or investigated by federal immigration authorities. Rumors of raids are common. When such rumors spread, Tyson

supervisors tip off known illegal immigrants and recommend they leave the plant. This is harboring.

35. Tyson rents trailers and other cheap housing units for its illegal workers, typically through front companies. It uses fronts because many landlords refuse to rent housing to Tyson, knowing it will be used to harbor illegal immigrants. This is particularly prevalent in the area of northern Alabama known as “Little Tijuana,” where the facilities in that state are located. This is another widespread method of harboring illegal immigrants.

V. THE RACKETEERING ACTS

A. “Knowingly Hiring” Illegal Immigrants

36. In order to perpetrate the Illegal Immigrant Hiring Scheme, Tyson has knowingly hired more than 10 unauthorized, illegal immigrants each year, since the enactment of 8 U.S.C. § 1324(a)(3)(A), in 1996, at each of the facilities. (Tyson may have acquired a few of the facilities after 1996. With respect to those facilities, Plaintiffs allege Tyson began knowingly violating this section as soon as it acquired these facilities.)

B. “Harboring” Illegal Immigrants

37. Plaintiffs also allege that Tyson has violated 8 U.S.C. § 1324(a)(1)(A)(iii) by “harboring” unauthorized, illegal immigrants with knowledge or reckless disregard that each entered the U.S. illegally. Tyson’s employment of each illegal immigrant constitutes “harboring.” Moreover, as indicated, Tyson has shielded illegal immigrants from detection by federal immigration officials by warning them of possible raids and providing them with housing. Each of these acts constitutes “harboring.”

38. These two federal crimes are provisions of § 274 of the Immigration and Nationality Act and are made predicate offenses by § 1961(1)(F) of RICO.

VI. THE RICO ENTERPRISES

A. The Temporary Employment Services Enterprises

39. Tyson formed ongoing associations with temporary employment services for the purpose of supplying hourly paid workers to each of the facilities. These workers were both legal and illegal (though mostly illegal). They operated under written contracts with Tyson which provided that the services would insure that the workers were authorized for employment under IRCA. However, pursuant to the Illegal Immigrant Hiring Scheme, Tyson knew this promise would not be kept and that most of the workers hired would be illegal. The illegality of most of the workers was made apparent to Tyson when its senior management personnel reviewed the I-9 forms and saw they were improperly completed. Additionally, illegal workers made admissions to Tyson supervisors indicating they were unauthorized for employment. At all relevant times, Tyson management knew the workers supplied by the temporary employment services were driving down wages at the facilities below the level Tyson was able to depress them on its own.

40. These relationships with the temporary employment services were in existence for extended periods of time, typically from 1998-2001, and resulted in the placement of at least 100 workers at each facility per year. (Plaintiffs are unable to be more specific because Tyson has refused to produce the relevant I-9 forms. Additionally, Plaintiffs have sought an order from this Court to release these documents, which were produced by the services to the grand jury which indicted Tyson for employing illegal immigrants in 2001. The Court has not yet ruled on Plaintiffs' Motion.)

41. At all relevant times, the temporary employment services maintained their own legitimate business operations in their respective states. They were not Tyson's agents. Tyson paid each a fee for each worker supplied to the company. The temporary employment services and Tyson maintained close relationships during the relevant period including regular contact and supervision by Tyson. In some cases, the services opened hiring offices inside Tyson's plants to facilitate the hiring process. Tyson did not charge them rent for the office space.

42. Tyson reviewed the I-9 forms completed by the temporary employment services: Tandem Staffing Solutions, Inc., Ready Staffing, Inc. and Outsource International (which supplied workers to the Corydon, IN facility); Labor Pro Temporary Services and USA Staffing, Inc. (which supplied workers to the Glen Allen, VA facility); Oxford Enterprises, Inc. and InStaff Personnel (which supplied workers to the Ashland, AL facility); Kavanaugh Group Temporary and Snelling Personnel Service (which supplied workers to the Center, Texas facility); Tandem Staffing and Outsource International (which supplied workers to the Sedalia, MO facility); and Randstad LTD. (which supplied workers to the Shelbyville, TN facility). Additionally, pursuant to the Willful Blindness Policy, Tyson HR management at each facility knew that most of the workers placed by the services spoke no English and were therefore likely to be unauthorized for employment. Tyson management acquiesced in this illegal hiring.

