

**U.S. DISTRICT COURT FOR THE  
CENTRAL DISTRICT OF ILLINOIS  
SPRINGFIELD DIVISION**

|                                     |   |               |
|-------------------------------------|---|---------------|
| Hada Garcia;                        | ) |               |
| Lidianelly Carreon Garcia;          | ) |               |
| David Carreon Vazquez;              | ) |               |
| Mario H. Gonzalez;                  | ) |               |
| Ramon Hernandez Jr.;                | ) |               |
| Alberto Montalvo Sr.;               | ) |               |
| Alberto Montalvo Jr.;               | ) |               |
| Consuelo Diana Perez,               | ) | Case No.      |
| individually and as next friend of  | ) |               |
| A.P.;                               | ) | JURY DEMANDED |
| Adrian Perez;                       | ) |               |
| Liliana Rodriguez,                  | ) |               |
| individually and as next friend of  | ) |               |
| E.R.;                               | ) |               |
| Patricia Rodriguez;                 | ) |               |
| Diane Acuna, as next friend of      | ) |               |
| V.A.;                               | ) |               |
| Vanessa Guzman;                     | ) |               |
| Gilbert Sanchez Jr.;                | ) |               |
| Luis Alonzo Sifuentes;              | ) |               |
| Miguel Sifuentes;                   | ) |               |
| Ediel Tanguma Trevino;              | ) |               |
| Judith Valdez,                      | ) |               |
| individually and as next friend of  | ) |               |
| S.V.,                               | ) |               |
| Jesus Javier Zuniga Silva &         | ) |               |
| Yadira Zuniga,                      | ) |               |
| individually and as next friends of | ) |               |
| Ja.Z. and                           | ) |               |
| J.J.Z.;                             | ) |               |
| Jose E. Zuniga;                     | ) |               |
| Jennifer Zuniga,                    | ) |               |
| individually and as next friend of  | ) |               |
| Ad.H., Al.H., & An.H.;              | ) |               |
| Maria Abigail Zuniga,               | ) |               |
| individually and as next friend of  | ) |               |
| L.C. & Y.C.;                        | ) |               |
|                                     | ) |               |
| Plaintiffs.                         | ) |               |
|                                     | ) |               |

v. )  
 )  
 Pioneer Hi-Bred International, Inc.; )  
 Corteva, Inc.; )  
 Unknown Pesticide Applicator #1; )  
 Farm Air, Inc.; and )  
 Curless Flying Service, Inc.; )  
 )  
 Defendants. )

## COMPLAINT

### INTRODUCTORY STATEMENT

1. In the summer of 2019, Defendants Pioneer Hi-Bred International, Inc. and Corteva, Inc. (collectively, “PHI”) brought dozens of migrant workers from the Texas Rio Grande Valley to work detasseling corn in Illinois fields. In two separate incidents that summer, Defendants Unknown Pesticide Applicator #1, Farm Air Inc., and Curless Flying Service, Inc. (collectively, “Pesticide Applicators”) sprayed the Plaintiff workers (the “Workers”) with toxic pesticides as they worked, even though the Workers were plainly visible. After each incident, Defendant PHI (1) failed to provide adequate decontamination measures to the Workers to mitigate the toxicity, and (2) failed to provide truthful information and necessary medical attention to the injured Workers. Moreover, after the second incident, Defendant PHI (1) immediately ordered Workers to return to work in the field, despite the still-ambient pesticides, where Defendants Farm Air, Inc. and Curless Flying Service, Inc. (collectively, the “Curless Defendants”) then sprayed the Workers a second time; and then (2) lied to the Workers about what had occurred, claiming the spray had been smoke, and refusing to provide known information about the

pesticides involved.

2. Moreover, Defendant PHI violated numerous other worker protections secured under the Migrant and Seasonal Agricultural Worker Protection Act (“AWPA”), 29 U.S.C. §§ 1801-1872, the Fair Labor Standards Act (“FLSA”), 29 U.S.C. §§ 201-219, and similar state laws.

