

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BENJAMIN LOPEZ, OSCAR CARLOS	§	
LOPEZ RAMIREZ, and RAMONA REYES	§	
SAUCEDO,	§	CLASS ACTION
Plaintiffs,	§	COMPLAINT
v.	§	Civil Action
	§	No: 1:22-CV-00484
MASTRONARDI PRODUCE-USA, INC., and	§	
MAROA FARMS, INC.,	§	JURY TRIAL DEMANDED
Defendants.		

PLAINTIFFS' ORIGINAL CLASS ACTION COMPLAINT

1. Plaintiffs Benjamin Lopez, Oscar Carlos Lopez Ramirez, and Ramona Reyes Saucedo bring this class action on behalf of themselves and other similarly situated migrant and seasonal farmworkers who worked for Maroa Farms, Inc. ("Maroa Farms"), and Mastronardi Produce-USA, Inc. ("Mastronardi") (collectively "Defendants") in Defendants' greenhouses located in Coldwater, Michigan.

2. Beginning in 2020, Defendants violated multiple provisions of the Migrant and Seasonal Agricultural Worker Protection Act ("AWPA"), 29 U.S.C. §§ 1801-1872, and state common law by mishandling and failing to protect Plaintiffs and putative class members from the pesticides being used in Defendants' greenhouses in violation of the Worker Protection Standard ("WPS"); violating Michigan Occupational Safety and Health Agency ("MIOSHA") standards; and using a false and misleading bonus structure that caused Plaintiffs and class members to work faster and harder without being justly compensated. Plaintiff Ramona Saucedo Reyes also asserts an individual cause of action for Defendants' failure to pay overtime wages under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201 *et seq.*, and Improved Workforce Opportunity Wage

Act (IWOWA), Mich. Comp. Laws § 408.931 *et seq.*, while she was employed in non-agricultural work in Defendants’ sanitation department.

3. Plaintiffs and their similarly situated class members seek redress from Defendants jointly and severally for Defendants’ violations of law, in the form of statutory or actual damages under the AWP, actual damages for Defendants’ contract violation, and actual and liquidated damages plus reasonable attorneys’ fees and costs for Defendants’ violations of the FLSA and IWOWA.

JURISDICTION AND VENUE

4. The Court has original subject matter jurisdiction over the instant action pursuant to 28 U.S.C. § 1331 (federal question), the Migrant and Seasonal Agricultural Worker Protection Act (“AWPA”), 29 U.S.C. § 1854(a) *et seq.*, and the Fair Labor Standards Act (29 U.S.C. § 201 *et seq.*), 29 U.S.C. § 216(b).

5. Pursuant to 28 U.S.C. § 1367(a), this Court has supplemental jurisdiction over the Michigan state law claims asserted by Plaintiffs, on behalf of themselves and others similarly situated, as these claims are so related to the federal claims that they form part of the same case or controversy.

6. Venue is proper in this Court under 28 U.S.C. § 1391(b)(1) and (2) as this is the judicial district where Defendants reside and in which a substantial part of the events or omissions giving rise to the claim occurred.

PARTIES

Named Migrant Worker Plaintiffs

7. Plaintiff Benjamin Lopez (“Plaintiff Lopez” or “Mr. Lopez”) is a migrant farmworker who currently resides in Georgia.

8. At all times relevant to this Complaint, Plaintiff Lopez was a migrant agricultural worker pursuant to the AWP 29 U.S.C. § 1802 (8) and 29 C.F.R. § 500.20(p).

9. In 2020, while in North Carolina, Plaintiff Lopez was recruited to work for Defendants at their Coldwater greenhouse facility by Defendants, through Defendants' farm labor contractor Martinez & Sons Labor Contractors, LLC (hereinafter "Martinez & Sons").

10. Plaintiff Lopez worked for Defendants at their Coldwater greenhouse facility as a greenhouse worker for one season, from approximately the end of August 2020 to February 2021, where he primarily worked performing hand labor on tomato plants, including de-leafing and picking, and sanitizing equipment used for cultivation.