43. Accordingly, Plaintiffs allege that each of the temporary employment services named in the previous paragraph formed an association-in-fact RICO enterprise, pursuant to § 1961(4), with Tyson for the purpose of recruiting workers for Tyson. Tyson participated in the affairs of each of these association-in-fact enterprises by paying each service fees for what it knew to be a pool of primarily illegal immigrant labor. Despite language to the contrary in the written contracts, which Tyson used in order to distance itself from the illegal hiring, Tyson was the employer of the workers they recruited. Tyson controlled every aspect of their work, and in reality, paid their wages. Tyson also paid each service a fee for its services in procuring low-wage, mostly illegal immigrants.

44. Each of these association-in-fact RICO enterprises affected interstate commerce. Tyson participated in the affairs of each enterprise through a pattern of racketeering activity, knowingly employing and harboring more than 10 illegal immigrants per year. Thus, Tyson is a RICO “person” pursuant to § 1961(3).

45. Plaintiffs were proximately damaged as a direct result of the pattern of racketeering activity perpetrated by Tyson through each of these association-in-fact enterprises

because this pattern of racketeering activity caused the wages paid by Tyson to them to be depressed below what they would have been in a labor market consisting only of legal workers.

B. The Tyson Enterprise

46. The individual defendants have entered into a conspiracy, as detailed above, to carry out the Illegal Immigrant Hiring Scheme. Additionally, each member of the conspiracy has personally agreed to, and has furthered, the conspiracy in some important way on an ongoing basis. Defendants John Tyson and Lee have approved the Willful Blindness Policy and keep it in place. Defendants Percival, Kimbro and Lee set compensation levels for hourly paid workers at the facilities which they know are too low to attract sufficient numbers of legal workers to staff the facilities. Defendants John Tyson, Lee, and Kimbro approve of, and participate in, the association with the temporary employment services and the Hispanic groups (Tyson's relationships with these groups are detailed, *infra*). Defendant Schaffer oversees the day-to-day relationships with the Hispanic groups and approves the payments to them. Defendant Wilt carries out the Willful Blindness Policy at her facility and rents housing to illegal immigrants. Defendant McCoy enforces the Willful Blindness Policy at several facilities, reviews I-9 forms which are improperly completed, and then takes no action, thereby ratifying the pattern and practice of I-9 subversion described above. He also recommended, to a meeting of 200 Tyson Human Resources managers, that they hire illegal workers to depress wages and labor costs.

47. Each of these individual defendants is a person pursuant to § 1961(3). Each of the individual defendants has personally agreed to the objective of carrying out the Illegal Immigrant Hiring Scheme and that the Scheme would be perpetrated by the members of the conspiracy. In addition, each co-conspirator knew that the Scheme would entail a pattern of racketeering activity, the ongoing employment of thousands of illegal immigrants, as described above. Additionally, each member of the conspiracy agreed that the conspiracy would be undertaken by participating in Tyson's employment practices and policies. Each co-conspirator is in Tyson's management or participating indirectly in the company's management.

48. All of the conspirators agreed that the Illegal Immigrant Hiring Scheme would be conducted through Tyson, which is an enterprise, pursuant to § 1961(4), affecting interstate commerce. Finally, all of the conspirators agreed to the conspiracy to enrich themselves by enriching Tyson at the expense of Plaintiffs, whose wages they were depressing.

C. The Hispanic Groups Association-in-Fact Enterprise

49. After being indicted for employing illegal immigrants in 2001, Tyson faced a crisis in its relations with the Hispanic community, which correctly perceived Tyson was exploiting its Hispanic workers in various ways including the purchase of aliens smuggled to the U.S. from Mexico and Guatemala for work at its facilities and through the use of temporary employment services. Fearful of a Hispanic-led boycott of its products and a recommendation to its membership not to work for Tyson, the company began an aggressive campaign to placate two major Hispanic groups, League of United Latin American Citizens (“LULAC”) and National Council of La Raza (“NCLR”).

50. Tyson formed long-term partnerships with these groups. Pursuant to the partnerships, Tyson gives them significant sums of money, conducts regular meetings with their leadership and cooperates in areas of common interest.

51. Defendant Schaffer disburses the money to the groups on a periodic basis. He has also directed Tyson managers at the plants to make donations to the groups’ local chapters, which they do.

52. The common purposes and goals the groups and Tyson jointly advance are both legitimate and illegitimate. The legitimate purposes are advancing the education and welfare of the Hispanic community in general, and more particularly in the communities where Tyson has processing plants.

53. However, the partnerships with the groups also advance a crucial and illegitimate objective: carrying out the Willful Blindness Policy without the use of alien smuggling or temporary employment services, as requested by the groups. Tyson acceded to these requests.

Additionally, Tyson has made other adjustments to the Willful Blindness Policy at the behest of the groups.

