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

12 RAFAEL MARQUEZ AMARO;  
13 JAVIER BARRERA, on behalf of  
14 themselves and others similarly  
15 situated,

16 Plaintiffs,

17 v.

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

20 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

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

10   **II.**

11                                   **JURISDICTION AND VENUE**

12           5.       The Court has jurisdiction over Plaintiffs' federal claims pursuant to 28  
13 U.S.C. §1331 (federal question) and 29 U.S.C. §1854. The Court has supplemental  
14 jurisdiction over Plaintiffs' state law claims pursuant to 28 U.S.C. §1367.

15           6.       Venue is proper in this district pursuant to 28 U.S.C. §1891(d) because  
16 the actions at issue took place in this district.

17   **III.**

18                                   **INTRADISTRICT ASSIGNMENT**

19           7.       This case is properly assigned to the Fresno Division of this Court  
20 because the actions arose in or near Madera, California and Tulare, California and  
21 Defendants' headquarters is located in Fresno, California. (See Local Rule 3-  
22 120(d).)

23   **IV.**

24                                   **PARTIES**

25           8.       Plaintiffs Rafael Marquez Amaro and Javier Barrera are residents of  
26 Fresno County, California. Plaintiffs are or were seasonal agricultural workers,  
27 within the meaning of 29 U.S.C. §1802(10), and are or were employed by  
28 Defendants within the meaning of 29 U.S.C. §1802(2) to work in Defendants'

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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