3. On August 5, 2019, the Curless Defendants intentionally, with callous and reckless indifference, and otherwise tortiously, sprayed the Workers, who were plainly visible in bright neon protective clothing.

4. Plaintiffs are the Workers and their non-worker family members (the “Children”) who were harmed by pesticide exposure and other violations of law. They seek redress from Defendants jointly and severally, in the form of their actual damages, including medical expenses and compensation for emotional distress; punitive damages commensurate with the egregious nature of the Defendants’ conduct; all liquidated damages available to them under the AWPA and the FLSA; and attorneys’ fees and reasonable costs.

### **JURISDICTION**

5. This Court has jurisdiction over the Workers’ and the Children’s claims arising under the AWPA and the FLSA under 28 U.S.C. § 1331 (conferring jurisdiction over civil actions arising under laws of the United States).

6. This Court also has jurisdiction over the Workers’ and the Children’s claims under 28 U.S.C. § 1332(a), based on the following facts establishing complete diversity of citizenship and satisfaction of the amount-in-controversy requirement:

- a. The Workers and Children are all citizens of Texas;
- b. Defendant Pioneer Hi-Bred International, Inc. is incorporated in Iowa, where it maintains its principal place of business;
- c. Defendant Corteva, Inc. is incorporated in Delaware, where it maintains its principal place of business;
- d. Defendant Farm Air, Inc. is incorporated in Illinois, where it maintains its principal place of business;
- e. Defendant Curless Flying Service, Inc. is incorporated in Illinois, where it maintains its principal place of business;
- f. The amount in controversy for each Worker and Child exceeds \$75,000.

7. This Court has supplemental jurisdiction over the Workers' and Children's state law claims under 28 U.S.C. § 1367, in that the claims are so related to the claims in the action with such original jurisdiction that they form part of the same case or controversy under Article III of the U.S. Constitution.

8. This Court is the appropriate venue under 28 U.S.C. § 1391(b), in that the Defendants are subject to personal jurisdiction in this District, and a substantial part of the events or omissions giving rise to the claims in this Complaint occurred in this District.

9. This action is brought in the Springfield Division, because the events giving rise to the claims occurred in DeWitt County. *See* CDIL-LR 40.1(B), (F).

## **PARTIES**

### **Plaintiffs**

10. In the spring and early summer of 2019, husband and wife farm labor contractors Fidencio Salinas (“FLC Fidencio”) and Arminda Salinas (“FLC Arminda”) (collectively, the “Salinases”), working on behalf of Defendant PHI in Texas, recruited the Workers identified below to perform roguing (weeding out inferior plants) and detasseling (removing corn tassels to prevent self-pollination) in Illinois that summer; arranged for their hire, accommodations, and other logistical details; and subsequently assisted PHI with supervising them in the fields.

11. Plaintiff Hada Garcia is 41 years old and lives with her children, Plaintiff Lidianelly Carreon Garcia and Plaintiff David Carreon Vazquez, in Rio Grande City, Texas.

12. Plaintiff Lidianelly Carreon Garcia is 21 years old and lives with her mother, Hada, and her brother, David, in Rio Grande City, Texas.

13. Plaintiff David Carreon Vazquez is 18 years old and lives with his mother, Hada, and his sister, Lidianelly, in Rio Grande City, Texas.

14. Plaintiff Mario H. Gonzalez is 59 years old and lives in Mission, Texas.

15. Plaintiff Ramon Hernandez Jr., is 56 years old and lives in Garciasville, Texas.

16. Plaintiff Alberto Montalvo Sr. is 39 years old and lives with his son, Plaintiff Alberto Montalvo Jr., in Rio Grande City, Texas.

17. Plaintiff Alberto Montalvo Jr. is 18 years old and lives in Rio Grande City, Texas, with his father, Alberto Sr.

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