54. Tyson's partnerships with these groups have been extremely close for the last three years and are ongoing. Meetings have included defendants John Tyson, Kimbro, Schaffer, and Lee. Tyson has hired a full-time liaison, Ana Hart, to maintain and promote the partnerships. She is engaged in daily contact with the leadership of the groups and some of their chapters, particularly the chapters in Northwest Arkansas. Tyson has directed at least three of its employees, including Ms. Hart, to speak for the company, representing its views, in their capacity as chapter members of one of the LULAC chapters.

55. Thus, Tyson, LULAC and NCLR have formed an association-in-fact RICO enterprise pursuant to § 1961(4) in 2001 which has been in continuous existence ever since. This enterprise affects interstate commerce.

56. Tyson participates in the affairs of this enterprise in numerous ways, as described. Most significantly, Plaintiffs allege it participates by carrying out the Willful Blindness Policy, which is essential to the Illegal Immigrant Hiring Scheme, in the way LULAC and NCLR prefer. Thus, the association-in-fact enterprise is responsible for the manner in which the Illegal Immigrant Hiring Scheme has been executed since 2001. (However, the groups are not defendants.)

VII. THE DEFENDANTS HAVE CONSPIRED TO VIOLATE RICO

A. The Individual Defendants

57. The individual defendants, John Tyson, Richard Bond, Kenneth Kimbro, Karen Percival, Tim McCoy, and Ahrazue Wilt have violated § 1962(d) of RICO by conspiring to violate § 1962(c) of RICO. Their agreement, as detailed, was and is, to execute the Illegal Immigrant Hiring Scheme. They have all knowingly and willfully entered this conspiracy, agreeing that members of the conspiracy, which also include unnamed individuals conducting hiring at the Tyson facilities, would, pursuant to the policies they had established, hire hundreds

of illegal immigrants as hourly-paid workers for the purpose of depressing wages. Each co-conspirator also agreed that the RICO predicate acts constituting the Illegal Immigrant Hiring Scheme, detailed above, would be committed through Tyson Foods, Inc., a RICO enterprise. As indicated, this racketeering activity is open, ongoing and will not stop without judicial intervention.

58. Each co-conspirator is jointly and severally liable for all of the damages to the Plaintiffs and the amount of money their wages were depressed during the entire class period, which began in 1998 and continues through trial.

B. Tyson Foods, Inc.

59. Tyson Foods, Inc., in addition to being the enterprise for the individual defendants detailed above, is also a RICO defendant. It has violated § 1962(c) of RICO by committing a pattern of racketeering activity, the Illegal Immigrant Hiring Scheme, through the temporary employment service association-in-fact enterprises and the Hispanic groups association-in-fact enterprise (Tyson, LULAC and NCLR). As indicated, this racketeering activity is open, ongoing, and will not stop without judicial intervention.

VIII. THE PLAINTIFFS HAVE ALL BEEN DAMAGED BY THE DEFENDANTS THROUGH THE VARIOUS RICO ENTERPRISES

60. As stated, Plaintiffs have been proximately damaged by all the defendants (Tyson and the individual co-conspirator defendants) through the various RICO enterprises by the depression of their wages as a result of the Illegal Immigrant Hiring Scheme. At all relevant times the hourly wages earned by Plaintiffs were depressed below what they would have been had Tyson and the individual defendants not been executing the Illegal Immigrant Hiring Scheme.

IX. PRAYER FOR RELIEF

61. Plaintiffs demand judgment and other relief as follows:

- a. Certification of the Class pursuant to FED. R. CIV. P. 23(b)(3);

- b. Judgment in an amount equal to three times the damage caused the putative Class by Tyson's racketeering activity, the Illegal Immigrant Hiring Scheme, pursuant to 18 U.S.C. § 1964(c) against the defendants: Tyson Foods, Inc. and the co-conspirator individual defendants named above;
- c. Preliminary and permanent injunctions enjoining Tyson from any further racketeering activity or any further association with the individual defendants; ordering the individual defendants to divest themselves of any stock and other interests they have in Tyson Foods, Inc. and barring them from any further involvement in the poultry industry;
- d. Appropriate attorneys' fees, pursuant to 18 U.S.C. § 1964;
- e. Trial by jury, pursuant to FED. R. CIV. P. 38; and
- f. For any other relief the Court deems just and proper.

DATED: June 24, 2005

Respectfully submitted,
BIRDA TROLLINGER, *et al.*, Plaintiffs

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CERTIFICATE OF SERVICE

I hereby certify that on June 24, 2005, a copy of the foregoing, Second Amended Complaint, was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

s/Howard Foster

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