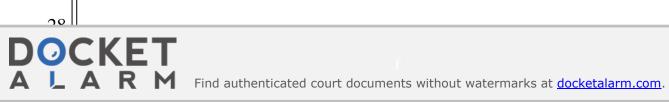
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10	UNITED STATE	S DISTRICT COURT
11	FOR THE EASTERN D	DISTRICT OF CALIFORNIA
12	RAFAEL MARQUEZ AMARO;	CASE NO.
13	JAVIER BARRERA, on behalf of	CASE NO.
14	themselves and others similarly	CLASS ACTION COMPLAINT FOR
15	situated,	Violation of Migrant and Seasonal
16	Plaintiffs,	Agricultural Worker Protection Act
17	V.	2. Violation of Cal. Lab. Code §§ 510,
18	BEE SWEET CITRUS, INC.; and	1194, and 1199 for Unpaid Wages and Overtime
19	DOES 1-10, inclusive	3. Failure to Compensate for Rest
	Defendants.	Periods under Cal. Lab. Code § 226.7
20	2 01011001110	4. Failure to Reimburse Business
21		Expenses for Tools and Equipment
22		Under Cal. Lab. Code § 2802
23		<ul><li>5. Violation of Lab. Code § 226</li><li>6. Waiting Time Penalties Under Cal.</li></ul>
24		Lab. Code § 203
25		7. Violation of Cal. Business &
26		Professions Code § 17200 <i>et seq</i> .  8. Penalties Pursuant to Cal. Labor
27		8. Penalties Pursuant to Cal. Labor Code § 2699, et seq. ("PAGA")
•		



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Plaintiffs Rafael Marquez Amaro and Javier Barrera ("Plaintiffs"), on behalf of themselves and all others similarly situated, and Plaintiff Marquez on behalf of the people of the State of California and as an "aggrieved employee" under the California Labor Code Private Attorneys General Act of 2004, ("PAGA"), hereby demand a trial by jury and allege on information and belief, except for their own acts and knowledge, against Defendants BEE SWEET CITRUS, INC., and DOES 1-10 ("Defendants") the following:

I.

### **INTRODUCTION**

- 1. This is a class action by current and former employees of BEE SWEET CITRUS, INC. for recovery of unpaid wages and penalties, failure to provide paid rest breaks, failure to keep accurate records, failure to record and pay for travel and post-shift work, failure to reimburse expenses, damages under the Migrant and Seasonal Agricultural Worker Protection Act ("AWPA"), 29 U.S.C. § 1801 *et seq.* for the foregoing violations, for injunctive and declaratory relief, and for attorneys' fees and costs.
- 2. The relevant liability period is four (4) years prior to the filing of this action to the present ("the relevant period").
- 3. Defendant BEE SWEET CITRUS, INC. is a produce company within the citrus fruits industry specializing in growing citrus commodities such as lemons, grapefruit, and oranges, among other citrus commodities, and providing packing and shipping services nationwide.
- 4. The cultivation and harvesting take place on land located primarily in or near Fresno County, Madera County, and Tulare County, California.
- 5. The named Plaintiffs and the Proposed Class members are "seasonal agricultural workers" within the meaning of the AWPA, 29 U.S.C. § 1802(10), who have worked in Defendants' fields for Defendants, either directly or through various

6. On behalf of themselves and the Proposed Class, Plaintiffs complain that Defendants have required their agricultural workers to perform unpaid and/or undercompensated work, in violation of federal and state wage and hour laws. Plaintiffs also complain that Defendants have committed other violations of applicable law, including failing to pay minimum wages, failing to appropriately provide or compensate for mandated rest periods, failing to pay its agricultural workers the wages due at the agreed-upon wage rate for work performed and/or fruit harvested under the workers' piece rate, failing to pay workers for post-shift work, failing to pay for travel time, and failing to reimburse for tools and equipment.

II.

## **JURISDICTION AND VENUE**

- 5. The Court has jurisdiction over Plaintiffs' federal claims pursuant to 28 U.S.C. §1331 (federal question) and 29 U.S.C. §1854. The Court has supplemental jurisdiction over Plaintiffs' state law claims pursuant to 28 U.S.C. §1367.
- 6. Venue is proper in this district pursuant to 28 U.S.C. §1891(d) because the actions at issue took place in this district.

III.

## INTRADISTRICT ASSIGNMENT

7. This case is properly assigned to the Fresno Division of this Court because the actions arose in or near Madera, California and Tulare, California and Defendants' headquarters is located in Fresno, California. (See Local Rule 3-120(d).)

IV.

### **PARTIES**

8. Plaintiffs Rafael Marquez Amaro and Javier Barrera are residents of Fresno County, California. Plaintiffs are or were seasonal agricultural workers, within the meaning of 29 U.S.C. §1802(10), and are or were employed by



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agricultural fields, that is, on land owned, leased, managed and/or operated, harvested or otherwise made productive by Defendants in or near Fresno, Madera and Tulare counties in California at various times during the relevant period.

- 9. Plaintiff Rafael Marquez Amaro ("Plaintiff Marquez") is, has been, or was a non-exempt agricultural employee of Defendants. At all relevant times herein, Plaintiff Rafael Marquez Amaro is, has been or was employed by Defendants as a harvest worker in Defendants' fields in or near Fresno, Tulare, and Madera County, California.
- 10. Plaintiff Javier Barrera ("Plaintiff Barrera") is, has been, or was a non-exempt agricultural employee of Defendants. At all relevant times herein, Plaintiff Javier Barrera is, has been or was employed by Defendants as a harvest worker in Defendants' fields in or near Madera County, California.
- 11. Defendant BEE SWEET CITRUS, INC. is a California Corporation that maintains its executive office in Fowler, California in Fresno County. The corporate address is believed to be 416 E South Ave, Fowler, California, 93625.
- 12. Defendants employ harvest workers, such as Plaintiffs, and other employees to work in Defendants' agricultural fields in or near Fresno, Madera and Tulare counties in California.
- 13. BEE SWEET CITRUS, INC. is an "agricultural association" and an "agricultural employer" within the meaning of 29 U.S.C. §1802(1)-(2).
- 14. Defendants issue or caused to be issued, or employ Farm Labor Contractors that issue, during the relevant period issues, payroll checks or payment to Plaintiffs and all other persons similarly situated for agricultural work performed for BEE SWEET CITRUS, INC. Defendant BEE SWEET CITRUS, INC. employed and/or retained, during the relevant time period, Farm Labor Contractors for provision of agricultural labor, including but not limited to Soto Farm Labor Contractor, Eduardo Soto FLC, FLC-RB, and A.G.R. Contracting, Inc. Pursuant to

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