11. While working for Defendants in Coldwater, MI, Plaintiff Lopez maintained a permanent place of residence in Mexico.

12. Defendants housed Plaintiff Lopez at the migrant housing facility owned and operated by Defendant Maroa Farms located at 270 N. Fillmore, Coldwater, Michigan 49036.

13. Plaintiff Oscar Carlos Lopez Ramirez ("Plaintiff Lopez Ramirez" or "Mr. Lopez Ramirez") is a migrant farmworker who currently resides in Mexico.

14. At all times relevant to this Complaint, Plaintiff Ramirez Lopez was a migrant agricultural worker pursuant to the AWP 29 U.S.C. § 1802 (8) and 29 C.F.R. § 500.20(p).

15. In 2019 and 2020 Plaintiff Lopez Ramirez was recruited to work for Defendants at their Coldwater greenhouse facility by Defendants' farm labor contractor Martinez & Sons.

16. Plaintiff Lopez Ramirez worked for Defendants at their Coldwater greenhouse facility as a greenhouse worker for two seasons, from approximately November 2019 to June 2020 and from approximately September 2020 to June 2021, where he primarily worked

performing hand labor on tomatoes, strawberries, and cucumbers, including de-leafing and harvesting and was engaged in sanitization of equipment used for cultivation.

17. While working for Defendants in Coldwater, MI, Plaintiff Lopez Ramirez maintained a permanent place of residence in Florida.

18. Defendants did not provide Plaintiff Lopez Ramirez or his family members housing at the migrant housing facility owned and operated by Defendant Maroa Farms in Coldwater, Michigan.

19. At all times relevant to this action, Plaintiffs Lopez and Lopez Ramirez were employed in agricultural employment under AWP, 29 U.S.C. § 1802(3) and 29 C.F.R. §500.20(e), in that they were employed in the production, cultivation, growing, and harvesting of agricultural or horticultural commodities and/or in work incident to or in conjunction with Defendants' growing operations, including preparation for market.

Named Seasonal Worker Plaintiff

20. Plaintiff Ramona Reyes Saucedo ("Plaintiff Reyes Saucedo" or "Ms. Reyes Saucedo") is a resident of Michigan.

21. Plaintiff Reyes Saucedo worked for Defendants at their Coldwater greenhouse facility as a seasonal greenhouse worker from approximately 2014 to approximately August 15, 2020, where she primarily performed hand labor on tomato, strawberry and cucumber plants, including removing flowers and picking and pruning the various plants.

22. During this time, Plaintiff Reyes Saucedo was a seasonal agricultural worker within the meaning of the AWP 29 U.S.C. §1802(10).

23. During this time, Plaintiff Reyes Saucedo was employed in agricultural employment under the AWP, 29 U.S.C. § 1802(3) and 29 C.F.R. §500.20(e), in that she was

employed in the production, cultivation, growing, and harvesting of agricultural or horticultural commodities and/or in work incident to or in conjunction with Defendants' growing operations, including preparation for market.

24. During this time, Plaintiff Reyes Saucedo was employed in work of a seasonal or temporary nature under AFWA.

25. For example, Defendants assigned Plaintiff Reyes Saucedo to different types of work with different crops, based on Defendants' planting and harvesting seasons at the Coldwater facility.

26. Plaintiff Reyes Saucedo's work hours also fluctuated from approximately 10 to 70 hours a week based on Defendants' planting and harvesting seasons at the Coldwater facility.

27. Defendants' hiring paperwork indicated that Plaintiff Reyes Saucedo's hours could vary day to day, week to week, season to season and that she may experience long intervals without work with minimal advance warning.

28. Defendants have attested to the Department of Labor that they have seasonal labor needs for crop-related activities, in seeking to hire H-2A temporary agricultural visa workers, including that from 2016-2019 they had a seasonal need from February through December, and that in December they changed their crop cycle creating a seasonal need from August to June.

29. On or about, August 16, 2020, Defendants hired Plaintiff Reyes Saucedo as a sanitation worker in Defendants' sanitation department.

30. Plaintiff Reyes Saucedo worked for Defendants as a sanitation worker until approximately December 3, 2020.

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