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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

RAFAEL MARQUEZ AMARO;
JAVIER BARRERA, on behalf of
themselves and others similarly
situated,

Plaintiffs,

v.

BEE SWEET CITRUS, INC.; and
DOES 1-10, inclusive

Defendants.

CASE NO.

CLASS ACTION COMPLAINT FOR:

1. Violation of Migrant and Seasonal Agricultural Worker Protection Act
2. Violation of Cal. Lab. Code §§ 510, 1194, and 1199 for Unpaid Wages and Overtime
3. Failure to Compensate for Rest Periods under Cal. Lab. Code § 226.7
4. Failure to Reimburse Business Expenses for Tools and Equipment Under Cal. Lab. Code § 2802
5. Violation of Lab. Code § 226
6. Waiting Time Penalties Under Cal. Lab. Code § 203
7. Violation of Cal. Business & Professions Code § 17200 *et seq.*
8. Penalties Pursuant to Cal. Labor Code § 2699, *et seq.* (“PAGA”)

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

8 I.

9 **INTRODUCTION**

10 1. This is a class action by current and former employees of BEE SWEET
11 CITRUS, INC. for recovery of unpaid wages and penalties, failure to provide paid
12 rest breaks, failure to keep accurate records, failure to record and pay for travel and
13 post-shift work, failure to reimburse expenses, damages under the Migrant and
14 Seasonal Agricultural Worker Protection Act (“AWPA”), 29 U.S.C. § 1801 *et seq.*
15 for the foregoing violations, for injunctive and declaratory relief, and for attorneys’
16 fees and costs.

17 2. The relevant liability period is four (4) years prior to the filing of this
18 action to the present (“the relevant period”).

19 3. Defendant BEE SWEET CITRUS, INC. is a produce company within
20 the citrus fruits industry specializing in growing citrus commodities such as lemons,
21 grapefruit, and oranges, among other citrus commodities, and providing packing and
22 shipping services nationwide.

23 4. The cultivation and harvesting take place on land located primarily in
24 or near Fresno County, Madera County, and Tulare County, California.

25 5. The named Plaintiffs and the Proposed Class members are “seasonal
26 agricultural workers” within the meaning of the AWPA, 29 U.S.C. § 1802(10), who
27 have worked in Defendants’ fields for Defendants, either directly or through various
28 Farm Labor Contractors.

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.

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

4 9. Plaintiff Rafael Marquez Amaro (“Plaintiff Marquez”) is, has been, or
5 was a non-exempt agricultural employee of Defendants. At all relevant times herein,
6 Plaintiff Rafael Marquez Amaro is, has been or was employed by Defendants as a
7 harvest worker in Defendants’ fields in or near Fresno, Tulare, and Madera County,
8 California.

9 10. Plaintiff Javier Barrera (“Plaintiff Barrera”) is, has been, or was a non-
10 exempt agricultural employee of Defendants. At all relevant times herein, Plaintiff
11 Javier Barrera is, has been or was employed by Defendants as a harvest worker in
12 Defendants’ fields in or near Madera County, California.

13 11. Defendant BEE SWEET CITRUS, INC. is a California Corporation
14 that maintains its executive office in Fowler, California in Fresno County. The
15 corporate address is believed to be 416 E South Ave, Fowler, California, 93625.

16 12. Defendants employ harvest workers, such as Plaintiffs, and other
17 employees to work in Defendants’ agricultural fields in or near Fresno, Madera and
18 Tulare counties in California.

19 13. BEE SWEET CITRUS, INC. is an “agricultural association” and an
20 “agricultural employer” within the meaning of 29 U.S.C. §1802(1)-(2).

21 14. Defendants issue or caused to be issued, or employ Farm Labor
22 Contractors that issue, during the relevant period issues, payroll checks or payment
23 to Plaintiffs and all other persons similarly situated for agricultural work performed
24 for BEE SWEET CITRUS, INC. Defendant BEE SWEET CITRUS, INC. employed
25 and/or retained, during the relevant time period, Farm Labor Contractors for
26 provision of agricultural labor, including but not limited to Soto Farm Labor
27 Contractor, Eduardo Soto FLC, FLC-RB, and A.G.R. Contracting, Inc. Pursuant to
28 California Law, including but not limited to California Labor Code section 2810.2



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